



## PLANNING COMMISSION MINUTES

Regular Meeting  
November 18, 2013 at 7:00 p.m.  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025

---

**CALL TO ORDER** – 7:02 p.m.

**ROLL CALL** – Bressler, Eiref (Vice Chair), Ferrick, Kadvany (Chair), Onken, Riggs, Strehl

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Justin Murphy, Development Services Manager; Kyle Perata, Associate Planner

### **A. REPORTS AND ANNOUNCEMENTS**

**A1.** Update on Pending Planning Items

- a. El Camino Real/Downtown Specific Plan Initial Review - City Council – November 19, 2013

Development Services Manager Murphy noted item C2 on this agenda related to the City Council's November 19 El Camino Real/Downtown Specific Plan Initial Review.

Commissioner Bressler made a short visual presentation on a property at Spruce Avenue and El Camino Real noting neighbors were concerned this property would be used for medical offices. He asked if this project needed to come before the Commission.

Development Services Manager Murphy suggested staff would research and bring back a report at the next Commission meeting.

### **B. PUBLIC COMMENTS**

There were none.

### **C. CONSENT**

Commissioner Bressler asked that item C.2 be removed from the consent calendar.

**C1. Approval of minutes from the October 28, 2013 Planning Commission meeting**

Commission Action: M/S Ferrick/Kadvany to approve the minutes with the following modifications.

- Page 15, 3<sup>rd</sup> paragraph, 1<sup>st</sup> line: Replace “Commissioner Riggs said Chair Kadvany’s definitions were good but it was not clear how they would fit into the Plan.” with “Commissioner Riggs said Chair Kadvany’s definitions were good.”
- Page 23, 5<sup>th</sup> paragraph, 4<sup>th</sup> line: Replace “and” with “but.”
- Page 27, 4<sup>th</sup> paragraph, 4<sup>th</sup> line: Insert “the plan envision” between “said” and “bicyclists.”

Motion carried 5-0 with Commissioners Bressler and Eiref abstaining.

**C2. Confirmation of Voting Tallies for El Camino Real/Downtown Specific Plan Planning Commission Recommendations (considered on October 28 and November 4, 2013)**

Chair Kadvany said Commissioner Riggs had sent an email regarding the item on encouraging Council to promote more multi-modal transportation policies.

Commissioner Ferrick said the most critical thing the Commission unanimously supported “Infrastructure Goals and Revenue Generation” was listed on page 10. She said that was too far into the report and surrounded by less critical items for which there was not much support. She suggested highlighting Items G.1 and G.2. Chair Kadvany said in his presentation to Council he would emphasize the items upon which they had agreement. He said the Sierra Club had a very specific proposal in terms of building scale and use, and infrastructure funding. He said the Commission had considered those all, if not all at once, through the different topics discussed.

Commissioner Bressler said he wanted his support indicated on the vote tables on page 2, 3, 4, and the top two tables on page 5. He said many of the recommendations were only supported by Chair Kadvany before he (Bressler) added his support. He said the Chair was trying to tie architectural control to the original visioning process. Commissioner Bressler said he could not understand why others had voted against that. He said he would address the City Council on this item the following evening. He said he did not understand the lack of support to give the Commission architectural control to make sure the basic vision of what the City wanted and to limit impacts was achieved.

Chair Kadvany said those were the goals of the ideas as originally presented to basically strengthen architectural control by providing clarifying language. He said the alternative was something like what the Sierra Club and Save Menlo groups had proposed. He said there was a tacit belief that there was more authority in architectural control than what it was perceived to have, but it was not explicit.

Commissioner Ferrick said that none of the Commissioners favored giving up architectural control and had discussed at length the vision goals. She said the

proposed words to be added were already in the Plan. She said she felt it was redundant to add something that was already there. She said she wanted to focus on what was substantive and that was getting their infrastructure goals funded.

Commissioner Eiref said he wanted the record to show he supported B.1, B.3, C.1, C.2, G.1, G.2, and G.3. He said he also supported things that gave the public more control over the process. He said staff had written a report for City Council that included the voting tallies, and it appeared there was some translation of the message occurring. He said there was concern from some residents that things supported by the Commission came through as not being well supported by staff. He said one of those was the removal of LEED certification as a public benefit. He asked if staff wanted to comment.

Development Services Manager Murphy asked if Commissioner Eiref's concern was the staff report. Commissioner Eiref said there was commentary, and noted he had not had time yet to go through everything, but those topics that had majority vote were highlighted and those that did not were put in the back. He said it seemed the ones highlighted in the front had commentary from staff, which commentary in some instances did not agree with what the Commission had said.

