



PLANNING COMMISSION MINUTES

SPECIAL MEETING

**April 29, 2013 at 7:00 p.m.
City Council Chambers
701 Laurel Street, Menlo Park, CA 94025**

CALL TO ORDER – 7:00 p.m.

ROLL CALL – Bressler, Eiref, Ferrick (Chair), Kadvany (Vice Chair), O'Malley, Onken, Riggs

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Bill McClure, City Attorney; Justin Murphy, Development Services Manager; Leigh Prince, City Attorney

A. REPORTS AND ANNOUNCEMENTS

There were none.

B. PUBLIC COMMENTS

Mr. Peter Colby, Partridge Avenue, said in reference to the 712 Partridge Avenue project continued by the Commission on March 4, 2013 that there was a heritage tree essentially on his property and the project property. He said he hoped the tree would be protected but he was concerned there would be paving around its roots. He noted the property had lost a large oak tree the year before. He said it might be helpful if the houses could be shifted to better protect the tree.

Commissioner O'Malley said he had served on the Commission for a long time and it was with a sense of purpose. He said he retired in 2004 from employment and had spent almost 10 years since then serving the City. He said he appreciated the honor to do that very much. He said he had attended 250 or so Commission meetings which he thought was an accomplishment but realized that all the other Commissioners would do the same through their tenure. He said he had met wonderful people on the Commission and the Council, and staff was great. He said during his time with this Commission and the Housing Commission they had major accomplishments because of their ability to listen and work with people, and get people of opposing views to come to a resolution. He said they had worked on very large projects including the Specific Plan, the Housing Element, the Gateway, Safeway, Facebook, Cadillac and Beltramo's projects and hundreds of other smaller projects on which the Commission has done a great job. He said he has been honored and pleased to work with this Commission. He said he has learned a lot including the Brown Act, which he thought was very important to have so the public was ensured nothing was happening behind the scenes. He said this Commission and Council were very honorable. He said he learned how to fairly

deal with what he called the vocal minority and email deluges. He said if the City solved the problem of traffic everything else would be easy. He said he thought this was something they needed to evaluate differently. He said the City has not attracted commercial business, and those two things were the City's two major problems. He said if he had been paid to serve he would have earned every penny and if the other Commissioners had been paid to serve they would have earned very penny as well.

C. REGULAR BUSINESS

C1. Housing Element Update, Open Space, Conservation, Noise and Safety Element Update General Plan Land Use Element Amendment, Zoning Ordinance Amendment, Rezoning, Environmental Review:

The Planning Commission will consider and make recommendations on the following components of the project:

- **General Plan Amendments** -- Incorporate the updated Housing Element into the General Plan; update the Open Space and Conservation, Noise and Safety Elements for consistency with the Housing Element and State law; modify the Land Use and Circulation Element for consistency; and change the land use designation of four sites (1200 and 1300 blocks of Willow Road, 700-800 blocks of Hamilton Avenue and 3600 block of Haven Avenue) for higher density housing.
- **Zoning Ordinance Amendments** -- Create new zoning district and design standards for higher density housing on key sites that could result in up to net new 894 dwelling units; create an Affordable Housing Overlay Zone for key sites and the El Camino Real/Downtown Specific Plan area to establish density bonuses and other incentives for affordable housing; create an implementing ordinance for the State Density Bonus Law and consider certain incentives such as increases to the base density in exchange for structured parking; modify the R-3 zoning district to provide greater opportunities for infill housing in designated areas around the El Camino Real/Downtown Specific Plan area by increasing the maximum density to 30 dwelling units per acre on lots 10,000 square feet or greater; modify the secondary dwelling unit development standards pertaining to single-family residential lots 6,000 square feet or greater in size throughout the City to encourage the creation of more units; and modify other provisions of the Zoning Ordinance relating to definitions, parking, non-conforming provisions, accessory buildings, etc., as necessary for consistency with other changes to the Zoning Ordinance.
- **Rezoning** -- Rezone four sites (1200 and 1300 blocks of Willow Road, 700-800 blocks of Hamilton Avenue and 3600 block of Haven Avenue) for higher density housing

- **Environmental Review** -- Review of the Environmental Assessment prepared for the project.

Development Services Manager Murphy said this meeting was a continuance of the April 22, 2013 Planning Commission meeting. He said the Commission was being asked to review new material since the previous meeting, the potential options in the staff report mainly related to the Housing Element update itself, and other material including the Environmental Assessment (EA), General Plan consistency update, zoning ordinance amendments and rezoning, and making recommendations on those. He noted that they had split the EA resolution into two items related to the certification of the EA and the findings and the mitigation and monitoring reporting program and a separate item related to the Statement of Overriding Considerations. He said the heading of "Issues, Questions, Options" was found on each of the slides being presented. He said the question for the Statement of Overriding Considerations was whether the benefits of the Housing Element's components outweighed environmental impacts. He said regarding item 3, the Housing Element itself, the staff report included errata number 2 that proposed some additional modifications to policies and programs, somewhat based on the Commission's discussion last week and also continuing to prepare the document in a way that it was eligible for certification. He said there was a need for additional explanation of the development feasibility of some of the housing opportunity sites.

Development Services Manager Murphy said item 4 in the staff report, General Plan consistency, also corresponded to Attachment D and included an update of the Open Space Conservation Noise and Safety Elements, modification to some of the land use designation related to residential and limited industry, cleanup items regarding correspondence between some land use designations, and some zoning classifications, and thirdly a change to the land use map related to the sites recommended for rezoning. He said the next slide related to the new R 4 S zoning district, item 5 in the recommendations, corresponded to Attachment E and which would implement one of the Housing Element's two programs. He said also flagged for discussion was the potential of exploring some incidental mixed use, issue of building façade height, the proposed developments regulations, which was different from the design standards, the design standards, and steps for compliance review procedures. He said items 6 and 7 were the Affordable Housing Overlay Zone (Overlay), Attachment F, and State Density Bonus law (Density Bonus). He said there was information highlighted to clarify the intent of the Overlay as it related to the El Camino Real Specific Plan (Plan). He said there was a section about the applicability of the Overlay and some clarifications about Floor Area Ratio (FAR) and other key element requirements in the Plan. He said some of this was focused on the overarching theme of the Plan related to connectivity and sidewalks. He said the items highlighted were areas where they wanted to be explicit about the need to comply with those requirements. He said an area that might need continued consideration after this meeting was the concept of maximum FAR. He said they were proposing through this density bonus that the actual FAR would be capped but the public benefits levels might be appropriate in most of the districts. He said after working through those issues they would also recommend carrying over some of the

items to the State Density Bonus law as those required more analysis given that the Overlay zone was something that the City was proposing. He said they have more ability to customize that whereas Density Bonus was a matter of implementing the state requirements.

