



## PLANNING COMMISSION MINUTES

Regular Meeting  
March 10, 2014 at 7:00 p.m.  
City Council Chambers  
701 Laurel Street, Menlo Park, CA 94025

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**CALL TO ORDER** – 7:00 p.m.

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

**INTRODUCTION OF STAFF** – Deanna Chow, Senior Planner; Justin Murphy, Development Services Manager; Elizabeth Schuller, Assistant Planner

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

#### **A1. Update on Pending Planning Items**

##### **a. General Plan – City Council – February 25, 2014**

Senior Planner Chow reported the City Council at its February 25 meeting approved preparation of a Request for Proposals for the General Plan update.

##### **b. Economic Development Study Session – City Council – February 25, 2014**

Senior Planner Chow said also at the Council's February 25 meeting, the Council heard a presentation by Jim Cogan, City Business Development Manager, and Ron Golem, Bay Area Economics, at a study session on economic development for the City. She noted the presentation was available on the website, and the Council meeting could be streamed.

##### **c. 350 Sharon Park Drive Conditional Development Permit – City Council – March 4, 2014 (*continued at the request of the applicant*)**

Senior Planner Chow said the 350 Sharon Park Drive Conditional Development Permit project was scheduled to be considered by the City Council at their March 4 meeting, but the item was continued at the request of the applicant.

##### **d. 389 El Camino Real – BMR Amendment – City Council – March 18, 2014**

Senior Planner Chow said the applicant was requesting an amendment to the BMR (Below Market Rate) Agreement for their 389 El Camino Real project that was approved in 2012. She said the City Council would consider that request at their March 18 meeting. She said the original BMR agreement stipulated that a certain number of BMR units should be completed before the market rate units. She said the applicant was

requesting to reverse that so four market rate units could be finalled first and then two BMR units.

## **B. PUBLIC COMMENTS**

There was none.

## **C. CONSENT**

### **C1. Approval of minutes from the February 10, 2014 Planning Commission meeting**

Commission Action: M/S Ferrick/Onken to approve the minutes from the February 10, 2014 Planning Commission meeting.

Motion carried 6-0 with Commissioner Riggs abstaining.

## **D. PUBLIC HEARING**

Commissioner Eiref recused himself from consideration of Agenda Item D.1 noting he lived fairly close to the subject property.

**D.1 Use Permit Revision/Jill Buathier/1900 Santa Cruz Avenue:** Request for a use permit revision to add an approximately 1,930 square foot basement to a previously approved two-story residence on a substandard lot with regard to lot width in the R-1-U (Single Family Urban Residential) zoning district. The previous use permit was approved by the Planning Commission on October 7, 2013. No changes are proposed above grade.

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

Questions of Staff: Chair Kadvany confirmed with staff that the design above grade approved for the project on October 7, 2013 would not change with the addition of a basement.

Public Comment: Ms. Jill Buathier, co-applicant, said they were applying to add a basement with an office, two bedrooms and two-and-a half bathrooms to their previously approved project.

Chair Kadvany closed the public hearing.

Commission Comment: Commissioner Ferrick noted sheet plan A1.1 that showed the light wells and asked what those would look like from the street.

Ms. Pearl Renaker, project designer, said there was a light well on the right side of the house, when facing the house. She said the concrete wall would be about six inches above grade and then a metal railing, 42-inches high, with narrow slats.

Commissioner Onken and moved to make the findings and approve the use permit revision. Commissioner Bressler seconded the motion.

In response to a question from Commissioner Ferrick, Senior Planner Chow said a Traffic Impact Fee was assessed but there was no policy related to the excavation and building of basements done under ordinance and building code.

Commissioner Onken noted a number of homes have basements along Santa Cruz Avenue.

Commission Action: M/S Onken/Bressler to approve the item as recommended in the staff report.

1. Make a finding that the project is categorically exempt under Class 3 (Section 15303, "New Construction or Conversion of Small Structures") of the current CEQA guidelines.
2. Make findings, as per Section 16.82.030 of the Zoning Ordinance pertaining to the granting of use permits, that the proposed use will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, and will not be detrimental to property and improvements in the neighborhood or the general welfare of the City.
3. Approve the use permit subject to the following **standard** conditions:
  - a. Development of the project shall be substantially in conformance with the plans prepared by Tektive Design, consisting of 11 plan sheets, dated received February 24, 2014, and approved by the Planning Commission on March 10, 2014 except as modified by the conditions contained herein, subject to review and approval by the Planning Division.
  - b. Prior to building permit issuance, the applicants shall comply with all Sanitary District, Menlo Park Fire Protection District, and utility companies' regulations that are directly applicable to the project.
  - c. Prior to building permit issuance, the applicants shall comply with all requirements of the Building Division, Engineering Division, and Transportation Division that are directly applicable to the project.

- d. Prior to building permit issuance, the applicant shall submit a plan for any new utility installations or upgrades for review and approval by the Planning, Engineering and Building Divisions. All utility equipment that is installed outside of a building and that cannot be placed underground shall be properly screened by landscaping. The plan shall show exact locations of all meters, back flow prevention devices, transformers, junction boxes, relay boxes, and other equipment boxes.
- e. Simultaneous with the submittal of a complete building permit application, the applicant shall submit plans indicating that the applicant shall remove and replace any damaged and significantly worn sections of frontage improvements. The plans shall be submitted for review and approval of the Engineering Division.
- f. Simultaneous with the submittal of a complete building permit application, the applicant shall submit a Grading and Drainage Plan for review and approval of the Engineering Division. The Grading and Drainage Plan shall be approved prior to the issuance of grading, demolition or building permits.
- g. Heritage trees in the vicinity of the construction project shall be protected pursuant to the Heritage Tree Ordinance.

Motion carried 6-0 with Commissioner Eiref recused.

Commissioner Eiref rejoined the meeting.

## **D2. City of Menlo Park Housing Element Update, Zoning Ordinance**

**Amendments, Environmental Review:** The proposed Housing Element provides an update to the goals, policies and implementation programs of City's adopted Housing Element. The proposed Zoning Ordinance amendments would implement specific programs in the current Housing Element (2007-2014), some of which are required for compliance with State law.

Staff Comment: Senior Planner Chow said staff had received correspondence from Mr. Andrew Minor raising concern about the proposed overlay as it was located among existing residential uses. She said there was also a handout for the Commission and public from the February Steering Committee meeting and an 11 X 17 inch demonstrating existing and proposed daylight plane requirements for both accessory and secondary dwelling units.

