



PLANNING COMMISSION MINUTES

Regular Meeting
January 27, 2014 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler, Eiref (Vice Chair), Ferrick, Kadvany (Chair), Onken, Riggs (arrived at 7:05 p.m.), Strehl

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Jean Lin, Associate Planner; Justin Murphy, Development Services Manager, Kyle Perata, Associate Planner, Thomas Rogers, Senior Planner

A. REPORTS AND ANNOUNCEMENTS

- A1.** Update on Pending Planning Items
a. Housing Element – City Council – January 28, 2014

Senior Planner Rogers said the Housing Element would be a topic on the City Council's January 28, 2014 agenda.

- b. 1015 Atkinson Lane – Appeal of Planning Commission Action (January 13, 2014)

Senior Planner Rogers said the neighbor to the right of the project site at 1015 Atkinson Lane had appealed the Planning Commission's approval of the use permit request. He said their position in appealing was that they had not received the notice and questioned the survey that the applicant had submitted. He said staff was reviewing the items and the notice appeared to be sent out correctly and it initially appeared the survey met City standards. He said the goal in reviewing was to determine whether the issues could be resolved prior to going to the City Council as those items were not typical of what was appealed to the City Council.

Commissioner Riggs arrived at the dais.

Chair Kadvany reported that the Middle Avenue group related to the proposed 500 El Camino Real project had dissolved but some of the individuals from that group were continuing to meet with staff on the traffic analysis. He said regarding the 1300 El Camino Real project there were schematics available on the website and the applicant was developing a public benefits proposal.

B. PUBLIC COMMENTS

There was none.

C. CONSENT

- C1.** Approval of minutes from the December 16, 2013 Planning Commission meeting

Chair Kadvany noted some minor modifications by individual Commissioners sent by email to staff. He said the Commission Action motion wording on page 7 related to Strehl and Ferrick seemed

perfectly worded to him but he wanted to pull the item to allow discussion. Commissioner Ferrick said the motion as written made the point but it seemed lengthy. Chair Kadvany suggested inserting “a” before “timeframe.” Commissioner Ferrick said she had asked questions about priorities but it was not shown in the context of Public Works Director Taylor’s comment that not everything could be done and there had to be tradeoffs in reprioritizing. She said that was the spirit of the items’ priorities she was questioning and not that she (and Commissioners Bressler and Strehl) thought those projects were unimportant. She suggested a sentence of explanation that discussion ensued on items that might be possibly be reprioritized to offset those items being suggested for priorities sooner. Chair Kadvany said he also thought they were proposing that there were more nuances associated with budgets for projects than just removing them. Commissioner Strehl said on page 3 the phrase “in the near term” should finish the sentence: Commissioner Strehl questioned the funding for high speed rail noting that it seemed highly likely that it would not happen **in the near term**. Commissioner Ferrick suggested changing on page 8 the sentence: Commissioner Ferrick suggested there might be projects that could be **explored whether they should be** lowered in priority to accommodate the Commission’s suggested priorities.

Commission Action: Approve the minutes with the modifications as proposed by email and at the meeting.

- Page 4, 3rd paragraph, 1st line: Add the phrase “in the near term” at the end of the sentence.
- Page 8, 4th paragraph, 1st line: Add “explored for whether they could be” between the words “be” and “lowered”
- Page 8, 4th paragraph, last sentence: Replace “Chair Kadvany said he also thought project budget could be readjusted.” with “Chair Kadvany said he thought some individual project budget could be trimmed to allow for project now below the line.”

Action carried 7-0.

D. PUBLIC HEARING

D1. Use Permit/Stephen Gardner/727 Middle Avenue: Request for a use permit to demolish an existing single-story, single-family residence, and construct a new two-story, single-family residence on a substandard lot with regard to lot width in the R-1-U (Single Family Urban) zoning district.

Staff Comment: Planner Lin said a sample of the proposed translucent glass was being passed around to the Commissioners.

Questions of Staff: Chair Kadvany asked where the glass would be used. Planner Lin said it would be used in one of the second story windows facing the left side neighbor and was shown on the right elevation. Chair Kadvany asked if that was associated with the neighbor who had expressed concerns about the left side of the building. Planner Lin indicated she had not received any feedback from the neighbor on the right who would be affected by the translucent glass. Chair Kadvany asked if that was on the right side. Planner Lin said the neighbor who would be affected by the translucent glass was on the right side. She said it was the left side neighbor who had expressed concern about shadows.

Public Comment: Mr. Stephen Gardner, applicant’s representative, introduced Ms. Phuoc Hanh Chu, the applicant.

Ms. Chu said she and her husband were pleased to have the opportunity to build a home in Menlo Park and provide their children with a good environment. Mr. Bixley Chu, husband, said this was his wife's project but she had a severe sore throat and he would speak on her behalf if needed.

Commissioner Strehl asked if they were currently living in the home that was being demolished. Ms. Chu said they were living in south San Jose and would move to Menlo Park.

Ms. Peri Soyugenc, Menlo Park, said she was the neighbor on the left side and her concern was that the majority of her living space was on the side adjacent to where the applicant was proposing to build their second story. She said her home was a small, two-bedroom, one bath bungalow. She said her home gets good light but with the building of a second story she was concerned she would lose the daytime light in the majority of her home's living space.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Onken said the project applicant was from Palm Springs and asked if they had an opportunity to visit the site. Mr. Gardner said he was the architect and lived in San Francisco.

Chair Kadvany said he noticed the second story was not centered which might improve the light on the left side. He said the left side home was 10-feet from the fence. He said he liked the style of the proposed home especially the siding. He suggested putting more effort into the double garage door in front to give it a more double, single garage door look such as putting in two separate panels or a divider in the middle or stagger the two sides of the garage.

Commissioner Onken said this section of Middle Avenue was problematic as it was in a zone where two-story building was allowed but there was a dominance of small bungalows. He said in this neighborhood there was a dominance also of double garages projecting forward of the entry. He said what the applicant was proposing for their garage was in keeping with the neighborhood context. He said they had setback the upper story except there was a concern of shadowing of the neighbor.

Commissioner Riggs asked if on sheet A2.2 the neighbors' houses were reversed. Planner Lin said that was an error and the house to the left was 719 Middle Avenue and the house to the right should be 729 Middle Avenue.

Commissioner Riggs said it was very difficult whenever a two-story was built in a predominately single-story area. He said in these instances the Commission has requested that the architecture be as respectful as possible in the addition of a second story. He said the ridge perpendicular to Middle Avenue helped. He said they could suggest putting the bulk of the second story on the right rather than the left; however, there might be reasons why the plans could not support that. He said also it might mean that rather than the neighbor at 719 Middle Avenue coming forward with concerns, the neighbor at 729 Middle Avenue would. He said the proposed home was handsome and was an architecture that could fit in the one-story neighborhood context.

Commissioner Strehl referred to the Middle Avenue project the Planning Commission had continued and noted this proposal was more than doubling the square footage compared to the other proposal which would have increased the square footage by 1,000 square feet or by one-third. She said the major difference between the two proposals was that this one was Craftsman style and the other had been Mediterranean style. She said she had not supported continuing the other project and would support this project but was concerned with the standards the Commission had set for the other project.

Chair Kadvany moved to make the findings and approve the use permit with a request to improve the look of the garage door and work with staff noting for the applicant to either select a double panel door so it looked like two single doors or to add a post in the middle which did not necessarily have to be a structural post. Commissioner Riggs said he would second the motion as long as the language about the garage door was presented as advice and not a condition. He said he thought he knew what the architect was trying to do with multiple lights on a gridded door and he did not think it would work as well in dividing the doors. He said that making it less simple might draw more attention to it. Chair Kadvany said he would accept the second as described with the garage modification as a suggestion.

Commissioner Ferrick said her home was a small cottage and her neighbor was building a two-story and that by the construction by adhering to the setbacks and the height limits helped a great deal in protecting her home's daylight.

Commissioner Bressler said the proposal continued by the Commission was very different from this architecture and had filled up the plane, the height and the light plane. He said the proposed height for this project was part of why this proposal would fit better in the neighborhood context as well as the different architectural style.

Commissioner Eiref asked if the horizontal lap siding would be used on all sides of the home. Mr. Gardner said that it would. Commissioner Eiref said the project was quite handsome and sensitive to the light concerns and that it did not appear it would affect morning or afternoon sun for the neighbor's home. He said he traveled around the Allied Arts neighborhood the past weekend and noted Craftsman style two-story homes with the second story well set back and those fit well with the neighborhood. He said he liked that with this proposal. He said he liked that there were relatively simple forms being proposed, and he appreciated the 3-D renderings in the packet as those were helpful.

Commissioner Strehl thanked the neighbor from 729 Middle Avenue for bringing her concern to the Commission, and noted the applicants had made efforts to address those concerns.