Development Services Manager Murphy said speaking in generalities that staff did its best to distill Commission commentary into a staff report. He said however that was one reason Chair Kadwany would report on behalf of the Commission at the Council meeting the next evening. He said that Commissioners if there was no conflict of interest could also address the City Council as individuals. He requested that Commissioner Eiref identify any specific item that was not presented accurately and email that to staff for review.

Commissioner Eiref said Commissioner Bressler and he had not been able to attend some meetings but had opinions that they had now expressed. He asked if that would be represented to the Council or did they individually need to email the Council. Development Services Manager Murphy said clarifications to the staff report would be made by staff. He said the tables would not be changed to show the remarks they made this evening but there were other ways to convey that information to the Council. He said he was not sure if that was something staff should do or the Commissioners should do as individuals. He said he would look into it and get back to the Commissioners the next day. He said however the comments would not be entered into the tally tables attached to this evening's staff report. He said the City Attorney had considered the idea of staggered meetings and an aggregation of votes over more than one meeting and had determined there should not be aggregation of votes.

Commissioner Riggs said the reason for his memo was to address H.2 on page 12. He said his only concern with the staff report in terms of clarification was that his support for item H.2 was entirely based on the ad hoc clarification made by the Chair to his (Riggs') concern that the wording implied the Commission was making a recommendation about bike lanes versus three open lanes for travel. He said his concern remained because

sentence 1 referred to “significant bicycle connectivity and safety improvements.” He said when taken with the letter sent to the Planning Commission by the Sierra Club, which the Chair referenced, this could certainly be taken as an implication that the Commission supported it. He said particularly it could be taken that the Commission supported a bike lane revision at a similar level of interest as the interest in infrastructure. He said their charge had been to look at the Plan and see if anything was nonfunctional or needed repair. He said it would be helpful as stated by Commissioner Ferrick to prioritize infrastructure. He said the listing on item H.2 in the staff report did not have any cross reference to the qualification made by the Chair before the vote, which was why he wanted his memo statement included near that text and vote table.

Commissioner Strehl said she recalled the discussion of H.2 and that Commissioner Riggs had clarified with the Chair that the Commission was not stating there should be a bike lane instead of a third travel lane on El Camino Real. She said in general that staff captured the long discussions of the Commission. She said the Commission discussed all of the items prepared by Chair Kadvany including scale to infrastructure. She said it was a pretty complete report, that staff was very responsive to the Commission’s suggestions and had done a good job of summarizing the action and commentary.

Commissioner Bressler said he did not agree or accept the ideas that the Plan was clear enough on architectural control or that the first visioning process was consistent with the Plan. He said the Stanford project demonstrated the deficiencies in the Plan. He said he represented the residents and did not want projects forced onto the City.

Commissioner Riggs moved to accept staff’s recommendation with the reference to the memo on H.2 to clarify that the Commission was not commenting upon bicycle lanes. Commissioner Strehl seconded the motion.

Chair Kadvany said he had been concerned about the Cambridge easement. He said he found out recently that there had never been an easement. He said that the reference was to a publicly accessible break. He said he wished that had been clarified at the time of their discussion, so they could have voted on it.

Commissioner Eiref suggested if changes were being made to the report that the Commissioners’ tallies made tonight on the items discussed at meetings at which they were absent should be included as an addendum.

Commissioner Strehl said the only change was correcting the record on what they had voted on and that was not a change in content.

Commissioner Eiref made a friendly amendment to the motion that the Commissioners’ opinions on the matters that they were unable to participate in the discussion for be included in some fashion. Development Services Manager Murphy said he was not

sure if that could be done. Commissioner Riggs suggested the two Commissioners present their opinions to the Council as individuals.

Commissioner Ferrick said she was concerned that Commissioner Bressler was expressing his support for items for which he had not participated in the discussion. She said during those discussions the Commission had all agreed that the vision principles, intrinsic benefit and architectural control items were certainly important but they were already incorporated in the Plan. She said she did not want the Commission to be redundant about elements already in the Plan. She said saying something twice did not strengthen it. Chair Kadvany said he disagreed and that the language was weak.

Public Comment: Ms. Elizabeth Houck, Menlo Park, said there had been great comments about why the Plan was not working for the City. She said staff was described as a stakeholder but said they were not stakeholders as they wanted as much development as possible. She said what was important were their children, schools, and east-west connectivity and not Stanford University projects that would worsen the job/housing balance. She said it was wrong that the Planning staff had allowed Stanford to change a requirement of LEED Silver certification to LEED Silver equivalent. She said if the Commission could not agree on the voting tallies they should not forward the information to the Council.