Senior Planner Chow said this evening the Commission would conduct a public hearing on the Housing Element update of the General Plan, the zoning ordinance amendments associated with implementation of the current Housing Element, and environmental review that would cover the two items. She said following the adoption of the current Housing Element in May 2013 that the City Council adopted a new work program for the Housing Element Update and implementation programs. She said they authorized the

formation of a Steering Committee, which held four meetings between August 2013 and February 2014. She said there was a community workshop in September. The draft Housing Element was taken before both the Housing Commission and Planning Commission in November 2013, and then to the City Council. She said from that a draft Housing Element was submitted to the State Housing Commission in December 2013. She said the Planning Commission had a study session on secondary dwelling units in February 2014 and a negative declaration was issued based on an initial study that was still in review with the comment period ending March 14. She said last week the Housing Commission presented its recommendations to the Planning Commission and City Council that supported the proposed Housing Element Update and zoning ordinance amendments. She said the Housing Commission allowed for some modifications to address housing and the developmentally disabled. She said staff was looking at the Housing Element to see if there were opportunities to strengthen language related to housing and developmentally disabled. She said they were looking at adding a definition for special needs consistent with state law potentially in the definition section and also to update tables in the discussion on the developmentally disabled regarding just Menlo Park residents rather than just using the County's figures. She said the City Council would consider the Housing Element Update with the first reading of the zoning ordinance amendments at its April 1 meeting with the second reading conducted on April 29. She said the HCD had said the City's Housing Element update would be legal contingent upon certain requirements.

Senior Planner Chow said some of the key revisions to the draft Housing Element were for clarification and nothing that would change the City's policy direction. She said most of the Housing Element update remained similar to the current Housing Element with updates related to programs that have been implemented and addition of some programs required by new Housing Element law. Clarifications included defining affordable housing, at-risk affordable units, adding residential care facilities, and transitional and supportive housing. She showed a RHNA table which she said demonstrated how the City would meet its housing share of 655 units. She said the top of the table showed the numbers of the various income housing and the lower part showed how those would be accomplished showing current and future expected projects which showed meeting the required needs.

Senior Planner Chow said regarding implementation programs that AB 712 addressed zoning for the homeless and specifically that the City must recognize emergency shelters for the homeless in the zoning ordinance including identifying locations where an emergency shelter could be located to meet the City's unsheltered homeless needs. She said according to the County's 2013 survey the City's unsheltered homeless need was for 16 persons. She said the emergency homeless overlay would be an ordinance for a certain geographic area and would allow for an up to 16-bed facility as a permitted use and could be on one site or multiple sites. She said anything above 16 beds would require a use permit. She said the ordinance would also set up development regulations. She said through the Steering Committee it was identified to determine the standards of operation a shelter would need to maintain to be a good neighbor. She

said another component would be the compliance review process. She said the Planning Commission would act as an Advisory Board related to the compliance review process and would provide feedback to staff in the determination that the proposed shelter would meet the requirements outlined in the ordinance. She said it did not require property owners to sell their property or the City to acquire land for an emergency shelter. She said their requirement was to provide the zoning mechanism to construct and develop a homeless shelter and there were no proposals associated with the proposed overlay area. She said the area identified for the overlay was mainly in the VA property and multi-family residential portions adjacent to the VA along Willow Road to Clement and along Bay Road to Van Buren.

Senior Planner Chow said the second zoning ordinance amendment related to AB 2 was transitional and supportive housing and residential care facilities. She said the HCD commented that the City needed to regulate residential care facilities similarly to residential use regulations. She said one proposed zoning ordinance amendment was to define residential dwelling including transitional and supportive housing and residential care facilities. She said a seven or more beds residential care facility would be considered a large residential care facility and they were adding a definition regarding that to regulate more similarly to a convalescent home. She said compliance with AB 2 was critical to the adoption of the Housing Element. She said the City has one year to comply with AB 2 since the last adoption of the Housing Element which equated to May 21, 2014. She said another important item was reasonable accommodation and that would help the City meet a streamline process through HCD. She said reasonable accommodation was establishment of procedures for persons with disabilities and providing them with relief from zoning standards and other policies and practices that might impede persons with disabilities in housing. She said Attachment E to the proposed zoning ordinance amendment outlined application requirements by which findings might be made to approve modifications with a method for rescission if the accommodating modification is no longer needed.

Senior Planner Chow said the purpose for the proposed ordinance modification for secondary dwelling units was to clearly define how they might be used, and looked at living space vs. non-living space, to establish regulations consistent with the use of the building, to discourage the use of accessory buildings as secondary dwelling units without approval, and to encourage the development of secondary dwelling units from the outset. She said part of the purpose was to align regulations regarding living area more closely with secondary dwelling units.

Senior Planner Chow said currently the minimum lot size for development of a secondary dwelling unit without a use permit was 6,000 square feet and was now being proposed lower at 5,750 square feet. She said this was in response to requests from Belle Haven residents as most of the lots in that area were less than 6,000 square feet. She said part of the ordinance was clarifying where the setbacks would be if the secondary dwelling unit abutted an alley. She said as part of the modification to the zoning ordinance for secondary dwelling units the previous year there was a provision

to allow structures to have reduced setbacks with approval of the contiguous neighbors. She said with alleys there were not contiguous neighbors and the proposed change would clarify that for properties abutting an alley on the interior side or rear yards, the minimum setback was five feet. She said there had been discussion regarding adjusting the size of a secondary dwelling unit to accommodate access for person with disabilities. She said the City's Building Official reviewed and calculated another 48 square feet would be needed. She said staff rounded that figure up to 700 square feet which was the same as the maximum allowed for an accessory building.

Senior Planner Chow said one of the major changes proposed was to introduce the concept of a daylight plane for both secondary dwelling units and accessory buildings. She said the existing requirement was a 9-foot wall height. She said the flexibility for wall height for properties located in the flood zone would also be deleted, but would be resolved, and perhaps improved, through the proposed daylight plane concept. The daylight plane would be established at the three foot side setback line at a height of nine feet, six inches with a slope inwards at a 45 degree.

Senior Planner Chow said that parking requirements were proposed to be made explicit in the code. She said finally the Commission was being asked to consider the tenancy requirements, which currently was that the property owner must live in either the primary or secondary dwelling unit. She said proposed revisions to the code included a clarification that a property owner did not have to live at either the main dwelling unit or secondary dwelling unit so long as both units were not occupied as dwellings, to allow for a registration process by which both the main dwelling and secondary dwelling unit on a property might be occupied by persons other than the property owner, and the ability for a person to request a use permit for modification to the tenancy requirement on a permanent basis or a time period. She said the Commission was asked to consider if there should be a maximum time allowed for the temporary use until a use permit was needed; whether there should be a property manager during the property owner's absence; and sufficiency of tandem parking or individual access for both living units for parking.