Development Services Manager Murphy said item 8 was the R3 District, Attachment H. He said this was now contained in Errata #2 to the Housing Element which would modify Program H4A to establish a maximum of 70 units in the near term and would trigger a review once that 70 unit limit was achieved. He said Secondary Dwelling Units (Second Units) was item 9 and Attachment I. He said an option proposed was related to whether the Commission wanted a comparable checking as contemplated for R3. He said if so that change would be to the Housing Element Program H4E. He said the next related to a request to modify language as it related to a secondary access point and a few options were outlined for the Commission's consideration. He said there were six items under development regulations and an attachment to the staff report that summarized the various issues and options. He said items 10, 11, and 12 refer to the three geographical areas of Willow Road, Hamilton and Haven Avenues. He said a property owner had expressed a desire to not have their property rezoned. He said the last item was a cleanup item related to eliminating zoning districts. He said there was a series of correspondences that summarized everything since the April 9 meeting with most current correspondence on the top. He said there was a sixth piece of correspondence from Willie May of Mid-Pen Housing. He said to recap there was this meeting, and then the May 21 and June 4 meetings of the City Council. He said the key immediate milestone was the Planning Commission making recommendations so the public hearing notice can go out for the May 21 Council meeting.

Questions of Staff: Chair Ferrick asked about the highlighted items in the ordinance related to the Specific Plan exemptions. City Attorney Prince said they had had a discussion that day about how the Specific Plan related to the Overlay as it would apply to the Specific Plan area. She said there was a sense that there were elements of the Plan that needed to stay as they were. She said the section in 040 was about modifications that could be made in terms of incentives with FAR, setbacks, and building heights. She said this Specific Plan exemption was saying that there were certain elements of the Plan that could not be modified even as an incentive so that the maximum FAR shall be limited to maximum public benefit levels, the front and side setbacks facing a front right of way were an important issue, as were the building height, massing and modulation. She said they were identifying elements of the Plan that they did not want subject to modifications from the Overlay. She said they were proposing adding to the ordinance that the Overlay applied to the Specific Plan area and the R-4-S zones only.

Commissioner Bressler said an applicant with the Overlay could get to maximum FAR without the need to provide a public benefit and there would be no negotiation process. He asked what else there would be after the exemptions were removed. City Attorney Prince said there was still the ability to modify the parking requirements for contiguous parcels and the incentive to combine. Commissioner Bressler asked about architectural

review. City Attorney McClure said they incorporated an architectural comment into the R-4-S so it was review and comment but not discretionary review. Commissioner Bressler asked if there was still architectural control review for the Plan area. City Attorney McClure said that was correct.

Responding to a question from Commissioner Kadvany, Development Services Manager Murphy said in the Plan areas of the Downtown adjacent, Station Area East and West, and Downtown, the FAR bonus would be less than 35% which would be less than Density Bonus law. He said what was more complicated with the Plan than other solely residential zoning district was the mixed use component. He said some sites in the Plan area might be suitable for all residential development but others were possibly not.

Commissioner Bressler asked if in the Plan area with the Overlay if retail would be possible in the first floor of a development. Development Services Manager Murphy said that they were differentiating between the housing opportunity sites in the Plan area as they were accounting for mixed use in the Plan. He said they wanted to make sure that they were not discouraging first floor retail.

Chair Ferrick said the Commission had appointed a subcommittee to look at design standards for the R-4-S zone. Commissioner Kadvany said they had received several emails from property owners of some of the potential properties critiquing the subcommittee's draft proposals. He said this was very useful commentary and they could discuss that. He said the subcommittee framed the modifications in terms of so called measurable and objective criteria. He said the main issues they addressed were ones that were discussed in the staff report very well. He said they could not say their proposals were perfect but probably some were worth retaining. He said they operated from the perspective of all of the large properties in the City – along Willow Road were three properties, the Haven property and the Hamilton property as well as potential future applications within this zoning. He said the responses they received were from the perspective of individual property owners and there was overlap but also differences. He said staff had provided useful commentary. He said everything they were proposing was listed in Attachment "O" to the staff report. He said façade height reflected their view on different properties as they did not think all were suitable for three-story façade height. He said also applicants have ample opportunity through the use permit process with whatever proposal they wanted. He said not having that process made them risk adverse.

Mr. Steve Pierce, Principal of Greenheart Land Company, and lifetime Menlo Park resident, said they owned property on Hamilton Avenue. He said their goal was to build excellent housing on the Hamilton Avenue properties, and what was most important was the aesthetic. He said there were some design standards being proposed that they did not think were appropriate and were too granular, would not result in better architecture necessarily, and might have unexpected consequences. He said one standard was to limit stucco to 50% which seemed to state that good projects had no more than 50% stucco. He said the Allied Arts buildings were 100% stucco. He said

there were unintended consequences that occurred when micromanaging projects. He said another standard proposed that buildings on the street have major entries on that street. He said for their project which was a three-story garden walk up would have multiple buildings with different orientations on the site and multiple entries into the building. He said having a large entry on the street would not work for their project. He said some of the proposed design standards were not desirable and would not produce good architecture and in some cases would force projects into more homogeneity when asking more buildings to fit the same standards. He recommended avoiding very detailed standards and noted his letter had more specificity about those standards to be avoided. He said he had designed many buildings and been in the business for a long time; he said his sincere belief was that they would not get better architecture and not necessarily get better buildings by getting so deep into the details of the standards. He said he thought the community would get better products when they allowed the architects the flexibility they need to design to the product, the site and style of architecture they were using and not try to micro-figure out in advance what the issues would be and how we wanted people to design those buildings.

Ms. Diane Reddy, Redwood City, said her comments were intended to be supportive. She said she was with the Housing Leadership Council and Peninsula Interfaith Action. She said in talking with Belle Haven residents she understood there was concern about affordable housing being focused in that area. She said she agreed housing should be spread out in the community, but noted 14,000 workers come into Menlo Park every day and as many as half of the Facebook employees for instance qualify for some aspect of affordable housing. She said it was critical to have affordable housing throughout the community. She said she witnessed very many of the Redwood City formerly affordable apartments being taken over by market rate developers and an unfortunate gentrification of her own community. She said in East Palo Alto they have had a huge loss of affordable housing. She said in protecting the community in Belle Haven they needed to protect any plans for deed restricted affordable housing in Belle Haven or wherever it might be offered. She requested that affordable housing be supported.