Commission Action: M/S Riggs/Strehl to approve the item as recommended in the staff report with a clarification regarding Item H2.

Motion carried 4-1 with Commissioner Kadvany objecting and Commissioners Bressler and Eiref abstaining.

## **D. PUBLIC HEARING**

### **D1. Use Permit and Architectural Control/Kathy Absher/2484 Sand Hill Road:**

Request for use permit and architectural control to add approximately 169 square feet of gross floor area to the main floor level, of an existing multi-level commercial building, in the C-1-C (Administrative, Professional and Research, Restrictive) zoning district. The proposed expansion would be located within the existing overhang of the upper floor level. In addition, the applicant is requesting approval of a Below Market Rate (BMR) In-Lieu Fee Agreement for this project.

Staff Comment: Planner Perata said staff had no additions to the written report.

Public Comment: Mr. Kevin Davies, Hawley Peterson Snyder Architects, said the proposal was to bring the entry forward about five feet to provide more comfortable lobby space. He said the entry was currently recessed 20 feet and with the proposed change would be recessed 15 feet.

Chair Kadvany closed the public hearing.

Commission Action: M/S Bressler/Ferrick 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. Make the following findings, as per Section 16.68.020 of the Zoning Ordinance, pertaining to architectural control approval:
  - a. The general appearance of the structure is in keeping with the character of the neighborhood.
  - b. The development will not be detrimental to the harmonious and orderly growth of the City.
  - c. The development will not impair the desirability of investment or occupation in the neighborhood.
  - d. The development provides adequate parking as required in all applicable City Ordinances and has made adequate provisions for access to such parking.
  - e. The property is not within any Specific Plan area, and as such no finding regarding consistency is required to be made.
4. Approve the use permit and architectural control subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Hawley Peterson Snyder, consisting of 8 plan sheets, dated received November 12, 2013, and approved by the Planning Commission on November 18, 2013, except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, Recology, 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 demolition permit and building permit issuance, the applicant shall comply with the requirements of Chapter 12.48 (Salvaging and Recycling of Construction and Demolition Debris) of the City of Menlo Park Municipal Code, and is subject to review and approval by the Engineering and Building Divisions.
  - e. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
5. Approve the use permit and architectural control subject to the following ***project- specific*** conditions:
- a. Prior to or concurrent with the submittal of a complete building permit application, the applicant shall execute the Below Market Rate (BMR) Housing Agreement. Prior to building permit issuance, the applicant shall pay the in lieu fee of approximately \$1,438.3 in accordance with the BMR Housing Agreement (as of July 1, 2013). The BMR Housing Agreement shall be subject to review and approval of the Planning Division. The BMR fee rate is subject to change annually on July 1 and the final fee will be calculated at the time of fee payment.
  - b. Prior to building permit issuance, the applicant shall pay a Transportation Impact Fee (TIF) at an office rate of \$4.19 per square foot of net new gross floor area of net new gross floor area, for a total estimated TIF of \$498.61, subject to the Municipal Code Section 13.26. The fee rate is subject to change annually on July 1 and the final calculation will be based upon the rate at the time of fee payment. The TIF rate is adjusted each year based on the ENR Construction Cost Index percentage change for San Francisco.

Motion carried 7-0.

## **E. PUBLIC MEETING ITEM**

- E1. General Plan Amendment and Zoning Ordinance Amendments/City of Menlo Park: Implementation and Update of the Housing Element of the General Plan:** Review and comment on the implementation of several Housing Element programs, including 1) the creation of an Emergency Shelter for the Homeless overlay zone and identification of potential overlay areas, zoning for transitional and supportive housing, and establishing procedures for reasonable accommodation, and 2) the modification of zoning requirements for secondary dwelling units and accessory structures on single-family properties. In addition, the meeting will focus on review and comment on the Preliminary Draft Housing Element Update. The Planning Commission's comments will be forwarded to the City Council for review and consideration at a meeting in December 2013. The City is scheduled to submit the Draft Housing Element to the State Department of

Housing and Community Development (HCD) for review and comment by the end of December 2013. In early 2014, the City will consider the comments from HCD and prepare a Final Draft Housing Element, as well as associated Zoning Ordinance Amendments. The final documents will be reviewed by the Planning Commission and City Council during public hearings on the items. Additional noticing will be conducted for the future public hearings.

Staff Comment: Senior Planner Chow said an email had been received from Eileen Lehmann that had been distributed to the Commission at the dais.

