



REGULAR MEETING MINUTES

Date: 11/6/2023
Time: 7:00 p.m.
Location: Zoom.us/join – ID# 862 5880 9056 and City Council Chambers
751 Laurel St., Menlo Park, CA 94025

A. Call To Order

Vice Chair Linh Dan Do called the meeting to order at 7:00 p.m.

B. Roll Call

Present: Linh Dan Do (Vice Chair), Andrew Ehrich, Katie Ferrick, Jennifer Schindler

Absent: Andrew Barnes, Cynthia Harris (Chair), Henry Riggs

Staff: Deanna Chow, Assistant Community Development Director; Tom Smith, Principal Planner; Chris Turner, Associate Planner; Mary Wagner, City Attorney’s Office

C. Reports and Announcements

(Meeting recording audio started during this item)

Assistant Community Development Director Chow said a second item that might be of interest to the Planning Commission was the city’s purchase of an existing BMR unit to preserve its BMR housing, which was on the City Council’s next meeting agenda.

D. Public Comment

None

E. Consent Calendar

None

F. Public Hearing

F1. General Plan Amendments, Zoning Ordinance Amendments, El Camino Real/Downtown Specific Plan Amendments, and Rezoning/City of Menlo Park Housing Element Update Project: The City of Menlo Park is proposing to amend the General Plan Land Use Element, Zoning Ordinance (Title 16 of the Menlo Park Municipal Code (“Municipal Code”), zoning map, and El Camino Real/Downtown Specific Plan in association with the implementation of the 2023-2031 6th Cycle Housing Element, adopted by the City Council on January 31, 2023. The proposed changes are intended to provide capacity to meet the City’s Regional Housing Needs Allocation (RHNA) of 2,946 dwelling units and are generally summarized below. (Staff Report #23-064-PC) Continued from the meeting of October 23, 2023



General Plan Land Use Element and map

Amendments for consistency with the proposed Zoning Ordinance amendments described below, including changes in land use designation for applicable Housing Element inventory sites and modifications to existing designations to reflect increased densities and floor area ratios (FAR).
Zoning Ordinance and map

- Update the Affordable Housing Overlay (AHO) to further promote affordable housing development. To implement Housing Element Program H4.D, amend Chapter 16.98 (Affordable Housing Overlay (“AHO”)) of the Municipal Code to work in combination with state density bonus law to allow up to approximately 100 dwelling units per acre, or more, for 100 percent affordable housing developments, and add the AHO to all 6th Cycle inventory sites (except Site #38, 320 Sheridan Drive, the former Flood School site) and all R-3 (Apartment District) zoned properties around downtown; and amend Chapter 16.97 (State Density Bonus Law) of the Municipal Code to resolve any inconsistencies between the City’s ordinance and current and future state density bonus law regulations;
- Allow residential development opportunities in existing commercial/retail zoning districts. To implement Housing Element Program H4.I and allow mixed-use residential development opportunities primarily along Willow Road, Middlefield Road, Sharon Park Drive and Sand Hill Road, amend the Municipal Code to repeal Chapters 16.32 (C-1-A, Administrative and Professional District), 16.37 (C-2-S, Neighborhood Commercial District, Special), 16.39 (C-2-A, Neighborhood Shopping District, Restrictive), and 16.42 (C-4, General Commercial District) and replace Chapter 16.40 (C-2-B, Neighborhood Mixed Use District, Restrictive) with a C-MU (Commercial, Mixed Use) zoning district with a residential density of up to 30 dwelling units per acre and associated development standards; amend the zoning map to rezone C-1-A, C-2-S, C-2-A, C-2-B, C-4, and certain C-2 and P parcels (except for Site #11, 325 Sharon Park Drive) to C-MU; amend Chapters 16.30 (C-1, Administrative and Professional District, Restrictive), 16.32 (C-1-A, Administrative and Professional District), 16.36 (C-1-C, Administrative, Professional and Research District, Restrictive), 16.38 (C-2, Neighborhood Shopping District), and 16.43 (O, Office District) to allow a residential density of up to 30 dwelling units per acre and associated development standards;
- Increase residential densities in the R-3 (Apartment) zoning district around downtown. To implement Housing Element Program H4.J, amend the R-3 zoning district development regulations to allow a residential density up to 30 dwelling units per acre for R-3 zoned properties around downtown and up to 20 dwelling units per acre for other R-3 sites with a lot area of 100,000 square feet or more; increase maximum building coverage in the R-3, R-3-A (Garden Apartment Residential), R-3-C (Apartment-Office District), R-4 (High Density Residential), and R-4-S (High Density Residential, Special) zones to 55 percent and adjust maximum paving and minimum open space (landscaping) percentages accordingly; and reduce parking space per unit requirements;
- Permit ministerial review for certain housing developments on inventory sites that were not developed during the previous Housing Element cycle. To implement Housing Element Program H4.Q, amend the Municipal Code so that parcels in the Housing Element site inventory identified as Reuse Sites allow for ministerial review for housing developments that propose at least 20 percent of units affordable to lower-income households, in accordance with California Government Code §65583.2(i);