Senior Planner Chow said the next item involved a process to allow for conversion of an accessory building to a secondary dwelling unit. She said that included documentation to demonstrate the building was legally built and constructed or under construction by the effective date of the ordinance; a one year period to submit an application for administrative review by the Community Development Director after which a use permit might be requested to modify the required development regulations; to upgrade the building to meet the Building Code requirements based on the change of occupancy at the time of the conversion; and finally, a consideration that was discussed by the Steering Committee as an incentive and that was to allow for the nonconforming building due to setbacks to be able to be rebuilt at the nonconforming setback, so long as the nonconformity was not expanded and the footprint remained the same or less than the existing building. She said there was also a discussion of a fee reduction for this conversion process.

Senior Planner Chow said that for consistency in the application of secondary dwelling units, permanent provisions for eating and cooking including counter, range, refrigerator and sink were proposed as the definition. She said that they were proposing to amend all of the single-family residential districts to identify that secondary dwelling units were a permitted use and to delete language regarding secondary dwelling units that was no longer relevant.

Senior Planner Chow said that Attachment G included the proposed modifications to the accessory building and structure section of the Zoning Ordinance (Section 16.68.030). She said it would be changed from a paragraph format to a table format for better presentation of the development standards. She said one of the key things proposed was to separate the definitions of accessory buildings and accessory structures. She said for accessory buildings with living space, which would be defined as a building with more than three plumbing structures, would be similar to the zoning district requirements except for rear setback that would be maintained at 10-feet. She said for accessory buildings not containing living space the setbacks would be maintained as existing which was three feet for the interior side and rear yards. She said for height, similar to secondary dwelling units, the maximum wall height would be replaced with the daylight plane concept. She said two clarifications were proposed for parking. One was that detached garages could be located on the interior sides but no closer than three feet from the property line. She said currently parking was not allowed in the front or side setback. She said for a detached structure they were clarifying that there was an allowance to have the accessory structure within the setback requirements. She said there was also a clarification on garage entrances noting that the code currently for attached garages required a 20-foot setback from the property line they face. She said staff and the Steering Committee were recommending that apply to detached garages as well.

Senior Planner Chow said regarding accessory structures that these currently were required to be on the rear half of a lot. She said the proposed change would allow accessory structures to be located in the front half of the lot as long as all the setback requirements were maintained and on the rear half of the lot where the setbacks could be maintained at three feet. She said the wall height requirement would be replaced with the new daylight plane, and the existing separation requirement between buildings would be eliminated for accessory structures (but not for accessory buildings).

In response to questions from Commissioner Eiref, Senior Planner Chow said the overlay for emergency shelter would be a new chapter in the City's zoning ordinance. She said regarding SB 2 compliance that the transitional and supportive housing, and residential care facilities would also be a zoning ordinance amendment, and would impact all dwellings as the definition of dwelling would be changed to include transitional and supportive housing. She said regarding emergency shelters that a proposal for that would be limited to the defined geographical area as proposed in the ordinance amendment and up to 16 beds would be allowed without discretionary review. She said



any proposal of more than 16 beds would require a discretionary review process through use permit. She said that each jurisdiction has to comply with SB 2 and that there had not been a formal discussion about partnering with other communities. Development Services Manager Murphy said the City was at the end of the period by which it had to comply which meant it was not an option available to the City to pursue regional solutions to homeless housing needs. Mr. Jeff Baird, Baird + Driskell Community Planning, consultants for the Housing Element, said that collaboration with other communities in that area could only be done if there was a specific project in mind.

Chair Kadvany clarified with staff that there were currently 142 beds throughout the City for the shelter of homeless individuals and that the 16 beds was an unmet need.

In response to questions from Commissioner Riggs about parking requirements for secondary dwelling units and accessory buildings, Senior Planner Chow said that the required dimensions of one covered parking space were 10-foot by 20-foot and that an uncovered parking space could potentially be less depending on where it was located. She said there had not been discussion about the size of parking spaces for secondary dwelling units or accessory buildings. She said there had been discussion about providing more possibility and flexibility as to the location of parking spaces such that tandem could be located in the front setback with a use permit.

In response to a question from Commissioner Riggs in reference to page 29 of the presentation related to cooking facilities definition and how it would be used in the administrative process, Senior Planner Chow said this was regarding secondary dwelling units and did not change the review process. She said if the proposal met the development requirements it was a permitted use. She said it was to help clarify for people who might want to take their building through the conversion process and what might be needed to qualify as a dwelling unit.

Commissioner Riggs referenced page 31 regarding minimum yards and noted that effectively if an area has three or more plumbing fixtures regardless of its intended use it would be defined as living space. He said for new construction there would now be a different setback. Senior Planner Chow said that was correct. Commissioner Riggs asked about converting an accessory building into a secondary dwelling unit if the accessory building would be ineligible if it did not have the 10 foot setback. Senior Planner Chow said it was recognized that there would likely be a nonconforming setback because accessory buildings were likely to be built at three foot setbacks whereas a secondary dwelling unit would have to meet the requirements of the zoning district, and this did not make the conversion ineligible. In response to a question from Chair Kadvany, Senior Planner Chow said that the converted structure could be rebuilt as long as the nonconformity was not increased.

In response to a question from Commissioner Riggs about detached garages and alleys, Senior Planner Chow said if the garage door faced the alley it had to be set back 20 feet from the property line.

Commissioner Bressler confirmed with staff that the proposed minimum lot size for a secondary dwelling unit was 5,750 square feet without a use permit and noted on page 20 of the presentation that showed about two-thirds of Belle Haven lots would not qualify under that rule. He asked if it was correct that if the lot was maxed out and Floor Area Ratio (FAR) was maxed out then a secondary dwelling unit could not be built. Senior Planner Chow said that was correct. He asked if there was any information on how many lots could actually accommodate the building of a secondary dwelling unit. Development Services Manager Murphy said that was a completely different research, and information not maintained by the City. He said also that would be a very different way at looking at the environmental review for the current Housing Element and for these proposed modifications. He said if this was something the Commission wanted to explore that would need to be a future implementation plan with its own allocation of time, research and environmental review. Commissioner Bressler said that if FAR and lot coverage was not increased then the environmental impact has not been increased. He said if those elements were increased then there would be a need for environmental review. Development Services Manager Murphy said the City's intent was not to maximize every single square foot of potential development for secondary dwelling units.

In response to a question from Commissioner Bressler regarding City applied fees for a secondary dwelling unit, Development Services Manager Murphy said the Master Fee Schedule would be considered by the City Council at their April 29 meeting, and once staff had accomplished what needed to be seen and reviewed by the Council on April 1, attention would be turned to the Master Fee Schedule.

