



# CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

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

**6:30 PM STUDY SESSION** (Held in the Administration Building, first floor conference room)

1. Direction to staff regarding the proposed development at 1283 Willow Road (A.P.N. 062-103-600) as to the: potential modification of C-2-B Zoning Regulations to allow mixed use commercial and residential projects with a density of up to 18.5 units per acres; and, (2) purchase of one or more Below Market Rate Housing Units in addition to the required Below Market Rate Housing Unit and in-lieu fee.

Councilmember Jellins was not present at the study session.

As a result of the discussion at the study session, the developer will explore the market feasibility of housing units. Any proposal ultimately prepared by the developer will need extensive review by staff, and ultimately would need review and approval by the Planning Commission and the City Council.

**ROLL CALL** – Mayor Schmidt called the meeting to order at 7:45 p.m. Mayor Pro Tem Kinney and Councilmembers Borak, Collacchi and Jellins were present. Staff present included City Manager Boesch, Assistant City Manager Seymour, City Attorney McClure, City Clerk Ramos and other department heads.

## **A. PRESENTATIONS AND PROCLAMATIONS**

1. Bike to Work Week

Mayor Schmidt read the proclamation and provided Council with event souvenirs.

2. Teacher Appreciation Day

Mayor Schmidt presented the proclamation to Bob Roessler, Community Services Manager, who read the proclamation.

## **B. ANNOUNCEMENTS, APPOINTMENTS AND REPORTS**

1. Councilmember Reports: Schmidt, Kinney, Borak, Collacchi, Jellins.

Mayor Schmidt reported on the transit summit that was held in East Palo Alto today.

## **C. PUBLIC COMMENT #1** – None.

## **D. CONSENT CALENDAR**

Mayor Pro Tem Kinney pulled the minutes of April 16 under item D4.

**M/S Collacchi/Schmidt to approve the consent calendar items 1, 2, 3 and the minutes of April 9 under item 4 as presented. Motion passed 5-0.**

1. Approval of audited bills for period 44 ending April 26, 2002, and pay periods 8 and 9 ending April 6 and April 20, 2002.

2. City Council/Agency Board authorization for staff to enter into an agreement with West Coast Arborists, Inc. (WCA) to provide (1) tree inventory software, inventorying of trees and updating of the Street Tree Master Plan at a cost not to exceed \$40,000; (2) one-time tree maintenance services at a cost not to exceed \$254,800; and (3) annual tree maintenance services at a cost not to exceed \$80,000 per year for up to three years with the option to extend service for an additional three years.
3. Adoption of a Resolution authorizing the South Bayside Waste Management Authority (SBWMA) to submit a funding request to the Department of Conservation on behalf of the City for the purpose of promoting beverage container recycling.

#### PULLED

4. Approval of Minutes for the City Council Meeting of April 9 and April 16, 2002.

Mayor Pro Tem Kinney requested a correction to the minutes of April 16, 2002 to change the word "defunct" under item 2 on page 1 to "no longer in existence".

**M/S Kinney/Collacchi to approve the minutes of April 16, 2002 as amended. Motion passed 4-0, with Councilmember Borak abstaining since she did not attend the meeting of April 16, 2002.**

#### **E. PUBLIC HEARING**

1. Appeal of a decision by the Planning Commission to approve a Use Permit to allow for the construction of a five-foot, six-inch-tall fence and retention of an eight-foot-tall hedge within the front and corner setbacks on a property located at 2101 Clayton Drive.

Jeff Smith, Associate Planner, presented the staff report and noted that Planning Commissioner Fry was present for Council questions.

Questions and discussion ensued regarding county fence regulations, setbacks, and the Alameda Streetscape Plan.

The applicants provided background and addressed concerns regarding noise and privacy. The applicant explained that the fence was designed to mitigate noise, promote privacy and increase safety and provided specifications of the fence

Mayor Schmidt opened the public hearing. There was no public testimony and the public hearing was closed at 8:34 p.m.

Commissioner Fry spoke on behalf of the Planning Commission and summarized the discussion of the Commission noting that safety and aesthetics were two primary issues of discussion. She responded to questions of the Council regarding fence height and the grade of the neighborhood houses.

Questions and discussion ensued regarding fence height, the retaining wall, setback, the hedge, a landscape planter, fence visibility from the street, and safety.

Councilmember Borak commented that it is important to grant some relief to property owners who live on busy streets and have to deal with the noise, privacy, and traffic issues. She said that she does not object to a 7' fence in this case but would like to see the corner moved back to provide for a better line of sight for cyclists at the corner.

#### **First Motion**

**Councilmember Borak moved to allow a 7' fence but to pull it in around the corner as modified by the Planning Commission.**

#### **Amendment to Motion**

**Mayor Pro Tem Kinney thought that the Planning Commission recommendation would destroy the hedge at the corner and suggested an amendment to the motion to move the fence further inside in**

**line with the hedge rather than the 3' setback and to include a continuous irrigated planter along the 3' wall.**

**Councilmember Borak accepted the amendment by Mayor Pro Tem Kinney.**

**Mayor Pro Tem Kinney seconded the motion as amended.**

Councilmember Collacchi asked for a clarification of the amended motion.

**City Attorney McClure clarified the amended motion by Councilmember Borak and seconded by Mayor Pro Tem Kinney as follows: To approve a 7' fence to be located at a radius not any closer to the street than 3' back from where it is currently located at the corner. It could be located inside the hedge or at 3' back, which might require the removal of the hedge, and vegetation planted on a wooden irrigated planter of approximately 17' long in that radius. Councilmember Borak and Mayor Pro Tem Kinney concurred.**

Mayor Schmidt questioned the purpose of setting the fence back at the corner given the fact that there is little traffic in that corner and the traffic tends to be from the neighborhood residents who are aware of the subject corner. And, on that basis, he said he would support the appeal.

Discussion ensued regarding the visual aspects of the fence at the corner.

#### **Substitute Motion**

**Mayor Schmidt made a substitute motion to bring the height of the fence down to 6' high from the grade above the retaining wall and proceed with the plan as proposed. He felt this would reduce the visual impact. He also noted that there is not a lot of room between the sidewalk and the face of the wall.**

In response to Council, Mrs. Teksler, applicant, said that she prefers the substitute motion to bring the fence height down.

**City Attorney McClure clarified that the substitute motion is to allow the applicants to build the fence where the posts are presently located but the height of the fence would be limited to 6', and the planter would be added where the old driveway was located. Mayor Schmidt concurred.**

**Councilmember Jellins seconded the substitute motion.**

#### **Motion to replace first motion with the substitute motion**

**Mayor Schmidt called for a vote to replace the original motion with the substitute motion. Motion passed 3-2 with Councilmembers Borak and Mayor Pro Tem Kinney dissenting.**

**Mayor Schmidt called for a vote on the substitute motion. The substitute motion passed 5-0.**

### **F. REGULAR BUSINESS**

1. 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.

City Manager Boesch noted that a request from the California Library Association was received by staff to support SCA 10, which would lower the vote requirement for public library facilities bonds from 55 percent to a 2/3 supermajority vote. He asked the Council for direction in its position.

Questions and discussion ensued regarding the City's history in passing library bonds and the 2/3 supermajority requirements in California.

**There was consensus to not take a position on SCA 10 at this time.**

### **G. WRITTEN COMMUNICATIONS - None**

**H. INFORMATION ITEMS - None**

**I. PUBLIC COMMENT #2 – None**

**J. ADJOURNMENT – The meeting adjourned at 9:20 p.m.**

Respectfully submitted,

Susan A. Ramos, CMC  
City Clerk/Administrative Services Manager