- Create a residential overlay to encourage residential development on underused or redeveloping sites.
To implement Housing Element Program H4.T, amend the Municipal Code to create a Residential Overlay for certain housing inventory sites that would allow residential development on properties with non-residential zoning; and
- Allow family daycare homes with up to 14 children as a permitted use in residential zoning districts.
To implement Housing Element Program H2.F, amend Sections 16.04.165 and 16.08.085 of the Municipal Code to allow large family daycare homes as a permitted use in a legal dwelling unit in any residential zoning district.

El Camino Real/Downtown Specific Plan

To implement Housing Element Program H4.L, amend the Specific Plan to:

- Remove references to a maximum of 680 residential units at full build-out;
- Increase the maximum base level density to at least 30 dwelling units per acre and the maximum bonus level density to up to 100 dwelling units per acre, with corresponding changes to FAR, height, and other development standards for the Specific Plan subdistricts, as applicable;
- Establish a minimum density of 20 dwelling units per acre for all subdistricts, as a requirement upon the addition of residential uses to a site;
- Remove the minimum parking requirements for residential uses on sites within one-half mile of transit as required by AB 2097; and
- Modify the use of the public parking plazas to allow the development of multifamily residential housing.

Environmental Review

The City, as the lead agency, pursuant to CEQA and the CEQA Guidelines previously prepared and certified the ConnectMenlo Program Environmental Impact Report ("ConnectMenlo EIR") in November 2016 and certified the Housing Element Update Subsequent EIR (SCH #2015062054) ("SEIR") in January 2023. An addendum to the SEIR was prepared, and concludes that no supplemental or subsequent EIR is required for the proposed amendments because none of the circumstances requiring a supplemental EIR or subsequent EIR exist (CEQA Guidelines Section 15162).

Principal Planner Smith said the City Council adopted the Housing Element on January 31, 2023. He said it was a plan for the city's housing needs through 2031 that included an inventory of sites that could support the development of housing through the period of 2023 to 2031. He said it also included goals, policies, and programs to improve equity and reduce disparities in housing throughout the community. He said the city's regional housing needs allocation or RHNA was nearly 3,000 units through 2031 and of those units almost 1,500 units had to be affordable at the lower and moderate income levels. He said it contained programs that committed the city to implement zoning changes by January 31, 2024 to help the city meet its RHNA for the next eight years.

Planner Smith said the Housing Element included a number of zoning related programs that were scheduled to be implemented by early next year including an update of the affordable housing overlay or AHO, to incentivize development of affordable housing units up to 150 dwelling units per acre for 100% affordable development, modifying non-residential zoning districts to allow mixed use

and certain residential development with a density of 30 dwelling units per acre or more in certain cases, allowing development up to 30 dwelling units per acre for R-3 parcels around the downtown area, 20 dwelling units per acre for all R-3 parcels over 100,000 square feet, and increasing lot coverage to 55% for all R-3 and R-4 zones, modifying the Specific Plan to increase densities up to 100 dwelling units per acre at the bonus level of development and changing other development regulations in the Specific Plan proportionately, allowing ministerial review for five sites that did not develop with housing during the previous Housing Element planning period on the condition that they provide at least 20% of units affordable to lower income households, creating a new residential overlay to allow residential development on five sites where the underlying zoning or a conditional development permit (CDP) would otherwise not allow it, and allowing all family daycare homes as permitted uses in residential zoning districts.

Planner Smith said this meeting was a continuation of the October 23rd Planning Commission meeting where the proposed amendments to the General Plan, Specific Plan, zoning ordinance and zoning map were discussed. He said the staff report packet included draft resolutions and ordinances that reflected the outlined changes from the October 23rd staff report with some other minor adjustments based on feedback received at that Planning Commission meeting.

