



PLANNING COMMISSION EXCERPT MINUTES

Monday, January 12, 2009
7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers

CALL TO ORDER – 7:01 p.m.

ROLL CALL – Bressler, Ferrick, Kadvany, Keith (Arrived 7:02 p.m.), O'Malley (Vice chair), Pagee, Riggs (Chair)

INTRODUCTION OF STAFF – Deanna Chow, Senior Planner; Megan Fisher, Associate Planner, Justin Murphy, Development Services Manager

E. REGULAR BUSINESS

1. [Zoning Ordinance Amendment/City of Menlo Park](#): Consideration of a Zoning Ordinance Amendment to clarify the definition of Gross Floor Area to more specifically identify features of a building that are either included or excluded from the calculation. Gross floor area is used in calculating the floor area ratio (FAR) and parking requirements for developments in all zoning districts except for single-family and R-2 (Low Density Apartment) zoning districts. Floor area ratio equals the gross floor area of a building divided by the lot area and effectively regulates the size of a building. In addition, gross floor area is used in determining the applicability of requirements for below market rate (BMR) housing and the preparation of traffic studies. The clarifications to the definition will focus on new buildings and attempt to minimize impacts to existing buildings. The Zoning Ordinance Amendment will be exempt from the California Environmental Quality Act (CEQA) in that the changes are intended to have no potential to impact the environment.

Staff Comment: Development Services Manager Murphy said staff had received additional correspondence, which had been distributed to the Commission. He said there was an email sent to him at 11:30 a.m. from Ms. Robin Kennedy, representing Quadrus, who asked for some clarification. He said he had not been available to receive the email and respond. He said Ms. Kennedy sent a second email at 4:37 p.m. with revised wording they wanted used. He said he responded to the second email that the revisions to the wording did not meet the Commission's intent.

Questions of Staff: Commissioner Keith asked when Development Services Manager Murphy replied to Ms. Kennedy. Development Services Manager Murphy said it was after 4:47 p.m. but Ms. Kennedy was not available. He spoke with Ms. Peggy Lo, who indicated she would like the Commission to see both emails. He said he explained to Ms. Lo that he did not necessarily agree with what they were proposing. He said as Section D was set up

that a building could be considered not nonconforming as existing, but if there was an intent to expand building and use the remaining square footage that the certification process would need to occur.

Commissioner Pagee asked about B(1) and B(2) of the staff report as one was labeled 16.04.325 and the second was 16.04.315, and if that was an error in listing. Development Services Manager Murphy said the focus was on gross floor area and there was an associated change related to the floor area ratio. He said in the Ordinance they would be listed in order.

Chair Riggs said it appeared that the revised proposed Zoning Ordinance Amendment was quite similar to what the Commission had arrived at last year and asked if the two-page summary prepared then would still be accurate. Development Services Manager Murphy said that the Commission could forward the recommendation on the ordinance and revisit the memo to see if it needed refinement.

Chair Riggs asked what the Commission would like to do. Commissioner Kadvany said it should at least be reviewed. Chair Riggs suggested that they schedule that review for the January 26 meeting. Development Services Manager Murphy said that could be accommodated.

