



# CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Regular Meeting  
Tuesday, October 22, 2002  
7:30 p.m.  
Menlo Park Council Chamber  
801 Laurel Street, Menlo Park

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**6:00 p.m. STUDY SESSION** - in the Administration Conference Room located on the first floor at City Hall, 701 Laurel Street, Menlo Park. Arts Commissioners Nancy Chillag, Marina La Palma, Donalyn Julihn, and Gill McMillon were present to meet with the City Council. Also present were City Manager Boesch and Director of Community Services Brown.

1. Presentation of the draft Cultural Plan.

The draft Plan was presented by staff, the consultant and Commissioner Julihn. The Council asked questions, indicated general support for the recommendations, and asked the Arts Commission to work with staff to explore funding strategies in light of declining City revenues.

## **7:25 p.m. STUDY SESSION ENDED**

**ROLL CALL** - Mayor Schmidt called the meeting to order at 7:33 p.m. in the City Council Chambers and stated there was nothing to report from the Study Session. Mayor Pro Tem Kinney, Councilmembers Borak, Collacchi and Jellins were present. Also present were City Manager Boesch, Attorney Dan Siegel, Interim City Clerk Wahlsten, and other department heads.

## **A. PRESENTATIONS AND PROCLAMATIONS – None**

## **D. CONSENT CALENDAR**

1. Approval of audited bills for period 14 ending October 4, 2002 and for pay period 21 ending October 15, 2002. (Shown in error on the agenda as October 5, 2002.)
2. Approval of Minutes for the City Council Meeting of October 1, 2002.

**Councilmember Jellins pulled Item 2 from the Consent Calendar. M/S Borak/Kinney to approve Item 1. Motion passed unanimously.**

## **B. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS**

1. Environmental Quality Commission (one vacancy), Las Pulgas Committee (one vacancy - homeowner in the Redevelopment Area) and Housing Commission (one vacancy). The deadline for applications is October 29, 2002.

Mayor Schmidt announced the vacancies.

2. Councilmember Reports.

There were no reports given.

## C. PUBLIC COMMENT #1

Laura Linden, San Francisco, representing the Northern California Media Workers Guild, spoke regarding a labor dispute between the Guild and the *San Mateo Times*.

Harry Harrison, Menlo Park, stated he was embarrassed about how Menlo Park is being portrayed in the media and urged the City Council to be more civil to one another. He also requested that the median at Santa Cruz Avenue and Arbor be removed, stated he is not in favor of doing a joint theatre project with the Menlo-Atherton High School, and suggested Burgess Park be considered as a theatre site.

Elias Blawie, San Mateo Drive, Menlo Park, spoke regarding the Middle Avenue traffic project and suggested the consultant's contract be terminated. He stated a more representative committee is needed to assist in decision-making.

Mayor Schmidt noted the next two speakers turned in cards to speak under public comment, but the subject appears to be related to the M-2 issue that is Item F-1 on the agenda. He noted that the public hearing was closed last week. The purpose of tonight's meeting on the M-2 issue is for the City Council to give direction to staff. The first reading of the ordinance will be at a future meeting and anyone can speak at that time regarding the M-2 zoning.

Johnnie Walton, Menlo Park, stated he grew up in Belle Haven and, since the homes were the first things built in the area, the residents should have a voice in what happens around them.

Nancy Cash, representing Mt. Olive AOH Church of God, Menlo Park, cited an article in the *Palo Alto Times* that quoted Mayor Schmidt. She rebutted several points in the article and stated the Belle Haven citizens are not included in the City's decision-making.

Pat White, Menlo Park, stated he is opposed to Phase 2 changes to Santa Cruz Avenue and requested the City cancel the contract.

## E. PUBLIC HEARING - None

## F. REGULAR BUSINESS

1. Consideration of a recommendation by the Planning Commission to approve a Zoning Ordinance amendment, rezoning, and negative declaration for the establishment of new M-2 General Industrial Zoning Districts that would allow distinctions in uses and floor area ratios between the districts. (*Continued from October 15, 2002. The Public Hearing was closed.*)

Councilmember Jellins noted that the new staff report was distributed just before the Council Study Session this evening. It includes some very detailed tables. He has not had time to review it and would request a recess after staff's presentation.

Acting Director of Community Development Heineck made staff's presentation. She reviewed the comparison of fiscal and traffic model numbers between the City's information and that prepared by the Bohannon Company's consultants. She pointed out that there are three factors that differ between the two models and they appear to create the significant difference in the outputs: the sales tax rate, property tax rate and the cost per employee with each model using its own assumptions.

Joanne Brion, Brion & Associates, Oakland, was asked to comment. She stated that she had assisted Sedway Group in preparing Bohannon's information. She answered some questions from the Council about the assumptions they had used.

