



CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Regular Meeting
Tuesday, October 1, 2002
7:30 p.m.
Menlo Park Council Chamber
801 Laurel Street, Menlo Park

6:30 p.m. CLOSED SESSION was held in the Administration Conference Room located on the first floor at City Hall, 701 Laurel Street, Menlo Park.

1. Closed Session pursuant to Government Code Section §54956.8 regarding property negotiations for: 525 Hamilton, (APN 055-341-120). Negotiating Parties: David Boesch, City Manager/Executive Director and Bill McClure, City Attorney.

RECONVENED IN OPEN SESSION at 7:30 p.m.

REPORT ON AFOREMENTIONED CLOSED SESSION – No reportable action taken.

7:30 p.m. REGULAR MEETING - Council Chambers

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

A. PRESENTATIONS AND PROCLAMATIONS - None

B. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. Las Pulgas Committee (one vacancy - homeowner in the Redevelopment Area) and Housing Commission (one vacancy). The deadline for applications is October 29, 2002.
2. Appointments to the Parks and Recreation Commission.

Mayor Schmidt stated there are three vacancies on the Parks and Recreation Commission. Incumbent Tom Harrison has actually served six years and has applied to be reappointed. Discussion of whether Mr. Harrison's reappointment should be for two or four years.

Councilmember Jellins nominated Tom Harrison for two years. Seconded by Mayor Pro Tem Kinney. Councilmember Borak nominated Rory Whittaker to the two-year term. Mayor Schmidt seconded the motion. Following discussion, Council concurred that three people will be appointed to four year terms. Councilmember Jellins and Borak withdrew their motions.

Mayor Schmidt requested nominations from each Councilmember. He nominated Laura Teksler and Nancy Travers. Councilmember Borak nominated Rory Whittaker. Vice Mayor Kinney nominated Tom Harrison. Councilmember Jellins nominated JoAnne Goldberg. Voting for each nominee was by a show of hands. Laura Teksler received 2 votes. Nancy Travers received 3 votes. Rory Whittaker received 4 votes. Tom Harrison received 3 votes. Joanne Goldberg received 2 votes.

Mayor Schmidt announced that Rory Whittaker, Tom Harrison and Nancy Travers will be serving four-year terms on the Parks and Recreation Commission.

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

Mayor Schmidt reported there was an item in the *Country Almanac* today regarding a tour of solar installations in Menlo Park on Saturday, October 5, from 10 a.m. to 4 p.m.

Mayor Schmidt reported there would be a bike donation program sponsored by the City and Recycle Works on October 12 from 10 a.m. to 2 p.m. at 801 Laurel St. behind the old Police Building.

Mayor Schmidt reported on a study being done by City and County Associations of Governments (CCAG) regarding ramp metering on the Peninsula. Metering along 101 on Marsh Road, Willow Road and University Avenue ramps would affect people in Menlo Park. The ramp metering will not be implemented at this time, but CCAG plans to do some modeling of the effects and let the jurisdictions have input regarding their own needs.

Mayor Pro Tem Kinney reported that he has distributed his Asilomar conference notes. He stated there is a good e-mail regarding city governments' perspective on the state's taking over more and more of local governments' role.

Mayor Pro Tem Kinney reported that the San Francisquito Creek Joint Powers Authority met last week. The issue of overpayment to the staff has been explained satisfactorily and the \$9,000 will be paid back over a year's time. It was not intentional, but related to the merging of the various assumed responsibilities of three agencies including the Santa Clara Valley Water District.

Mayor Pro Tem Kinney reported the creek levee project is underway. The creek work between Highway 101 and the Bay and upstream about 1000 feet should be completed by October 15, and then the banks will be raised on either side.

Mayor Pro Tem Kinney reported today he "went back to the future." Supervisor Jerry Hill is inviting Councilmembers to visit high schools. He went to a Woodside High School economic and government class.

Councilmember Jellins stated he also attended a senior Advanced Placement economics and government class at Capuchino High School in San Bruno today. He believes 19 Councilmembers in the County are participating this fall in this first "Government in the classroom" program.

C. PUBLIC COMMENT #1

Mayor Schmidt stated there are several cards on the same subject: the traffic safety and management plan around Oak Knoll School.