Planner Smith said staff recommended that the Planning Commission use this meeting to make recommendations to the City Council on the proposed amendments. He said the Council was tentatively scheduled to review the Planning Commissioner's recommendations at a November 28th public hearing.

Planner Smith highlighted the changes made since the October 23, 2023 Planning Commission meeting. He presented a slide of Table 1 of the current staff report, which included two recommended modifications to the proposed C-MU (Neighborhood Mixed Use) zoning district. He said financial services and professional office uses were proposed as permitted uses at the October 23rd meeting, meaning that they would not need a use permit to operate on a site. He said staff was now proposing to leave them as administratively permitted uses, which was how they were currently classified in the C-2-B zoning district that was part of the inspiration for the new C-MU zone. He said this would provide more discretion and also focus on prioritizing retail, personal services, restaurants, and housing as permitted uses in the C-MU district. He said for instance that a bank or a tax preparation office, a dental office, and other similar financial and office uses would need an administrative permit, which could be appealed to the Planning Commission for review if community concerns were raised.

Planner Smith said the second item on Table 1 was to preserve existing allowances for drivethroughs on the Chevron Station and the Belle Haven Shopping Center parcels in Belle Haven and staff was recommending including up to one drivethrough establishment per development site on either side of Hamilton Avenue at Willow Road. He said that would allow for instance a drivethrough pharmacy, a coffee shop, a restaurant, or similar uses with a drivethrough to locate at the sites with one on each site. He said the Planning Commission would review the request before it could be granted as a conditional use.

Planner Smith referred to changes in Table 2 of the staff report. He said like the proposed C-MU zoning changes, staff considered feedback and previous direction from the Planning Commission and City Council at the August study session and proposed some minor changes to the R-3 zoning district. He said under item 1 on this table, minimum bicycle parking requirements were now proposed and were reflective of the requirements in other residential and mixed use districts that

were being modified. He said 1.5 bicycle parking spaces long term per unit would be required and then 10% additional short term bicycle parking spaces would be required for visitors. He said under item 2 on Table 2, residential design standards and sustainable building requirements were proposed to be added to the R-3 districts that would be developing three or more units. He said those were basically the same as those proposed for the other zoning districts being updated through this process.

Planner Smith said next steps for zoning included City Council's tentatively scheduled public hearing on November 28, 2023 to review the proposed resolutions and ordinances and take action. He said if action was taken on November 28, then the amendments would be adopted at a December 2023 Council meeting, and those ordinances would become effective 30 days later in January 2024 prior to the statutory deadline of January 31, 2024.

Vice Chair Do opened the public hearing.

Public Comment:

- Pam Jones, Menlo Park resident, Belle Haven, said while they were making progress with attempts to what she called "right zone" Menlo Park that they needed to go as far as they could with their new numbers and zoning, which was a minimum of 100 units per acre in the downtown area. She noted an obligation to use the property there owned by the city to its fullest. She said a Jack in the Box, a Starbucks, a nail salon and four restaurants was not a shopping center. She said there was no retail on the shopping center on Willow Road and Hamilton Avenue.
- Jeremy Levine, policy manager for the Housing Leadership Council of San Mateo County, said they worked with communities and leaders to produce and preserve quality, affordable homes. He said towards that over the last two years they had commented on every housing element in San Mateo County, including a couple of Menlo Park drafts. He said the zoning being considered tonight was independent of the Housing Element but was related. He said the city's ability to demonstrate compliance with the Housing Element law relied on its ability to demonstrate capacity for new homes in its Housing Element site inventory and demonstrate that capacity required zoning to do it. He said Menlo Park had come a long way in its Housing Element and a long way in its zoning from what it started with in its initial proposals. He said the city could still do more and that went beyond the Housing Element. He said this was about the merits of actually making the development possible on the sites Menlo Park had in its inventory - in its downtown, Sharon Heights, and other areas. He said there were two ways that affordable housing would come to Menlo Park and that would be 100 percent affordable housing probably mostly on city-owned property and mixed income market rate housing built with an inclusionary component. He said increasing base densities and increasing the densities allowed in the AHO if done simultaneously would make it possible to get more of the affordable housing Menlo Park needed in more places. He said the Planning Commission and the city might have some limitations on pursuing zoning so he proposed that the Planning Commission tonight recommend that staff look into what could be done with zoning both within and outside of the Housing Element, and make proposals on best practices to make it easier to build housing and to actually produce the affordable housing needed.
- John Dogru said he was trying to buy a home and was looking at a quadplex where each home was 675 square feet and was listed for \$2.5 million. He said with the current density restrictions that if he demolished and built four more homes those would again each be 675 square feet. He