Council queried Director Heineck regarding the City's assumptions.

Director Heineck presented an outline of specific points built around the Planning Commission's recommendation that are specific areas the Council may want to consider for changes to the proposed ordinance. There are four key issues:

1. Is the proposal for a separate zoning district for Menlo Oaks Corporate Center appropriate? It is similar to the Menlo Business Park and Willows Park. If it is appropriate, what uses and FAR should be included?
2. Is it appropriate to add Research and Development as a permitted use?
3. Should the Professional Office definition be replaced with 2 definitions: Professional Traditional Services and Professional Financial and Legal Services? Or alternatively use a square footage basis, for example 10,000 square feet, as the dividing point between small and large office uses.
4. Should the requirement for office uses to be ancillary to the main use in the Limited Office (LO) District in Sub Area 2 of the Menlo Business Park and Sub Area 1 of the Willow Park be deleted? This would allow for stand-alone offices up to 20% FAR.

Director Heineck requested Council provide direction to staff at this meeting. The environmental review documents and introduction of an ordinance would be considered at a later date incorporating direction given tonight and at the previous October 15, 2002 regular meeting.

Council asked Director Heineck questions regarding her presentation. Councilmember Jellins requested a copy of Director Heineck's presentation notes to review during the recess.

Mayor Schmidt asked that any communication given to Council on the dais be given to the City Clerk so copies can be made. Council discussed the appropriateness of material being given to Councilmembers at the dais. In response to query, Attorney Siegel stated that communications relied on in deliberations are subject to the Public Records Act. He also stated that it is up to the Mayor to set the rules of decorum for the meetings.

### **RECESS AND CALL TO ORDER**

Mayor Schmidt called for a recess at 9:25 and called the meeting back to order at 9:43 p.m. He suggested that the M-2 zoning discussion continue for about fifteen minutes. There are two other items on the agenda that could be taken out of order if it appears the M-2 discussion will take a long time.

Councilmembers continued to ask questions of staff regarding the assumptions used in the fiscal model.

Mayor Schmidt asked if the two regular business items should be continued. There were several speakers present on F-3, Oak Knoll School signage.

### **F. REGULAR BUSINESS**

2. Status report on the Santa Cruz Avenue Streetscape Project.

City Manager Boesch pointed out that this is a status report with no specific direction being sought. The next step is a public workshop in November or December, followed by referral back to the City Council in January or February. There will be wide public notice of the workshop. Mayor Schmidt stated that copies of the staff report are available for the public. There was no additional discussion.

### 3. Council direction on the Oak Knoll School Area Interim Signage Plan

Mayor Schmidt stated he has a request from Nancy Cash to not break the M-2 discussion. However he felt the plan he had announced should be followed. The M-2 discussion may have to be continued to another meeting.

Director of Public Works Steffens gave the background of the project that is part of the Oak Knoll Safe Routes to School Project; the Category One improvements approved by the Council, bid and installation started; and further public outreach planned. He noted the work was halted when a petition was presented to the City Council at the October 1, 2002 meeting and Council directed staff to reevaluate the plan.

The options for Council consideration are to go ahead with an interim plan detailed in the staff report that would remove certain completed improvements, and continue to get feedback; or use the interim plan as a starting point for more discussion with the neighborhood before making any changes to things that have already been installed. A joint meeting of the Bicycle and Transportation Commission is scheduled for October 28 and approximately 3,800 notices are being mailed. The Safe Routes to School Committee will meet in November and staff plans to bring a final signage plan to the City Council in December.

In response to query by Councilmember Jellins, Police Commander Goitia stated that the combination of increased police presence and enforcement, flyers passed out by the PTA and the new signs have helped make the environment safer for kids going to school.

Doug Keare, Oak Knoll Lane, Menlo Park, stated he lives across the street from the school and has 2 children at the school, and is in favor of safety for the students, but he is not in favor of the interim plan. He requested it be left as it is until we get to the final plan.

Pam Stoner, San Mateo Drive, Menlo Park, was not present and her husband read her comments regarding the look and feel of the neighborhood changing with all the signs, and her opinion that the existing situation did not deserve such drastic measures as taken by the City.

Dave Welch, White Oak Drive, Menlo Park, stated he was representing 107 people. He requested that no changes be made until there is a final plan that includes the input of the neighborhood residents that are one the major stakeholders. They have formed the Oak Knoll Neighborhood Association in the past two days and would like to work with the Oak Knoll School to come up with an appropriate plan.