Chair Kadvany welcomed City Attorney Leigh Prince.

Mr. Jeff Baird, Baird + Driskell Community Planning, said the Council had approved a work program in June and appointed a Steering Committee that included Commissioners Ferrick and Strehl, two Housing Commission members, and two City Council members. He said the Committee met three times and at their last meeting in October had reviewed all the items and their details including implementation of the current Housing Element Programs and the next cycle of 2014 to 2022 Housing Element. He said a public workshop on all of the items had been held in September. He said information was provided to the community through two newsletters and a letter to property owners and residents within 300 feet of the area potentially affected by the proposed emergency shelter for the homeless overlay zone. He said the Housing Commission had reviewed all of these items at their November 6 meeting. He said the City Council would review these items at their December 10 meeting. He said in the spring there would be formal public hearings before the Commission and ultimately adoption of the updated Housing Element and ordinances by the City Council. He said in doing the Housing Element for the cycle 2007-2014 there had not been any previous Housing Element so the City had to carry over the regional housing need allocation (RHNA) numbers. He said for this cycle if the certification for the Housing Element could be obtained sooner than later then the City could go to the eight-year planning cycle for the Housing Element. He said jurisdictions not having Housing Elements or not getting them certified had to move to a four-year cycle. He said implementation of two of the Housing Element programs were critical to achieving certification, which were the programs and ordinances the Commission was being asked to review.

Senior Planner Chow said the first two programs to be implemented were H3.A and H3.B in the Housing Element to address the requirement for emergency shelter and transitional and supportive housing. She said the City was proposing to create an overlay emergency homeless district that would be applied to specific areas and a zoning ordinance related to emergency shelter zoning that would identify locations for homeless shelters and within that, specific standards each facility would need to comply with. She said the Preliminary Zoning Ordinance Amendment was attached as Attachment B. She said the proposal was to allow shelter for up to 16 people without the need for a conditional use permit. She said that could be in one facility or a combination of more than one facility. She said emergency housing for more than 16

persons either in one facility or combination would require a conditional use permit. She said 16 homeless persons was identified as the City's unmet need though a survey conducted earlier in the year. She said the second part was supportive and transitional housing, which she said must be treated as residential uses and was subject only to those restrictions that apply to other residential uses in the same zoning district. She said Attachment C was the Preliminary Zoning Ordinance Amendment for supportive and transitional housing.

Planner Chow said the Housing Element Steering Committee identified five potential areas for the emergency shelter for the homeless overlay zone for community consideration, three of which were identified as having higher priorities. Those sites were:

- Area A (Marsh Road/Haven Avenue) – Higher Priority
- Area B (Veterans Affairs Campus along Willow Road) – Higher Priority
- Area C (St. Patrick's Seminary Campus along Middlefield Road) – Higher Priority
- Area D (Area generally bordered by El Camino Real, Glenwood Avenue, San Mills Street and Oak Grove Avenue) – Low Priority
- Area E (Area generally bordered by El Camino Real, Menlo Avenue, University Drive, and Roble Avenue – Low Priority

Planner Chow said the Committee thought that Areas D and E should be kept on the list but only if it were not feasible to accomplish the desired emergency shelter outcome through Areas A, B, and C.

Planner Chow said that Program H3.C Adopt Procedures for Reasonable Accommodation would establish procedures for reasonable accommodation for individuals with disabilities to ensure equal access to housing. She said Attachment D included the preliminary draft reasonable accommodation ordinance identifying the process and making the necessary findings to grant the request. She said that given the relationship between the property improvement and an individual's disability, the Steering Committee discussed whether the improvement should be removed upon the individual vacating the dwelling. She said because the improvements might vary and removal might not be simple there was language to provide flexibility for rescission or expiration on a case-by-case review.

Planner Chow said that Program H4.F Undertake a Secondary Dwelling Unit Amnesty Program in the current Housing Element had been identified as a strategy to increase the City's legal housing stock while trying to maintain affordable housing. She said the Steering Committee in its discussion realized that a secondary dwelling unit amnesty program was complicated and might not have the desired outcome. She said the recommendation now included making modifications to the existing secondary dwelling unit ordinance to allow for the conversion of legally permitted and constructed accessory buildings/structures (meeting certain criteria) into secondary dwelling units while simultaneously amending the accessory building/structure language to more

clearly distinguish how the structure could be used. She said the preliminary proposal included prohibiting living areas without an increased setback and to limit the number and/or type of plumbing fixtures within accessory buildings/structures. She said that would likely make the conversion of an accessory structure into a living unit more difficult, which could then encourage the development of legal secondary dwelling units from the outset. She said there was no intent with the changes in this ordinance amendment to make any existing accessory structure nonconforming.