said it was important in the R-3 zoning district that they were able to expand. He said he was curious how much more they were going to expand the available square footage to build on in R-3. He said if that was expanded, he could build four affordable homes. He said it would not make sense to build as mentioned the exact same square footage as existed as the rent would have to be doubled to work economically and no one would be able to afford that. He said he was really curious how much more the R-3 density would grow. He said if they did that, they could start to make homes that made economic sense.

- Karen Grove said she thought she heard staff indicate that 100% affordable housing might have up to 150 units per acre and that was great. She said she would like to advocate that they were explicit about that so it would not require a developer to piece together a puzzle that included state law. She said last time she heard the presentation in more detail, she heard the city could reach 150 dwelling units per acre because within .5 mile of public transit density could not be limited by state law. She said she viewed state law as a way to overcome cities that were trying to block affordable housing by not adequately zoning for it. She said she did not want Menlo Park to be one of those cities and wanted the city to zone for 150 dwelling units per acre when using the AHO so that was 100% affordable and to really signal to nonprofit developers that and to the community that this was what the city was asking for and what they hoped to get. She said the city should be as transparent as it could be to both attract development for what they wanted to see built and also for the sake of transparency, so the community knew what was being planned.
- Catherine Dumont, District 3 resident, said she was a lifelong renter and was supportive of the work being done in Menlo Park to increase housing at all levels of affordability. She said having rented pretty much her entire adult life, she had seen the whole spectrum of being able to afford to pay more for rent, and then working less and coming to retirement she saw the need for housing for people on limited incomes like herself. She said she had been talking to people about the upzoning in the downtown and had found a lot of support for that in the district around the downtown area such as a young woman employed by the City of San Jose but who loved living in Menlo Park and had moved here from north of San Francisco. She said the young woman liked living close to downtown and being able to walk there but was very concerned about the businesses downtown and the health and vibrancy of the downtown. She said there were young people in Menlo Park's future, and they needed housing for families and to keep the schools full, so housing was needed for all levels. She said the downtown seemed to be the place for them to work on creating a more open, inclusive, and diverse community that they could move forward with in the future.

Vice Chair Do closed the public hearing.

Vice Chair Do said they would organize their discussion on the seven topics as listed in the staff report starting with the program to expand the AHO.

Commissioner Ehrich said he thought the most important thing they could do was to make a strong recommendation to the City Council in hopes that the Council could itself move swiftly to approve this, so the city had a compliant Housing Element avoiding negative consequences. He said they wanted a strong Housing Element to pursue the city's goals. He said he was not looking to make a lot of additional comments tonight. He said they were at the end of a process and beginning another process to implement the Housing Element and actually build the housing. He noted in three years a midcycle review would look at whether the city had built the housing. He said in that spirit and given

the feedback from HCD up until this point that he would be open to any discussion around ways they could increase space densities or the AHO but not at the expense of making this process more complicated.

Commissioner Schindler expressed support for Commissioner Ehrich's comments. She said her approach was that the Planning Commission would provide feedback on the small number of new ideas. She said she had no significant concerns about any of the new things that were called out in the staff report on top of the October 23rd meeting and that the proposed language changes for the zoning and land use element and the Specific Plan seemed to match the ideas they had talked about to this point. She said the zoning changes were a critical step in executing the Housing Element and was actually the first big program that she was part of that they were actually hopefully hitting a deadline. She said if they hit their zoning deadlines, they could hit certification of their Housing Element and the city could maintain one of the most important things they had which was control and oversight into developing the land and their city. She said for those reasons, she fully supported making sure they moved the process through expediently and ensure they hit the big milestones. She said she also wanted to recognize the feedback they continued to get from community members. She said there were a lot of great ideas such as how they could improve housing and development, particularly affordable housing, in the Housing Element. She said some were still part of the public discussion and might not yet be fully incorporated. She said they were not losing those ideas, but she hoped they made a pivot from a planning process into an execution process. She said she thought it was a wrong use of their time and resources if they were to do another zoning in three or six months. She said there had been discussion about additional environmental impact reports and that was not a good use of time to do that in the next four, six or nine months. She said she would really like to see the Planning Commission, the City Council and city resources focused on programs such as the other things laid out in the Housing Element. She said she would like them all to be focused on the BMR guidelines updates, streamlining the project review, and the community opportunity to purchase. She said those were just some of the programs she thought had the possibility of having a big impact. She said one idea that was raised often was the prioritization of affordable housing on the city-owned parking lots. She said that was where they needed to demonstrate execution and use their resources wisely.