Commissioner Ferrick noted the allowable maximum height was 28-feet but this proposal's height was 23.3 feet which was much less than what was allowable and hopefully would reduce shadows in the evening.

Commission Action: M/S Kadvany/Riggs to make the findings and approved the use permit as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans prepared by o2 Architecture, consisting of 14 plan sheets, dated received on

January 9, 2014, and approved by the Planning Commission on January 27, 2014, 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, and utility companies' regulations that are directly applicable to the project.
- c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Prior to commencing any construction activities in the public right-of-way or public easements, the applicant shall obtain an encroachment permit for review and approval of the Engineering Division.
- g. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

4. Approve the use permit subject to the following project-specific condition.

- a. Simultaneous with the submittal of a complete building permit application, the applicant may submit revised plans to improve the aesthetics of the garage door by either installing double panels of doors instead of one large door, or by constructing a post at the center of the door, subject to review and approval of the Planning Division.***

Motion carried 7-0.

D2. Conditional Development Permit Amendment/Bob Linder/350 Sharon Park Drive:

Request for a Conditional Development Permit (CDP) amendment for a project at an existing multi-building apartment complex located in the R-3-X (Residential Apartment, Conditional Development) zoning district. The project would include the demolition of the existing recreation building, the construction of a new recreation building and a new leasing office and associated parking area, façade improvements to all of the existing apartment

buildings, and landscaping modifications. The proposed modifications would result in an increase in the maximum building coverage of up to 40 percent at the subject site, which would exceed the current maximum of 30 percent, set by the existing CDP. The proposed amendment to the existing CDP (which covers multiple sites in the vicinity) would apply only to the subject site, and would not alter the development standards for any of the other properties within the CDP. As part of the proposal, up to 42 heritage size trees throughout the approximately 15.6-acre site are proposed for removal, which represents a reduction from the 62 heritage tree removals previously proposed. The Environmental Quality Commission reviewed the proposed heritage tree removals at its meeting on December 18, 2013. ***Continued from the meeting of November 4, 2013; This item has been continued to the meeting of February 10, 2014.***

Chair Kadvany asked if anyone was present that wanted to comment on the project. There being no one, Chair Kadvany closed public comment. As noted, the item has been continued to the meeting of February 10, 2014.

- D3. Architectural Control and Use Permit Revision/Steven Otellini for Nativity School/1250-1252 Laurel Street:** Request for architectural control to construct a new classroom wing in the location of the former convent building, which was previously demolished as part of the use permit request for the location of the classroom wing approved by the Planning Commission in July of 2012. As part of the project, the two existing portable classroom buildings would be removed from the site upon completion of the proposed classroom wing. The proposal also contains a request for a use permit revision to incorporate a junior-kindergarten class into the existing private school, which currently contains kindergarten through eighth grade classes. The proposed junior kindergarten would be located in the new classroom wing. The maximum student cap of 315 students would be maintained as part of the use permit request, and student drop-off and pick-up would continue to occur fully on the project site. The subject site is located in R-E (Residential Estate) zoning district.

Staff Comment: Planner Perata said a colors and materials board was being distributed to the Commission.

Questions of Staff: Chair Kadvany said they were looking at Phases II and III, with Phase III being demolition and the building of the new project. Planner Perata said that the applicant has requested to revise the overall use permit to add the junior kindergarten class which had not previously existed at the campus. He said Phase II was architectural control and subsequent demolition which was tied to the previously approved use permit to demolish the convent and build a similarly sized building in that area for school purposes.

Public Comment: Monsignor Steve Otellini, Pastor Nativity Church, said the Church sponsors Nativity School. He said they came before the Planning Commission in 2007 about a Master Plan that they were implementing including demolition of a temporary kindergarten facility and hall, which was replaced with a 15,000 square foot multi-purpose building, a new kindergarten and additional site improvements. He said that work was completed in 2009. He said in 2012 they came before the Planning Commission to request demolition of the two-story convent the purpose of which was to allow the building of a third wing to the school, which would replace two pods of temporary portable classrooms that had been there for more than 25 years. He said regarding the pre-kindergarten program questioned that due to the compression of ages by the state for children entering into kindergarten the pre-kindergarten program became desirable. He said the enrollment would remain under the 350 students permitted.

Commissioner Riggs asked if the new wing was a modular building. Monsignor Otellini said it was not a portable unit but a modularly constructed building that would mimic the look of the present buildings. Commissioner Riggs asked about the portable units. Monsignor Otellini said those would be demolished unless someone wanted them.

Commissioner Eiref said that the project would not max out the floor area limit or any other parameters, and they were about 10 percent under the maximum number of permitted students. He asked why with the increase in school age children in Menlo Park they would not increase their capacity and enrollment. Monsignor Otellini said they were limited by the Archdiocese in regards to class size to 34 students. He said they were also limiting internally to maintain class sizes of 30 to 32 students.

Chair Kadvany asked about student drop off and pick up. Mr. Rick Castle, Facilities Director, said staff including teachers and the principal help direct traffic and facilitating pick up at the end of the day. He said drop off occurs in the drop off area and was overseen by adults. It was noted that drop off and pick up was from Oak Grove Avenue but there might be the option of a similar site on Laurel Street for pre-kindergarten pickup and drop off if needed.

Mr. William Grindley said his home was next to the school. He said over the 42 years he has lived there that the school, for every minor and major decision, has ensured that he and his neighbors participated in working through solutions. He said the Sobrato Pavilion and kindergarten demonstrate how well the property will be improved with their proposal. He urged the Commission to approve the project request.

Ms. Fran Dehn, Chamber of Commerce, urged the Commission to approve the request noting the school would not increase its enrollment and would provide educational opportunity for those attending the school.

Chair Kadvany closed the public hearing.

Commission Action: M/S Ferrick/Strehl to approve the architectural control and use permit revision 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 revision and architectural control subject to the following **standard** conditions:
- a. Development of the project shall be substantially in conformance with the plans prepared by Louis Dorcisch, Architect, consisting of 18 plan sheets, dated received January 16, 2014, as approved by the Planning Commission on January 27 2014, except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Group that are directly applicable to the project.
 - d. Prior to 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. Prior to building permit issuance, the applicant shall submit a plan for 1) construction safety fences around the periphery of the construction area, 2) dust control, 3) erosion and sedimentation control, 4) tree protection fencing, and 5) construction vehicle parking. The plans shall be subject to review and approval by the Building and Engineering Divisions prior to issuance of a demolition permit. The fences and erosion and sedimentation control measures shall be installed according to the approved plan prior to commencing demolition.
 - f. Prior to building permit issuance, the applicant shall submit a heritage tree preservation plan, detailing the location of and methods for all tree protection measures, as described in the arborist report. The project arborist shall submit a letter confirming adequate installation of the tree protection measures. The project sponsor shall retain an arborist throughout the term of the project, and the project arborist shall submit periodic inspection reports to the Building Division. The heritage tree preservation plan shall be subject to review and approval by the Planning Division.
 - g. Prior to building permit issuance, the applicant shall submit a truck route plan and permit to be reviewed and approved by the Transportation Senior Engineer.
 - h. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.
5. Approve the use permit revision and architectural control subject to the following **construction-related, project-specific** conditions:

- a. The applicant shall demolish the existing computer/extended care and science/library buildings prior to occupancy of the new classroom wing, or concurrent with the end of the academic school year, whichever date comes first to ensure compliance with the building code separation between buildings requirements.
6. Approve the use permit revision subject to the following **ongoing, project-specific** conditions:
 - a. The maximum allowable enrolled student population on site shall be 315 students.
 - b. All student instruction and regular school activities shall continue to be limited to the hours between 7:45 a.m. and 3:15 p.m. on Mondays through Fridays. The following school activities are allowed to occur outside of these hours and days:
 - Before and after school extended care (7:00 a.m. drop-off; 5:45 p.m. pick-up)
 - Volleyball practice (September – November)
 - Basketball practice (December – February)
 - Volleyball games (four Saturdays and/or Sundays during September through November)
 - Basketball games (four Saturdays and/or Sundays during January through February)
 - Summer Camp (June through August, typically an average of 80 children/day from 7:00 a.m. to 5:00 p.m.)
 - Back to School Dinner (once per year)
 - Back to School Night (once per year)
 - Italian Catholic Federation dinners (four to six per year)
 - Annual Christmas tree lot
 - Up to five additional one-time special time events each year, which shall end by 10:00 p.m.
 - c. The applicant shall continue to communicate in writing the circulation plan for pick-up and drop-off to parents. The applicant shall require that drop-off and pick-up of passengers occur only in the designated loading and unloading zones, as specified on the plans dated received January 16, 2014, as well as identified in the pick-up and drop-off discussion letter dated January 14, 2014. Compliance with this item shall be to the satisfaction of the Transportation and Planning Divisions.
 - d. The applicant shall modify or remove the gates at the driveway entrance and exit to the site if the Transportation Division determines that the operation and/or location of the gate affects the traffic operation of Laurel Street. The modification or removal of the gates is subject to review and approval by the Planning Division and the Transportation Division.
7. Approve the use permit revision subject to the following **project-specific** conditions related to the annual Carnival:

