



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY MINUTES
Tuesday, March 18, 2003
7:30 p.m.
The Menlo Park Council Chambers
801 Laurel Street
Menlo Park, CA 94025**

REGULAR MEETING – MENLO PARK CITY COUNCIL CHAMBERS

The meeting was called to order at 7:35 p.m.

ROLL CALL – Jellins, Duboc, Collacchi, Kinney, Winkler

STAFF PRESENT - David Boesch, City Manager; William McClure, City Attorney; Audrey Seymour, Assistant City Manager; Silvia Ponte, City Clerk. Various department heads and other staff present.

Mayor Jellins explained to those present that the City Council conducted a Study session between 6:00 p.m. and 7:20 p.m. relating to: 1) presentation from the San Francisquito Watershed Council and 2) Update and general feedback regarding Safe Routes to Oak Knoll School Project and Middle Avenue Corridor Study. Council gave some direction to staff on the second abovementioned item.

PLEDGE OF ALLEGIANCE

A. PRESENTATIONS AND PROCLAMATIONS - None

B. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. The Mayor invited those present to apply for the following vacancies: Planning Commission (one vacancy) to fill one four-year term, the Bicycle Commission (three vacancies) to fill three terms that will end expire April 2007, and the Arts Commission (one vacancy) to fill an un-expired term that ends September 2005. The deadline for applications is March 20, 2003 by 5:00 p.m.
2. Mayor Jellins acknowledged receipt of a Memo to the City Council regarding Commissions, and Committees Attendance Reports for 2002. It was also stated the commissioners who have not been able to attend the meetings as expected, will be notified by the Mayor to clarify the Council's expectations, and understand if there are concerns. The Mayor will work with the City Clerk on this matter.
3. Council Member Reports:
Council Member Kinney asked for clarification on the issue of the of Planning Commission name plaques. Mayor Jellins will discuss this matter off-line with Council Member Kinney.

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

Henry Organ shared views on the war with Iraq, and would like the Council to pass a Resolution opposing the war. Mr. Organ requested that a Study Session be scheduled to address the Patriot's Act.

Steven Fox, representing neighbors on Spruce Avenue, spoke about property damage due to flooding. Mr. Fox complimented the City's website.

Mayor Jellins recognized receipt of various communications relating to this issue, stating that a response will be forth coming. City Manager Boesch also clarified that a Storm Drain Improvement Master Plan is being reviewed and it will come to Council sometime in May 2003.

Henry Blume shared concerns about the intersection of Avy and Alameda, stating that the intersection gets really congested and drivers have poor visibility.

Mayor Jellins clarified that Council Members had expressed similar concerns, and have raised the issue with the County of San Mateo (jurisdiction in charge) to find a solution.

Reg Rice talked about the intersection of Avy and Alameda, providing a brief overview of its history. Mr. Rice disagrees with the location of the bulbout at the Arco gas station.

Jean Flocks shared concerns about the traffic on Avy and Alameda. Visibility is low, and it is a concern especially if children are using this intersection.

Irene Searles requested that Council provide better answers in regards to the Children's Center, and budgetary issues associated with it.

Julie Paulin shared concerns about Council action regarding the Children's Center, and how funds for this project have been discussed in the media. Ms. Paulin disapproves of the current style of politics, and views a recall as an option.

Nancy Travers spoke about the Children's Center, stressing that the project is fully funded and it should move forward.

Maya Sewald, president of the Sharon Heights Homeowners Association, disapproves of the Alameda Street Plan especially the bulbouts. She stressed the need to have a disaster preparedness meeting with City staff to orient residents.

Council Member Winkler invited all those present, and especially Homeowner Associations to attend the meeting on Thursday March 27, at 7:30 p.m. The issue of emergency preparedness will be covered.

Don Sweet appreciates the removal of traffic calming elements on Santa Cruz Avenue, and hopes the Council will address the Avy and Alameda traffic issues. He asked Council to take an official position with the Board of Supervisors.