Commissioner Bressler said for the record that item C, number 1, in attachment A, was an area that had been of much concern. He noted in particular the second sentence which stated that to qualify for this exclusion such spaces must have two or more of the following qualifications. He said if someone put in a space with no windows and electricity and qualified for the five percent and later they put in windows and electricity that would be a violation. Development Services Manager Murphy said that was correct. Chair Riggs said that often a light was required for attics for the use of service to mechanical equipment. Commissioner Ferrick said she thought they determined the most primary characteristic of excluded space was the six-foot, six inch height limit. Chair Riggs said the typical attic, unless it had floor space, would not have windows, air conditioning, or skylights but an attic under a peaked roof could have in parts of it a greater height than six-feet, six inches. Development Services Manager Murphy said the change on the December 15 meeting to pull out attics and basements and have those regulated only by floor to ceiling height was the most dramatic change the Commission had made. He said he was not sure how much impact item C.1 would have. He said one thing that was not necessarily intended was the relationship between the floor to ceiling height in B.1 and B.3 and in C.1. He suggested that B.1 and B.3 should read "ceiling heights six-foot, six-inches or greater." Chair Riggs said there was an issue with regard to a space with a varying ceiling height. He said when there was a limit height that any portion having a higher ceiling would be counted. He suggested saying attic areas and basement areas that have a floor area of six-foot, six-inches or greater, would be counted and remove the word "minimum." Development Services Manager Murphy said the intent was the portion of the attic that was six-feet, six-inches or greater would be included and what was less than that would not be included. Commissioner Pagee asked if there could be a drawing demonstrating the varying height, and what would be counted and what not. Development Services Manager Murphy said that might be

recommended to the Council to see if funding for graphics was possible. Chair Riggs said that perhaps there could be a subcommittee from the Commission to do that work.

Commissioner Keith asked if the Commission would see the final version. Development Services Manager Murphy said that if the Commission were to approve recommending the zoning ordinance amendment to Council, the prepared document would be ready before the Council's consideration of it for the Commission to see.

Commissioner Keith said she was confused about areas to be excluded that were less than six-foot, six-inches in height and met two other criteria. Chair Riggs said an example was a fake two-story chimney that would not have a use except for articulation on a blank wall. Commissioner Ferrick asked if there was a way to manipulate the exclusion to obtain extra square footage.

Commissioner Pagee restated her opinion said that whatever was between the four walls should be counted as gross floor area as was done by other cities.

Development Services Manager Murphy said the majority of buildings that would even approach being able to utilize that exclusion would have to come to the Commission for approval, or they could have all projects that claimed this exclusion come to the Commission for approval.

Commissioner Kadvany asked if the "nooks and crannies" mentioned by Mr. Beltramo were covered. Chair Riggs said "nooks and crannies" in a basement were acts of architecture versus parking layout but that was common for architects to deal with and it would not put off users. Development Services Manager Murphy said that a space in a basement less than six-feet, six-inches would probably qualify as a nook or crannie.

Commissioner O'Malley moved to recommend to the City Council with modifications to B.1 and B.3 as discussed. Commissioner Ferrick seconded the motion.

Commission Action: M/S O'Malley/Ferrick to recommend the proposed Zoning Ordinance Amendment to the City Council with the following modifications.

- **Modify subsection 16.04.325 B(1) to read as follows:** Areas of a basement with a floor to ceiling height of six feet, six inches or greater.
- **Modify subsection 16.04.325 B(3) to read as follows:** Areas of an attic with a floor to ceiling height of six feet, six inches or greater.

Motion carried 7-0.

The Commission discussed how to review and revise the two-page summary. Commissioner Kadvany said he thought it should include intended or expected usage accompanied with simple examples, stakeholders addressed in the process particularly people in the industrial area, potential loopholes, and expected impact on building size which he thought was

minimal. Chair Riggs said he agreed with that approach but it was a challenge to limit to two-pages. Commissioner Kadvany said he would help with the content.

Commission Action: M/S Ferrick/Pagee to have Commissioners Riggs and O'Malley, with input from Commissioner Kadvany, update the previously reviewed two-page summary of the Commission's final recommendation for use by the City Council.

Motion carried 7-0.

Chair Riggs asked if they had discussed Commission representation at the Council meeting. Commissioner Keith said she would like a Commissioner to represent the Commission. Commissioner Bressler said he would be at the meeting and felt able to explain why the Commission had come to this version.

Commission Action: M/S Riggs/Keith to authorize Commissioner Bressler to represent the Planning Commission at the City Council meeting on Gross Floor Area, and to present the two-page summary and address questions about the Commission's review process and recommendation.

Motion carried 7-0.

ADJOURNMENT

The meeting adjourned at 10:11 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on February 9, 2009.