Erika Bailey, Oak Knoll Lane, Menlo Park, stated the notification they received last Wednesday from the Menlo Transportation Department regarding the traffic safety and management plan for Middle Avenue and Oak Knoll School area was their first notice of the Plan. The School Safety Committee developed the Plan and there was no representation from the broader Oak Knoll neighborhood. The Plan calls for striping 7 streets near the school, "no parking" signage to be installed on both sides of the street, and stand up signs in the middle of the intersections, all of which cause visual degradation of their neighborhood.

David Welch, White Oak Drive, Menlo Park, presented a petition from the neighborhood protesting the new signs and striping. He stated they are opposed to the methodology used in making these changes.

Tom Keelin, Oakfield Lane, Menlo Park, presented a petition signed by 100% of residents on Oakfield Lane. He gave a computer presentation showing Oakfield Lane and White Oak as it has looked before and after the sign and striping installation. The School Safety committee just requested a crosswalk and what they got was “overkill”. Some of the signs are a hazard to bicyclists and motorists. It is not fitting for their quiet, residential neighborhood.

James La Roy, Oak Knoll Lane, Menlo Park, stated he shares emphatically the feelings of his neighbors that this signage and striping is not necessary.

Heidi Welch, White Oak Drive, Menlo Park, requested phases 2 and 3 of this project be stopped until resident input can be given.

JoAnne Goldberg, Menlo Park, outgoing Parks and Recreation Commissioner, thanked the City Council for the opportunity to serve on the commission and expressed regret that the commissioner selection process has become so politicized.

Vincent Bressler, Menlo Park, acknowledged the Council’s right to dismiss Commissioners, but suggested an early replacement was being done before Councilmembers leave the Council. He cited Ms. Goldberg’s qualifications for the Commission post and stated the new commissioner is a proponent of the childcare center.

Councilmember Collacchi apologized to the residents in the Oak Knoll School area and stated he is sensitive to the sign pollution issue. He asked staff to revisit this issue. City Manager Boesch stated staff would come back to Council with a report.

Councilmember Jellins stated he had walked the area with Ms. Kroeger and a representative from the Police Department and believes that some of the signs can be removed. He asked that phases 2 and 3 of the Safe Routes to School process include elements of the community. Council concurred with his suggestion that Mayor Pro Tem Kinney and Councilmember Collacchi be a subcommittee of the Council to look at this issue with staff.

Milton Borg, Oak Knoll Lane, Menlo Park, stated the speakers were articulate and representation by people in the neighborhood is important.

Councilmember Jellins concurred with Mr. Borg and stated that the underlying goal of the Safe Routes to School Project is to make routes to schools safe for kids and their parents. Residents who live in the area were not necessarily part of the process. The lesson has been learned and we will try and do better.

D. CONSENT CALENDAR

Mayor Schmidt read the Consent Calendar item titles.

Councilmember Jellins stated he had pulled the audited bills for period 10 from last week’s agenda in order to conduct a review of certain items. The review has been completed and he is satisfied.

1. Approve audited bills for period 10 ending September 6, 2002 (continued from the City Council Meeting of September 24, 2002) and period 12 ending September 20, 2002.
2. Community Development Agency acceptance of work for the Kelly Park Project.
3. Approval of Minutes for the City Council Meeting of September 17 and the Special Meeting of September 18, 2002.

M/S Jellins/Kinney to approve the consent Calendar items as presented. Motion passed 5-0.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Introduction of an Ordinance amending Title 8 (Peace, Safety and Morals), Chapter 8 (Noise), Section 8.06.040 (f) (Exceptions – Street Sweeping) of the Menlo Park Municipal Code to add the following street segments to the list of streets that may be swept between the hours of 4:30 am and 6:00 pm Monday through Friday – Alma Street (Ravenswood to Oak Grove), Crane Street (Oak Grove to Valparaiso), and University Drive (Oak Grove to Valparaiso and Roble Avenue to Menlo Avenue).

Director of Public Works Steffens presented the staff report. 370 surveys were mailed asking for opinion on the proposed changes. 182 were returned. The City's street sweeping costs would not change and the frequency of sweeping would be the same. Director Steffens noted that the streets proposed for a time change are currently swept every other week. Some of the main streets and parking plazas are swept as much as three times a week.

