



**SPECIAL
CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, April 4, 2006
7:30 p.m.

701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers

7:30 p.m. SPECIAL MEETING (Menlo Park City Council Chambers)

ROLL CALL - Jellins, Fergusson, Cohen, Duboc, Winkler

STAFF PRESENT - David Boesch, City Manager; William McClure, City Attorney; and Silvia Vonderlinden, City Clerk. Other senior staff was present.

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. (a) One vacancy on the Las Pulgas Committee to fill an un-expired business member seat that expires March 2009. The extended deadline for receipt of applications is April 5, 2006 at 5:30 p.m.

(b) Two vacancies on the Planning Commission to fill two expired terms. The seats are for terms that will end April 2010. The deadline for submittal of applications is Wednesday, April 26, 2006 at 5:30 p.m.
2. Appointment to the Transportation Commission.

Mayor Jellins opened the floor for nominations:

- Mayor Pro Tem Fergusson nominated Robert Cronin.
- Council Member Duboc nominated John Boyle.

Vote in the order candidates were nominated:

Mayor Pro Tem Fergusson, and Council Member Cohen voted for Mr. Cronin.

**Mayor Jellins, and Council Members Duboc and Winkler voted for Mr. Boyle.
Mr. Boyle was appointed to the Transportation Commission.**

3. Appointment to the Planning Commission.

The Mayor opened the floor for nominations:

- Council Member Duboc nominated John O'Malley.

Various Council Members thanked the list of qualified applicants.

- Mayor Pro Tem Fergusson nominated Chris de Cardy.
- Council Member Cohen nominated Kim Rubin.

Vote on the nominations received:

Mayor Pro Tem Fergusson voted for Mr. de Cardy.

Mayor Jellins, and Council Members Duboc and Winkler voted for Mr. O'Malley.

Council Member Cohen voted for Mr. Rubin.

Mr. O'Malley was appointed to the Planning Commission.

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation recognizing April as National Alcohol Awareness Month.

Mayor Jellins presented the proclamation to multiple recipients.

C. PUBLIC COMMENT #1 (Limited to 30 minutes)

Elizabeth Lasensky, spoke on behalf of the Friends of Bayfront Park, referencing a petition that according to her was signed by 2,200 people. The petition asks Council to cease negotiations with Highlands, LLC. Ms. Lasensky read comments from people who signed the petition.

D. CONSENT CALENDAR

Item D1 pulled

1. Waiver of the reading and adoption of Ordinance No. 945 rezoning the properties located at 110 Linfield Drive and 175 Linfield Drive from C-1 (Administrative and Professional District, Restrictive) to R-3-X (Apartment District - Conditional Development).
2. Award of a one-year contract to Ferreira Service, Inc. in the amount of \$38,196 for maintenance and repair services for the heating, ventilating, and air conditioning systems in City buildings, and authorize the City Manager to extend the contract for up to two additional years.

M/S Duboc/Winkler to approve Consent Calendar item D2. Motion carries unanimously.

Discussion on item D1

Council Member Cohen asked about traffic, heritage tree and school impacts. Mr. Murphy, Development Services Manager, said that the environmental impact report addresses those issues and he covered some of them. Council Member Cohen said he cannot support this plan because of the removal of so many heritage trees, impact on schools and traffic impacts. In his opinion these were inadequately dealt with.

M/S Winkler/Duboc to approve Consent Calendar item D1. Motion carries 4-1 with Council Member Cohen opposing.

E. PUBLIC HEARING - None

F. STUDY SESSION

1. Consideration of and possible direction to staff on policy issues related to the proposal to demolish a 31,000 square foot automobile dealership building located at 1300 El Camino Real and construct a total of 134 residential units, 40,730 square feet of office, and 37,335 square feet of retail; including issues related to the compatibility with the Derry Lane Mixed Use development proposal.

Megan Fisher, Assistant Planner, presented details on the application before Council. Mr. Jeff Warmoth thanked Council for the opportunity and introduced the project architect, Kenneth Rodrigues, with Kenneth Rodrigues and Partners. Mr. Rodrigues shared slides illustrating project details. He explained that parking would be located in the back of the project or below grade. Council Member Duboc remarked that she'd prefer staying with the Trees for Menlo design instead of using palm trees. Council Member Winkler asked if Mr. Rodrigues had completed other projects in Menlo Park and he confirmed and listed some of those projects. Council Member Winkler appreciated the fact that the parking will be concealed from the primary use. Mayor Pro Tem Fergusson inquired why the project focuses on rentals instead of condos. Mr. Rodrigues responded that the location is appropriate for such use. Mayor Pro Tem Fergusson reiterated the need for a high quality development using high quality materials.

