



CITY COUNCIL and COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, September 21, 2004
7:00 p.m.
701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers

7:00 p.m. REGULAR MEETING (Menlo Park City Council Chamber)

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

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

PLEDGE OF ALLEGIANCE

A. COMMISSION APPOINTMENTS, VACANCIES AND REPORTS

1. One vacancy on the Bicycle Commission to fill an un-expired term ending April 2005. The extended deadline for applications is September 28, 2004 at 5:30 p.m.
2. Two vacancies on the Housing Commission to fill un-expired terms. One vacancy is to fill an un-expired term that ends July 2005 and one is to fill an un-expired term that ends September 2007. The deadline for receipt of applications is September 28, 2004 at 5:30 p.m.
3. One vacancy on the Las Pulgas Committee to fill an un-expired term ending March 2005 (business member seat). The extended deadline for receipt of applications is September 28, 2004.
4. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

C. PUBLIC COMMENT #1 (*Limited to 30 minutes*) - None

D. CONSENT CALENDAR

1. Authorize the City Manager to enter into Master Professional Agreements with Independent Code Consultants; Kutzmann Associates; Linhart, Peterson Powers Associates; John J. Heneghan, Consulting Geotechnical and Civil Engineer; and Ralph Osterling Consultants, Inc. for a 24-month period for the purpose of continuing the provision of contract plan check, geological plan check and consulting arborist services on an as-needed basis to supplement the staff of the Community Development Department.
2. Authorization to install a twenty-foot no parking zone between the residences at 190 and 191 Forrest Lane.
3. Approval of Minutes for the City Council Meeting of June 15, 2004.

M/S Duboc/Jellins to approve the Consent Calendar. Motion carries unanimously.

E. PUBLIC HEARING - None

F. REGULAR BUSINESS

1. Joint discussion with the Planning Commission regarding alternative process approaches related to potential changes to Single-Family Residential Development Regulations.

Arlinda Heineck, Community Services Department Director, presented the staff report delineating the areas which staff needs direction from Council. Ms. Heineck outlined staff's questions: 1) is additional work on potential changes to the regulations for single-family residential development a project priority? 2) if this is a project priority what should be the starting point for the work on changes to the regulations? 3) should an advisory panel be created for the work? 4) how would the scope of work be defined in light of all the parties involved? Ms. Heineck emphasized that the focus should be on the process and not on the content of the ordinance. Staff pointed out that subsequent to Council providing direction, staff will return with a draft work plan that includes a scope of work, timeline and a budget.

Council and Planning Commission Discussion

Mayor Duboc provided an opportunity for Planning Commissioners to ask questions and give input on the process. Various Commissioners asked for clarification on substandard lots, variances, and subjective findings. Ms. Heineck and City Attorney McClure responded by providing the information requested.

Various Council Members and Commissioners asked about the process for use permits and why these are backlogged. Ms. Heineck explained that the under three-month backlog is typical since there are various steps to the process. Council and Commissioners discussed some of the commonalities between the two ordinances (915 and 926). Ms. Heineck explained that while there were some similarities, from a process standpoint, there were more differences than common points. Some Council Members asked to see a comparison and contrast between the two ordinances and Ms. Heineck said this task would be similar to a chart staff had put together for ordinance 926. The Council and Commissioners discussed design guidelines and Commissioner Bims expressed concerns that the zoning ordinance might impact the General Plan. Ms. Heineck clarified that the City is not pursuing a comprehensive General Plan update but undertaking land use studies for individual neighborhoods.

Some Commissioners shared concerns about what might need to be taken off the current priority list to address a comprehensive residential zoning work plan. Ms. Heineck clarified that whatever the direction it will demand a full analysis of staff resources and implications for other projects. Certain Commissioners shared their views on discretionary versus ministerial process. One Commissioner stated that if 90% of projects get approved without appeals than many of these permits might not need to go to the Planning Commission.

Public Comment

Michael Lambert suggested developing criteria to make substandard non-conforming lots into conforming lots. He believes this approach would give immediate relief to certain residents.

Russel Dembert compared and contrasted ordinances 915 and 926. In his opinion design guidelines could be used in 25% of the projects and these would add clarity to the process.