Mayor Jellins stated that this item will be referred to the County Board of Supervisors

Tom Keelin spoke about the Sand Hill Road improvement agreement between Menlo Park and Stanford. The authorized 7 feet wall (along Sand Hill Road between the bridge and the intersection) is too tall. The neighborhood is unanimously opposed to this.

Hank Lawrence questioned the traffic solution of placing bulbouts at Alameda de Las Pulgas. Mr. Lawrence suggests decreasing the speed limit between Alameda de Las Pulgas and Valparaiso to 25 MPH.

Ginger Ward explained to the Council that over the weekend somebody called her surveying issues relating to Menlo Park. The surveyor hung up after hearing some of Ms. Ward's answers. Ms. Ward shared her responses with the Council.

Council ensued in some discussion, and City Manager Boesch stated that the City is not conducting surveys. It was suggested that staff call the Stanford University and inquire if they are conducting a local survey.

Mayor Jellins stated that he received an additional card from someone who does not wish to speak but is against the bulbouts.

D. CONSENT CALENDAR

1. Introduction of an Ordinance of the City of Menlo Park adding Chapter 1.32 regarding Local Government Tax Refund Claims to the City of Menlo Park Municipal Code. (*Staff Report # 03-038*)

Item D2 Pulled

2. Resolution No. 5432 approving the third amendment to the Employment Agreement with the City Manager and approving modifications to loan(s) to the City Manager. (*Staff Report # 03-041*)
3. Approval of audited bills for period 35 ending February 28, 2003.
4. Approval of City Council Minutes for the Meeting of March 11, 2003.

M/S Collacchi/Kinney motion to approve Consent Calendar items D1, D3, and D4. Motion passes by unanimous vote.

Item D2 Pulled

Council Member Collacchi expounded on item D2 by stating that this is an important matter to resolve, but he had another solution in mind, and therefore will not be in agreement.

M/S Kinney/Duboc motion to approve item D2 of the Consent Calendar and Resolution No. 5432. Motion passes 4-1 with Council Member Collacchi dissenting.

E. PUBLIC HEARINGS - None

F. REGULAR BUSINESS

1. Consideration of a General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Allied Arts Guild Preservation Permit, Architectural Control and revised Mitigated Negative Declaration for the Allied Arts Guild Located at 75 Arbor Road (Continued from the Public Hearing of March 11, 2003, public comment was concluded on that date.) (*Staff Report # 03-039*)

Mayor Jellins stated that at the meeting of March 11, 2003 close to seventy-five speakers expressed their views, and due to the late hour, the Council had decided to bring this issue back for discussion. The public hearing has been closed. Arlinda Heineck, Community Development Director stated that an additional Memo was presented relating to specific questions raised by the public.

Council discussed letters received on 03/11/03 and 03/17/03 from legal counsel (representing the neighborhood), and City Attorney Mclure made various statements responding to specific issues in these two letters, and refuting some of the statements.

Mayor Jellins acknowledged various other items of correspondence received during the last week, including letters from the neighborhood and a Memo from Council Member Winkler, with a tentative approach. Mayor Jellins also stated that this matter has been pending since the application from the WAA (Woodside Atherton Auxiliary) was submitted on January 2002.

Council inquired about a meeting that took place between the neighborhood and the Guild. Both parties (the Guild and the neighbors) agreed that the meeting was cordial but did not result in a new consensus. Both parties simply agreed on the goals they want to achieve, which is to maintain the Allied Arts Guild, and minimize impact in the neighborhood.

Mayor Jellins provided a description of premises presented by both parties explaining what the challenges are, to find common ground. The suggestion was to work from the summary the neighborhood provided (of what is acceptable to them) and from the draft permit contained in attachment I of the staff report, along with the summary provided by staff. A meticulous walk through these issues (the permit and the “no sue” list presented by the neighbors) was suggested as one way to build consensus. Council discussed various approaches but agreed on the latter approach to address issue by issue.