In response to questions from Chair Kadvany, Senior Planner Chow said the overlay site was one of five potential sites considered for emergency shelter ordinance zoning. She said originally the boundary extended along Coleman Avenue to the Atherton border. She said through discussions of the Steering Committee, Planning Commission and City Council that area was reduced to the R-3 area abutting Willow Road and Coleman Avenue, partially to reduce the impacts to the larger single-family residential zoning district to the west. She said that feasibility of accommodation of that housing need had to be demonstrated and discussion of the Steering Committee was that the R-3 area might have multi-family units within it which might provide an opportunity for conversion to provide emergency homeless housing for a 16-bed facility.

In response to questions and comments about parking and secondary dwelling units by Commissioner Eiref and Chair Kadvany, Development Services Manager Murphy said that the parking situation was a different dynamic from FAR and lot coverage. He said with a change that was approved last spring, it was pretty easy for people to meet their

parking requirements on site. He said he did not see that as a deterrent to secondary dwelling units.

Public Comment: Mr. Dave Nellesen, Willow Road, said his home was in the small residential area of the overlay near the corner of Coleman Avenue and Willow Road. He said he had written comments about his concern with the suitability of the area for a homeless shelter noting in the vicinity there were three schools and a park. He said he would like the City to challenge mitigating the impacts from the proximity of a homeless shelter to the school and park facilities. He said the boundaries of the overlay had been reduced on the Coleman Avenue side to exclude properties some of which were single family residences. He said the overlay was mostly the VA campus and some small adjacent properties. He asked the Commission to consider the suitability of those residential properties for a homeless shelter. He said he lived in a three-unit complex with each unit approximately 1,700 square feet. He said the market value of each unit was about \$1,000,000 so he thought it highly infeasible that the three units would be purchased to provide emergency shelter. He said there was one large apartment building in the area that might be a possibility but it was on an acre of land and probably worth two to three million dollars. He said the VA campus was the right place for an emergency shelter and not the residential area. He said by zoning that area such the value of the residential area would be damaged.

Mr. Matthew Donohoe, Willow Road, said he had heard there were already 145 beds in the City to provide emergency housing for the homeless. He said the VA Campus was 100 acres and suggested it should be possible to find space for 16 beds there.

Ms. Kathy Neuman, Valparaiso Avenue, said her concern was related to the primary entrances for secondary dwelling units. She said she would like language in the ordinance addressing that, noting as an example flag lots. Her concern was that neighbors could have an entrance door facing them three to five feet away from their lot line.

Mr. Don Cornejo, Golden Gate Regional Center, said he appreciated including the language regarding special needs in the zoning ordinance amendment and he hoped that would be carried through so developers had a better sense of the range of special needs and disabilities. He said he knew one family with a severely disabled adult that was able to build a secondary dwelling unit with the very specialized substantial supports needed and provided by his agency.

Ms. Rose Bickerstaff, Belle Haven, said in her neighborhood there was no space for secondary dwelling units. She said there were some lots with large back yards but with no access. She questioned reducing the minimum square footage to 5,750 square feet to allow for a secondary dwelling unit. She said existing homes have four vehicles in many instances and questioned where additional parking would be found for a secondary dwelling unit. She said a percentage of the lot was required to be landscaping and asked how that would be accommodated. She urged the Commission

to not reduce the minimum lot size for a secondary dwelling unit to 5,750 square feet and to make it no less than 6,000 square feet.

Ms. Corrine Shelly Aulgur, Autism Society, thanked staff for working on including people with developmental disabilities in the affordable housing plan. She said people with developmental disabilities were a different category in the provision of housing for people with disabilities as these were cognitive disabilities including cerebral palsy and autism. She said that housing was not being provided for these people in Menlo Park now and asked for assurance that they would be included in low income housing for any new or rehabilitative developments. She said there were a variety of federal and state laws that mandate this and she thought the City was not in compliance. She said there was funding available for communities to integrate and include people with developmental disabilities.

Mr. Richard Recht, Menlo Park, said he wrote a letter that if they were trying to get smaller units that would allow for families to stay or come together or individuals to live and provide more housing units that the inflexibility about the FAR was a barrier. He said in his situation he had a serious health scare and they would like to build a secondary dwelling unit for him and his wife so that his son and family could live in their primary residence. He said they made a proposal which their neighbor supported but they were limited by their FAR because a storage only area was counted towards it. He asked for consideration of flexibility for marginal additional allowed FAR or a variance to consider case by case as that would help with what the City was trying to do to meet housing needs.

Chair Kadvany closed the public hearing.

Commission Comments: Chair Kadvany asked staff to address Ms. Neuman's comments about entry location. Senior Planner Chow said that setbacks were determined by lot dimensions. She said the shorter length was a front setback and there was no restriction on the orientation of a door. She said if the door faced the side that did not make the side the front property line, and setbacks would have to be met according to the lot dimension. She said she thought the concern was that because the City uses the lot dimensions as the setback orientation someone could effectively have a front door facing a side that has a smaller setback than a front setback. Development Services Manager Murphy said similarly but slightly different that the City could establish development requirements for secondary dwelling units that might include where a door might be placed on a building but at this time there was no such development regulation.

Chair Kadvany said reducing the minimum lot size for a secondary dwelling unit to 5,750 square feet did not permit every 5,750 square foot lot to build a secondary dwelling unit.

In response to Commissioner Ferrick, Development Services Manager Murphy said the change to the minimum lot size of 5,750 square feet was something residents in the Belle Haven area wanted. He said part of that had to do with lot dimension patterns. He said a number of lots were 50-feet by 115-foot which was how the 5,750 square feet was arrived.

Commissioner Ferrick asked if the increase to 700 square feet for a secondary dwelling unit complied with all aspects of needed support for disabled access. Senior Planner Chow said the Building Official looked at accessibility requirements for bathrooms, kitchens, and pathway travel and approximated that an additional 48 square feet would meet those needs, and that figure was rounded up to an additional 60 square feet.

Commissioner Eiref said he had read Mr. Recht's email and it seemed the concern was whether one could build beyond the floor area limits (FAL). He asked if that was a possibility. Senior Planner Chow said a variance to the development standards would not be applicable in this case as the FAL is set in the General Plan as well. Commissioner Eiref said that there was only 200 square feet remaining on that lot and suggested some modification could be made to the primary house to release some square footage. He suggested also a basement. Senior Planner Chow said a basement was an option to add additional square footage without affecting the FAL.

Chair Kadvany opened discussion on Emergency Shelter for the Homeless Overlay.