Council discussed with staff other methods of cleaning the streets when cars are parked; how many residents the survey responses represented; what type of complaints are received when the streets aren't swept due to cars parked, and whether establishing "no parking" during certain hours to allow for street sweeping would be effective. Director Steffens stated he had not looked comprehensively at other alternatives since the practice of changing allowed sweeping times has been effective on other downtown streets. He noted that establishing "no parking" would require additional signage and an every other week schedule is difficult to sign.

The following persons were present wishing to speak to this item:

Carrole Phillips, University Drive, Menlo Park, stated she lives next to Draeger's parking lot and they have been working with Draeger's to move their truck loading to the other side of parking lot. She doesn't want the street sweeper at 4:30 a.m.

David Zlony, Crane Street, Menlo Park, representing the Park Manor Homeowners Association, a six-unit complex next to a convalescent hospital. They are protesting the time change, and asked staff if they had considered the impact on the convalescent hospital residents.

Sharon Zlony, Crane Street, Menlo Park, expressed concern regarding sleep deprivation. While she can't control the airplanes and trains, she would like to be able to control the hours of the street sweepers. She also stated they did not receive a survey form.

M/S Collacchi/Jellins to table this item and request staff to look at other alternatives. Motion passed 5-0.

City Manager Boesch stated that this will be brought back to City Council in January for priority ranking; however, within constraints staff will try to creatively take care of the fall leaf removal problem.

2. Review of the proposed Zoning Ordinance amendments and Design Guidelines pertaining to single-family residential development.

Acting Director of Community Development Arlinda Heineck, and Senior Planner Tracy Cramer presented the staff report. Director Heineck stated staff has revised the guidelines based on the September 18, 2002 City Council meeting and staff requests the City Council continue their review of the guidelines at this meeting. Director Heineck noted the Council may also wish to discuss a concept for implementation of the guidelines that was introduced by Councilmember Collacchi to establish a basic set of design guidelines that would apply city-wide, but could be altered by individual neighborhoods through the zoning overlay process.

M/S Collacchi/Schmidt to approve the Guidelines as presented, pages B-8 through B-18 of the staff report, and then apply edits as a series of motions. No vote was taken.

Councilmember Jellins suggested it would be more efficient to consider specific guidelines and edit in that way. He could not support them as a whole.

Motion amended by Councilmember Kinney to remove the discouraged and prohibited items. Councilmember Collacchi concurred with the amendment.

City Attorney clarified the motion to approve the Guidelines, pages B-8 through B-18, with the removal of the discouraged and prohibited categories and bulleted items under those. He also noted that it is appropriate to have an amendment proposed, seconded and voted upon rather than have the original motion maker agree to an amendment.

Councilmember Borak stated the point is to tell people what we are looking for and what we are trying to discourage and suggested the discouraged and prohibited categories are good information for people to have. If we only have the positive guidelines, we're not doing a service to the applicants.

Following discussion, Councilmember Kinney further amended the motion to make any prohibited items into a preferred where it is not already addressed. Motion failed 2-3, Borak/Collacchi/Schmidt dissenting

M/S Collacchi/Schmidt to approve the Guidelines, pages B-8 through B-18, changing any discouraged elements to preferred by using positive wording, and keeping the prohibited elements. Motion passed 4-1, Borak dissenting

M/S Collacchi/Kinney to delete the third bullet item under preferred design techniques in Section Compatibility, "If the setback pattern encroaches into the minimum setbacks established in the Zoning Ordinance, then the new construction must meet the Zoning Ordinance setback requirements." Motion passed 5-0

Councilmember Jellins noted a pattern he has identified in this whole process where there are two ends of the spectrum: one that is property rights centric and one that is neighborhood centric. His view is that neighborhood centric approach to design guidelines should not prevail in Menlo Park. Properties have changed over time and homes have changed to meet the needs of its occupants and the City should not be imposing some of these things on property owners.

Councilmember Collacchi noted that this section is titled "Compatibility" and neighborhoods will have the option of declining to accept some of these guidelines. These guidelines will help those neighborhoods that want compatibility.

Motion Jellins, no second, to delete the opening sentence under Section A, Compatibility.

Councilmember Jellins noted that at the September 17 meeting Council concurred to delete these statements, formerly known as goals.

Council discussed how this sentence would add value to the document. The essence of this is also stated on page B-2.