Mr. Mark Moulton, Executive Officer of the Housing Leadership Council, said the Commission's investigation and correspondence over the last week was interesting. He said taking the long view they had the opportunity to take advantage of some clear opportunities to use the law to do some by right zoning higher density in one part of the City. He said for the next Housing Element people would be more familiar with the conversation and would not necessarily select all such sites in one place. He urged them to take the advantage of affordable housing, noting it was needed as much if not more than ever on the Peninsula.

Ms. Marta Nichols, Menlo Park, said she wanted to comment on Mr. Sinnott's recommendation proposing some driveway conditions for the Housing Element. She said she agreed with staff's conclusion that secondary access was not a constraint to housing production in Menlo Park. She said Mr. Sinnott was clearly interested in City codes that benefited his project. She said adding language regarding driveway access to the Housing Element was an attempt to legitimize the driveway he was hoping to

build from his property on Santa Cruz Avenue onto Louise Street. She said she concurred with the speaker from Greenheart Land that less detailed standards were often consistent with good architecture and nothing in the current codes prevented access onto for example the Willows alleys. She said she did not think code required a second dwelling unit to have a separate driveway for access. She said the current codes did not do anything to constrain housing production. She said unique situations required review on a case by case basis.

Chair Ferrick closed the public hearing.

Commission Comment: Chair Ferrick said at the April 22, 2013 meeting. staff had made a suggestion to consider the Environmental Assessment (EA) last. She suggested considering the more specific items listed in the presentation further down on the list and which could inform the first more overarching items listed. She also suggested starting with item 5 on which the subcommittee had proposed changes, and then consider items 3, 4, 2 and 1. Development Services Manager Murphy said that made sense for the Commission's consideration but noted that the Council would vote on the items in a different order. Chair Ferrick said she was okay voting on the EA first but staff had suggested doing it last. City Attorney McClure said staff tried to make it easier for the Commission by breaking out the Statement of Overriding Considerations from the EA.

Zoning Ordinance Amendments and Rezonings

5. Introduce an Ordinance of the City of Menlo Park, Amending Title 16 of the Menlo Park Municipal Code to Incorporate the R-4-S (High Density Residential, Special) District (Attachment E), which implements Housing Element Programs H4.I and H4.O.

Chair Ferrick asked the subcommittee and Commissioners to comment on the suggested changes offered by the subcommittee and any other comments. Commissioner Kadvany said he liked the discussion in the staff report on the potential for incidental mixed use and the desire to incorporate that. He said they understood it was tentative noting the state Density Bonus law (Density Bonus) but thought it was great to include. He said perhaps they could add that it was added to a list of topics to take up with Rich Gordon regarding the state policy initiative. He said he liked the steps for the advisory compliance review procedure. He said he assumed that if someone went through use permit process they would go through the same thing. City Attorney McClure said for architectural control or use permit whether it was major or minor modifications that would replace the compliance review process. Commissioner Kadvany said staff provided a paragraph on divided lights standards as did Commissioner Onken. He said those were the three easy changes.

Commissioner Onken said the subcommittee had concerns with the maximum façade height and he was not sure they had resolved that. He said in the table of the regulations that the maximum building height remained at 40 foot but maximum façade

height street facing before it stepped back was changed by the subcommittee from 32 foot to 25 foot with the question whether three stories in a 32 foot height façade should be at the street or prevented. He said each of the four R-4-S sites were very different in terms of their capacity for a good three-story front façade. He said the ones along Willow Road might work really well. He said for the Hamilton Avenue site they were concerned this would be suddenly dominant for that neighborhood and would be better stepped back. He said they had a placeholder of 25 foot, which was a two-story plus front façade. He said it would step back to the third story with a maximum height of 40 foot. He said there was difficulty in defining “roughness” for the ground floor. He said when they did not have the opportunity to either manage buildings or legislate on a site-by-site basis they had a duty and concern to mitigate the possibilities of graffiti. He said one treatment was to paint over graffiti however frequently a building was tagged which they had no control over or to make the building unsuitable for graffiti. He said the advice from many other cities and law enforcement was that surfaces needed to be rough and in a darker color. He said with that they attempted to define “roughness” and the idea that it be dark in color. He said this was a starting point for language to fight back against graffiti.

Chair Ferrick said she thought requiring setback and landscaping was a preventative measure against graffiti as it would make the building hard to reach the building. Commissioner Onken said that trees die or the stucco continues to present a nice white canvas and they needed a built in standard for that situation.

Commissioner Riggs said he appreciated the changes in 040 to prevent height changes in the El Camino Real Downtown Specific Plan area (Plan). He said he noticed unlimited mixed use was attempted in the standards which he supported. He said he appreciated the effort to support divided lights. He said he had emailed Planner Chow that given they would probably have dual glazed windows that it was as important to have the interior dividers as well as the exterior surface grid. He said he was assuming those were on their actions for this evening.

Commissioner Riggs said regarding Secondary Dwelling Units (Second Units) that there was Commissioner concern about what was being allowed or restricted. He said the idea was to encourage the building of Second Units and the first step to do that was removing the Planning Commission’s consideration of that development. He said which was why the Housing Element asked for nondiscretionary approval for its goals. He said he would like to propose that Second Units were an allowed not conditional use, but to address the concerns with this current proposal having a 12-foot six-inch wall height and 17-foot peak roof height by changing the allowed use to continue with the nine-foot wall height noting he had no problem with the 17-foot peak roof height. He said conditional approval would be needed to get the 12-foot six-inch wall height or to depart from the aesthetic of the existing home.

Chair Ferrick said they would discuss Second Units later but were focusing on R-S-4 currently.

Commissioner Riggs said regarding the R-S-4 zone that he wanted to see the stucco limited, windows recessed, have the upper story setback a single setback, and have front façade limited to two-stories under the base approval. He said the subcommittee also suggested that if the building was otherwise allowed four stories or greater that the two story façade be allowed to go to three stories to keep proportions logical. He said he had no problem with the 35% front façade projection but to have that broken up so there was not one big projection overhanging into the setback. He asked where he would find the four items he expected to see in Section O. Planner Chow said in Attachment O, page O8, item A4 limitation of stucco to 50%, 5A5 was window recess; footnote to item number 2 explaining that if height was increased through the application of Density Bonus or Affordable Housing Overlay (Overlay) that façade height would be increased but without the specifics of a third story façade height if the building went to four stories. She said they could provide clarification on that. She said one other clarification on O3 for footnote to item number 2 which said “Affordable Housing Overlay and State Density Bonus Law” should state “or” rather than “and.” Commissioner Riggs said he was suggesting that if a building was allowed to be greater than three stories that the façade height could be three stories. He said if the language was kept general he was concerned there could be unforeseen consequences. Planner Chow said they were open to greater explicitness and whether it should be tied to stories or height. Commissioner Riggs said staff was much more familiar with the wording and what could happen with the wording.