- a. Development of the Spring Carnival shall be substantially in conformance with the site plan prepared by Keller and Daseking Architects, consisting of 1 sheet (DD-2.4), dated received September 6, 2006, and approved by the Planning Commission on September 11, 2006, except as modified by the conditions contained herein.
- b. All applicable City Codes, Building Division, Fire District, and Police Department requirements shall be complied with.
- c. Cleanup will be the responsibility of the applicant.
- d. If any problems arise in the future, they will be brought to the attention to the Community Development Director. The Planning Commission may attach conditions to the Use Permit at a later date, and the Use Permit is subject to revocation if there is a failure to adhere to the conditions.
- e. The applicant shall notify the Community Development Department and Police Department of specific dates each year, at least a month prior to holding the event.
- f. The Spring Carnival occurs annually during the last weekend of school typically in June. The hours of operation for the annual Carnival shall be limited to the following hours:
 - Friday, 5:00 p.m. to 11:00 p.m.
 - Saturday, noon to 11:00 p.m.
 - Sunday, noon to 7:00 p.m.
- g. Vendors and equipment may arrive as early as Monday before the Friday start date of the Carnival.
- h. The ride vendors will cease patron activities at 7:00 p.m., and breakdown operations must cease at, or before, 10:00 p.m. the Sunday night of the carnival. Remaining breakdown shall be allowed to continue on Monday beginning at 8:00 a.m.
- i. The public address system shall not be directed towards the adjacent residences for sound transmittal. Announcements using the public address system shall cease at, or before, 10:00 p.m. on Friday and Saturday nights of the annual Carnival, but activities can occur until 11:00 p.m. In an emergency situation or if requested by the Menlo Park Police Department, the public address system may be used on a case-by-case basis.
- j. The applicant shall provide trash patrol at least once each day during the Carnival. The clean-up effort shall occur around the perimeter of the site and should extend down Pine Street to Ravenswood Avenue and along Laurel Street to Ravenswood Avenue.
- k. Per Planning Commission approval on April 4, 2000, the annual Carnival is allowed to exceed the Noise Ordinance limits. Unless otherwise permitted, the Annual Carnival is the only event that is allowed to exceed the Noise Ordinance limits.

Motion carried 7-0.

D4. Use Permit/Zeptor Corporation/1430 O'Brien Dr., Suite H: Request for a use permit for the indoor storage and use of hazardous materials for the research and development (R&D)

and manufacturing of anodes for use in lithium-ion batteries in an existing building in the M-2 (General Industrial) zoning district. All hazardous materials would be used and stored within the existing building.

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

Public Comment: Mr. Ron Krietemeyer, Vice President of Operations, Tarlton Properties, representing Menlo Business Park, said Zeptor Corporation had been a startup incubator at Menlo Lab and outgrew that space. He said the company had moved to 1430 O'Brien Drive to expand their operations.

Mr. Chuck Consorte, Vice President of Research and Development, Zeptor Corporation, said he and his partner started this research interested in a clean environment and high performance cars. He said they work with the property manager's environmental consultant in assuring compliance with the safe handling, storage and disposal of hazardous materials. He briefly explained the concept of their work to increase the length of battery power between charging.

Chair Kadvany closed the public hearing.

Commission Action: M/S Onken/Riggs to make the findings and approve the use permit.

1. Make a finding that the project is categorically exempt under Class 1 (Section 15301, "Existing Facilities") of the current CEQA Guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
 - a. Development of the project shall be substantially in conformance with the plans provided by DES Architects/Engineers, consisting of eight plan sheets, dated received January 14, 2014, and approved by the Planning Commission on January 27, 2014 except as modified by the conditions contained herein, subject to review and approval of the Planning Division.
 - b. Prior to building permit issuance, the applicant shall comply with all sanitary district, Menlo Park Fire Protection District, and utility companies regulations that are directly applicable to the project.
 - c. Prior to building permit issuance, the applicant shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.
 - d. If there is an increase in the quantity of hazardous materials on the project site, a change in the location of the storage of the hazardous materials, or the use of additional hazardous materials after this use permit is granted, the applicant shall apply for a revision to the use permit.

- e. Any citation or notification of violation by the Menlo Park Fire Protection District, San Mateo County Environmental Health Department, West Bay Sanitary District, Menlo Park Building Division or other agency having responsibility to assure public health and safety for the use of hazardous materials will be grounds for considering revocation of the use permit.
- f. If the business discontinues operations at the premises, the use permit for hazardous materials shall expire unless a new business submits a new hazardous materials business plan to the Planning Division for review by the applicable agencies to determine whether the new hazardous materials business plan is in substantial compliance with the use permit.

Motion carried 7-0.

E. REGULAR BUSINESS

E1. General Plan Update/City of Menlo Park: Overview of the Proposed General Plan Update and Discuss and Potentially Provide Comments to the City Council on the Scope of Work.

Staff Comment: Development Services Manager Murphy said the General Plan was a legal document, required by state law, to serve as the City of Menlo Park's "constitution" for development and the use of its land. He said this comprehensive, long-range document provided guidance for the physical development of the City and of any land outside its boundaries that was within its designated "sphere of influence." He said a General Plan must cover the following seven elements: land use, circulation (transportation), housing, open space, conservation, noise and safety. He said optional elements may be added at a community's discretion. He said that the Housing Element and Open Space and Conservation Elements had been updated to be consistent with the Housing Element update and the City was in the process of updating the Housing Element. He said at a minimum the City would need to update the Land Use and Circulation Element that dated from 1994. He said the existing goals, programs and policies from the Land Use and Circulation Element and the Open Space and Conservation, Noise and Safety Elements were included in the agenda packets.

Development Services Manager Murphy showed a map of the Menlo Park city limits and its land use. He noted that the residential areas and El Camino Real corridor with the recently adopted Specific Plan were not intended for change and the area with the most potential change was the M-2 area. He said to that end they were establishing boundaries for the study area. He said there were multiple phases of work noting Phase I was done on the El Camino Real / Downtown area with the Specific Plan and that included a General Plan amendment. He said that could be considered in terms of planning as a completed phase. He said Phase II included work done on the Housing Element, Open Space and Conservation, Noise and Safety Elements with the Housing Element hopefully close to completion. He said Phase III would be the focus goal of the M-2 geographic area as that was the area of the greatest potential for change for which there was needed policy direction as to what type of place the City wanted the M-2 area to be. He said Phase IV would be any topics considered of interest by the community and could be considered subsequent to the work on the M-2 geographic area.

Development Service Manager Murphy said in addition to the projects in the pipeline including Facebook West Campus, the Commonwealth project, and Menlo Gateway that the M-2 area has the potential for approximately 1 million square feet of net new development potential under the existing land use intensities of the General Plan and the Zoning Ordinance. He said the current General Plan has outdated projections. He said updating the General Plan would also allow for defining

expectations for development in this area leading to a more straight forward process and some streamlining of processes. He said with the combination of General Plan policies in the Land Use and Circulation Elements, Zoning Ordinance requirements, City-adopted Transportation Impact Analysis Guidelines, and the California Environmental Quality Act, most requests for new development require case-by-case review by the Planning Commission (and sometimes the City Council) and oftentimes require the preparation of an EIR to address significant and unavoidable traffic impacts based on the City-established transportation standards and noise, air quality and greenhouse gas impacts.

Development Services Manager Murphy said that they were in the initial stage of a General Plan update to define the work program. He said they were seeking input from the Council and Commissions to assist in the preparation of a request for proposals to get consultant assistance. He said along the way they would be collecting a lot of data and analyzing the data, trying to understand options and best practices, what other communities were doing and reflecting back on some of those activities that the City has done over the past 15 years. He said another key component would be visioning and looking to the future and what the community's desires were, and how to achieve that collective vision. He said then the production of a Plan at which time they could conduct the environmental and fiscal reviews with extensive public participation throughout the process. He said they needed to incorporate complete streets within the circulation element. He said management associations as discussed by the Commission would fall under the transportation element. He said they would need to consider the topic of sea level rise. He said the projection horizon year was 2040 and was consistent with a number of plans and projections either done or underway.