Commissioner Schindler said regarding the AHO topic that she wanted to clarify something. She said during the October meeting she clarified her understanding of the use of Table 1 in the staff report. She said it was important that the example she gave included that the table was used additively. She said if 5% of housing units were affordable at a very low income, there was a bonus of 20% and if adding to that another 15% low income units there would be a bonus of 37%. She said that would be required as 20% affordable housing was needed to qualify for the AHO. She said at the October meeting she talked about using the line item that was 10% and she received follow up questions later. She said 20% was required for the AHO and then it was added through each row of those tables. She said she appreciated the clarification of naming the Community Development Director as the decision maker on certain of the incentives in response to feedback from October.

Commissioner Ferrick said importantly they really wanted to implement the Housing Element rather than to churn on the new ideas that were coming up. She said regarding the AHO she appreciated public comment this evening. She asked if that was more difficult for a normal property owner who was not already a professional developer to discern what was possible to develop on their property. She asked as they moved to implementation was there an outreach plan to have conversations with property owners particularly those on opportunity sites.

Planner Smith said they understood that there were some layers in place to apply the AHO on a site. He said as they had discussed in previous meetings some of that was due to requirements of state law. He said what staff had heard from the Department of Housing and Community Development at the state (HCD) was to use the AHO and state density bonus law additively. He said whereas the AHO currently could be applied independently where it could be AHO or state density bonus law, staff took the comments received from HCD and layered them so they could get the ideal density of 150 dwelling units per acre that had been discussed with affordable housing developers and that they had heard support for from members of the public, the Planning Commission and Council. He said it required some work to get that but considering the potential density bonuses that could be achieved on a site it was really advantageous to a developer to have those significant bonuses that they could achieve. He said they not gotten to the point of discussing an implementation plan for some sort of outreach or educational efforts but that was certainly a wise idea, and they could look into that when they actually got into the real implementation phase.

Commissioner Ferrick said she would strongly advocate for that when the time came. She said anecdotally she spoke with a property owner who thought the density assigned to his property was going to be too low to be viable as he did not seem to understand the things that could raise the density. She said outreach might be advantageous to the city in getting the units that they wanted, and that then could drive the midcycle review toward a successful implementation. She said she would circle back on that once the Housing Element was certified.

Vice Chair Do referred to the 150 dwelling units per acre and said that the community input percolating for her centered around two big things – the AHO and how that density was achieved and the other density around downtown, which they could talk to when they got to that topic. She asked if there was a possibility that the 150 dwelling units per acre could be achieved without having to combine the AHO and state density bonus law and achieved through the city's AHO itself. She asked if there was an option to reach that number either through a combination of the two or through the AHO only.

Planner Smith said the AHO could be designed so it would not need to be additive to get to 150 dwelling units per acre, but it would take more analysis to understand a project that would combine AHO and state density bonus, and what kind of scale building they would get and if that was in keeping with the community's expectations and what they felt was best for the neighborhoods right now. He said in the Specific Plan area in the downtown there was an option under AB 2339 for 100% affordable housing development where a project could have unlimited density with an additional three stories or 33 feet of height that they could add to a building above and beyond what the city set. He said they were really trying to produce affordable housing through this implementation as they had demonstrated they did not have an issue producing market rate housing throughout the community. He said affordable housing was really the focus of this and so the combination of state law, the AHO and state density bonus together really did incentivize and direct the efforts toward getting the affordable housing development.

Vice Chair Do said to require more analysis now was not appropriate but noted Ms. Grove's comment that even though the state's affordable housing law allowed unlimited density that the city seemed to be sending out a message that created more work and slowed down the process and that clearly was not what they wanted to be saying.

Vice Chair Do opened discussion on Create New Opportunities for Mixed-Use Development.