Commissioner Riggs said he thought the area selected was a good choice. Commissioner Ferrick said she thought the VA location was a good choice because of the availability of services onsite. She said she felt she could be flexible about the additional residential area adjacent to the VA as there was a point to providing the shelter needed at the VA. She said the concern was proposing to the state that the City was depending on federal government to meet that need as that was risky. She asked since it seemed now that the state liked that recommendation whether there was the possibility of removing some or all of the residential area next to the VA.

Mr. Baird said one issue was control over the housing. He said they strove to have the housing accommodated at the VA but because the City has no control over that it was necessary to zone areas that could accommodate a facility of 16 beds. He said one of the questions the HCD had was about the flexibility. He said that was not from the perspective of market value but whether there smaller lots that could accommodate a smaller project such as a 16-bed facility. He said they provided an assessment and HCD was comfortable with the feasibility of the adjacent residential area.

Commissioner Ferrick said there was a clear intention to have this need be met at the VA site. She said if that was filled at the VA there would no longer be a build by right of a 16-bed facility in the residential area of the overlay. Mr. Baird said he thought that might be the case but a question was future housing needs and state requirements in the future.

Responding to questions from Commissioner Bressler, Development Services Manager Murphy said that the current unmet need for homeless shelter was 16 beds. He said the homeless survey was conducted every two years and the 16 bed need was informed by the most recent one done. He said the City could not predict for the next eight year housing need cycle what the need would be for homeless shelter. Commissioner Bressler said that the City needed to be aware that the survey has had large numbers in the past and might again. He said there was a larger facility for emergency shelter he thought at the VA. Development Services Manager Murphy said a homeless facility at the VA had been deemed seismically unsound and was not proposed for reuse.

Chair Kadvany said it seemed that the City was trying to do all it could programmatically to maximize the likelihood the VA would be the site for emergency shelter for homeless individuals. He said should the next census indicate that housing for the homeless needed increasing, the City could again do rezoning. Chair Kadvany asked regarding the speaker's request about mitigations what the City would require in terms of operations and neighborhood integration should a homeless facility be developed in the residential area. Senior Planner Chow said that was part of the intent in establishing the performance standards as outlined in the proposed ordinance amendment and included such things as having a prepared plan, onsite management, hours of operations, types of services, making sure there was onsite sanitation, and importantly the shelter operator to establish a liaison to coordinate with staff, police, school district officials and local businesses.

Commissioner Strehl said she recalled the discussion through which the small residential area was included in the overlay. She emphasized that the allowed use to develop a 16-bed emergency homeless facility in the overlay did not mean anyone would propose to do so. She said in the future should the City have greater need determined by the state for providing emergency homeless shelter that it was incumbent upon the City to look at other sites, and as Commissioner Riggs had noted that there were sites closer to downtown that would be appropriate.

Mr. Baird said the draft Zoning Ordinance quoted the Best Practices and Quality Assurance Plan, and part of the Best Practices was the integration of such a facility with the neighborhood.

Chair Kadvany asked about the other sites that were considered and where those were in the record. Senior Planner Chow said those were not referenced in the Housing Element but in the materials leading up to the preparation of the Housing Element and Ordinance Amendments. Chair Kadvany said he thought a highlight or footnote of those other locations should be provided to the City Council. Development Services Manager Murphy said that a footnote could be appropriate on pages 14 through 17 of the Housing Element under the heading "Process for Preparing the Housing Element."

Chair Kadvany noted the Commission's consensus support of the footnote or reference to other sites considered for emergency homeless shelter.

Chair Kadvany opened discussion on Zone for Transitional and Supportive Housing and Residential Care Facilities.

Commissioner Onken said Transitional and Supportive Housing and Residential Care Facilities were being removed from special use categories and included with residential use, which he thought was a huge step forward. He said he thought that was something they all could support.

Chair Kadvany noted Commission support by consensus.  
Chair Kadvany opened discussion on Secondary Dwelling Units and Accessory Buildings/Structures.

Commissioner Onken argued that removing the restriction requiring a property owner to live in either the primary or secondary dwelling, although not the intention would in fact create an R-2 district or multi-family district. He said the requirement needed to stay.

Commissioner Bressler said he thought this was unenforceable in any case and he did not want it regulated.

Commissioner Strehl said there was considerable discussion by the Steering Committee about this, and there was general agreement that a use permit was an onerous process. She said life circumstances could require a person to move away for some amount of time but the person would want to keep their property here. She said the alternatives that were being proposed as a legislation process would allow some flexibility. She said she did not think the occurrence of this situation would be great.

Commissioner Ferrick said she concurred. She said if the property owner had to move away for some reason than the renter would be kicked out. She thought that should allow for a default to a process that would allow the renter to stay and another renter to live in the other house and have an established agreement on parking. She said staff was presenting a great plan for these instances.

Chair Kadvany said that actually one renter could stay but there just couldn't be two. Commissioner Ferrick said that seemed onerous as well. She said a basic agreement covering the use of the residences should a life circumstance require the owner to be gone for a period of time would be preferable to the cost and time to go through a use permit process.

Commissioner Riggs said that parking for secondary dwelling units required a 10-foot by 20-foot space. He said that secondary dwelling unit renters were more inclined he thought to have a small car. He said the 10-foot by 20-foot parking space was created 20 years ago for ever increasingly large vehicles but there has been an increase in

smaller vehicles. He said the parking requirements were one of the toughest restrictions on the provision of secondary dwelling units. He said if not now, but at sometime in the future, he would encourage consideration of an 8-foot by 16-foot parking space, noting those were not uncommon in City parking lots. He said one of the speakers had mentioned looking across the street at a used car lot. He said in that instance parking was not particularly organized and he thought conversions would be more likely to have better organized parking. He said regarding the property owner tenancy requirement that if someone went to the hospital for six months they likely would not be returning to the property. He suggested allowing application for a six-month absence and that a good reason was needed for the property owner to apply for another six months. He said he found the three plumbing fixture rule for living space frustrating. He said his home office had a legally built full bathroom with three plumbing fixtures. He said in the computer area he had a bar sink. He noted it was a very small office and hardly livable. He said regarding side setbacks that the 10 foot setback should not be required nor for neighbors to approve to allow a five foot setback. He said less than five feet should require neighbor approval but additions should be allowed up to five feet from the property line. He said where garages and carports were regularized at 20 feet from the front or rear property line, he would like to ask that exclude alleys. He said he could not see the advantage of setbacks for the Willows lots that back onto alleys. He said some years ago the Commission had discussed how close to an alley the garage door could be and they settled on five feet as that provided the space to back out and turn into the garage without impacting the other side of the alley. He said regarding conversions they should specify what building code upgrades and inspections there should be and have those limited to the most basic health and safety issues including electrical, plumbing drains, and combustible materials. He said the greater the regulations regarding conversions the more people would not get permits, and build illegally.