Development Services Manager Murphy said the Transportation Commission established a General Plan update subcommittee and had identified education topics they would like included in the process early on. He said topics were presented to the City Council and they had received individual Council member feedback but not from the Council as a whole. He said they directed staff to get input from other stakeholders and report back to them. He said to date they have heard from some Commissions that the M-2 focus area could potentially work from a land use perspective but in terms of the transportation issues there would be a need to look at some things citywide at least initially before focusing on the M-2 area. He said with M-2 as a focus that would cover half of the City related to transportation. He said in terms of standards for significance in environmental review that the current General Plan looked at Level of Service (LOS) and one question was whether the Plan update should include Multi-Modal Level of Service. He said there was no industry standard and research would be needed to find what was best for Menlo Park. He said the Council wanted a scope of work that was manageable and could be accomplished in two years. He said they were looking at the best arrangement for an advisory body for the General Plan update and were open to ideas. He said related to circulation in the City that all of the streets were classified hierarchically but which did not necessarily capture individual streets functionality. He said that was a citywide topic that would need to be looked at initially. He showed a table initially documenting potential options related to land use and density for the M-2 Area: **Option 1:** Pursue an analysis based on the maximum build out under existing uses of general industrial, office, and R&D and intensities (45-55% FAR) allowed in the current General Plan **Option 2:** Pursue an analysis based on potential changes in land use, such as hotels, retail, services, and potentially residential in select areas so long as there is no increase above current General Plan intensity levels as measured through a metric such as vehicular trips. **Option 3:** Pursue an analysis based on changes in land use and an increase in intensity.

Development Services Manager Murphy said the General Plan update was not meant to affect projects currently going through General Plan Amendment. He said to his knowledge there was a Fire District station rebuild and the SRI project pending under that category. He said if people were

considering projects needing an amendment of the General Plan that it was a good time to get that on the table so that would become part of the City's efforts in the update. He said if this occurred during the General Plan update work program the City Council would decide whether staff time would be spend of the proposal.

Development Services Manager Murphy said that next week staff would meet with the Housing Commission about the General Plan update. He said outreach to M-2 owners was happening with a focus on property owners owning multiple properties. He said they were also reaching out to the Belle Haven neighborhood.

Questions of Staff: Commissioner Onken said there had been discussion about the establishment of a Redwood City to Newark rail shuttle. Development Services Manager Murphy said the Dumbarton rail line proposal would run from Redwood City to Newark, and was a project officially on the books but was low priority as there was no funding. He said this was an opportunity for Menlo Park to proactively establish what they wanted to see for this rail corridor. He said the City had previously established that the preferred stop for that rail line would be at Hamilton Avenue and Willow Road.

Commissioner Ferrick said Development Services Manager Murphy had mentioned two pending projects seeking Plan amendment. She asked how future projects wanting Plan amendment would be handled if the Plan amendment took up to six years. Development Services Manager Murphy said that if a project did not need amendment for land use and intensity that would occur as a separate process. He said if a year from now someone with a great idea came forward and wanted a Plan amendment they would need to write a description of their proposal that would be considered by the City Council.

Commissioner Riggs asked how much voice they would expect the M-2 landowners to have in this process. Development Services Manager Murphy said from the Council's perspective they had directed staff to reach out to the major M-2 landowners in December as they wanted to hear what the landowners have to say, and staff was doing that process now. He said there were about five major landowners in the M-2 zone including Menlo Business Park with Tarlton Properties, ProLogis Menlo Science and Technology Park, both Facebook properties, TE and Bohannon.

Commissioner Riggs said some of these properties were on the west side of Hwy.101 and there were properties very close to the M-2 such as those on Lorelei and Hedge Road. He asked if those two neighborhoods would be considered as stakeholders similar to the Belle Haven neighborhood. Development Services Manager Murphy said whether similar or not they have the potential to be a focus area and as they were early in the process Lorelei and Suburban Park could be incorporated into the process.

Commissioner Riggs said Complete Streets was being included and there had been a mixed reaction to Complete Streets similar to the reaction to Housing Element goals for the City being defined by ABAG. He asked if it was being embraced as a Menlo Park vision or part of a series of state mandates. Development Services Manager Murphy said it could be argued that the City's current Circulation Element embraces the concept of Complete Streets but that analysis had not been fully done and needed to be vetted. He said they needed to comply with Complete Streets with the key being how they comply and he thought the City had considerable latitude in that area. He said this might be identified as an issue from the beginning for the City to determine it wanted to comply and what that would mean.

Commissioner Riggs asked to what level they would have input from demographers noting areas previously dedicated to services and manufacturing were looking increasingly attractive for

residential. He asked if there was an interest in identifying more land for residential or even open zoning to respond to market growth development. Development Services Manager Murphy said they were trying to collect information to understand what the trends were and figuring out if things were left completely to the market if they would have the best outcome or whether some sort of guidance and intervention was needed. Commissioner Riggs said it was logical for him as a Commissioner to expect demographic information to guide the City related to market pressure on the M-2. He said he wanted regional demographics as to what the economic pressures would be on the M-2 and whether the process anticipated them forming an opinion as to whether the M-2 zone should have a different more open approach to development than the more established parts of the City. He clarified more open approach was a less restrictive zoning. Development Services Manager Murphy said he was balancing that against the idea of seeing what the demands were. Commissioner Riggs said he was asking if they would have the right information and the right venue but indicated with that he had answered his own question.

Commissioner Eiref asked if staff wanted feedback on the three options presented in the staff report noting that Option 2 would allow for a change in use in the M-2 zone. Development Services Manager Murphy said it depended on the Chair and how the discussion would be structured. He said if individual Commissioners wanted to ask questions he would answer with the best judgment but if the Commission wanted to provide collective feedback on some topic then he suggested selecting the topic and talking through it to provide the feedback. Commissioner Eiref said that one of the options would allow for a change in uses such as for housing. He said that the report indicated under the current zoning there was 1 million square footage net new not developed in the M-2. Development Services Manager Murphy said that was based off estimates of existing square footage and maximum floor area ratios. He said the only two vacant parcels have wetland constraints and that the rest of the development would involve demolition and rebuild, which was 1 million square footage net new which was different from a regularly developed site. Commissioner Eiref said relative to the three options that this net new developable area was a factor in each of them. Development Services Manager Murphy said if it was decided through this process that Option 1 was the preferred option then the Land Use and Circulation Elements would be updated with an environmental impact report (EIR), which would study the impacts of that additional development. He said through that process individual developments that came forwarded and complied with the General Plan had a new threshold that would make it easier for certain developments to proceed without the need to prepare its own project level EIR. He said a project level EIR was now required for anything that had 10,000 square feet net new. He said it was a collective benefit of time, money and efficiency in preparing the updated General Plan EIR based on existing General Plan build out.

Commissioner Eiref said the report indicated the City would look at optimizing standards of significance for traffic other than vehicular Level of Service (LOS), such as Multi-Modal LOS. He asked for a definition of Multi-Modal. Development Services Manager Murphy said simplistically that would mean looking at intersections which today accommodate vehicles, bicycles and pedestrians some of which do that better than others. He said in analyzing a project's impacts through the existing General Plan the focus was on the LOS for the automobile. He said to solve for a LOS the main thing was to build for capacity which meant widening roadways. He said by moving from LOS to Multi-Modal LOS the City would be able to focus more on how vehicles, bicyclists and pedestrians are accommodated and there might be instances where the desired improvement was not a roadway widening but a refinement of an intersection that would be beneficial but which currently could not be pursued based on the current combination of CEQA, General Plan, and the City's Traffic Impact Analysis (TIA) guidelines. He said this would be based on the community's desire which would also be based on where the intersection was. He said some intersections were under the jurisdictions of Menlo Park, Atherton, and the County and it might be better to have a different approach for those

intersections. He said Multi-Modal LOS would allow for a more customized approach to intersections.

Commissioner Eiref said a comment was made that a roadway class did not necessarily correspond to its use. Development Services Manager Murphy said a collector street in terms of 1950s development probably did not have driveways off the collector street. He said they also have the volume of traffic and there was industry guidance based off the classification that was designed to carry a certain volume of traffic. He said there was a complete disconnect between how the City has classified it and how those identified design volumes. He said on the circulation maps there were streets that do not connect to anything and there were gaps in the classification system. He said the intent was looking at how people travel around the City and what the appropriate roadways were that connected people, and to focus on making those the best roadways possible as opposed to ignoring the existing volumes on those streets. He said the intent was not to change the volume of streets but to have a better reflection of what current street volumes are.

Commissioner Eiref said separate from the M-2 area that the Commission has been discussing residential design guidelines and asked if the General Plan update was a vehicle by which those could be included in the General Plan or whether it required separate treatment and development. Development Services Manager Murphy said at a high level in updating the Land Use Element there were goals, policies and programs. He said they would review the programs in the 1994 element as to whether those were completed and if not, why, and whether those still resonated with the community and if so they would continue to implement it as a program. He said at a high level identifying the desire to deal with the overall single-family residential development process was something that should be identified. He said what they were sensitive to with the overall scope was when and how it was dealt with. He said the hierarchy of focus was City staff time, resources, and the community's bandwidth and those would first go to the Circulation Element update, then the M-2 land use, and then to the neighborhood level.