Planner Chow said it was proposed to change the secondary dwelling unit ordinance to lower the minimum lot area threshold for when a use permit was required from 6,000 to 5,750 square feet. She said this was a result of input from residents primarily in the Belle Haven area.

Mr. Baird provided a presentation on the preliminary update to the Housing Element. He said the Preliminary Draft Housing Element (2014-2022), Attachment F, was able to use much of the same text as the City's current Housing Element. He said changes were shown in underline and ~~strikeout~~ format, and more substantial changes were shown in underline text completely. He said the plan was to submit a draft Housing Element to the state in December so they could count all of the sites recently rezoned. He said there would be a 60-day review period by the state.

Questions of Staff and the Consultant: Commissioner Bressler asked how the City of Palo Alto had gotten their RHNA number lowered. Development Services Manager Murphy said he did not know about Palo Alto and Santa Clara County but the City of Menlo Park by participating in the San Mateo County subregion had the numbers it was initially allocated by ABAG lowered. He said he could research the process for Santa Clara County and report back.

Commissioner Bressler asked why Atherton, Woodside and Portola Valley did not have these issues about being required to add housing. Mr. Baird said those entities were required to do so as well. Commissioner Bressler said that information should be provided to the Commission such as RHNA numbers being lowered in other cities. He said the Commission should get information on the costs of doing these processes versus the costs of fighting it. He asked about the cost of an emergency shelter. He said they needed to know what this shelter would cost and the City's options regarding costs.

Chair Kadvany asked about funding mechanisms and project sponsorship. Planner Chow said this was zoning only and there was no project. She said the City was not required to provide or fund a project.

Commissioner Riggs asked if the definition for accommodating disability affected a home or duplex owner who wanted to rent out their home or part of their home. Ms. Leigh Prince, City Attorney, said to the extent they had a piece of property and were renting to a person with a disability the tenant could ask for accommodation.

Commissioner Riggs asked if that put the homeowner in the position of effectively having to make those accommodations. Ms. Prince said she did not think this would require a property owner to accommodate a particular tenant. She said this was not a mandate and it was up to the property owner how they wanted to rent out their property. Commissioner Riggs said he was concerned that a property owner could be forced to accommodate a tenant's disability. Ms. Prince said she would look into it further. Commissioner Riggs asked if the concept of reasonable accommodation was coordinated or based on ADA. Ms. Prince said there were fair housing laws and the Americans with Disabilities Act would have interplay related to what someone might request for an accommodation.

Commissioner Riggs said there was a residential zoning that has a three foot setback rather than five foot setback for accessory buildings. He asked if this proposed zoning amendments would change those setbacks. Development Services Manager Murphy said there was no intention to do that; he said if there was anything written that hinted of that resulting to let staff know.

Commissioner Riggs asked if the decision was intentional to apply the homeless zoning overlay in residential and partially residential areas rather than in commercial areas such as Palo Alto had done with InnVision. Development Services Manager Murphy said there was no intention to have it in either zoning and some areas were more industrial while others were primarily residential with proximity to services. He said one of the driving features was proximity to transit.

Commissioner Ferrick said secondary dwelling unit setbacks were not changed only the square footage of the lot. She said most of the Lorelei Manor lots were below the 5,750 square foot threshold and would not be able to do secondary dwelling units.

Commissioner Onken asked if there had been discussion with larger property owners in overlay zones such as the VA and St. Patrick's Seminary. Development Services Manager Murphy said staff had conversations with the VA. He said it was a federal property that was pre-empted from local zoning that has had an emergency shelter in the past. He said the facility provides care to individuals who seem to have a greater potential for homelessness. He said to determine their official stance would require a protracted bureaucratic process. He said St. Patrick's Seminary responded to the first letter sent to property owners and had not expressed adamant opposition.

Commissioner Onken asked why 5,750 square feet was chosen as the threshold. Development Services Manager Murphy said that came from residents and the Belle Haven visioning process. Commissioner Ferrick said also it related to the feasibility issue of smaller properties being able to adhere to required setbacks.