Development Services Manager Murphy said there was a program in the adopted Housing Element that became effective today to look at potential amnesty programs. He said at the Housing Element Steering Committee, community workshops, commissions and Council, they spent time discussing this and what came forward from the Council in December was to pursue the realm of possibility that was being currently pursued, and not to go down the path of the more complicated community discussions about types of building code requirements and types of inspections. He said it could be done but there were City priorities and resources involved. He said this was not something that could be done in the next two months. He said if the Commission wanted to recommend this for the next Housing Element there could be time to do that but probably not until after the General Plan Update. Chair Kadvany noted language in the Housing Element strategies that provided a slot for this work in the future. Development Services Manager Murphy said if there was serious interest in pursuing that work in the next few years that the language should be strengthened.



Commissioner Strehl said regarding tenancy that the allowance should be for one year before a need to renew as usually a person leaving for a job would have a longer commitment than six months.

Commissioner Bressler said he shared some of Commissioner Riggs' frustration about the cost, and realized that there should be no greater fees for these units than what was charged for someone remodeling their home and adding square footage. He asked what made that more expensive. Development Services Manager Murphy said they wanted to do equal comparisons and make sure the way the fees were calculated accounted for the fact that secondary dwelling units were smaller than a primary residence. Commissioner Bressler said that adding 200 square feet to his home or building a separate 200 square foot habitable accessory building should be assessed the same amount of fees. Development Services Manager Murphy said that was the overall intention of what they would be doing in developing the master fee schedule. He said there might be some fees that were structured without secondary dwelling units in mind and they would flag those for the City Council. He said they would look at what would level the playing field as well as what would create incentives for building secondary dwelling units.

Commissioner Onken said the standard parking space in Mill Valley was 9-foot by 20-foot and a second space was allowed at 8-foot by 17-foot. He suggested for secondary dwelling units that the second parking space could be as small as 8-foot by 17-foot.

Commissioner Eiref said he thought that was a great idea. He said he thought the general goal was to allow secondary dwelling units as much as possible but people did not like the idea of a slumlord property. He said there needed to be something to prevent properties from becoming slumlord properties when the property owner was not living in the primary or secondary residence. He said there was a question about allowing a larger unit up to 700 square feet if there was handicapped access needed. He said that was a good idea. He said there was a good letter describing changes in residences such as micro-homes and suggested that if after this ordinance amendment if there were no applications for secondary dwelling unit that they have the ability to review it again, and iterate it until they got it right.

Commissioner Onken said regarding the daylight plane diagrams that generally it was an improvement. He said he agreed with Commissioner Riggs comments on three and five foot setbacks, and that three foot setbacks were acceptable. He said the ordinance would create the opportunity for many different properties to build a secondary dwelling unit and at the same time satisfy the state requirements. He said he was supportive of the ordinance and the daylight place, and thought they needed to reduce the parking standard, and go forward with approving the Housing Element.

Commissioner Riggs said he also liked the daylight plane revisions. He said having a primary residence and a secondary dwelling unit of 600 square feet was very different

from what could be built on an R2 lot. He said in encouraging secondary dwelling units and conversions they would see better and safer dwelling units.

Chair Kadvany asked if there was a specific proposal for parking. Commissioner Onken said to state within the ordinance that the second required parking space could be reduced to 8-foot by 17-foot. Responding to a question from Chair Kadvany, Senior Planner Chow said 8-foot by 17-foot would be different from what was currently required for an uncovered parking space standards. She said the smaller size would need to be reviewed by the Transportation Division. She asked if the reduced size was intended for both covered and uncovered spaces. Commissioner Onken said that was correct. Senior Planner Chow said there was one parking space required for a secondary dwelling unit in addition to the parking the main dwelling has. She said the flexibility for parking that was added last year allowed it to be located in a driveway of a two-car driveway or a single-car driveway leading into another parking space. Commissioner Onken suggested the second parking space uncovered could be 8-foot by 17-foot and a covered space or garage situation 9-foot by 20-foot. Commissioner Riggs said he thought in Lorelei Manor that the garage spaces were reduced to 9-foot by 18-foot, and he parks two cars in his 18-foot by 18-foot garage. There was consensus to ask staff to look at 8-foot by 17-foot parking space requirement for secondary dwelling unit.

Chair Kadvany asked what the Commission's position was on the tenancy requirement for secondary dwelling units being proposed. He said the option indicated that if the property owner moved the renter did not have to. He asked about the parameter to register. Commissioner Ferrick said she would like to see it be one year. Commissioner Strehl asked if that offered an opportunity to renew the registration.

Senior Planner Chow said if a property owner has a property with a secondary dwelling unit and found it necessary to relocate out of the area, the property owner would be able to go through a registration process to have the tenancy requirement temporarily modified for one year to have the flexibility to rent out both the main and secondary dwelling units. She said if there was a second year registration and then a third year, it was discussed to have a use permit process to permanently request a waiver from the tenancy requirement. Chair Kadvany asked if there could be a public record of the registration process. Senior Planner Chow said if notification was done for registration that could be done.

Commissioner Strehl said that the property owner could register multiple times or apply for a use permit to permanently request a waiver from the tenancy requirement. Commissioner Ferrick said that was what she understood as otherwise she did not think property owners would bother to register. Chair Kadvany said it would be code violation. He said the process should be designed to prevent abuse. Commissioner Riggs said he had concerns with a scenario of a property owner building a secondary dwelling unit and then renting both places. He said if the property owner was away for more than a year that the secondary dwelling unit should be decommissioned. Commissioner Strehl said with the expense of building a secondary dwelling unit she doubted someone

would do that just to rent both homes. Commissioner Ferrick said the discussion at the Housing Element Steering Committee was that the registration to waive the tenancy requirement would be simple and not require noticing. She said she would support a sunset of re-registration at five years. She said the point was to have housing units of different types. Chair Kadvany said he did not think noticing was needed but more to have information that was available to the public regarding the property owner registering. Senior Planner Chow said the registration forms would be available for the public to view. Commissioner Strehl suggested that as part of the registration the owner could designate the parking arrangement for the property. Chair Kadvany suggested having the staff work on the details. Commissioner Ferrick said there seemed to be some type of agreement for a registration process for an unknown period of time. Chair Kadvany said the registration was for one year and there should be further details defined by staff at the renewal point. Commissioner Riggs said he thought they were setting the City up for abuse noting statistics that the average Californian moves every seven years and in the Bay area every four years as people like to upgrade their residence. He said the secondary dwelling unit was intended and born out of state law to allow a property owner who was outgrowing their residence to build a smaller unit so they did not have to sell their property and move. He said leaving the property and renting both properties out created an R-2 property. He said he was okay with one year but after that only the one main home should be occupied and the secondary dwelling unit decommissioned.