Mayor Jellins gave a brief overview of the process so far, expounding on the public debate that has taken place, including input on the permit. Discussion ensued about what path to take to tackle this issue. Council decided to go through the outstanding issues in the permit item by item.

Specific items discussed and agreed upon:

- 1) General Plan Amendment – the General Plan designation will change to Public and Quasi-Public/Other from low Density Residential. The resolution amending the General Plan designation will include an effective date that is 45 days from the adoption of the related ordinances for the establishment of the Allied Arts Guild Preservation District and the rezoning of the property.
- 2) Definition of a day time event, range previously identified was 5:00 p.m. to 6:00 p.m.; it was agreed that 6:00 p.m. inclusive would be the cut-off time with all included i.e. caterers out, people gone; consequently, the public must be gone by 5:00 p.m. and the complete clean up by 6:00 p.m;
- 3) Definition of Retail Sales and Restaurant – in the discussion pertaining to types of retail it was agreed that no franchise restaurants and no chain retail stores were to be allowed. Council agreed on the definition (“formula”) recommended by staff.
- 4) Alcohol consumption permitted to include: beer, wine, champagne and hard liquor. Current use is acceptable, but no sales permitted. Alcohol sales would require an amendment to the permit.
- 5) Retail hours are 10-5 for the public and 9-6 for business owners, employees, and volunteers Monday through Saturday in the regular and holiday seasons, and 12-6 on Sundays during the holiday season. Office and workshop hours are 10-5 Monday through Saturday during the regular and holiday season, and 12-6 on Sunday during the holiday season. Sunday hours on November through December 12:00 noon to 6:00 p.m., and on Sundays appointments only, allowing workers and office employees to come to the site at any time during Sundays. Public hours to be limited to these hours, but business owners, and employees may access the offices and workshops at any time.
Holiday means November and December. During federal recognized holidays, the site is to be closed.
- 6) Restaurant hours are 10-5 for the public and 8-6 for owners, employees and volunteers, with delivery not earlier than 9:00 a.m. Current use continues, the use of a morning café is not permitted. Monday through Saturday range of restaurant hours to be 10:00 a.m. to 5:00 p.m. (public hours) and the delivery hours to be 9:00 a.m. to 6:00 p.m.; preparation can begin at 8:00 a.m. but delivery can only begin at 9:00 a.m.; restaurant may be open on Sunday only when associated with a traditional event.
- 7) Traditional events - retain flexibility to substitute events subject to placing a request to the Community Development Director, and possibly an appeal to the Planning Commission; the definition of traditional events not to be expanded to include additional activities such as seminars and workshops;