Council Member Cohen asked for specifics on the trees that will be planted. Mr. Rodrigues said that it is too early to get into these details but the developer will heed to Council's preferences. Council Member Cohen inquired about various elements of the design. Mr. Rodrigues provided details on the cost of certain decorative elements. Council discussed rental versus condos. Mr. Rodrigues gave details about the size of the units and how they are sized for the rental market. Council Member Cohen asked if there was a conversion plan from rental to condominium and Mr. Rodrigues said that at this time the intention is to have it be a rental project. Mayor Jellins asked about the commonalities and the differences between the Derry Lane project and this one. The architect replied that this project is meant to tie into the other project but have its own character. He believes that while they are similar there are differences that make the co-existence of the projects more interesting.

Council Member Duboc asked about details on the office use. Mr. Rodrigues said that at this point they are open to attorney office use, restaurants and other uses that are compatible with the area. Council Member Duboc would like gyms and exercise areas to be included in the project and Mr. Rodrigues confirmed that to be the case. Mayor Pro Tem Fergusson posed questions about density.

Public Comment

Frank Carney disagreed with the four-story design. He opined that three stories is the highest it should go because taller buildings eliminate the small city feel. He shared concerns with added traffic, as well as the heritage trees scheduled for removal.

Mayor Jellins believes that in February the Council reached a consensus about allowing greater density along El Camino Real. Mayor Jellins focused the discussion on the items listed by staff, which included clarification on density and floor area ratio (FAR). Council Member Cohen said that if he is going to allow greater density then he expects something back. Mayor Jellins included public benefit as a topic of the discussion. The possible uses for non-residential space were discussed and Council Member Cohen believes that 40 units per acre is too much density because of impacts on traffic and schools. He also finds retail preferable to office use. Mayor Pro Tem Fergusson pointed out that the Derry project is more residential than commercial. Council Member Cohen believes that grade separations have been approached as a *fait accompli* and he does not believe that is the best option. In his opinion, this is piecemeal zoning and he would prefer taking a bigger view approach.

Council Member Duboc believes we are on the verge of making El Camino Real a destination and not just a location. She believes this will make El Camino Real less industrial and more appealing. Ms. Duboc enumerated some of the items she thinks are a public benefit: rental housing, high quality retail, and sales taxes. Council Member Duboc supports providing adequate train service and working towards it. Council Member Winkler likes the mix of this rental project and the condo project on Derry Lane. She believes the Caltrain system needs to be improved and while it may not be optimal right now this should not stop the City from pushing forward with this project because it is consistent with the smart growth concept. She supports this concept and she believes retail space on the ground floor makes sense. As for school impacts, she believes those will be next to none.

Mayor Jellins disagrees that the density is too high and he is not so concerned with the current train service being suboptimal. Mayor Jellins pointed out that some public benefit could be included to obtain a framework to have this be a less ad hoc process and consider the types of impacts. He believes that a balance between retail and rental is needed. Mayor Pro Tem Fergusson said that she wants to have a reasonable level of expectation that the transit will work. She believes that to the degree that we can work with regional agencies to get services then it is important to realize that. Mayor Pro Tem Fergusson spoke about impacts on schools, growth in school aged children and families that are moving into Menlo Park.

Council Member Winkler referred to a meeting of the Grand Boulevard Task Force and the synergy between public transportation and this project. She suggested a shuttle service that would service various areas of the city and would alleviate some of the traffic problems outlined. Council Member Cohen spoke about the Design Charrette and how it was an integrated approach to making the city center more accessible. Council Member Cohen supports bridging various areas of the city. Council Member Winkler believes this is consistent with the larger view and the vision for downtown. Council Member Cohen said that there is a lot being asked of the City and not much being given in exchange.

Mayor Pro Tem Fergusson believes there are some public benefits that are easily perceived by the public, such as a renovated theater. She commented that the Park Theater is a signature building and she has received feedback from people sharing that sentiment. Council Member Duboc supports including some public art in the square area of this project. Council Member Cohen suggested moving the train station and having an open discussion with all developers to create a connected city with a bike corridor and undercrossing.