Commission Action: M/S Riggs/Kadvany to recommend one year of non-tenancy by registration and after that to require a use permit process. Chair Kadvany seconded the motion.

Commissioner Ferrick asked about the cost of a use permit application. Development Services Manager Murphy said they would be developing a fee schedule to include secondary dwelling unit use permit fees and those would be different than the general use permit category.

The motion carried 4-3 with Commissioners Eiref, Onken, Kadvany and Riggs supporting and Commissioners Bressler, Ferrick and Strehl opposing.

Responding to a question from Commissioner Strehl, Development Services Manager Murphy said there would be a multi-step process for noncompliance. He said the first step would be notification to the property owner to bring the property into compliance. He said should there be continuing communication with no compliance occurring, a violation would then be imposed on a per day basis for noncompliance. He said that it was very rare for that to occur as most property owners would come into compliance before that point.

Commissioner Ferrick said she said not want the City Council to think that those who voted against the motion were unsupportive of the registration process but that they or

at least she supported a longer period to allow renewing registration to two years. She asked if they could make another motion to express that.

Commissioner Bressler moved to recommend approval of a registration process and renewal up to four years before a use permit was required to waive the tenancy requirement. Commissioner Strehl seconded the motion.

Chair Kadvany clarified that the second motion would be considered a substitute motion.

There was discussion about the small number of secondary dwelling units and what would occur with registration for a waiver of tenancy if there were complaints. Development Services Manager Murphy said staff could envision a process with terms of the registration such as non-renewal for cause or revocation. He said they could look at that between now and the Council meeting, and incorporate that with whatever time frame for the registration and renewal the Commission was considering. Commission Action: (Substitute motion) M/S Bressler/Strehl to recommend a registration process and renewal up to four years before a use permit was required to waive the tenancy requirement.

Motion carried 7-0.

Commissioner Onken asked regarding setbacks and the public comment about the inconsistency of front doors on flag lot whether there should be language to mandate that the entrance to the secondary dwelling unit was either on the front of the building or to the interior of the lot but never to the side of the unit. Commissioner Eiref said a seven-foot fence could be built. Commissioner Ferrick said she thought it was case by case. Commissioner Riggs said he thought it would be good to have less restrictive setbacks for secondary dwelling units. Chair Kadvany said his concern would be light impact or view impact to a neighboring home, which was why he would not want to liberalize setbacks.

Commission Action: M/S Onken/Ferrick to recommend the adoption of the daylight plane as recommended by staff.

Motion carried 6-0 with Commissioner Eiref abstaining.

Commission Action: M/S Ferrick/Eiref to recommend support the incentive of allowing 700 square feet for ADA compliant secondary dwelling unit as recommended by staff.

Motion carried 7-0.

Chair Kadvany noted that fees would be a policy action. He asked if they should consider anything else about secondary dwelling units. Senior Planner Chow asked if they supported reducing the minimum lot size to 5,750 square feet for a secondary

dwelling unit.

Commissioners Onken and Strehl supported the reduction to a minimum lot size of 5,750 square feet. Commissioner Riggs said he could support a minimum lot size of 5,000 square feet. He said a cutoff was not needed as percentage of coverage on a lot determined feasibility of building a secondary dwelling unit. He said reducing the size to 5,000 square feet might encourage more secondary dwelling units but he did not think there would be a proliferation of secondary dwelling units. Commissioner Eiref said he thought FAL would determine the capacity of the lot.

Development Services Manager Murphy said at the last Steering Committee meetings there had been discussion about reducing the minimum lot size below 7,000 square feet, between 5,000 and 6,000 square feet and that there was more comfort with the 6,000 square feet. He said the request for the 5,750 square feet came from Belle Haven residents. He said given lot coverage, setbacks and other requirements some of the smaller lots might be more challenging but there might be configurations that worked. He said if the Commission wanted to recommend less than 5,750 square feet minimum lot size, staff would look closely to make sure nothing was being overlooked. He said the environmental review document that was released listed 5,750 square feet so they needed to make sure that worked with all of the documents. He said otherwise there was the use permit process and perhaps a fee structure to make the fee lower to go through that process, which could be another way of providing incentive to people who have lots less than 5,750 square feet.

Commissioner Onken questioned why a minimum lot size was needed. He said when setbacks, parking and gross floor area (GFA) were applied that would indicate what was left to build. Commissioner Ferrick noted her home was on a 5,150 square foot lot and there was not enough room to build a secondary dwelling unit. She said there might be configurations of smaller lots that might accommodate a secondary dwelling unit.

Development Services Manager Murphy said that they would not want to reduce the minimum lot size under 5,000 square feet as FAL was not established under 5,000 square feet. He said recommending reducing to 5,000 square feet was easy for staff to analyze before taking this to the City Council.

Commission Action: M/S Riggs/Kadvany to recommend looking at reducing the minimum lot size to allow for a secondary dwelling unit to 5,000 square feet.

Motion carried 7-0.

The Commission began consideration of the proposed ordinance amendment for the conversion process for legally built accessory buildings into secondary dwelling units. Chair Kadvany said a nonconforming setback could be maintained as long as nonconformity was not increased but the building could be made bigger within available space. Senior Planner Chow said this was currently a program in the Housing Element.

She said the proposal was to modify it to reflect the ordinance being brought forward in the proposed Housing Element. She said if there was interest in continuing to pursue options for an amnesty program to deal with illegal construction staff could look at that. Commissioner Onken said he supported that and would like to see a report back on results. Commissioner Eiref suggested they might want to set a goal of some number of conversions, otherwise he thought they were wasting time. He said also goals for the overall secondary dwelling unit program were needed.

Development Services Manager Murphy said over the past eight years, the City had possibly one secondary dwelling unit application. He said over the past year there had been seven. He said there were target projections in the program. He said every year the City will need to report on how it was doing with the housing programs with a minimum of report making to the City Council but staff would suggest reports be made to the Housing and Planning Commissions, and to the City Council.

Development Services Manager Murphy reviewed the objectives of the H4.E and H4.F programs over the next eight years to gain 55 secondary dwelling units. Chair Kadvany asked if there was a way to track the income levels for those units. Development Services Manager Murphy said the RHNA table called out 75 units in the eight years but noted elsewhere 55 units were indicated so they would need to reconcile those numbers. He said there were objectives and goals built into the Housing Element.

Commission Action: M/S Kadvany/Eiref to recommend approval of the recommended conversion process.

Motion carried 7-0.