- 8) Delivery Plan – to begin at 9:00 a.m. and to be cut off at 5:00 p.m. no delivery on Sunday and none on Saturday (except in the morning if there is an event in the morning but not in the p.m.); deliveries are allowed within the hours of the event and in accordance with the above restrictions.
- 9) Liaison contact information to be increased from 300 to a 600 feet radius;
- 10) Current permit allows for violations to be treated as a code enforcement matter; during a period of 2 years the Council to receive an annual informational report from the Auxiliary including criticism, comments, number of events, etc.; Council is free to discontinue this practice after the first year.
- 11) Reporting and Monitoring - the City will have to develop a system to maintain a log of complaints related to this site, but noise violations will be regulated like other sites in the City. If the problem is an overflow of parking, the neighbors have (within this permit) an option to complain and depending on the nature of the violation, revocation of the permit might be an option, especially if it is an ongoing issue.
- 12) Noise - no outdoors amplified sound - continue current inside use (which includes amplified sound);
- 13) Garbage collection - staff discussed this issue with BFI, and they can accommodate a change or adjustment in schedule to have pick up occur from 8:00 a.m. to 5:00 p.m. up to five days a week (Monday through Friday);
- 14) Violations - all Auxiliary events must have a representative present, violations provisions to remain the same as established by the permit;
- 15) Architectural issues – improvements include: trash enclosure, curb and sidewalk offsite improvements. The trash enclosure is to comply with the West Bay Sanitary District. NPDES requires that the City avoid site run off, which could go into the creek. The trash enclosure is a requirement and is not optional. The curb and sidewalk improvements will be assessed by the Engineering Department and the applicant will comply.
- 16) Parking requirements – parking for all events with the exception of Traditional Events shall be contained within the on-site parking lots and the along the side of Arbor Road adjacent to the Guild. Parking for traditional events is allowed to overflow onto neighborhood streets.
- 17) Events (terms and duration): Traditional events to continue including two events historically held on Sunday; special events shall be events that extend beyond or start after 5:00 p.m. Monday through Saturday;
Two events per week but eliminating Monday and Tuesday evenings as times when special events could take place; (?)
- 18) Council agreed that traditional events can continue, including two events historically held on Sundays; Special events shall be events that extend beyond or start after 5:00 p.m., Monday through Saturday; Large Special Events are those with 150 or more attendees and workers; the maximum number of special events is 43, 35 of which may be on Friday and Saturday and 8 of which may be held Monday through Thursday; events shall not be held on consecutive Friday and Saturday nights, and there shall be no more than two events per week; Large Special Events shall be limited to 4 events per year with no more than one event in a calendar quarter. Events are to end by 8:00 p.m. with clean up completed by 9:00 p.m., Monday through Thursday, and end by 10:00 p.m. with clean up completed by 11:00 p.m. on Friday and Saturday. All events that would exceed available parking in the Primary Parking Area would be shuttled; all Large Special Events would be shuttled. Definition of a large special event – an event with a large number of attendees, and if it has more than 150 (includes support people) attendees will have to be shuttled. The maximum number of guests at any event is 225 no more than four events per year to have a total number of attendees that ranges between 150 and 225 (includes support people).

The applicant addressed the City Council, referring to a Memo that requests simplification of the monitoring and reporting provisions. It was suggested that the applicant address this item when it comes back to Council on April 8, 2003.

M/S Jellins/Kinney motion to approve the Revised Mitigated Negative Declaration, approve Resolution No. 5433 Amending the General Plan to change the existing very low density residential land use designation to public and quasi-public to be effective 45 days from adoption of the Zoning Ordinance amendments, to introduce the Zoning Ordinance and Zoning Map Amendments to create the Allied Arts Guild Preservation District, and Introduce the Ordinance to Rezone the Property to the Allied Arts Guild Preservation District, both of those ordinances to have provisions to make them effective 45 days from adoption of those ordinances, and then return with the Allied Arts Guild Preservation Permit in accordance with the direction given this evening to be acted upon at the same meeting at which items 2 and 3 are adopted, and to conditionally approve the architectural control approval for the exterior modifications as outlined in the staff report, (conditioned upon the Council's adoption of the Zoning Ordinances, and their becoming effective). Includes adoption of the findings as outlined in Revised Attachment A2 of the Staff Report.

Motion passes by unanimous vote.

Item to come back to Council at the Meeting of April 8, 2003.

2. Council approval of a Scope of Study and the Role and Composition of a Task Force for the review of Child Care Needs and Options. *(Staff Report # 03-037)*
(Council consensus was to continue this item to the next Council meeting of March 25, 2003)
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.

None.

G. WRITTEN COMMUNICATIONS - None

H. INFORMATION ITEMS - None

I. PUBLIC COMMENT #2

Barbara Hunter supports the La Hacienda Market because it is a benefit for the Willows. Traffic at the Willows should be left alone.

J. ADJOURNMENT AT 1:28 p.m.

Respectfully submitted,

Silvia M. Ponte, City Clerk

Submitted to the City Council of Menlo Park on April 8, 2003 and approved on said date.