



PLANNING COMMISSION EXCERPT MINUTES

Monday, August 11, 2008
7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers

Teleconference with participation by Commissioner Keith from:
13073 Northwoods Blvd.
Truckee, CA 96161
(Posted August 8, 2008)

CALL TO ORDER – 7:01 p.m.

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

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

E. REGULAR BUSINESS

1. [Consideration of a written summary drafted by the Chair and Vice Chair of the Planning Commission's previous recommendation of possible exclusions to the definition of gross floor area as contemplated in a Zoning Ordinance Amendment.](#)

Staff Comment: Development Services Manager Murphy said that there were two pieces of correspondence; one from Patti Fry dated August 10 and one from Elias Bly dated August 11.

Chair Deziel said there was a Commission meeting on November 5, 2007 when the Commission made a motion to change the definition of gross floor area. He said the Commission also felt a letter should be submitted to Council via a representative from the Commission before the Council. He said in a subsequent meeting with the Mayor, he had indicated that he did not want a Commissioner to make a presentation before the Council. At a different meeting, the Mayor indicated that he wanted to have a two-page memo of what the Commission decided and asked that Chair Deziel write the memo. He said that based on staff input he consulted with Commissioner Riggs. He said Council member Ferguson agreed to review the memo in terms of its communicative effectiveness. He said it was drafted by him, reviewed numerous times by Commissioner Riggs and then reviewed by Council member Ferguson who had comments. Chair Deziel said he made the changes and had Commissioner Riggs review it and then it went to Development Services Manager Murphy for comment. He said the idea was to adopt the memo as a communication to the Council.

Commissioner Bressler said the Commission had since then gotten input from the public and former commissioners, and he thought those comments should be heard, and addressed and that perhaps that would change the Commission's decision.

Commissioner Pagee asked if staff had a copy of the staff report from November 5. Development Services Manager Murphy said he did not have a copy. Commissioner Riggs asked if they were presenting a summary of decisions made and if staff's intention was to present it but have the Commission approve it later time. Development Services Manager Murphy said that the memo summarized the discussions related to exclusions but outstanding was a modification to the nonconforming section which needed to be drafted and presented to the Commission and a public hearing conducted. He said there was a January target date for the amendment to go to the Council and staff would calendar the remaining section in time to meet that target date.

Public Comment: Ms. Patti Fry, Menlo Park, complimented the Commission on their careful consideration of items this evening and in the drafting of the summary memo. She said there were areas remaining where there was silence and no added clarity and might be considered as loopholes. She said there was an option that Commissioners could provide their own rationale if not represented. She said she felt that the exemptions somewhat codified some of the creep but not entirely, but that the Commission thought otherwise.

Commission Comment: Commissioner O'Malley said that this memo was a summary of the actions taken at the November 5 meeting. Chair Deziel said that was correct. He said they were adopting a summary of action to supplement the minutes to more effectively communicate the Commission's actions on November 5, 2007.

Commissioner Riggs said the Mayor had told them directly that he would not read more than two pages, and the actions and consideration the Commission had made would not have been reflected in a Council consideration. He said originally the Commission considered a joint session of the Commission and Council, but that had not been wanted by the Mayor..

Commissioner Bressler said he thought the summary was accurate, but asked whether they would talk about dissenting opinions this evening. He said since the November 5, 2007 meeting that he had additional information. Commissioner Keith suggested the motion could be to adopt the November 5, 2007 recommendation as summarized in the memo. Commissioner Pagee said she did not recall agreeing to some of the items as the memo indicated as a unanimous motion of the Commission, such as noise generating mechanical areas. Chair Deziel said that items were collected into motions and that those were unanimous. Commissioner O'Malley said that Commissioner Bressler and Commissioner Pagee could make their opinion known to the Council. Commissioner Pagee said her thinking may have solidified on the issues since then and that she had voted as stated in the memo.

Commissioner O'Malley asked if staff had reviewed the document. Development Services Manager Murphy said the memo was a good representation of what the Commission decided, but that there were subtleties in the minutes that were not in the memo.

Chair Deziel moved to adopt the memo as the communication of the recommendation that the Commission made on gross floor area on November 5, 2007. Commissioner O'Malley seconded the motion.

Commissioner Keith said that page 15 of the excerpt minutes for November 5 stated a Commission action to request staff to bring back two options for section 3, including a simplified version of 110 as proposed by the Commission to a future Commission meeting. Chair Deziel noted page 2 of the memo entitled "Handling Preexisting Conditions." He said what was discussed was that if the Council adopted all of the exclusions then the proposed method of handling pre-existing conditions was a weighty process that would not be needed as there would be very little discrepancy between what they were doing and not doing. He said they came up as suggestions and Development Services Manager Murphy said that those had to be developed and presented at a public hearing, which has not yet occurred. Chair Deziel said that was addressed in the last paragraph of the memo.

Commission Action: M/S Deziel/O'Malley to adopt the Planning Commission recommendation of November 5, 2007 for defining gross floor area.

Motion carried 7-0.

ADJOURNMENT

The meeting adjourned at 9:58 p.m.

Staff Liaison: Deanna Chow, Senior Planner

Prepared by: Brenda Bennett, Recording Secretary

Approved by Planning Commission on October 6, 2008.