Public Comment: Ms. Anu Draper, Linfield Oaks, said this was her fourth different Commission meeting on this topic. She commended the City for working on General Plan issues. She said her first recommendation was the need to include sustainable policies in this effort. She referred to the slide on the options. She said it was very common for general plans to talk about what kind of uses and how much, and with the translation of that to where and what type. She said the sustainable policies would say how and what quality. She said in particular water was an interest including storm water management, water supply reliability, other sources of water, and water use policies. She said when she worked for the City of Sunnyvale there was at one point a huge problem with water requiring a moratorium on all building permits until the problem was solved. She said these things might be planned for in the EIR but she was suggesting they look at these things in advance and try to understand what the limiting factors were and having appropriate sustainable use policies. She said her second recommendation regarded connections with other land uses and regional plans. She said at other Commission meetings there was discussion about pathways and trails within the City and connections with parks and major trail systems like the Bay Trail. She said she added marshes and wetlands and how they would be improved as it was important to understand and relate to the uses. She said the City of Fremont long before there was money for BART extension decided on policies in their General Plan that they wanted to have BART extended to the south for their economic health and vitality. She said however they knew the route would interact with their major environmental feature, Lake Elizabeth, so they had a policy in the General Plan that BART would need to go underground. She urged the City of Menlo Park to have policies in the General Plan for really important things for connectivity which were not yet funded. She said her third recommendation related to sea level rise. She said there were plans developed with the San Francisco Joint Powers Authority called Safer Bay. She said it was important to get that

information to know in advance what the impacts of sea level rise were and the options independent of which of the three options in the staff report that was selected.

Chair Kadvany closed the public comment.

Commission Comment: Commissioner Bressler said he did not want to see greater impacts in general unless there was benefit to the City. He said that it had been hard to get benefit for the City because of the need for complicated agreements noting the Gateway project. He said at a future time he would like a discussion about that and identify something real when they change the General Plan. He said this was something that was not fully identified and supported through the Specific Plan. He said he had raised the topic of a more advanced people mover and where the Specific Plan had a goal of improving east-west connectivity it failed in that. He said they needed to be innovative. He suggested perhaps a Transportation District if there was a lot of money coming in from the M-2. He said if they wanted to connect people in the M-2 with Caltrain and the downtown they had to seriously consider how to do that to be part of the public benefit discussion.

Commissioner Ferrick said page 12 of the staff report listed education topics suggested by the Transportation Commission, one of which was emerging transportation technologies. She said she liked that approach but also insuring that these topics were covered in the process of updating the General Plan and including all interested stakeholders and members of the public. She said some topics for the Commission to include were an education topic on regional housing demands, change in traffic patterns and modes of travel used. She said the discussion on Multi-Modal LOS was important to include as well as sea level rise considerations and potential solutions that could be done in General Plan to protect community should sea level rise affect the land, and related to M-2 land use trends in dense, more urban areas to inform decisions on use. She said these were important topics to inform the public and get ideas from them to inform the General Plan update. She said since this was a long term project and in the interim there could well be landowners who wanted to propose new projects that it had been indicated they would need to submit a proposal to the City Council. She asked what criteria the Council would use to evaluate such a project proposal midstream in the General Plan update process. Development Services Manager Murphy said there was nothing that prohibited processing the applications or said the Council would not consider such an application, but if criteria was set there was the potential for it to be changed by future City Councils. Commissioner Ferrick asked if a project would be evaluated by default with the current General Plan. Development Services Manager Murphy said if someone came forward with a proposal that did not require a Plan amendment that would be evaluated under the current Plan. He said the basic items for an amendment were changing land use designations, either the types or intensity allowed measured in floor area ratio (FAR). He said if the project proposal did not include such an amendment the proposal was reviewed as to consistency with the General Plan goals, policies and programs. He said for a proposed amendment to the General Plan for a project proposal, the Plan's goals, policies and programs would be reviewed as there might consistency within those with the proposed amendment. He said also an amendment might be proposed on which the General Plan was silent. Commissioner Ferrick asked if there would be the same track for such Plan amendment proposals as was being given the fire station and SRI project proposals. Development Services Manager Murphy said in the case of SRI there was a very early in the process study session with the City Council as a way to confirm that the proposed amendment to the General Plan was within the realm of possibility in a multi-year process. He said the Fire District's General Plan amendment was much more of a technicality resulting from a purchase of an adjacent property which with the update of the General Plan related to the Housing Element created split zoning. He said the SRI project was attempting to rebuild what they currently have and necessitates the General Plan amendment to resolve the nonconforming sections with the zoning ordinance but they were not asking for beyond what they have developed. He said what they were talking about when someone was required to do the check-in with the City Council was that they were requesting

something above and beyond what they currently have. Commissioner Ferrick said there were some non-optimized uses in the M-2 that might come forward with a greater use proposal and potentially get caught in the midstream of the General Plan update process. Development Services Manager Murphy said that rather than caught in the process that if the proposal resonated with the community and Council that the project could be processed concurrently with the General Plan update process. He said if it was a higher level policy issue that the City should be dealing with as part of the General Plan update he was hopeful that those higher level policy topics could be identified within the next six months. He said if it was a topic never before contemplated or thought of within the next year or later that would be a topic for the City Council to weigh in on at that time.

Commissioner Onken noted larger landowners in the M-2 and the conditional use permit process, and questioned whether they were becoming too prescriptive if they were encouraging the conditional use permit process, or whether they wanted to take a grander view for the area in the next round of consideration of the Land Use element by trying to control it. He said in that respect he was in favor of Options 2 or 3 as they did need to look at other uses specifically for the sustainability of the area. He said if they wanted to reduce trips one thing would be to allow more mobile services than taco trucks so people did not need to travel by car to get a coffee as an example. He said they put the Haven project through as a stopgap for their housing issues but looking at sea level rise he thought it was completely irresponsible for the community to zone for residential in a FEMA restricted flood area. He said perhaps Bohannon west might be considered if they wanted more residential. He said the idea of putting high density housing in places such as Treasure Island or their M-2 zone was absolutely wrong. He said he would support looking at more mixed uses if they removed the idea of more residential in the area. He said most of the sites in the M-2 were larger ones which might bring a new proposal that would be controlled by a CEQA process, which was cumbersome. He said if they were considering some type of streamlining he asked how could they create categorical exemptions in an area in which everything was large and complicated involving large issues of waste and traffic.

Commissioner Eiref said he liked Option 2 as it appeared to release some of the constraints of Option 1 but without increasing the total allowable amount of development that could occur in the M-2. He said given the intense commercial development they have seen in the past 20 years in the Bay area and that there was 1 million square foot of developable area in the M-2, he did not know why they would want to add more constraints unless there was some clearly defined benefit for the community. He said after five years of working with the visioning process, downtown Specific Plan and the Fiscal Impact Analysis (FIA) for that he found there was very little financial benefit for Menlo Park for all the development that could occur on El Camino Real. He said the only rationale was it would add vibrancy. He said with the General Plan update they should be extra careful in understanding what benefits anything would have for the community and not go down the path of allowing additional development unless there was clear benefit for the community. He said he appreciated the comment about balance and sustainable thinking, and how to do things that were high in quality, while thinking about natural resources and how the land was used. He said an interesting comment was made by Commissioner Riggs about the south of Market area in San Francisco. He said it appeared San Francisco tried to couple additional housing with additional uses including developing high density housing on the UCSF campus. He said if there were things which could couple uses with residential without creating a lot more traffic that was an interesting concept for the City to consider in the context of the General Plan update. He said he would not be against having housing as long as it would not be flooded.

Chair Kadvany said it appeared the City's general motivation in considering changing the M-2 zoning was to develop the economic development potential for the City. He said if that was the goal the question was how to institute that in the General Plan. He said to the extent Option 2 would round out the uses in a more sensible way that would be supportable. He said the question was what kind

of place they wanted the M-2 to be. He said they wanted a place of significant economic benefit to the City. He said he agreed with the remarks made by Ms. Draper. He said looking at 2040 it was not just a question of sustainability but viability. He noted they were dealing with the depletion of the natural resource base. He said the positive side was to plan for this. He noted the City of Portland decades ago had designated an urban growth boundary. He said this City's growth boundary was defined but urban growth parameters such as measuring traffic were relevant. He said a fairly modest amount of the City's land use was multi-family dwellings. He said they might want to encourage such development. He said the Commission had been discussing residential design guidelines and he hoped those could be wrapped into the General Plan update. He said they also discussed doing a pilot using residential development guidelines as the General Plan was being updated to better define for functionality of its use and reference and establish pilot programs along the way. He said regarding Complete Streets that this was a multi-stakeholders discussion that needed to be had noting a disconnect between the City administration's and the public's understanding of what it was. He said he was supportive of working through CEQA and streamlining it if they could. He said they had discussed at one meeting to reduce the burden of paperwork for some applicants and it appeared that this was where it would be addressed, noting the request for an umbrella use permit made previously by Tarlton Properties.