Senior Planner Chow said there was one clarification related to the setback on an alley for five feet so it was closer than the 10-feet needed for a rear setback. She said the minimum requirement would be for five feet.

Chair Kadvany asked about the number of plumbing fixtures and accessory buildings.

Commission Action: M/S Strehl/Riggs to recommend changing the definition of living space to four or more plumbing fixtures.

Motion carried 7-0.

Senior Planner Chow asked if there was any more discussion on the garage entrance 20-foot requirement from the property line in the front yard, side property line, rear yard, or facing an alley. She said the purpose was to have a car parked fully on the property and not obstructing a sidewalk, an alley, or public right of way. Commissioner Riggs said he thought the garage entrance for an alley could be located at a five-foot setback. Planner Chow said under current ordinance an accessory building could be located five-feet from an alley. She said a garage needed to be located at least eight feet to allow

for adequate back up and turning radius in a 15-foot alley. Commissioner Riggs asked if all alleys were 15-feet wide. Planner Chow said they would look at the width of an alley to establish the needed setback. She said generally the alleys in the Willows were 15-feet wide. Commissioner Riggs said cars can back up and turn around in less than 23 feet.

Commission Action: M/S Riggs/Kadvany to recommend requiring covered parking entrances to be located 20 feet from the property line it faces, with an exception to the garage entrance setback from the property line when facing an alley. The requirement when facing an alley would be a minimum five-foot setback.

Motion carried 7-0.

The Commission considered the recommendations for the Housing Element Update and the associated zoning ordinance amendments. Senior Planner Chow said staff was still exploring opportunities to strengthen the language addressing housing and developmental disabilities, and asked if that might be included in the motion.

There was majority consensus supporting the strengthening of language addressing housing and developmental disabilities.

Commission Action: M/S Riggs/Strehl to recommend to the City Council to adopt a Resolution adopting the Negative Declaration for the Housing Element Update and Associated Zoning Ordinance Amendments.

Motion carried 7-0.

Chair Kadvany said on page 73, line 5, of the Housing Element update, that the font changed. Commissioner Riggs said he objected to RHNA being imposed upon the City by the regional agency. Chair Kadvany said that the process impelled the City to look at housing.

Commission Action: M/S Onken/Riggs to recommend to the City Council to adopt a Resolution updating the Housing Element for the 2015-2023 Planning Period.

Motion carried 7-0.

Commission Action: M/S Ferrick/Strehl that the Commission's recommendations regarding Zoning Ordinance Amendments as previously discussed and voted upon be forwarded to the City Council.

### Zoning Ordinance Amendments

1. Introduce an Ordinance Amending the Zoning Ordinance to Add the Emergency Shelter for the Homeless Overlay and a Definition of Emergency Shelter

Majority consensus to recommend and to include a footnote as to other areas previously considered.

2. Introduce an Ordinance Amending the Zoning Ordinance to Modify and Add Definitions Related to Transitional and Supportive Housing and Residential Care Facilities

Majority consensus to recommend approval.

3. Introduce an Ordinance Amending the Zoning Ordinance to Add Provisions for Reasonable Accommodations

Majority consensus recommending approval and supporting the strengthening of language addressing housing and developmental disabilities.

4. Introduce an Ordinance Amending the Zoning Ordinance to Modify Requirements Related to Secondary Dwelling Units (Attachment F)

Majority consensus to recommend that staff review an 8-foot by 17-foot uncovered parking space requirement for secondary dwelling unit.

Commission Action: (Substitute motion) M/S Bressler/Strehl to recommend approval of a registration process and renewal up to four years to waive tenancy requirement before a use permit was required.

Motion carried 7-0.

Commission Action: M/S Onken/ Ferrick to recommend the adoption of the daylight plane as recommended by staff.

Motion carried 6-0 with Commissioner Eiref abstaining.

Commission Action: M/S Ferrick/Eiref to recommend support for the incentive to allow 700 square feet for ADA compliant secondary dwelling unit as recommended by staff.

Motion carried 7-0.

Commission Action: M/S Riggs/Kadvany to recommend looking at reducing the minimum lot size to 5,000 square feet to allow for a secondary dwelling unit.

Motion carried 7-0.

Commission Action: M/S Riggs/Kadvany to recommend an exception to the garage entrance setback from the property line when facing an alley to be a minimum five feet.



Motion carried 7-0.

5. Introduce an Ordinance Amending the Zoning Ordinance to Modify Requirements Related to Accessory Buildings and Accessory Structures (Attachment G)

Commission Action: M/S Kadvany/Eiref to recommend approval of the recommended conversion process.

Motion carried 7-0.

Commission Action: M/S Strehl/Riggs to recommend changing the definition of living space to four or more plumbing fixtures.

Motion carried 7-0.

**E. REGULAR BUSINESS - None**

**F. COMMISSION BUSINESS**

- F1. Residential Design Review:** The subcommittee will provide a small sample of draft Residential Guidelines text for Commission feedback. The goal is to have consensus on the general approach for the Guidelines before investing extensive effort needed for a complete draft. A nominal process component for how the Guidelines are expected to be used by the Planning Commission will also be briefly discussed.

Chair Kadvany said the Residential Design Guidelines subcommittee put together a sample in rough draft to give a sense of what they were trying to do with residential guidelines. He said for his part he took the old Menlo Park guidelines that were not in effect and reworked the language to make it softer, more advisory rather than prescriptive and clarifying that the design guidelines were not intended to limit style or the size of a building. He said Commissioner Onken developed a short question/answer format to make the Guidelines user-friendly. He said they were trying to make it simple but it would be a project. He said they wanted to see if there was support for this path. He said the process would be advisory and for the Planning Commission only.

Commissioner Riggs said in Menlo Park historically some buildings have untoward impacts on their neighbors, and the challenge was how to create some guidance for those who would seek it without narrowly limiting what an applicant might do. He said he thought that they wanted to set goals rather than restrictions.

Commissioner Eiref said he thought they should learn from the previous attempt to have City residential design guidelines and try to be more empiric. He suggested real case

studies about projects that had come to the Commission to demonstrate great and not so good projects. He suggested those be documented simply on the website as factual case studies but not called guidelines.

Commissioner Bressler said they might want to add case studies but he thought the proposed residential design guideline document prepared by the subcommittee was the right approach. He said it was very simple and provided context. He said samples had to be interpreted.

Commissioner Ferrick said she thought how the last few pages that began with the word "Preface" were presented was a good way to frame the document.

## **ADJOURNMENT**

The meeting adjourned at 11:18 p.m.

Commission Liaison: Senior Planner Deanna Chow

Recording Secretary: Brenda Bennett

Approved by the Planning Commission on April 7, 2014