Chair Ferrick suggested that for buildings allowed to be three stories that the façade height was 25 feet and for buildings allowed to be four stories that the façade height was 40 feet. Commissioner Riggs said he thought that was the simplest way to phrase it. City Attorney McClure said he understood that where the façade was two stories it was 25 feet and where three stories it would be 32 feet. Commissioner Riggs said Chair Ferrick was describing the overall building height. Chair Ferrick said when the overall building height was allowed at three stories the building façade should be limited to a 25-foot height. City Attorney McClure said the maximum overall height no matter the number of stories was 40 feet. He said they understood the Commission’s concept. He said there was public comment they needed to take into account on that issue. He said the concept was that a two-story façade would be accommodated within 25 foot height. He said if the Density Bonus or Overlay allowed a higher density the building façade could go to three stories or 32 feet. Commissioner Riggs said he thought they had determined that by application of the Density Bonus or Overlay that the overall building height could exceed 40 feet. City Attorney McClure said that was correct but Chair Ferrick was referring to 40 feet overall with a 32 foot high façade. Chair Ferrick said she had indicated four stories would be allowed a 32-foot façade and to combine that with the overall height of 40-foot.

Chair Ferrick said one of the speakers had spoken about many different entries and facades to buildings. Commissioner Riggs said he had raised the issue of whether a building only oriented to one face. He said that might be relevant on Willow Road but on Haven Avenue not as there were likely going to be a collection of building footprints scattered on the site trying to invoke a park like setting. He said they needed to qualify

or request for the street face to have an entry and the façade from the Plan addresses the street except for deeper lots that would not apply. Commissioner Onken said this could be cleaned up by stating façade height was the height at the setback line. Commissioner Riggs said that a proposal like that related to the Plan raised outcry as people did not want to see a tall façade at the sidewalk as the applicant had decided he would set the entire building back and pave the front of his lot implying a sidewalk, and had set himself up as a target. He said they might want to clarify that it applied to a building within certain number of feet from the property line, and specifically the street front property line. He suggested a façade height limitation applied to a building face that was within 15 feet of the property line so there was sufficient area to plant trees. He said if an applicant chose a 25-foot façade for four stories it was his opinion that they would not want to see this one directional wedding cake form. He asked other than modifying the graphic how they could ensure that they did not get that type of “stair-stepping.”

Planner Chow said Attachment O was the subcommittee’s changes and staff had not changed the language. She said if the Commission would like to add modifications to the design standards staff would work to do that. She said they had not added things brought up at the Commission meeting about design standards but worked from the list developed by the subcommittee. Commissioner Riggs said he had brought it up at the meeting and Commissioner Kadvany had queried the subcommittee as to what had happened to his (Commissioner Riggs’) stair stepping issue. Chair Ferrick asked if the projections and modulations proposed could take care of that. Commissioner Riggs said on O7 that wedding cake look was what they wanted to avoid. Commissioner Onken said with a 25-foot height façade and overall maximum 40-foot height that two stories could not be accomplished between those two heights. Commissioner Riggs said the maximum overall height could be exceeded under certain conditions. City Attorney McClure said with application of the Overlay there could be an overall height in excess of 40 feet and if the developer chose to limit the street frontage to 25 foot height they could in theory have another 25-foot height of two floors stepping back. Commissioner Riggs said if the Commission was concerned with his suggestion to specifically avoid stair stepping effect compromising the building design process that Chair Ferrick’s suggestion to remove the one graphic and keep the other was a good alternative.

Chair Ferrick asked about the standards for the external walls on page O8. She said there seemed to be conflicts between the limitations on stucco and if using stucco it had to be smooth but the ground level had to be rough. Commissioner Onken said that they were not mandating stucco should be used on the first floor. Chair Ferrick asked about limiting the amount of stucco. Commissioner Riggs said where there was no discretion they wanted rules that would allow the least visual transgressions that were predictable. He said there was not only the possibility to ask for architectural control instead but he hoped that in the guidelines they would encourage it. He said staff has included a nonbinding form of architectural review and the process would essentially be the same as the developer would still have the presentation to make, the time involved and whatever City fees charged, so the only difference was whether or not it came to

Commission for design. He said he hoped their design guidelines would at the least have a sentence encouraging good design and that it could be better than what the standards would force upon the developer. He said to the comment as to why restrict stucco when all of Allied Arts was stucco he agreed there were some fantastic stucco buildings in the City, and the Commission has reviewed and approved some very nice stucco projects for El Camino Real although neither were built. He said the design standards were not prevention but were the legally required path for a project to move forward without review. Chair Ferrick said her question was why stucco was singled out. Commissioner Riggs said stucco was the cheapest building that could be done short of concrete walls, and without good detailing could look pretty bad. Chair Ferrick said the purpose of the stucco limitation was not to encourage using the cheapest possible materials but to encourage the use of better quality building materials. Commissioner Riggs said having a second building material would break up the block effect that could occur with all stucco. Chair Ferrick asked if the 50% was his best estimate of the point at which other material would be needed to create a better effect. Commissioner Riggs said that a great outcome would be for developers to present projects to the Commission that proved the standards wrong, which based on the time under the allowed process would not take greater time. Commissioner Onken said if the Commission agreed with wanting rough and undulating face for all of these buildings and by the time add in windows and doors to a façade on two stories then whatever wall was left was well below 50% (stucco). He said that having 50% limit on stucco was perhaps too restrictive and not needed. Commissioner Riggs said he understood the intention to address graffiti but he was not sure it was aesthetically worth it. He said it might be better to plant holly oaks around the building or have a material that was readily cleaned. He said they might be worrying too much and stereotyping the buildings that they would have graffiti. He said they were looking at breaking up large surfaces and there were setbacks. He said he was not a fan of defensible materials as those were obvious from a block away.

Chair Ferrick said since there was not a clear consensus on stucco she was looking at open space standards and thought they should indicate that landscaping in the setback areas should define and enhance pedestrian open spaces, provide visual interest to streets and sidewalks particularly where facades were long walls, and that planting materials should be attractive, durable, and drought resistant. She said landscaping could resolve the graffiti concerns. She said they perhaps should encourage low height landscaping closer to the first floor building. Commissioner Riggs said one way to take away the reward of graffiti was removing visibility from the street by fences or hedges.