Mayor Jellins asked for volunteers to work with staff, and possibly a project proponent, to work and bring back a process or proposal to identify and quantify public benefits. Such framework would be used for various other projects. Council Member Winkler believes that storm drains are a long term benefit to residents. She believes that another public benefit is the fact that utilities are underground. Council Member Duboc volunteered to serve on the subcommittee and Council Member Cohen is

willing to volunteer if a bicycle connection/tunnel remains a possibility. Mayor Pro Tem Fergusson shared her willingness to volunteer and Council Member Cohen deferred to her giving her his seat.

Council direction is to form a subcommittee and to return to Council in six weeks.

Council discussed the trees and Council Member Duboc does not want to see the (13) London Plane trees removed . Mayor Jellins said that the trees and the recreation in-lieu fee could be addressed by the subcommittee.

Council took a six-minute break at 10:20 p.m.

Council discussed the trees and Council Member Duboc considered the option of removing the Redwood trees but not the London Plane as feasible. Mr. Warmoth said that trying to save the Redwoods would be a substantial setback even though the trees are over 40 years old and in good health. Mayor Pro Tem Fergusson asked for a sketch of what it will look like because this would help her in visual terms. The architect and Mayor Pro Tem Fergusson will discuss the matter off line. Council Member Cohen and Council Member Winkler like the London Plane trees as well as Ms. Duboc. Mayor Jellins agrees with the removal of the Redwood trees.

Mr. McClure provided different scenarios in regards to the recreation in lieu fee. **Council consensus was to have the subcommittee address it.** Council Member Cohen reiterated that he would not like to give away some potential benefit to the city. Mayor Jellins would like to find out why rental projects are handled differently than other projects. **Council consensus was to have the subcommittee address this issue.** In regards to compatibility with the Derry project, Council Member Duboc would like the projects to be similar but not equal and Council Member Winkler agreed. Mayor Jellins would like to explore other styles that could include other elements from surrounding projects.

Jeff Warmoth commented that direction was provided tonight and the forum of the subcommittee will be helpful. He looks forward to the next step which is a Study Session with the Planning Commission. He asked for a joint Study Session between the Council and the Planning Commission.

Public Comment

Elizabeth Lasensky commented that this is the only project in Menlo Park that includes affordable rental units. She believes this is a valuable commodity which is missing in this community.

2. Consideration of state and federal legislative items including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Items.

None.

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS -

Mayor Jellins reported that he attended the National Conference on Gang Violence Summit in Los Angeles. Mayor Jellins pointed out that gangs do not recognize political boundaries and there is a need for dialogue between various jurisdictions.

Mayor Pro Tem Fergusson reported receiving a letter from the Veterans Administration about its plans to build a facility. She said that comments are due tomorrow, and she is concerned that the project looks like a sprawling one story building that may be at odds with various other issues such as potentially excluding a joint use between the City and that entity. In her opinion, the facility looks like it is designed for areas where there is a lot more land.

Mayor Jellins said that a vote would be needed to place this item on the Council agenda. Mayor Jellins offered to write a letter raising the issues mentioned by Mayor Pro Tem Fergusson.

M/S Duboc/Cohen to consider this an emergency matter and place it on the agenda tonight. Motion carries unanimously.

Mr. McClure said that staff can draft a letter that addresses infrastructure concerns. He also mentioned that individual Council Members could provide individual comments and submit those to the entity with a request to extend the comment period and proposing a meeting with the Veterans Administration representatives, the Council and City staff. Council was comfortable with asking for additional time for the City to comment. Mayor Pro Tem Fergusson said that she would like the Council, on City Council letterhead, to mention that we want to consider that open space for sports fields.

Mayor Pro Tem Fergusson spoke about the Moseley Tract levy and questioned if a state of emergency should be declared. She asked that a memo from Public Works Director, Kent Steffens, be on a future agenda as a written communication. Mayor Jellins supported this approach.

Council Member Duboc reported that on April 27, 2007 the Corps of Engineers and the San Francisquito Creek will hold the first public meeting to review the Feasibility Study.

J. PUBLIC COMMENT #2 (Limited to 30 minutes) - None

K. ADJOURNMENT – the meeting adjourned at 11:16 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, City Clerk

Approved at the City Council meeting of August 22, 2006.