M/S Jellins/Collacchi, to delete the opening sentence under Section A. Compatibility, “New homes and additions should be compatible with and complement the streetscape and neighborhood pattern by preserving a sense of rhythm, architectural character and spatial consistency.” Motion passed 3-2, Borak and Schmidt dissenting.

M/S Collacchi/Schmidt to replace the deleted wording with the first bullet under Section I, Introduction, “That new homes or additions should be architecturally compatible with the character of the existing neighborhood,” and add “through the following design techniques.” Staff authorized to reword as appropriate to place the value that this is what we want to achieve. Motion passed 4-1, Jellins dissenting.

M/S Schmidt/Collacchi to make a change to the second bullet under Garage, Parking and Driveway, page B-8, to read, “Driveway design and location should minimize paving in the front yard by narrowing drive aisles to a minimum of 8 feet, and narrowing curb cuts at the street where possible.” Motion passed 5-0.

In response to council query, Director Heineck noted that eight-foot driveways have been approved at the discretion of the Transportation Division. It depends on visibility to the streets, streets they are located on, etc.

M/S Jellins/Schmidt to strike “...but should avoid abrupt changes or radical deviations in architectural style” under the second bullet of Architectural Styles page B-8. Motion passed 3-2, Borak and Collacchi dissenting.

Motion Jellins, no second, to strike first bullet under Garage, Parking and Driveway, page B-8, “Garage design, parking and driveway locations should be consistent with the dominant visual pattern in the neighborhood in regard to location, setback, size, materials, and style.”

Motion Jellins, no second, to strike the bullet under Roof, page B-8, “Incorporate consistent roof slope throughout the design that is compatible with the streetscape and neighborhood pattern. For an addition, match or complement the existing roof.”

Councilmember Jellins stated his objection to this guideline in line with his objections to a neighborhood-centric focus. Director Heineck suggested removal of the word “consistent.”

M/S Jellins/Kinney to delete “consistent” from bullet under Roof, page B-8. Motion passed 5-0.

Motion Jellins, no second, to strike all the bullets under Number of Stories, page B-9.

Motion Jellins, no second, to strike the first bullet under Number of Stories, page B-9.

M/S Collacchi/Kinney to replace “consistent” with “compatible” in third bullet under Number of Stories, page B-9 to read, “Incorporate building heights that are compatible with the neighborhood patterns.” No vote was taken

In response to Council query, Director Heineck stated that staff would be looking for a roofline similar to the first floor of others in the neighborhood and architectural style that downplayed the roof height of the second floor. Council discussed the clarity of the language, and subjective versus objective language.

M/S Collacchi/Kinney to amend the motion to add “first story” and change “Incorporate” to “Use.” The third bullet under Number of Stories, page B-9 would read, “Use first story building heights that are compatible with the neighborhood patterns.” Motion passed 5-0.

M/S Collacchi/Schmidt to strike the second bullet under Entryways, page B-9. Motion passed 5-0.

Councilmember Jellins stated the language in the first bullet under Entryways was “soft” to him and was not grammatically correct. He requested clarification from staff. Mayor Schmidt suggested it be broken into two sentences. “Integrate entry features into the overall building design. Entries should be well-related to the surrounding properties in terms of scale and proportion.”

Motion Jellins, no second, to amend the first bullet under Entryways to read, “Integrate entry features into the overall building design.”

M/S Collacchi/Schmidt to split the first bullet under Entryways into 3 sections. The first, “Integrate entry features into the overall building design” moves to the Architectural Details section. The second, “Entryways that are well-related to the surrounding properties in terms of scale and proportion,” stays in this section. The third “Incorporate pedestrian scaled entryway features, entry courtyards, or recessed entries” moves to the Mass and Bulk section. Motion passed 4-1, Jellins dissenting, stating he could not support the second part.

In landscaping section, Councilmember Jellins asked staff how a mature tree differs from a Heritage tree. Director Heineck stated the guidelines were drafted prior to revisions to the Heritage Tree Ordinance. Currently more trees are covered by the Ordinance.

M/S Jellins/Kinney to strike “mature trees” in the second bullet of Landscaping. Motion passed 3-2, Schmidt and Collacchi dissenting.

Council discussed the issue of views blocked by landscaping.