Commissioner Bressler said the whole goal was to become certified and asked about the specifics of a homeless shelter. Development Services Manager Murphy said that was covered in the Housing Element and the drivers were the need identified by the

census conducted every two years. He said the City's current unsheltered need was 16 individuals or 16 beds, and that needed to be translated into land areas and the most desired areas. He said they probably had more area identified now than what was necessary. He said the zoning would be for a maximum of 16 bed facility by right and a facility in excess of that would go through a use permit process. Commissioner Bressler said the previous finding had been an unmet need for 70 individuals. He asked if the unmet need of 16 individuals would hold for the next seven year cycle of the Housing Element. Development Services Manager Murphy said that was his understanding.

Public Comment: Mr. David Fogel, St. Patrick's Seminary, said homeless shelter was needed. He said homelessness could happen to anyone. He said people going to homeless shelters were transient so there was a need for security. He asked if the security was to protect the homeless people from each other, to protect them from running away, or to protect neighbors. He said he thought the police should provide an assessment of the homeless people because if they were criminals they should not be in a residential area. He said there was a park behind St. Patrick's Seminary and that was close to the potential area for the homeless shelter, which raised safety concerns for local park users.

Ms. Elizabeth Houck, Menlo Park, said the areas between C, D, and E should be identified as potential areas for homeless zoning overlay as well. She said her lot was 156 feet deep and 50 feet wide. She said next to her were three homes built on less than 5,000 square feet. She said one of them has a 14-foot high garage. She said it was wrong that her studio could not legally convert to a secondary dwelling unit and she should be required to have five foot setbacks for an accessory building when other property owners could do 14-foot high garages. She said she had developed asthma because of the overdevelopment of Menlo Park and the accompanying traffic. She said she wanted to have her lot zoned to R-2 so she can build a home in the rear of the lot and get away the traffic. She asked the Commission to recommend to Planning that during this Housing Element Update they should zone Middle Avenue between University Avenue and El Camino Real to R-2.

Ms. Mary Widmer proposed that the homeless zoning overlay cover the entire City except for the areas around schools, parks, liquor stores and Little House. She said they could use their ordinance to protect Menlo Park from irresponsible organizations. She said homeless shelters should be approved by the Planning Commission and provide plans for transportation, neighborhood safety, medical services, food services and long term funding. She said this overlay would display the City's compassion and willingness to supply an emergency homeless shelter.

Mr. Jon Cooksey said he lived in Area E. He said an emergency shelter was an institution whether two beds, 16 or 32 beds and required a form of security. He said his concern was that it would be placed in a residential area. He said there should be other supporting services nearby.

Mr. Jim Carr, Menlo Park, said he lived within 300 feet of Area C and was about 150 feet away from a playground and within a 300 feet radius there were numerous young children. He asked the Commission to vote against Area C.

Mr. Scott Baker, Menlo Park, said he valued all parts of the human family, but he was concerned that several areas for the homeless zoning overlay were in residential areas. He said locations next to parks, schools and residences seemed strange to him. He said Area B near VA was nearly directly across the street from an old elementary school that was proposed for future educational use.

Commissioner Ferrick said the school the speaker mentioned was actually in the O'Connor neighborhood.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Bressler said his concern with specifying the whole City as a homeless zoning overlay was that the shelter might be built or provided anywhere in the City with no oversight or discretion if it did not exceed 16 beds. He said the only way for the City to have any discretion was to identify particular areas as the homeless zoning overlay.

Commissioner Onken said there had been a fairly formulaic process applied in identifying potential sites for homeless shelters. He said now there had been more qualitative analysis. He said during the first part of the Housing Element process in deciding sites there were three very different sites. He said there needed to be a focus on how these sites would accommodate the homeless.

Chair Kadvany asked if all of the areas listed could be part of the overlay. Development Services Manager Murphy said it could be but his view of the Housing Element Steering Committee's intent was there was a higher priority for A, B, and C to be applied as an overlay unless the State indicated the other two areas were also needed. He said there was the potential to adjust geographical shapes and boundaries.

Commissioner Eiref asked if it was required to specify five locations. He said he thought the most synergistic site was located next to the VA. Development Services Manager Murphy said they had dropped the quantitative approach mentioned by Commissioner Onken for a qualitative approach. He said reducing the proposed areas ran the risk the state might not find it sufficient and the need for the City to resubmit which could delay the process.

Commissioner Strehl said the Steering Committee wanted enough sites identified so the state would not automatically throw out the City's proposed Housing Element.

Commissioner Bressler said for this second round of the Housing Element they would change the ordinances for the secondary dwelling units. He said regarding the

homeless issue that this was a state driven bureaucratic mess in having to congregate homeless people. He said children without families go to foster care. He asked if there was a way they could get state certification for the Housing Element by identifying hotels, secondary dwelling units, and people who could provide housing for the homeless for some type of compensation. He said he thought that was a better solution.

