



# CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Regular Meeting  
Tuesday, April 30, 2002  
7:30 p.m.  
Menlo Park Council Chamber  
801 Laurel Street, Menlo Park

**ROLL CALL** – Mayor Schmidt called the meeting to order at 7:35 p.m. Mayor Pro Tem Kinney and Councilmembers Borak, Collacchi, and Jellins were present. Staff present included City Manager Boesch, City Attorney McClure, Assistant City Manager Seymour, City Clerk Ramos and other department heads.

## A. PRESENTATIONS AND PROCLAMATIONS - None

## B. ANNOUNCEMENTS, APPOINTMENTS AND REPORTS

Mayor Schmidt commented about the upcoming San Francisco to Los Angeles AIDS bike ride and noted that Jeff Smith, a City employee, will be participating. He commended staff for the road resurfacing improvements on Santa Cruz Avenue.

Councilmember Jellins reported on ABAG's budget approval at its General Assembly meeting. He also said that the Board took a position to oppose (with conditions) SB 1243, authored by Senator Torlakson, that proposes to combine ABAG and MTC into one entity.

Mayor Schmidt updated the Council on the San Mateo County City Selection Committee's decision to recommend all the three applicants for nomination to the Coastal Commission. He commented about the Bay Crossing Study meeting which was held this afternoon and that a project brief is available from the Metropolitan Transportation Commission (MTC) for public review.

Councilmember Kinney reported on the following: The award ceremonies in Omaha, Nebraska for "Trees for Menlo Inc."; the San Francisquito Creeklevy restoration project south of 101 that received a negative declaration from the County of San Mateo Board of Supervisors; and a meeting with staff and Art Jensen, Executive Director for the Bay Area Water User's Association (BAWUA), to discuss the pending legislative bills regarding the San Francisco Hetch Hetchy regional water system.

Mayor Schmidt commented about the City's Arbor Day tree-planting activities.

Councilmember Jellins announced the annual Cinco de Mayo celebration this Saturday, May 4.

1. Arts Commission (one vacancy) with the deadline for applications April 30, 2002 – Noted by Mayor Schmidt.
2. Planning Commission appointments.

Council made the following nominations: Melody Pagee received three nominations, Donald Lowry received one nomination, William Halleck and Kelly Fergusson each received five nominations, Carol Dillon received one nomination and Kirsten Keith received one nomination. Nominations were closed by acclamation.

Mayor Schmidt asked the Council to vote (by a show of hands) for each nominee.

**William Halleck, Melody Pagee, and Kelly Fergusson received the most number of votes with three, five and five votes respectively and were appointed to the Planning Commission to each serve four-year terms ending April 30, 2006.**

**Mr. Halleck expressed thanks for Council's continued support.**

3. Councilmember Reports: Schmidt, Kinney, Borak, Collacchi, Jellins – None.

**C. PUBLIC COMMENT #1 – None**

**D. CONSENT CALENDAR**

1. Approval of audited bills for period 43 ending April 19, 2002.
2. Approval of Minutes for the City Council Meeting of April 2, 2002.

**M/S Collacchi/Borak to approve consent items 1 and 2 as presented. Motion passed 5-0.**

**E. PUBLIC HEARING**

1. Appeal of a decision by the Planning Commission to deny a variance to allow for an approximately nine-foot encroachment into the required daylight plane on the right side of the property in association with the development of a new single-family residence at 1240 San Mateo Drive.

Steve O'Connell, Contract Planner, presented the staff report.

Staff responded to questions regarding the hardship criteria for variances.

Mayor Schmidt opened the public hearing at 8:05 p.m.

Ken Linsteadt, Applicant/Architect, commented about the design of the house and the deed restriction for an additional twenty-foot setback on the subject property. He asked the Council to allow the property owners to keep the house in the proposed architectural style. He provided drawings and shadow studies for Council review. He noted that the proposed design should respond to the City's daylight plane provision. He responded to Council regarding the cast shadow studies.

Terry Thygessen, property owner, stated she had no additional comments.