Motion by Jellins, to establish a new bullet under Landscaping “Landscaping should preserve existing views.” The second bullet would read, “Preserve natural site features such as Heritage trees.” Motion withdrawn following discussion of giving property rights to a neighbor.

M/S Schmidt/Jellins to strike the second bullet under Landscaping since Heritage trees are already protected; and directed staff to look at wording on maintaining a neighbor’s view corridor and add to the Guidelines, perhaps under the section on Solar. Motion passed 5-0.

M/S Jellins/Schmidt to strike the fourth bullet under Landscaping because it is too broadly worded. Motion passed 5-0.

Mayor Schmidt asked about adding language regarding xeriscape to this section. Director Heineck noted that the city does have a water efficient landscape ordinance but single-family residences are exempt.

M/S Jellins/Collacchi to strike Bullet 1 under Landscaping. Motion passed 4-1, Borak dissenting.

Councilmember Collacchi suggested that since the "Prohibited" section says there are no prohibited design techniques or solutions, it be reworded to just say "none." Council concurred. "Discouraged" already eliminated under previous motion.

M/S Collacchi/Kinney to repeat the second bullet under Accessory Structures on page B-17, "Accessory structures should be compatible with the architecture of the main structure, and with the patterns and styles of the neighborhood," in the Compatibility Section under a new heading of Accessory Structures. Motion was withdrawn.

M/S Collacchi/Schmidt to amend the second bullet on page B-17. "Accessory structures should be compatible with the architecture of the main structure." Motion withdrawn

Director Heineck clarified that accessory structures are anything greater than six feet in height including detached garages, storage sheds, and workshops. Council discussed intention of these Guidelines. City Attorney McClure pointed out that these Guidelines only apply to applications for two-story additions or where 35% lot coverage is being exceeded.

M/S Collacchi/Jellins to strike the second bullet under Accessory Structures. Motion failed 1-3-1, Borak, Schmidt, Collacchi dissenting and Kinney abstaining.

M/S Collacchi/Borak to move and repeat the second bullet under Accessory Structures to read "Accessory structures should be compatible the architecture of the main structure" to the Compatibility section. Motion passed 4-1, Jellins dissenting.

Mayor Schmidt called for a recess at 11:30 and called the meeting back to order at 11:38 p.m. with all Councilmembers present.

M/S Borak/Collacchi to accept all the language regarding Mass and Scale under "Preferred." Following discussion, motion amended to changed "consistent" to "compatible" in the second bullet; delete 7th bullet, that reads "In some additions, modifications to the existing house may be needed to create a coherent design;" fourth bullet changed to "Overall building height should be sensitive to the relationship to adjacent residences"; the fifth bullet changed to "Individual architectural elements, such as windows, entryways, and exterior wall height, should be in scale and in proportion with the neighborhood pattern; delete 6th bullet, "Reducing the size of the primary elements and using secondary elements to balance the size and mass"; delete the 8th bullet, including the chart; amend the 10th bullet to read "Use dormers, increase second story setbacks, or other architectural design elements to:..."; move the 4th bullet under the Discouraged section to the Prohibited section. Motion passed 4-1, Jellins dissenting. Councilmember Jellins requested the record show that apart from the compatibility with the neighborhood pattern issue he is in favor of the Mass and Scale Guidelines as amended.

M/S Collacchi/Borak to take the four bullets under the Discouraged section and change them into Preferred bullet items by use of a word such as "avoid." Motion passed 5-0.

M/S Borak/Schmidt to leave the two prohibited bulleted points as they are. Motion passed 4-1, Jellins dissenting.

The Council will continue their review of the Guidelines at the October 8, 2002 regular meeting.

3. Consideration of state and federal legislative items or items referred to in Written Communications or Information Items, including decisions to support or oppose any such legislative, written communication or information item.

G. WRITTEN COMMUNICATIONS - None

H. INFORMATION ITEMS

- a. Burgess Pool 50 Meter Option.
- b. Santa Cruz Avenue Traffic Calming Project cost summary and trial period activities.
- c. The 2002 Conflict of Interest Code biennial notice.

Mayor Schmidt requested that Item a. regarding the pool come back on the next agenda.

I. PUBLIC COMMENT #2 - None

J. ADJOURNMENT – 12:52 p.m.

Marjorie K. Wahlsten, CMC, City Clerk

Approved by the City Council on November 12, 2002