Mr. Baird said a similar issue came up around the housing sites and that the Council added a program for lobbying for changes. He said there might be ways through lobbying and through working with other jurisdictions to address these needs but every City was required to do a homeless zoning overlay.

Commissioner Bressler said the VA site was the best location and encouraged staff to accomplish it there. He said one thing about the Housing Element was that the City boundaries were arbitrary as to where people live and work. He said this bureaucratic heavy handedness wasted people's time and resources.

Commissioner Ferrick said the VA site also made the most sense to her as they had medical and trained staff onsite. She said the cost to build a shelter and staff it with security would require more than 16 beds. She said that veterans were definitely a population in need.

Chair Kadvany said Area A was remote which he was concerned about and did not think optimal. He said he noticed new text in the Housing Element that they wanted to ensure the facilities have the right services for the people who would use them. He asked about the City's role and its oversight, and whether it included medical care or counseling.

Development Services Manager Murphy said the staff report suggested that one item the Planning Commission might want to discuss was services. He said the preliminary draft ordinance currently limits a facility's operations to overnight accommodations and meals for clients only, and that all supportive services outside of those hours of operation were subject to approval of a use permit. He said several community and Steering Committee members commented that supportive services such as life coaching, counseling, and job training/placement were either needed at the facility or clients should have access to such services during the day. He said they could not overprescribe what was needed if that would make it infeasible. He asked if the Commission wanted to encourage the provision of more services.

Mr. Baird said the Steering Committee's discussion identified transit as the most needed service for people to both get to the shelter overnight and to services they needed during the day. He said in terms of locating it next to other services that the services varied based on the needs of the client.

Commissioner Riggs said if Area A were not L-shaped along Marsh Road it would not go through two well-established single-family home neighborhoods. He said if Area A were kept that it made more sense to limit it to Haven Avenue. He agreed with other speakers that transit was better supported and there was a variety of neighborhood retail for Area B or the VA site.

Commissioner Onken asked if all five areas were needed to meet the state's criteria for zoned areas for potential emergency shelters. Development Services Manager Murphy said staff thought submitting Areas A, B and C would be sufficient and even reducing the footprints of Areas A, B, and C would be sufficient. He said if they submitted Area B and that also included residential area they could take a chance that was enough. He said if that did not fly they would have to look at additional areas. Commissioner Onken said he thought there was merit in Area D as it has good transit links and a homeless shelter could be integrated in that area without being too close to schools or parks. He thought D was a better choice than C which he thought was nonsensical to include.

Chair Kadvany asked about economic feasibility. Mr. Baird said the state would look at whether the area(s) identified made sense for a homeless facility and a quasi-residential use. He said they were trying to get away from the tendency to locate homeless shelters in industrial areas not conducive to that type of residential use. Secondly that state would ask if the City was providing a large enough area to address the need of 16 beds. He said there had to be enough opportunity and land sites for a facility to be built meeting the nexus to transit but there was no need to determine economic feasibility.

Commissioner Ferrick said the reason the Steering Committee had given D a lower priority was concern school bike and pedestrian routes along Oak Grove and Encinal Avenues.

Commissioner Eiref said he thought the VA site was the best choice. He said Area A did not make much sense and he thought Area C, the Seminary seemed a bad choice.

Commissioner Riggs asked if the Coleman Avenue portion of Area B could be deleted and the proposal still suffice. Development Services Manager Murphy said the Area could be reduced. He said if they removed all the Coleman properties they might have to dig deeper into what properties were on Bay Road. Commissioner Riggs suggested there were some larger lots on Coleman that faced Willow Road that might be added.

Commissioner Strehl said there had been a homeless shelter at the VA that had served veterans and families. She said the reason she thought it was no longer there was because it was going to cost too much to bring it up to code. She said she wanted to make sure that they did not lock themselves into the VA site as that might prove to be unworkable for whatever reason, such as Federal bureaucracy. She said they should have more than one site identified. Development Services Manager Murphy said he thought it was InnVision before it merged with Shelter Network that operated the homeless shelter at the VA. He said the site was going to be demolished as it was not

seismically safe. He said he would be uncomfortable just submitting the VA site but thought it was feasibly acceptable with the addition of other properties.

Commissioner Ferrick asked if they needed to delineate the exact site on the VA campus. Development Services Manager Murphy said it was his understanding that they did not need to do that. Commissioner Ferrick said there was a proposal for 55 more units on the VA campus. Development Services Manager Murphy said the City Council had identified a loan of Below Market Rates for that development; he said it was proposed as supportive and transitional housing.