There were no other public comments and the public hearing was closed at 8:13 p.m.

Councilmember Collacchi moved to grant the appeal and asked the City Attorney for clarification. Mayor Pro Tem Kinney seconded.

City Attorney clarified that the motion would be to grant the appeal, approve the variance based on the findings for the additional setback created by the two easements (the access easement and the building setback easement) that affect one side of the property. Councilmember Collacchi concurred with this clarification.

Councilmember Borak expressed concern about the tall chimney that is right up at the side setback requirement, noting that its presence does not make any difference in the proposed roofline casting a shadow. She supports using the City's daylight plan provisions but thinks it does not make a difference in this particular case.

Councilmember Kinney also concurred with the motion as clarified by the City Attorney and explained that he liked the design of the proposed roof and noted that the deed-restricted 20' easement from the driveway causes a hardship.

Mayor Schmidt Steve noted that although the 20' easement restriction might be a constraint on the property, he does not see it as a hardship particularly since the property is aesthetically pleasing and large. He commented that the reason for having zoning and daylight plane provisions is to protect both the existing and future neighbors.

Councilmember Jellins concurred with Mayor Schmidt's comments that hardships should not be taken lightly and that adherence to the City's zoning provisions is important. Nevertheless, he said he would support the motion because he believes that the proposed project would have a minimal impact to the adjoining property and that the restricted easement causes a hardship.

**Motion passed 3-2, with Councilmember Borak and Mayor Schmidt dissenting.**

**F. REGULAR BUSINESS**

1. Review of the background research and direction on uses and intensities related to the M-2 Zoning District Study.

Tracy Cramer, Senior Planner, presented the staff report and noted that copies of the presentation materials had been distributed to Council and posted on the City's website. The overhead presentation highlighted the study site, work plan tasks, timelines, and results of Task 1 including use categories and sub areas within the M2 study area. She responded to questions regarding new buildings/life of buildings, building occupancy and vacancy, master plan restrictions, development agreements and hazardous sites.

In response to Mayor Schmidt, staff clarified that the focus tonight would be on the sub areas identified in the study that have the greatest potential for change and identifying other sub areas that the Council would like staff to further explore.

Spence Leslie, Tyco Electronics, clarified that the change in acreage from 22 to 8.5 acres of Tyco's Bayfront/Willow property that is for sale was due to an organizational decision to establish a stronger presence of Tyco Electronics in the San Francisco Bay Area and to better utilize that site. He also commented about the deed restrictions for the toxic substances on the property.

Mayor Schmidt declared a recess at 9:45 p.m. and reconvened the meeting at 10 p.m.

Questions and discussion ensued regarding master site plans, development agreements, and floor area ratio (FAR) assumptions of 45 percent for office and 55 percent for general industrial uses, and financial data/revenues.

Staff clarified that the intent is to address the fiscal analysis of the study at a later phase.

Councilmember Kinney said he would be interested in exploring the sub areas of Haven Avenue, Willow Park, O'Brien Drive, and Bayfront/Willow. He noted that Bohannon East seems to have the most potential for change and that Bohannon West, Menlo Business Park and Carnduff sites are all developed.

Staff noted a typographical error and that the numbers listed in the appendix under the general office and professional office are switched.

Mayor Schmidt suggested the Council look at the study from a broad perspective and identify those sub areas that could be removed from the list. He said he wants Menlo Business Park to remain in the study.

Councilmember Collacchi said he wants to see lower employment densities and mixed uses in the sub areas, limit office and conversion to office use, introduce housing, retail, local-serving uses, and preserve revenue-increasing uses.

Discussion ensued regarding density and diversity of uses.

Councilmember Borak stated she wants to see a finer zoning designation for the sub areas instead of designating them all M2 and reevaluate to see if there is a need to impose such designations on the dense and more developed sub areas. She suggested focusing instead on identifying finer zoning designations for the less dense and less developed areas. She would like to study the eight sub areas incrementally, one or two at a time. She would support high revenue producing and low impact uses, and thought that the 45% and 55% FAR would make sense for warehouse uses but not for others. She would be interested in hotel and auto retail uses for some areas. She would like more information and clarification about the Willow Park employee ratios per square foot. She said it might make sense to have a general office designation in Bohannon West and would not encourage the professional office designation in any sub area. She does not think Haven Avenue would be a good area for residential. She would consider residential use at O'Brien Drive area. She sees opportunities in high visibility and freeway access areas and suggested putting more thought into developing those areas .