Development Services Manager Murphy said that request was specific to hazardous materials and there had been attempts in the past to do that and they would try again. He said it depended on education information and a decision point about what some potential changes were. He said that was part of the list of things they were looking at and they should know fairly early on if that was something that was supported.

Chair Kadvany noted a bullet point on page 5 related to engaging with the community specifying branding. He said he thought they could skip branding Menlo Park noting recent failed attempts but noted there were parts of the General Plan that get at that to create what the community wants which was the look and feel of their City, its canopy, foliage and landscape. He suggested strengthening that noting there were trees that were falling down and how changing climate might mean more dead trees. He suggested more up to date approaches to circulation emphasizing bicycles and pedestrians. He said the residential development guidelines would also fit within that. He said rather than branding he would use the term community and city aesthetics and raising that to a value in the General Plan. He said pedestrian and bicyclist safety on the primary streets with the current arterial designation was very important.

Commissioner Onken said many of the comments fell within the area of self-mitigation for the M-2 area so that as projects came forward, noting in that area projects tended to be big and substantial, that those projects should define what their problems were and as the public benefit self mitigate for example in terms of water use, land use, traffic, people and pollution. He said the landowners in M-2 should know that the City was expecting them to self-mitigate their problems within their development proposals.

Commissioner Riggs said he liked the idea that the City of Fremont put undergrounding of BART into its General Plan noting the potential of similar application of that by Menlo Park to high speed rail. He said Commissioner Bressler's observations about potential transportation within the M-2 whether called people movers or horizontal elevator resonated with him. He said the M-2 was ripe for this as there were deep setbacks, wide roads, and a growing population. He said the City would have to budget some money to see how such a transportation mode might work even if starting at a smaller scale but with something that was scalable. He said this should be included in the General Plan as the same motivator used by Fremont regarding BART and he also hoped they would do something similar regarding high speed rail. He thanked the Chair for noting that aesthetics was one of their

goals. He said somehow that had been dropped from City planning and many City decisions. He said he hoped aesthetics was enumerated in their new goals for the General Plan.

Commissioner Ferrick said much of what the Commissioners and the public speaker have said resonated with her. She said on page 13 of the report the Commission's feedback was requested and asked if they were to weigh in on whether to do a General Plan citywide update with a focus on transportation and/or a M-2 focus on land use intensity plus transportation. Development Services Manager Murphy said a multi-prong approach was being proposed in which they would look at transportation issues citywide and land use in the M-2 zone. Commissioner Ferrick said it seemed there were different positions on the options for land use in the M-2. She said there seemed to be interest in discussing everything listed on page 13 whether it was circulation, the extent of M-2 area changes, citywide transportation technologies, and possibly the Multi-Modal LOS to get a more comprehensive view of traffic impacts with projects. She said she also heard the suggestion to implement some pilots along the way to see if things were working which was why she asked what would happen in the interim before the General Plan update was adopted. She said the Specific Plan took five to seven years to do and if this process took as long they could lose the opportunities to do some of the things discussed which could make a difference. She said she would like the Commission to suggest to the City Council to establish some guidelines and criteria for projects that come through in the interim to have a little more certainty about approval when taking their proposal to the City Council as that process might tamp down applications that might be useful to the City.

Chair Kadvany said the Commission seemed to have some citywide issues they wanted to bring forward in conjunction but not versus the M-2 considerations. He noted there was some general consensus with his statement.

Development Services Manager Murphy said there were opportunities to look at citywide issues but the main thing to clarify was actual land use change. He said if they were limiting the potential for any material land use changes to the M-2 area as an initial given that was quite different than trying to have everything on the table. He said they were trying to define a manageable scope and he did not want anyone to misunderstand that the City was going to do everything being asked as that would not happen. He said they were trying to identify the issues and when those could be done. He said they would be doing community outreach and that this needed to be robust so there was no protest when actions were implemented. He said timeline projections depended on what the topics decided upon were and how long it would take to properly engage the community on each topic.

Chair Kadvany said that there was concurrence that efforts needed to be made strategically. He said much of the work on the residential development guidelines could be done at the Commission level on a parallel track with the General Plan update process. Commissioner Riggs asked if that was compatible with addressing M-2 area. He said he recalled a comment by staff that residential development guidelines could not occur at that point of time but should be wrapped in with the General Plan. Chair Kadvany said for the Commission to work on residential development guidelines they would need some staff time but not a huge amount and could take advantage of the Commission meeting venues which was already budgeted time.

Development Services Manager Murphy said that it depended upon the specifics. He said he recalled a previous Commission meeting he had attended where there was a subcommittee of three Commissioners who presented some ideas on residential development guidelines. He said he recalled he responded favorably to that and staff was happy to support that endeavor and see how it materialized. He said actually attempting to carve off staff time to work on something else right now was extremely difficult. He said he would love to spend time on that issue and resolve it. He said staff has to know what the Council's priorities are and focus on them and get the work done rather than being spread out in multiple directions.

Chair Kadvany asked if there was any major topical issue the Commission wanted to see that would require binding resources and staff time.

Commissioner Strehl said it was very important that the Commission, whether through the General Plan or not, have residential design guidelines that were blessed by the City and adopted by the Commission to provide clarity for people bringing projects forward to the Commission. She said she would assume the guidelines would apply to all residences whether on substandard or large lots.

Commissioner Onken said having just gone through the Specific Plan process and the Housing Element update that what was left was the M-2 area land use and some adjunct work about residential design guidelines as they were refining the General Plan.

Commissioner Ferrick said citywide transportation and M-2 land use and intensity were the focus topics. She said she liked to think of the residential design guidelines as an adjunct project as she suspected that that would be a much more difficult and drawn out process than perhaps imagined. She said for the City to accomplish the focus topic updates to the General Plan that she did not think the guidelines could be part of the work.

Chair Kadvany said the phrase “civic aesthetics” might demonstrate the relevance of residential design guidelines to the General Plan update.

Commissioner Bressler said he did not think guidelines would be part of the General Plan but the Plan could indicate that all residential property developments were covered by the same rules to come to the Planning Commission for review but that would create a political battle and the process would get bogged down. He said that he liked the language in the existing General Plan about the M-2 area that it was an area for industry and to generate revenue for the City. He said he was okay with making that a little more flexible as long as that purpose was not threatened. He said something not in the General Plan but should be and should come out of the update process was a statement that the City was serious about east-west connectivity and some mode of travel other than automobiles.

Chair Kadvany said that was a supportable citywide issue. Commissioner Ferrick said it was already part of the land use under the Specific Plan but they just needed to see it through and that it was not in conflict with an existing plan area.

Chair Kadvany noted the next topic was standards of significance for environmental review that were supportable. He asked if sustainability and addressing sea level rise would be included in that topic. Development Services Manager Murphy said those might be better as a separate category and to then see where they would best be placed.

Commissioner Ferrick said she thought the standards of significance for environmental review related to using Multi-Modal LOS rather than LOS were preferable as LOS only referred to automobile traffic.

Commissioner Eiref asked if the General Plan was where an overall limit to traffic was established. He said he was concerned about EIRs for separate projects that have effects on mutual intersections as it was hard to understand the cumulative effects. He noted all of the large projects in the City and asked how they all tie together.

Development Services Manager Murphy said there were General Plan policies that talk about the LOS the City should maintain. He said based off those policies the City's TIA guidelines were

identified for certain intersections operating at lower LOS but the threshold for triggering a significant impact was lowered to the equivalent of a few cars or 8/10ths of a second of delay. He said this triggered the need for an EIR as most of those intersections did not have a technically feasible mitigation measures or had a mitigation measure beyond the City's control. He said any discussion of streamlining would be about the smaller projects not the large ones in the M-2. He said in the 1994 General Plan there were projections in terms of land use and transportation and an EIR that identified what those impacts would be. He said they now do project specific EIRs each of which factors in approved and pending projects, and a 1% regional growth. He said the analysis seen was the cumulative traffic impacts of all the pending and approved projects and was seen on a project by project basis. He said they were trying to get to the point where they could look at it more holistically as there were solutions and options that could not be associated to a single development project but could be looked at from a more collective perspective. He said what was being proposed would allow a more global perspective.

Chair Kadvany asked about the circulation map. Development Services Manager Murphy said this was asking the question whether this was something to be revisited but it might be determined that people like it how it was, or if there should be new concepts for approaching the model. Chair Kadvany said in the end the City wanted improved circulation and how that would be accomplished would be within the forum of the circulation map.

Chair Kadvany said the next topic was the extent of changes to the M-2. He said he had commented that the importance of the M-2 was economic development with other mixed uses supportive to the neighborhoods. Commissioner Ferrick suggested talking about Option 3. She said with a planned large residential development in M-2 she thought having flexibility in land use to provide services there was important rather than increasing traffic trips to elsewhere. She said they wanted to protect M-2 as it has the greatest economic base but Option 3 provided some flexibility in terms of land use. She said she was not advocating an increase of any use but to allow for logical mixture of uses.