Commissioner Schindler said the presentation clarified a couple of points for her regarding specifically examples of financial services and professional office uses. She said she appreciated the addition of the retention of the drivethrough as permitted on the named parcels. She said they had discussed at the October meeting that with the rezoning of commercial to mixed use and residential development that currently permitted retail and service uses be retained.

Vice Chair Do opened discussion on Increased Residential Density and Maximized Development Proposals.

Commissioner Ehrich said with the addition of design guidelines for the R-3 and R-4 properties he understood one intention of those was to accelerate development by providing certainty to developers. He asked for a quick explanation of how that would work.

Planner Smith said setting objective design standards gave a developer greater clarity about how they could exactly meet a design that could be developed without subjecting it to an open ended architectural control process. He said it set out early on in the process a way to comply with the city's standards for a building that met the community's interests.

Commissioner Ehrich asked if a developer followed the standards whether they then would not have to get Planning Commission review or an architectural control permit or whether it was that staff would approve if faster.

Assistant City Attorney Wagner said the purpose behind the objective design and development standards was the certainty for an applicant that if they designed their project to those standards that their project was approvable.

Commissioner Ferrick said she wanted to comment but there was a parcel that her residence might be within a certain distance of, so she was curious about potential conflict of interest.

Ms. Wagner said her office worked with city staff to look at all the property owned by the commissioners and looked at properties within 500 and 1,000 feet of property Commissioner Ferrick owned. She said she did not believe that any conflicts were identified.

Commissioner Ferrick asked what the expedited process would be with design standards and whether Planning Commission or architectural review would be bypassed.

Ms. Wagner said the level of review was spelled out in the ordinance whether it was Planning Commission review, by right review or a staff level review. She said no matter who was reviewing residential development projects they could only apply objective design and development standards.

Commissioner Ferrick said in the city's history that design guidelines typically had been used to express sort of an aesthetic preference for a type of building and not necessarily to accelerate development. She asked if there was a way to convey that in this update to the state, so they understood the reason the city had design standards was to support a more accelerated process for development.

Planner Smith said he thought it was becoming more and more common in jurisdictions throughout the state to see such object design standards and that HCD he thought liked to see these kinds of things. He said there was an understanding that providing these upfront in the zoning was a way of

providing additional assurance to a developer. He said there would still be an architectural control process. He said how it was set up now in the zoning ordinance was anything that was not a single-family or two-family building would need architectural control, but the developer would have the objective design standards.

Commissioner Schindler said she fully supported including the residential design standards and the green and sustainable building provisions and was glad to see it added for this denser residential side of things to match some of the mixed-use design standards that were also included later in the proposals. She said she did not have any concerns about the minor updates to the bicycle parking requirements. She said the language looked reflective of the ideas discussed in October.

Vice Chair Do said it felt like everything was consistent with the direction they discussed two weeks prior. She opened discussion on the topic of Modify the El Camino Real Downtown Specific Plan.

Commissioner Ferrick said they discussed increasing density in August to 100 dwelling units per acre and it was possible to take advantage of different bonuses. She asked if in the future they were to increase that density to the 150 dwelling units if that was desired whether projects would be eligible for even greater density bonuses.

Planner Smith said the state density bonus law would always be in addition to whatever the city was allowing. He said the other provision he thought was AB 2324 allowed additional unlimited density for 100% affordable housing development and the additional height would be on top of whatever height the city had set for the district. He said the only thing that would not be set up that way was the AHO, which sort of had set caps.

Commissioner Ferrick noted comments and emails from people that wanted the city to go further with density. She said she felt really comfortable that given the layering this was a solid place to be.

Vice Chair Do said she believed as it was now that up to 100 dwelling units per acre were allowed and some community members had asked that be the base. She said she appreciated community members' comments on these matters.

Commissioner Schindler said continued discussion of additional densities was one of the great ideas that they would retain to look at in the future. She expressed enthusiasm for moving into the execution phase of the Housing Element. She said she appreciated the language proposed as an amendment to the Specific Plan as it went into more detail about the emphasis on developing the parking lots. She said she thought there was a healthy balance between the city's commitment to offer parking for retail, commercial and business uses, and support community need and also development of that property. She said she had no concerns about the other additions or specific language in these sections.

Vice Chair Do said she believed last time that there was not a lot of discussion on the remaining topics of reuse sites, residential overlay and childcare. She said if commissioners had comments, she suggested that they just go ahead and comment on any of the three.