Chair Ferrick asked if with the specificity to the amount of stucco if the state would see that as restricting housing development. City Attorney McClure said he did not think so. Chair Ferrick asked about specifying landscaping on the ground floor to protect walls and discouraging potential graffiti so it does not look like defensible materials. City Attorney McClure said he did not know if this was constricting nor did he know how enforceable it would be without some detail, or what the implications would be. Chair Ferrick said she was trying to accomplish a nice looking set of homes and had heard

from the public about the desire for high quality landscaping. She said she was concerned about using rough finish on the first floors

Commissioner Kadvany said there was a suggestion in one of the emails to amend their proposal for front, side and rear setback areas to be developed with a variety of landscaping. He said also there was a suggestion to state a minimum average of spacing for trees rather than 20 feet. He said also 24-inch boxes were suggested rather than 15-gallon trees. He said there was a comment to keep street trees if they were healthy and working. He said the language staff suggested for façade and building height for Density Bonus or Overlay projects made sense, and if that could be combined with Commissioner Riggs' comment to not have double setbacks on the upper stories that would be optimal.

Chair Ferrick asked if there was consensus on the façade and overall building heights.

Commissioner Bressler said the whole issue came down to placing restrictions for a somewhat discretionary review and have that accepted by the state. He said he was not too sympathetic to people who stated this would end in bad design unless everyone knew that they could bring different designs forward to the Planning Commission. He said these were big projects and he had no sympathy for someone saying they would have a bad design because of these standards. He said if they had a bad design then they should bring what they wanted for Commission review and approval. He said he agreed that what was proposed was appropriate if it allowed for certification by the state and provided some opportunity for them to review projects. Commissioner Kadvany said he pretty much agreed with Commissioner Bressler. He said he would like some decisions about the listed bullet points or they could go with what they had proposed. Commissioner Riggs said he thought staff was making notes of what was being said related to those proposals. He said related to projections that he wanted those broken up similar to the image on O4. He said he had suggested that no individual projection be more than 15% of the façade width. Chair Ferrick said she did not think they heard anything back on that proposal.

Commissioner Eiref said he was generally supportive of everything he had heard thus far.

Commissioner Kadvany said he had suggested some modifications to landscaping and did not know if staff could adjust those. He said related to the façade modulations that even with the lower numbers they had put he did not know how often they would come into effect for building sizes, thus he was not sure they needed to change those. He said he heard comments from the emails about artificial devices in the design but he thought they should see what happened. He said regarding building entryways that there should be modifications only for those facing public spaces and not internally. He said regarding bicycle parking that, if provided within a parking structure, it should be within a reasonable distance to the entry point for residential units. He said if they did something else with bicycle parking that was up to the developer.

Commissioner Bressler said his biggest issue was that this would eliminate public benefit in the Plan area which pretty much eliminated the reason why they developed the Plan. He said the concept of building attractive public spaces under the Plan was destroyed with housing development rezoning under the Density Bonus and Overlay. He said it would be a shock to the community and he could not support this.

Commissioner Riggs said they were trading the public benefit for the increased housing. He said this would appear legally required and asked if there were options.

City Attorney McClure said they had been discussing R-4-S and now were talking about the Overlay and those were two different issues. He said regarding the application of the Overlay to the Plan area that in providing affordable housing to the level of the Overlay qualified as public benefit. He said this was one of the items specifically discussed as part of the Plan process as an example of public benefit. He said it did not allow for public benefit to increase density of the nonresidential portion of a project. He said if someone wanted to increase the density of the nonresidential part of the project (Plan area) they would have to apply and qualify for other public benefit method to do so. He said he understood that affordable housing through the Plan process was identified as public benefit through the determination of what level of affordability qualified as public benefit.

Chair Ferrick noted that the Overlay ordinance was item 6 and they were now focusing on item 5 related to the R-4-S and the subcommittee's proposals related to the design standards. She said they had reviewed those and she was looking for a motion to move forward to the City Council for approval.

Commissioner Riggs said he would move to recommend approval of the R-4-S rezoning with the proposed additions to the design standards in Attachment O but wanted staff to review the points made this evening about those. Planner Chow said they would look at moving forward Attachment O with enhancements to the language including add divided lights as suggested by staff with inserting language related to internal grids for windows; add language to clarify that the upper floor is limited to one floor to avoid tiered wedding cake approach, and using the example photo on page O7. She said for landscaping noting page 04 they would change the language to an average minimum distance between trees. Commissioners Kadvany and Riggs noted the landscape comments made in the Greenheart Land letter including maintaining street trees in the right of way subject to City Arborist approval. Planner Chow noted that the concept of the separation of trees by 25 foot was not intended to imply linear planting of trees within the front landscape areas but rather to determine the number of trees possible. Commissioner Kadvany said they were comfortable with average minimum distance of 20 feet. Planner Chow asked if the Commission wanted including street trees as part of the total number of trees. She said landscaping would need to be provided on the front, side and rear setbacks but the tree minimum would be along the public right of way. Commissioner Riggs said for these big lots they would want trees for the residents and visitors. He said there seemed to be Commission consensus to have trees throughout the properties and a variety of landscaping but perhaps not specify trees at 20 foot

distances all the way around. He suggested at 40 feet on the side and rear property lines. Chair Ferrick said she wanted to insure lush landscaping for the residents and the neighbors. Commissioner Kadvany said he did not think 20 feet was too much to ask.

City Attorney McClure said to the extent this would require anyone to come back to vary anything that this would kick the project into a full CEQA process. He said no one would ask for a change unless it was really impacting their ability to build a project. He said they should not assume it would be easy for the applicant to ask for a change. He said if the project went from a nondiscretionary approval process to a discretionary project that required a CEQA finding as discretionary projects were subject to CEQA with the question of what level of CEQA analysis would be required.

There was Commission consensus that trees at a 20 foot average distance were specified for front property lines and at 40 foot average distance at side and rear property lines.