Tom Keelin, Oakfield Lane, Menlo Park, requested the Interim Plan not be implemented; requested the City recognize the Oak Knoll Neighborhood Association as a legitimate constituency that is not represented; endorse a process that has the most affected constituents work out a plan; and commit to hold a Council meeting in November for decision making. He noted that the PTA originally requested three sandwich signs and seventeen were installed. He does not feel the factual need exists.

Susan Young, Olive Street, Menlo Park, Vice President of Oak Knoll PTA, thanked the City Council for the Phase 1 improvements and stated they had been well received generally. She stated the Interim Plan was acceptable to the PTA since it protects the critical intersections.

Ellis Brenner, Oak Knoll Lane, Menlo Park, protested implementation of the Interim Plan. He requested the residents be included in a joint committee with the PTA to study safety issues and stated the reflectivity of the signs and striping at night is too much.

Elizabeth Houck, Middle Avenue, Menlo Park, stated she had been included on the Safe Routes to School Committee at her request. She thanked the Police Department for the increased enforcement.

Becky Galvez, Hermosa Way, Menlo Park, suggested adding neighborhood members to this Committee as they did for Santa Cruz.

Catherine McMillan, San Mateo Drive, Menlo Park, objected to the signage that glows in the dark and the parking restrictions. She stated the parking restrictions are forcing more parents to drive their children to school rather than walking and the children could have been made safer with much less.

**M/S Kinney/Jellins, to table the interim plan; and direct staff to broaden the Safe Routes to School Committee to include five residents, to schedule meetings outside the regular business day and have them as a public meeting with public comment allowed. Notice of the meetings to be given on the web site.**

Director Steffens asked if the larger Committee is to be carried through the entire process for all the subsequent phases. Council concurred to refer that matter to the Committee.

**Substitute M/S Schmidt/Borak to implement the Interim Plan that would remove some of the signs now. Motion failed 2-3 with Councilmembers Collacchi, Jellins and Kinney dissenting.**

**The original motion passed 5-0.**

#### **RECESS AND CALL TO ORDER**

Mayor Schmidt recessed the meeting at 11:40 p.m. and called it back to order at 11:45 p.m.

Mayor Schmidt stated the City Council would return to Item F-1, M-2 General Industrial Zoning Districts.

Councilmember Jellins asked staff questions regarding their assumptions about employment and its impact on the fiscal model and traffic model under scenarios 9 and 14.

Council concurred to take each of the Planning Commission's recommendations and make decisions on each one separately.

1. Is the proposal for a separate zoning district for Menlo Oaks Corporate Center appropriate? It is similar to the Menlo Business Park and Willows Park. If it is appropriate, what uses and FAR should be included?

**There was Council consensus that a separate zoning district should be established with the existing uses and FAR as presented by staff.**

2. Is it appropriate to add Research and Development as a permitted use?

**There was Council consensus to add Research and Development as a permitted use as presented by staff.**

3. Should the Professional Office definition be replaced with 2 definitions: Professional Traditional Services and Professional Financial and Legal Services? Or alternatively use a square footage basis, for example 10,000 square feet, as the break point between small and large office uses.

**There was Council consensus to make large and small office the distinction and that 10,000 square feet would be the break point. Council requested that staff do some additional research to determine whether 10,000 square feet is a logical break point.**

Director Heineck She stated the definition of large professional office and small professional office would identify uses as well as the size.

4. Should the requirement for office uses to be ancillary to the main use in the Limited Office (LO) District in Sub Area 2 of the Menlo Business Park and Sub Area 1 of the Willow Park be deleted? This would allow for standalone offices up to 20% FAR.

**M/S Schmidt/Kinney to direct staff to incorporate the Planning Commission's recommendation. Following discussion, Mayor Schmidt withdrew his motion.**

**Councilmember Collacchi suggested this issue be continued for further discussion. Mayor Pro Tem Kinney concurred.**

**M/S Borak/Schmidt to drop #4 from any direction to staff and retain the language as it is in the draft ordinance attached to the October 15, 2002 staff report. Motion carried 3-2 with Mayor Pro Tem Kinney and Councilmember Jellins dissenting.**

After further discussion, Mayor Schmidt stated that this ordinance would be coming back for further discussion before it is ready for introduction and first reading.

#### **D. CONSENT CALENDAR**

2. Approval of Minutes for the City Council Meeting of October 1, 2002.

**Councilmember Jellins pulled this item from the Consent Calendar. Due to the late hour it will come back at a future meeting.**

#### **F. REGULAR BUSINESS**

4. 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.

There were no items discussed.

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

#### **H. INFORMATION ITEMS**

2. Update on Belle Haven Retail Center parking.

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

#### **J. ADJOURNMENT – 12:59 a.m.**

**Marjorie K. Wahlsten, CMC  
Interim City Clerk**

**Approved by the City Council on November 12, 2002**