Commissioner Onken said once there was residential that would not change in use. He said within other land use categories there could be mixtures of use. He suggested waiting until the planned residential development occurred to see if it was logical to have service uses. He said the threat of flooding in the area however was significant and the City should consider saying no to housing in that area.

Chair Kadvany asked if the Commission had provided enough on the extent of changes in the M-2 for staff related to the three options. Development Services Manager Murphy said he was not sure if he could distill that completely. He said what was needed in the near term was a request for proposals and how to structure that so they could continue onto the next step. He said he believed there was consensus that the focus of potential land use change would be the M-2, that the traffic circulation items needed to be looked at citywide, that there was some reservation about residential guidelines which was the one other land use topic that should be of consideration and the specifics of going about that. Commissioner Ferrick said that sounded characteristic of what the Commission had said.

Commissioner Riggs said the consultant hired needed to be conversant about modes of travel such as those mentioned by Commissioner Bressler and him. Development Services Manager Murphy said the Council had a subcommittee related to the request for proposals and staff needed to get a draft request for proposals prepared to get feedback. He said if that item had Commission support he would identify that item for the Council to consider in putting together the request for proposal.

Commissioner Ferrick said it sounded like Commissioner Riggs wanted to recommend to Council to hire a very forward thinking general plan consultant. Chair Kadvany said circulation and

transportation issues citywide should be a principle focus which would have multiple components including technology choices, Multi-Modal LOS in terms of environmental review, and definition of circulation map among other things.

Commissioner Strehl said there would be a citywide circulation element and a focus on the M-2 which should include the types of things Commissioners Bressler and Riggs were identifying and other transportation options in the M-2.

Commissioner Ferrick asked if the Commission supported a recommendation to Council to include criteria guidelines for development proposals during the interim in which the General Plan was being updated so applicants were willing to try something like the ideas they were talking about but which were not codified yet. Chair Kadvany said they needed to manage the City in the interim during the General Plan update. He said the residential design guidelines would fall into that category.

Commissioner Eiref asked if Commissioner Ferrick was saying it was okay to decouple some of the items so they could move along a different time line. Commissioner Ferrick said she was thinking about the residential development on Haven that was being allowed but that no service uses were allowed in that area. Commissioner Eiref suggested maybe Tarlton Properties might come in with some innovative use not covered. Commissioner Ferrick said her concern was pushing off such projects for such a long time until the General Plan was updated. Commissioner Eiref said he was supportive of that in concept. He said they have been updating pieces of the General Plan and they were somewhat loosely coupled noting the Housing Element was not tied to the Specific Plan although there was a relationship there in the end. He said modern software technology decouples elements and he hoped the City would have a more modern view of how to proceed with the General Plan. Chair Kadvany said the other example was climate change and energy conservation noting a local meeting on that topic. Commissioner Ferrick said the summary would be that they recommend the Council adopt guidelines or criteria to support entertaining projects without holding them captive to the General Plan as it was updated.

Commissioner Eiref said projects were not prevented from coming forward during the development of the Specific Plan. He said he liked the idea of releasing constraints in general and why constrain anything as they were embarking on a multi-year planning process. He said Option 3 would be attractive if the City got real and substantial benefit. He said looking back at the Specific Plan that from what he could see the City did not get any real and substantial economic, traffic, or strong job-housing ratio benefits. He said he would not want to restrict the M-2 from having residential use noting there were ways to build near water but it had to be allowed where there were very clear substantial benefits to the City in allowing that. He said he would be very happy if that could be conveyed to the Council.

Chair Kadvany said they were sensitive to the allocation of resources to the General Plan update and had indicated the Commission's two areas of planning interest in the traffic and circulation and the residential guidelines.

Chair Kadvany asked about the advisory body listed. Development Services Manager Murphy said the question was if an advisory body such as those created for the Specific Plan and Housing Element update was supported by the Commission.

Commissioner Eiref noted that the consultant hired by the City should demonstrate innovativeness in doing outreach with the community other than just conveying information through meetings.

Development Services Manager Murphy asked if there was a strong desire of the Commission to have a representative on the consultant selection committee. Chair Kadvany and Commissioner

Riggs said they were interested in doing that. Commissioner Eiref said he supported that. Commissioner Riggs noted his term expired in three months. He said he could perhaps serve ex officio but noted they were talking about just the consultant selection committee.

Following is a list of the comments made by individual Planning Commissioners.

- Include the Lorelei Manor and Suburban Park neighborhoods in the targeted outreach similar to the Belle Haven neighborhood.
- Articulate the City's vision for the use of the Dumbarton Rail Corridor.
- Clarify the term "Complete Streets", clarify whether it is already embodied in the existing General Plan, and clarify whether it is a given for inclusion as part of the Update.
- Examine the regional market trends and economic pressures on the M-2 Area and be clear about whether the City intends to change the zoning to be less restrictive (e.g., requiring fewer conditional use permits).
- Focus on what it is the City is attempting to accomplish through a potential change to the Roadway Classification System and not simply renaming streets.
- Consider the comments of the public speaker related to sustainable policies; connections with recreational opportunities (e.g., Bay Trail) and regional improvement plans (e.g., Salt Pond Restoration, SAFER Bay); and sea level rise.
- Draw a more direct connection between the relationship of impacts and benefits, with an emphasis on real benefits clearly outweighing impacts.
- Investigate a people mover system or other innovative transportation technology.
- Explore the introduction of other uses in the M-2 Area in order to reduce the potential number of new trips.
- Avoid introducing new residential uses in the M-2 Area that would be subject to flooding.
- Create rules that align with categorical exemptions from the California Environmental Quality Act (CEQA) in order to achieve streamlining.
- Clarify early in the process if the City's goal is to pursue enhancements to the economic development potential of the M-2 area so that subsequent decisions align with that goal.
- Consider community and civic aesthetics in various City decisions related to public spaces and private property.
- Explore self-mitigation of environmental impacts as a concept.
- Seek out opportunities for pilot projects or testing ideas during the General Plan Update process.
- Pursue new ways to reach out and communicate with people, especially those that do not attend traditional meetings.

Summarizing the discussion on residential design guidelines, individual Commissioners expressed varying opinions about whether or not residential design guidelines should be considered as part of this phase of the General Plan Update, but at a minimum the Commission agreed to continue work by the Commission subcommittee as identified at the August 19, 2013 meeting. At that meeting, the Commission discussed the development of residential design guidelines for use by staff when working with applicants and the Commission in the review of development proposals for single-family homes on substandard lots. After development of guidelines and a period of use, the Commission would consider expanding how the guidelines could be used on a broader scale.

Following is a summary of items communicated by the Commission on which there was consensus.

- Recommend that the City Council establish guidelines for considering potential project-specific General Plan Amendments that may come forward during the General Plan Update process.
- Commissioners Kadvany and Riggs would be willing to serve on a consultant selection committee if one were formed similar to the El Camino Real/Downtown planning process with the understanding that Commissioner Riggs' term is up at the end of April 2014 and would potentially serve as an ex officio member

F. STUDY SESSION

- F1. Housing Element/City of Menlo Park:** Study Session to review, discuss and comment on the proposed draft Zoning Ordinance amendments to Chapter 16.79 (Secondary Dwelling Unit) pertaining to secondary dwelling unit development standards, including reducing the minimum lot size eligible for a secondary dwelling unit (without a use permit) to 5,750 square feet to encourage the creation of more units and reducing the setback requirement for an existing and permitted accessory structure to allow for conversions of accessory structures to secondary dwelling units when specific criteria are met. In addition, amendments to Section 16.68.030 (Accessory Buildings and/or Structures) are also proposed. The modifications include establishing new setbacks for an accessory structure, dependent upon the use of the structure and to add a limit on the number of plumbing fixtures in a structure to distinguish use of an accessory structure from a secondary dwelling unit. Both amendments could also include language and formatting modifications for clarification and consistency purposes.

Staff Comment: Senior Planner Chow made a presentation on proposed modifications to the Secondary Dwelling Unit and Accessory Building/Structure Regulations of the Zoning Ordinance. She said this evolved from a housing implementation plan on how to better align existing accessory structure use with regulations and define a process for converting accessory structures into secondary dwelling units. She said the first purpose of these modifications was to define how an accessory building might be used related to habitable as opposed to uninhabitable space, and establishing regulations consistent with use of the building. She said also the intent was to discourage use of an accessory building as a secondary dwelling unit by potentially limiting size or plumbing fixtures to make an accessory building more aligned with its intended use instead of being used as a living unit rental. She said lastly the proposed changes were to encourage the development of secondary dwelling units from the outset of the construction of new detached buildings. She said the intent of the proposed modifications was not to make any existing structures nonconforming in terms of the value calculations. She said the existing accessory building/structure was defined in the Zoning Ordinance as a subordinate building or structure not intended for living or sleeping quarters. She said a secondary dwelling unit was defined as a complete, independent living facility providing permitted provisions for living, sleeping, eating, cooking and sanitation. She said currently an accessory structure could be a garage, a shed, home office, and recreation space. She said there was living space in some of those structures so through this process they wanted to clarify and help define what was meant by "living" space. She said for secondary dwelling units as part of this process they wanted to define and clarify what was meant by eating and cooking facilities or a kitchen to better differentiate.