Planner Chow said there was a specified desire that no front projection should be greater than 15% of the façade width totaling 35% of the façade width in all. There was consensus. Planner Chow noted building entry language was to be modified limiting the requirement for building entry size to just buildings facing the public street and not all buildings on the project site. There was consensus. Planner Chow asked if Commissioner Kadvany could clarify what the desired language for bike parking was. Commissioner Kadvany said if bike parking was within a parking structure then it should be conveniently located within the building. He said that it was not saying there had to be bike parking with automobile parking. Commissioner Riggs suggested stating at each building common entry. There was a question as to whether bike parking within 40-feet of the common entry was supportable. Planner Chow asked if on page O11, the last sentence should say "Bicycle parking should be located within each residential building and located within 40 feet of each common entryway?" Commissioner Kadvany said for bicycle parking that if it would be provided within residential buildings then it should be within 40 feet of the common entryway. There was general consensus with that.

There was discussion about making the front façade rough and dark in color. Planner Chow asked on page O8 of the standards if they were striking A1. City Attorney McClure said the idea was modifying A1 to require that graffiti resistant design or materials be used for up to a distance of eight feet replacing language about rough modulation and specific color. Planner Chow asked regarding graffiti resistant design and materials if examples would be doing a rough surface in a dark color. Chair Ferrick said she did not think it should be quantified. Commissioner Riggs suggested design and materials that discouraged graffiti. Commissioner Onken suggested striking number one, keep number two and state that walls at ground level should not be white or light color and shall be resistant to graffiti. Chair Ferrick said it should indicate to be designed to discourage graffiti. City Attorney McClure said he wanted to ensure that they did not want white or light colors as he had heard something different from

Commissioner Bressler. Commissioner Onken said if graffiti was a concern then there needed to be things written in to prevent it. Chair Ferrick said design the first floor to discourage graffiti was important but she did not want the specificity of prescribing colors or particular materials. She supported limiting stucco in the sense of gearing toward higher quality materials. She said she harkened back to Mr. Henry's comment that these should be livable and desirable residences and not buildings thrown together. She confirmed that there was agreement to get more general about design and materials related to graffiti prevention, and asked for Commissioner Riggs to move forward on his motion. Commissioner Riggs confirmed with Commissioner Onken that the subcommittee had made a conclusion under 5. External Materials Standards that number two related to solar reflection level was covered elsewhere and could be struck.

Commission Action: M/S Riggs/O'Malley to recommend that the City Council introduce an Ordinance amending Title 16 of the Menlo Park Municipal Code to incorporate the R-4-S (High Density Residential, Special) District (Attachment E), which implements Housing Element Programs H4.I and H4.O and incorporating the Commission subcommittee's design standard modifications including the comments of clarification.

City Attorney McClure asked if the recommendation included staff's recommendation on the compliance process.

Commissioners Riggs and O'Malley confirmed that the compliance review process as recommended by staff for the R-4-S zone was part of their recommendation to Council.

Commissioner Kadvany asked if the motion also included the Commission recommending staff pursue mixed-use as an option for the R-4-S zoning district, with the potential for mixed-use on the R-4-S properties as a conditional use, allowing ancillary neighborhood serving commercial uses up to 5 percent of site area or 10,000 square feet, whichever is less, so long as it did not reduce the number of dwelling units anticipated for the sites in the Housing Element; and that this provision would only be added if HCD determines that the City can still meet its housing needs.

There was consensus to add this to the motion and recommendation.

Commissioner Kadvany asked about the reduction of the 100 feet of façade to 75 feet, and 50 feet to 35 feet, and the potential impact of that on building and floor layout and densities. He said one of the emails received commented that they preferred the original design standards as the modulations might impact unit quantities and sizes. Commissioner Riggs said he had not looked for examples and could not envision those modulations. Commissioner Onken said these type of modulations required a couple more hours to lay out but it depended upon what the scheme was. He said if it was going to be a series of smaller buildings then much of that would not apply. He said if they were trying to prevent a railroad train of flat façade then those numbers worked and there were ways to work with the floor plan and accomplish the same density.

Motion carried 7-0.

6. Introduce an Ordinance of the City of Menlo Park Adding Chapter 16.98 (Affordable Housing Overlay) to Title 16 (Zoning) of the Menlo Park Municipal (Attachment F), which implements Housing Element Program H4.C.

Commissioner Kadvany said he understood that affordable housing could count as public benefit but the City did not have a prescribed benefit process so the scale of public benefit associated with a project would still be open. City Attorney McClure said it would not be open for a project that qualified for affordable housing. He said Density Bonus already allowed for density to be exceeded as noted in the Plan process. He said this was an additional level of affordability and was limited to not exceed the Plan's maximum Floor Area Ratio (FAR) at the public benefit level without modifications to the front and side setbacks facing public right-of-way, the façade height specified for different levels of projects, and the requirements for massing and modulation.

Commissioner Bressler asked if the Overlay was more restrictive than Density Bonus, would allow more or less density, and whether it was required for the Housing Element. City Attorney McClure said this was required in order to have policies in place to encourage, facilitate, and potentially achieve affordable housing within the Plan. He said the densities specified in the Plan were base level densities for marketplace housing. He said an incentive packet was needed to create affordable housing in the Plan area. He said state law required that cities have policies to encourage and facilitate the development of affordable housing. He said the lawsuit settlement agreement required the City to have an incentive packet that would facilitate and encourage the development of affordable housing through a mechanism such as this Overlay zone that would apply to the transit area corridor or the Plan area. Responding to Commissioner Bressler's concern about what this was requiring, Attorney City McClure said the Overlay adjusted to the underlying density of the Plan whether it increased or decreased. He said affordable housing was a percentage of that density based off the density of affordable housing. He said in the Plan area that although increasing density they were not increasing FAR and this increased density applied only for the residential part of the Plan.

Commission Action: M/S Onken/Riggs to recommend to the City Council as recommended in the staff report to introduce an Ordinance adding Chapter 16.98 (Affordable Housing Overlay) to Title 16 (Zoning) of the Menlo Park Municipal (Attachment F), which implements Housing Element Program H4.C, and Introduce an Ordinance adding Chapter 16.97 (State Density Bonus Law) to Title 16 (Zoning) of the Menlo Park Municipal Code (Attachment G), which implements the Housing Element Program H4.D.

Commissioner Kadvany asked if in the future a new site was zoned R-4-S whether the Overlay would apply or if it would have to be determined separately at that time. City Attorney Prince said that if an applicant in the future wanted to develop affordable housing they would need to apply for the R-4-S zoning with the Overlay zoning on top. It was noted that the Hamilton site would be zoned R-4-S alone.

Motion carried 6-1 with Commissioner Bressler voting in dissent.

8. Introduce an Ordinance of the City of Menlo Park, Amending Chapter 16.20, R-3 (Apartment) and Chapter 16.72 (Off-Street Parking) of the Menlo Park Municipal Code (Attachment H), which implements Housing Element Program H4.A.