Commissioner Ferrick asked if childcare in family homes for up to 14 children would be ministerially reviewed whether there was some sort of square footage allocation or amenities criteria that would be met to make sure it was a safe and appropriate place for such use.

Planner Smith said these home daycares would still need to go through a state licensing process and the state had certain criteria set. He said the state was taking any additional requirements that the city had placed on those away essentially.

Commissioner Schindler said on those three topics she did not have any questions on the language used to express the concepts discussed in October.

Vice Chair Do said it was reassuring to know that the state licensing for home childcare would be in place and the explanation that it could not be treated differently from a home basically.

Commissioner Ehrich said he attended a planning commission workshop last Monday in San Mateo sponsored by the American Planning Association and some county organizations, which was great. He noted one comment made that seemed wise to suggest that as cities came to the end of this planning process that they start looking toward the next one with what had been learned. He said in that spirit, he wanted to mention two things for the record. He suggested that they be very thoughtful next time about how they structured any environmental impact report that they did around the RHNA. He said in his experience the way the EIR was structured had constrained some optionality that they would have had. He said second there had been considerable discussion in the process around what was a reasonable expectation of developers taking advantage of the zoning that was being put in place. He said he hoped that when they went through this process next time and even before that that they would use the empirical experience they would have as to whether or not developers took advantage of the zoning that was being put in place, set realistic targets and put in place zoning that they would have even higher confidence would result in the housing they wanted in the city and were required to put into place.

Commissioner Ferrick asked if staff had been able to review any other cities of similar characteristics as Menlo Park that had had Housing Elements certified. She said the submittal looked great to her, but she did not know what to compare it to. She said she would like staff's perspective on whether they had gotten it to a place to be certified.

Planner Smith said the Housing Element itself was submitted late last week on Friday to HCD. He said sort of halfway through the process the reviewer from the state had changed and they had started to get some different perspectives midway that had been a bit challenging to deal with. He said toward the end though that HCD had been very accommodating in working with city staff proactively to address HCD's concerns and the comments they still had. He said they met with HCD staff and received some email correspondences with some indications that made them feel pretty good with the Housing Element submittal they turned back in. He said they were hopeful that would result in certification of the Housing Element. He said the zoning process they were going through now was an indication that that the city was serious about acting on its commitments and moving forward with the programs that they said they were going to do.

Commissioner Schindler said in light of Commissioner Ferrick's question and concerns she wanted to mention an element of the staff report that they had not yet discussed, and that was the addendum of the SEIR. She said this was a topic of frequent discussion, feedback, and some public comment. She said she would offer her dramatically simplified interpretation of what those 50-ish pages said and would appreciate it if staff would correct if she oversimplified or incorrectly simplified. She said the recent enhancements to the Housing Element and the minor idea changes they had been discussing since August through these last two meetings would be expected to potentially result in additional housing being produced but that the impact of that additional housing would not

be meaningfully different from the risk already contemplated by the SEIR. She said the risk mitigation steps that were required already by the EIR would not need to change to reduce the risk of that incremental housing.

Planner Smith said Commissioner Schindler's explanation was well stated.

Vice Chair Do said she appreciated in the language a very noticeable shift from preserving to more emphasis on vibrancy and diversity.

ACTION: Motion and second (Schindler/Ehrich) to adopt the resolution in Attachment A and all of its exhibits and recommend to the City Council to make the proposed amendments to the General Plan, Specific Plan and Zoning Ordinances; passes 4-0 with Commissioners Barnes, Harris and Riggs absent.

G. Informational Items

G1. Future Planning Commission Meetings

- Regular Meeting: November 13, 2023

This agenda would have several single-family home projects and one substantial conformance memo.

- Regular Meeting: December 4, 2023

Commissioner Ferrick noted a couple of topics that had been requested to come to the commission for discussion: one was whether single-family house remodels needed to have commission review and the second was potentially revisiting the start time of the commission meetings.

Ms. Chow said they could certainly look at the meeting start time. She said looking at the overall process used for single family home review was definitely a much larger policy question that would be directed by the City Council if that was something it would like staff to work on.

H. Adjournment

Vice Chair Do adjourned the meeting at 8:32 p.m.

Staff Liaison: Deanna Chow, Assistant Community Development Director

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on January 8, 2024