Senior Planner Chow said the first question was whether to differentiate between habitable accessory buildings such as home office space or recreation space and uninhabitable such as a garage or shed and whether there should be different development standards depending on whether it was habitable or uninhabitable space. She said staff provided some proposed size standards for the Commission's consideration with the first keeping the existing 700 square feet or

25% of the main residence floor area whichever was greater regardless of use as to uninhabitable or habitable space. She said another thought was whether they should establish a threshold and define a habitable space limitation of 640 square feet which was equivalent to a secondary dwelling unit. She said with that the maximum accessory building/structure square footage would still be a maximum 700 square feet or 25% of the gross floor area of the main building, and a potential option of something less than 640 square feet. She said currently an accessory building/structure has a three-foot minimum yard requirement from the interior side and the rear yard. She said that could remain unchanged or they could change the setback requirement for habitable to the requirements for secondary dwelling units, or similar to the main dwelling which would be the most restrictive.

Senior Planner Chow said another criterion that might be modified or added for accessory building/structure requirements for habitable and uninhabitable use was whether the number of plumbing fixtures should be limited in accessory buildings. She said that having a shower, toilet and sink made a space easily habitable not only for living but sleeping as well and which might be rented out as such. She said part of the discussion was whether to minimize the potential for that to happen. She said the current regulation had no restraints and potentially it could be modified to restrict the number and types of fixtures. She said other things besides sinks, toilets, showers such as washing machines and water heaters could be considered or found exempt from that definition of fixture.

Senior Planner Chow said another concept being discussed was wall height and daylight plane requirements for both accessory building/structures and secondary dwelling units being modified to allow for varying roof structures and flexibility in roof design. She said currently an accessory building/structure and secondary dwelling unit have a nine-foot wall height and the maximum overall height for accessory building/structure was 14 feet and for secondary dwelling unit was 17 feet. She said in both instances the single-story daylight plane requirement would be applicable or a 12-foot six-inch vertical plane inward at a 45 degree angle at the setback line. She said a different approach would be to establish a new daylight plane as a building envelope. She said for example with a proposed daylight plane it would eliminate a nine-foot wall height but would maintain a 14-foot or 17-foot overall height for the respective accessory building/structure or secondary dwelling unit. She said the single-story daylight plane requirement would be reduced from 12-foot six-inches to nine feet and slope inwards at 45 degrees.

Responding to a question from Commissioner Onken, Senior Planner Chow said that the elimination of the nine-foot wall height maximum would allow for more varied roof structures within the building envelope and alleviate a provision in the secondary dwelling unit ordinance just added for properties in the flood zone where wall height could be increased to the maximum allowed in the flood zone elevation.

Senior Planner Chow said no changes were proposed to the maximum overall height and no intrusions into the daylight plane were allowed. She said one question for the Commission was whether there should be any limitation on architectural features such as dormers.

Senior Planner Chow said also being considered was to differentiate between accessory buildings such as garage, shed, or recreation rooms, which are fully enclosed with a roof structure and accessory structure that would be more open in nature such as an arbor, built-in kitchen and play structure but more enclosed than a garden feature. She said they were also considering allowing accessory structures to be allowed in the front half of the lot outside of the front and side yard requirements. She said if someone wanted to build a larger trellis in their front yard that would not be permitted as the ordinance was now written requiring accessory structures to be located in the rear half of the lot. She said another considered modification was to remove the requirement for

10-foot separation of an accessory structure from any other structure on the property and adjacent property. She said the last concept was to regulate detached garage entrances similar to attached garage entrances to require a 20-foot setback explicitly unless a use permit was approved for a modification.

Senior Planner Chow said another modification to the accessory building/structure ordinance was to clarify that floor area would be determined on a structure by structure basis not on whether the primary residence was one or two stories. She said a one-story recreation room would have a one-story floor area limit (FAL). She said it would clarify that basements under accessory buildings would count against square footage for accessory buildings but not against the maximum FAL for the lot. She said the other clarification related to required parking for a detached garage could be in the required three-foot setback. She said they also were looking at how to treat trash and pool equipment and other small building structures.

Senior Planner Chow said the second component to these modifications were those related to the secondary dwelling unit ordinance. She said as part of the Housing Element update adopted last year the minimum lot size requirement for a secondary dwelling unit was reduced from 7,000 to 6,000 square feet. She said there was interest from the Belle Haven neighborhood to reduce the minimum lot size requirement to 5,750 square feet. She said that was a potential modification. She said a modification was suggested to clarify that tandem parking might include a single car driveway leading to a two-car garage. She said the section on tenancy required that a property owner either live in the primary or secondary dwelling unit but clarification was proposed that this was only when both structures were occupied. She said the concern was about accountability and not creating a multi-family neighborhood.

Senior Planner Chow said as part of the Housing Element implementation they looked at a secondary dwelling unit conversion process for existing legally permitted constructed accessory buildings. She said the first question was whether there should be a maximum square footage established as part of the conversion process. She said potential options were to allow accessory buildings up to 640 square feet to be converted as that was the maximum size of a secondary dwelling unit. She said another option to allow existing legally permitted constructed accessory buildings that meet the regulations for accessory buildings which was 700 square feet or 25% of the GFA to convert to a secondary dwelling unit was to make that allowable square footage or to establish a new square footage maximum.

Senior Planner Chow said the question regarding minimum setback requirements was whether they should maintain the existing accessory building requirements or comply with the secondary dwelling unit requirements which would be fairly difficult for structures intended as accessory. She said a third option would be to not have any established yard requirement which could potentially mean a structure built at two feet and whether that should be considered eligible for the conversion process.

In response to a question from Commissioner Ferrick, Senior Planner Chow said the proposed ordinance modification would establish an effective date before which an accessory building had been built.

Senior Planner Chow described a three-tiered review process noting that accessory structures could be requested for conversion to secondary dwelling units currently through a use permit process. She reviewed the next steps related to the ordinance amendments.

Chair Kadvany asked if the item could be continued to allow for public comment. Senior Planner Chow said the next Commission meeting would be February 10 so that would allow time before the

Steering Committee's meeting at the end of February. She said a potential pinch point would be the release of the Negative Declaration being prepared for the Housing Element and the ordinance amendment. She said the release date was intended after February 10 but any potential changes that might result because of that meeting would have to be quickly folded into the document.

Chair Kadvany said it appeared that the proposed modifications were on the right track and the level and breadth of thought and analysis was great.

Commissioner Bressler said he was a little concerned with the schedule. He said if they wanted to encourage more housing that this was not going far enough to accommodate. He said the restrictions needed to go away and this was structured so there was not the ability to change what was being proposed within the timeframe that was required. He said the floor area ratio allowance was not increased to accommodate this and the fairly strict provisions for building separation were difficult to accomplish, and would restrict the number of possible conversions.

Commissioner Riggs said he supported Commissioner Bressler's comments.

Chair Kadvany suggested that perhaps they should identify topics to consider and address at the next meeting.

Commissioner Ferrick said in general she thought the proposed modifications were on the right track but thought they could be less restrictive about some things which could provide some more units. She pointed to the rental and owner-occupied requirement as an example.

Commissioner Eiref asked if it was allowed to have setbacks for a secondary dwelling unit that were no more than the primary residence setbacks. Senior Planner Chow said that was accurate.

Commissioner Riggs said he thought for larger lots there should be larger secondary dwelling units allowed.

Commissioner Ferrick asked if the intent to limit plumbing fixtures for accessory buildings was to encourage conversion to secondary dwelling units. Planner Chow said that was the intent. Commissioner Ferrick asked if that would cover pool houses. Planner Chow said it was the number and type of fixtures that would define. .

Following is a summary of items highlighted by Commissioners for further discussion.

- Several Commissioners indicated that the potential modifications are on the right track, but there may be more that can be done to encourage the creation of secondary dwelling units.
- Secondary dwelling unit regulations that could be revisited include setbacks, tenancy, and square footage.
- Limiting the number and/or type of plumbing fixtures in accessory buildings/structures is a potential idea that needs further thought and discussion.

The study session was continued to the Planning Commission meeting of February 10, 2014.

G. COMMISSION BUSINESS

There was none.

ADJOURNMENT

Meeting adjourned at 11:27 p.m.

Staff Liaison: Thomas Rogers, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on February 24, 2014