Chair Ferrick noted the Commission had recommended language to keep this area from increasing in density beyond particular parameters of 70 units. Commissioner Kadvany said he thought they were creating the potential for much denser larger buildings but still not making effective use of the properties. He said they were trying to address that through the policy directives but he objected in principle.

Responding to a question about Mitigation and Monitoring Program Reports (MMPR), City Attorney Prince noted for the R-3 and R-4-S zone that projects had to comply with the Environmental Assessment (EA) so the mitigation and monitoring measures were incorporated into the zoning to require projects do MMPRs and codified that.

Commissioner Bressler asked where the cap on 70 units and need for review was stated. Development Services Manager Murphy said this was being taken out of order and was in a different place in their documents as it was not in the ordinance but in the Housing Element on page 4A and has three triggers: getting to the 70 units, a review as part of the General Plan Update starting this year, and also reviewed every year in April by the Planning Commission and City Council as to what has occurred over the past year as part of the Housing Element.

Addressing Commissioner Eiref's concerns related to how much impact to the area and what the right number of units were, Development Services Manager Murphy said that these projects would have architectural control review so the Commission would see them and annually they would have a sense of how many projects were done and evaluate whether there were impacts that reasoned toward reconsidering the number of new units suitable for the area under the R3 zoning density.

Commission Action: M/S Ferrick/Onken to recommend to City Council introduction of an Ordinance amending Chapter 16.20, R-3 (Apartment) and Chapter 16.72 (Off-Street Parking) of the Menlo Park Municipal Code (Attachment H), which implements Housing Element Program H4.A and referring to the language in the Housing Element related to number of units, annual review, and General Plan update review.

Motion carried 6-1 with Commissioner Kadvany opposed.

9. Introduce an Ordinance of the City of Menlo Park, Amending Chapter 16.79, Secondary Dwelling Units of the Menlo Park Municipal Code (Attachment I), which implements the Housing Element Program H4.E.

Chair Ferrick confirmed with Commissioner Riggs that Attachment I captured the height and other detail recommendations. Development Services Manager Murphy said that

Attachment P had five items flagged for the Commission's consideration. He said this was prepared by staff based off Commission comments at the April 22 meeting.

Commissioner Kadvany said this was an important idea but has been boosted up unnecessarily in terms of floor area and height. He said Ms. Patti Fry said the motivation was looking for "granny" type units and the dimensions proposed could accommodate a family. He said the scale should be at an accessory level to protect privacy and view of residential property owners. Chair Ferrick said she agreed and by keeping scale down, restricting to one bedroom, and keeping the five foot setback would allow for the removal of the need for written approval of the neighbor. Commissioner Riggs said his main concern was getting away from conditional approval. He said the primary concern neighbors would have would be the adjacent wall heights and that should be kept to nine feet but he was comfortable with the 17 foot-height. He said he could agree to 640 square feet maximum size and one bedroom if they allowed lot sizes of 5,000 square feet and greater. He said he supported the ability to reduce the side yard to five feet.

Commission Onken noted Attachment P1 and moved to recommend approval of the ordinance to include reducing the required lot size to 6,000 square feet, maintain flexibility to reduce side and rear yards to five feet, the unit size as written, maintaining the number of bedrooms as one as written, for height to maintain existing requirement of nine foot wall height but change overall height to 17-foot.

Commissioner Kadvany asked if contiguous neighbors were to the property or to the structure. City Attorney McClure said it was to the structure. Commissioner Kadvany asked why 17 foot overall height and not existing 14 foot overall height. Commissioner Riggs said more height was needed for pitched roofs and for older sites that was the architecture that fit.

Commissioner Eiref said he was in favor of the smaller sizes noting he visited Mr. Jackson's 600 square foot second unit. He said he agreed with the nine foot wall height. He said regarding secondary unit access referring to Mr. Sinnott's comments at the last meeting that if there were examples where property owners used that to block second units that he would like that evaluated. City Attorney McClure said the example used by Mr. Sinnott and using the alley for access was an R2 unit. Chair Ferrick said she was not comfortable including that language in the ordinance. City Attorney McClure said that was not proposed for the ordinance but for the Housing Element.

Commissioner Kadvany asked about the square footage. City Attorney McClure said the motion was to use the language as it was which was 10% of the lot area or 640 square feet up to a maximum of 1,000 square feet. Commissioner Riggs said he would support allowing for a 640 square foot second unit on any size lot as long as it fit within the FAR. There was general consensus that was acceptable.

In response to a question from Commissioner Kadvany, Chair Ferrick recognized Mr. Tom Jackson, who noted in a flood zone that any wall height was measured from a foot

below the dirt height so in bringing the finished floor above the flood elevation one foot and going up nine feet would create a seven and a half interior wall height, which was not desirable. He said much of the Willows was in the flood zone. He said having the nine foot wall height would prevent most of those properties in flood zones from doing a second unit.

Chair Ferrick asked staff what the typical elevation was in the flood zone area. City Attorney McClure said they did not know precisely but it was not a universal measurement. He said these lots get surveyed and they have to build above the flood elevation. He said that would apply to some of the properties in the Belle Haven neighborhood and that the elevation on Hamilton Avenue would have to move to three feet. Chair Ferrick suggested adding something so that if the property was in the flood zone a higher wall height could be done. Commissioner Kadvany suggested that could be pursued by use permit.

Commissioner Onken said stepping back from the second unit process that people were concerned about large buildings being built next to their gardens. He said he supported second units but a 12 foot wall five feet from the property line was unacceptable to most. Chair Ferrick said for the use permit for flood zone properties to get increased height that the property owner should get the neighbor's approval for the increased height.

Commissioner Riggs asked for a gabled roof whether the gable ends be limited to nine feet. Development Services Manager Murphy said the gable ends were limited by the single-story daylight plane but the wall height was based off where the eaves were and not the gable ends.

Commissioner Riggs said he would second Commissioner Onken's motion. Commissioner Bressler asked what the motion was. Chair Ferrick said the motion was to recommend approval of an ordinance amendment for secondary dwelling units with a limit of one bedroom, 640 square foot maximum, counts against the FAR, nine foot wall height, 17 foot overall height, reduced maximum lot size to 5,000 square foot, and minimum side yard setback requiring five feet and removing contiguous neighbor written approval. Development Services Manager Murphy said the reduction to 5,000 square feet was not analyzed in the EA and that would have to be a program for future evaluation. He said it could be reviewed in the future and for now that a second unit being requested for a 5,000 square foot lot could be pursued through a use permit. Commissioner Riggs said since the Commission was recommending only that they recommend reducing the required lot size to 5,000 square feet. Development Services Manager Murphy said that was fine as long as the Commission realized staff would make a different recommendation. Commissioner Kadvany said that it would be preferable to stick to the 6,000 square foot. Chair Ferrick said she thought that reducing the lot size could be addressed in the future. Commissioners Onken and Riggs as the makers of the motion and second were amenable to the change to the recommended 6,000 square foot lot. Commissioner Kadvany asked if they kept the aesthetic criterion

that the secondary dwelling unit was consistent with the main unit. Commissioner Riggs said if they wanted to change the aesthetic they would need a use permit.