Commissioner Onken asked if a motion was needed. Chair Kadvany said he thought the Commission had provided sufficient direction. Development Services Manager Murphy said it seemed the consensus of the Commission was to focus on Area B with a reduced footprint to include a portion of properties on Coleman that front Willow Road and properties on Bay Road, to continue to include reasons why this was the best site of the sites considered, and to have this be the site that was contemplated for the emergency homeless zoning, but without removing any of the other sites at this point. He said if the response from the State was that approach would result in certified Housing Element, the draft zoning ordinance, Attachment B, had a placeholder to insert APNs.

Development Services Manager Murphy asked about the language proposed for services on page 4 of the staff report and if there was a preference for the edited text.

Chair Kadvany said he thought it was appropriate. Other Commissioners had no comments.

Commissioner Ferrick said there had been a hope that an amnesty program for secondary dwelling units would have resulted in hundreds of housing units. She said through discussion that although there were no fees initially should the unit be found to have been constructed substandard to Code that those deficiencies would have to be addressed. She said that any subsequent code violations that had to be brought to code essentially was entrapment so they decided against instituting such a program. Commissioner Strehl said they could not identify what the incentive would be for people to want to legalize their secondary dwelling units.

Planner Chow reviewed the proposed modification to the secondary dwelling unit related to the setbacks. In response to a question from the Chair, the modification did not allow for greater height with neighbor approval. She said the property owner could go through a use permit process to request modification of wall height.

Chair Kadvany said he would suggest that if they wanted to increase the wall height they could do so with neighbor approval process. Planner Chow asked if there would be a maximum height specified. Commissioner Ferrick said she would like the use

permit process for a request for increased height as that would include neighbor outreach. There was consensus to leave it as a use permit process.

Commissioner Bressler asked if they would have to find more housing sites for the Housing Element Update as a result of the secondary dwelling unit program not supplying the quantity of housing expected. Development Services Manager Murphy said they would not be submitting new high density housing sites with this update. He said their allocation of secondary housing units was very low. He said there was increased interest in secondary dwelling units being built.

Commissioner Riggs said units built and repaired by unlicensed contractors were a threat to health and safety of the community. He said the motivation was that the investment put into the units was marketable. He said he had suggested previously that for conversions the Building Department would do an inspection of a short list of basic safety items such as plumbing, electrical, operable windows, and doors that lock. He suggested the Steering Committee could take another look at encouraging such a program.

Commissioner Ferrick asked if a plumbing issue was found, who would pay for that. Commissioner Riggs said the owner, or perhaps BMR funds could be used. He said he thought the program could be set up so it would not be entrapment. He suggested he could talk with the Steering Committee offline. Development Services Manager Murphy noted the Steering Committee was a Brown Act body and serial discussion would be a Brown Act violation.

Chair Kadvany asked about language to provide more services to veterans, page F35. Commissioner Strehl said after much discussion there was a consensus of the Steering Committee that this was an emphasis. Chair Kadvany asked if this was something for the City to do. Mr. Baird said that on page F40 in the Housing Element staff report was a new program and that was to work with the VA. He said the change in policy was to highlight veterans' problems and identify and supply needed services for them.

Senior Planner Chow asked if there were any comments about supportive and transitional housing and the initial study which would be the basis for the environmental review.

Chair Kadvany said he liked the supportive and transitional housing and asked if there were any examples in Menlo Park. Development Services Manager Murphy said Haven House was an example of supportive and transitional housing.

Commissioner Onken said he would support having all of the areas proposed for emergency housing zoned for supportive and transitional housing.

## **F. REGULAR BUSINESS**

### **F1. Review of Draft 2014 Planning Commission Meeting Dates**

Commissioner Eiref said there was a chance he would be out of country on January 26. Commissioner Ferrick asked about the back to back meeting dates of May 19 after a Friday City closure. Development Services Manager Murphy said that if they scheduled May 5 and May 12 they would have three meetings back to back starting with April 28. Commissioner Bressler said he could not attend the April 14 meeting. Development Services Manager Murphy asked if April 21 would work. Commissioner Ferrick said that was probably spring break for local schools. Development Services Manager Murphy asked if the Commission approved the January and February dates. He said staff could rework the rest of the calendar and bring it back to the Commission in December. There was Commission consensus to approve the January and February dates and have an amended calendar come back to the Commission in December.

## **G. COMMISSION BUSINESS**

There was none.

## **ADJOURNMENT**

The meeting adjourned at 10:47 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on December 9, 2013