Councilmember Jellins concurred with most of the Council comments including developing a finer zoning designation for the sub areas. He would support sales tax revenue-generating uses. He would like more information on strategies that the City's redevelopment agency could employ for the sub areas. He would like to see more discussion about developing the sub areas. He would like to study further the O'Brien Drive and Haven Avenue sub areas and noted that areas conducive for residential, hotel and auto retail development should also be considered. He said he would like to see further consideration for retail opportunities particularly in Willow Park and Menlo Business Park and greater retail development in Bohannon East and Bohannon West. He thought that the Bayfront Willow sub area would require a great deal of individual focus. He expressed concern that the longer the study takes the more dated the data would be and asked staff to consider this. He commented about the practicality of the November timeline.

Councilmember Kinney suggested considering a flexible zoning designation that has no FAR and instead rely on performance standards and positive outcomes resulting from that development.

Mayor Schmidt commented that flexible zoning might be good for uses that the City would want to suppress. He felt that Carnduff and Bohannon West do not warrant further study for the time being. He noted a potential conversion to office at Menlo Business Park and said that the wetland areas should get a permanent protected status. He said that O'Brien has a potential for residential, Willow Bayfront has a potential for a gateway, hotel or car dealership, Bohannon East has a potential for conversion to office; Haven Avenue has a potential for new development, and along Willow Road there is a potential for diversity in uses. He would be willing to provide this direction to staff using a timeline that would work for them.

Councilmember Collacchi noted from the Council comments that it is clear that the study would move towards establishing some General Plan provisions and zoning codes that would include permitted and conditional uses and FARs. He also noted that there is direction towards a non-office preservation or office suppression and industrial uses. He suggested adding some mechanism in the zoning code to allow for permitted uses such as housing, retail or hotels. He also commented about a transfer mechanism in which office use could be created.

Arlinda Heineck, Chief Planner, summarized Council's direction as follows:

- Remove Carnduff and Bohannon West sub areas from further study at this time;
- Suppress any potential for office conversion in the Menlo Business Park sub area
- Establish a mechanism to provide a permanent protected status for the wetlands;
- Include residential use in the O'Brien sub area;
- Consider a gateway and hotel use for Bayfront/Willow sub area; other commercial retail services such as a market and car dealerships;
- Suppress any potential for office conversion in the Bohannon East sub area
- Consider a hotel or special use at the corner of Marsh/Bayfront Expressway
- Minimize office use in the Haven Avenue sub area;
- Consider a variety of retail and service uses specifically along Willow Road for the Willow Business Park sub area

In addition, Ms. Heineck clarified that staff would also be reviewing the suggestions by Councilmember Collacchi regarding the TDR program and how the existing zoning mechanism could be used to preserve non-office uses with some mechanism for a positive insertion of hotel, retail, residential or auto dealership uses. Furthermore, looking at the possibility of doing a different type of zoning regulation based on performance standards rather than use or FAR that would provide flexibility for the types of uses that the Council would like to provide incentives for.

Council concurred with staff's summary of Council's direction.

City Manager Boesch said that staff will meet to discuss the timeline based on Council's direction tonight and report back to Council.

2. Consideration of legislative items listed in the League of California Cities Bulletin(s), or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative, communication or information item – None.

**G. WRITTEN COMMUNICATIONS - None**

**H. INFORMATION ITEMS**

1. Review of the City's Investment Portfolio as of March 31, 2002 – Noted and filed.

**I. PUBLIC COMMENT #2 - None**

**J. ADJOURNMENT – The meeting adjourned at 11:15 p.m.**

Respectfully submitted,

Susan A. Ramos, CMC  
City Clerk