Commission Action: M/S Onken/Riggs to recommend to City Council introduction of an Ordinance amending Chapter 16.79, Secondary Dwelling Units of the Menlo Park Municipal Code (Attachment I), which implements the Housing Element Program H4.E., and to limit to one bedroom at a 640 square maximum counting against FAR, a nine foot wall height, 17 foot overall height, minimum side yard requiring five foot setback to remove contiguous written neighbor approval, and requests for a second unit on a small lot or a change from existing structure aesthetic would require a use permit application.

Motion carried 7-0.

10. Introduce an Ordinance of the City of Menlo Park, Rezoning Properties Located 1221-1275 and 1317-1385 Willow Road (Attachment J).

11. Introduce an Ordinance of the City of Menlo Park, Rezoning Properties Located 631, 711-721, 735-763, 767, 771, 777-821 and 831-851 Hamilton Avenue (Attachment K).

12. Introduce an Ordinance of the City of Menlo Park, Rezoning Properties Located 3605-3611, 3639, 3641-3645 and 3665 Haven Avenue (Attachment L).

Chair Ferrick asked about the property owners who were not interested in having their property rezoned. Development Services Manager Murphy said that the property owners indicated they had invested much in the development of their property and were not interested in rezoning. He said they were interested in knowing what the nonconformity would be and might be supportive of the rezoning of their property if they could understand the ramifications of nonconformity. He said their parcel was zoned M-2 and the property owners were supportive of the other parcels being rezoned. He said this lot was located next to another M-2 lot that was not part of the rezoning area. He said the property was one acre and would not necessarily make or break the City's certification.

Commission Action: M/S Riggs/Onken to recommend to the City Council introduction of an ordinance rezoning properties located 1221-1275 and 1317-1385 Willow Road (Attachment J), introduction of an ordinance rezoning properties located 631, 711-721, 735-763, 767, 771, 777-821 and 831-851 Hamilton Avenue (Attachment K); and introduction of an ordinance rezoning properties located 3605-3611, 3639, 3641-3645 and 3665 Haven Avenue (Attachment L) with the recommendation that the Scarlet property be included or not based upon the property owner's desire.

Chair Ferrick said she wanted to register her discontent that all of this type of housing was located east of the freeway.

Motion carried 7-0.

Commission Action: M/S Kadvany/O'Malley to recommend to the City Council to introduce an ordinance amending Title 16 of the Menlo Park Municipal Code to eliminate Zoning Districts for which no properties are zoned (Attachment M).

Development Services Manager Murphy said this was cleanup of zones made null by the Plan.

Motion carried 7-0.

General Plan Amendments

3. Adopt a Resolution of the City Council of the City of Menlo Park, Amending the General Plan to Replace the Housing Element in its Entirety (Attachment C).

Commissioner Kadvany suggested that a program be added to the Housing Element for a City project to start in 2014 to develop a Transportation Management Association to increase connectivity for east Menlo Park, emphasizing the proposed Haven development area and all transit modes along Bayfront Expressway. Also included would be connectivity across 101 to the area around Marsh Manor. The TMA could address transit issues including transportation incentives. Following a question from Commissioner Riggs, he clarified that he proposed such a project to begin in 2014, not that the TMA would be up and running in that year.

City Attorney McClure said they believed the Housing Element would be the right location to make those recommendations for future policy elements. He also said this was the appropriate place if they wanted to add language about secondary vehicular access.

Commission Action: M/S Kadvany/Riggs to recommend to the City Council adoption of a resolution amending the General Plan to replace the Housing Element in its entirety (Attachment C) and to add two program elements for a transportation management association and a partnership with Redwood City for a potential bicycle/pedestrian overcrossing to begin the planning process for that in 2014.

Motion carried 7-0.

Commission Action: M/S Onken/O'Malley to make a recommendation to City Council to adopt a Resolution amending the General Plan to update the Open Space and Conservation, Noise and Safety Elements, modify the Land Use Designations of Medium Density Residential, High Density Residential and Limited Industry, to delete the Land Use Designation of El Camino Real Professional/Retail Commercial, to modify the Residential, Commercial and Industrial Use Intensity Tables, and to change the land use designation for property located at 1221-1275 and 1317-1385

Willow Road, 631, 711-721, 735-763, 767, 771, 777-821, and 831-851 Hamilton Avenue, and 3605-3611, 3639, 3641 and 3645-3665 Haven Avenue (Attachment D).

Motion carried 7-0.

Commission Action: M/S Eiref/Kadvany to make a recommendation to the City Council to adopt a Resolution adopting the Environmental Assessment for the Housing Element Update, General Plan Consistency Update and Associated Zoning Ordinance Amendments, Findings, and the Mitigation and Monitoring Reporting Program (Attachment A) and adopt a Resolution adopting the Statement of Overriding Considerations for the Housing Element Update, General Plan Consistency Update and Associated Zoning Ordinance Amendments (Attachment B).

Commissioner Bressler said he could not support this as he did not find the benefits to outweigh the impacts of the Housing Element update, and would incur costs to the City.

Motion carried 6-1 with Commissioner Bressler opposed.

Commissioner Eiref said when he visited Mr. Jackson's second unit that he had a great idea to create a checklist that would speed up the process. Development Services Manager Murphy said the City was planning to do this. Commissioner Eiref said also there might be a marketing push for property owners of second units to hold open houses to show off what could be accomplished. Chair Ferrick said there were some sensitivities around this as some units were not currently legal. Development Services Manager Murphy said there would be public outreach for the General Plan update, the annual report back on the Housing Element, and the need to revisit the Second Unit program.

Chair Ferrick thanked Commissioner O'Malley for his service. Commissioner O'Malley said it has been his pleasure to serve.

D. COMMISSION BUSINESS

There was none.

ADJOURNMENT

The meeting adjourned at 10:48 p.m.

Commission Liaison: Deanna Chow, Senior Planner

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on June 10, 2013