Frank Tucker requested that the process include looking at costs and time. He hopes that a task force doesn't take over, because a lot of work was done with ordinance 926 and he thinks that it should be the starting point. Mr. Tucker said this process has been going on for six-years.

Council and Planning Commission Discussion (continued)

Mayor Duboc framed the discussion by following the questions posed by staff. Various Planning Commissioners agreed that this issue is a priority and at least the substandard lots need to be addressed. Other Planning Commissioners wanted to understand what the trade off is and what projects may be bumped. Most Planning Commissioners agreed that this issue should be worked

on via the Planning Commission and not via an advisory panel. Council Members asked about projects that are already in the pipeline and could not be moved. Ms. Heineck stated that commercial streamlining as well as the Housing Element are projects that she would recommend not be moved. Mayor Pro Tem Winkler would like to have this addressed without much impact to staff. She suggests having this on the priority Study Session list of January 2005.

Mayor Pro Tem Winkler would like to see savings by amending the current ordinance and eliminating the use permit on all single story additions to lots of 5,000 square feet or more. Ms. Heineck stated that this would be a fairly quick change but once it reaches the public forum it is uncertain how it will go. Other Council Members wanted to know how to make the most good with the least impact on staff and have the most public acceptance. Still other Council Members expressed views about needing to define the problem and working through it as "a whole". Council Member Collacchi does not think that changing certain areas of the ordinance will make for a successful process.

Planning Commissioner Pagee asked why there are delays on issuing use permits. Ms. Heineck stated that the total length of time for a building permit could be around three months and that is not atypical. Some Planning Commissioners stated that a lot of progress has been made at the Planning Commission level promoting dialogue and informing residents. Planning Commissioner Pagee believes that neighbors have been working together to find solutions.

Commissioner Fergusson said she is committed to making this work and she likes the way Ms. Winkler wants to make it work but she wants to look deeper. She believes it is a project priority but it would be best to wait until January 2005 to realign the priorities. Planning Commissioner Deziel would like to prioritize the issue of the substandard lot and address the other points at the Priority Session in January 2005.

Mayor Duboc commented that she did want to prioritize this matter in January 2005 because she didn't want to place other things on hold now. Ms. Duboc said the consensus was that there are some easy fixes such as considering the single story home plans and the substandard lot. Mayor Pro Tem Winkler would like to move ahead now and streamline the single story permit process.

M/S Winkler/Jellins directing staff to work on a change to the current ordinance that would eliminate the requirement of a use permit on all single story additions to lots of 5,000 square feet or more, and not covering more than 35% of the lot.

Council Member Kinney asked about the legal implications of this action. City Attorney McClure stated that the process includes drafting the ordinance, CEQA review, possibly a Negative Declaration, and a Public Hearing at the Planning Commission. Mayor Pro Tem Winkler would like to move this matter forward, and find out if the new Council wants to prioritize the matter in January 2005.

Council Member Collacchi believes that the real issues such as privacy and solar access are being missed because in his view this approach narrows the definition of "review process". Mr. Collacchi said he might abstain on this motion. Council discussed the various options and concerns relating to taking the above-mentioned action. Council Member Collacchi requested that a list of the most significant impacts to single story homes be included in the motion. He has concerns that with the elimination of review, even for one-story homes, there will be impacts that need to be looked at. In his opinion certain people are overly focused on substandard lots and he believes the issue is more complex. Mr. McClure clarified that nothing that is directed tonight is set in stone because staff will have to come back with a scope, budget and a request for further action.

Council Member Kinney shared concerns that this is a narrowly focused effort and the big picture is missed. Council Member Collacchi stated that he might support the motion if it includes identifying the impacts for single story homes. Mayor Pro Tem Winkler does not oppose the request by Council Member Collacchi. Council asked questions about how many single story houses trigger a use permit requirement, and Ms. Heineck said she would need to research the numbers.

The maker and second of the motion agreed with including Council Member Collacchi's request for information on how many cases this will apply to, and identifying the impacts originating from single story homes. Council Member Collacchi asked to add another component, which is to have staff ascertain on the number of conditions imposed on single story homes. **The maker and second of the motion agreed with these additions.**

M/S Winkler/Jellins directing staff to work on a change to the current ordinance that would eliminate the requirement of a use permit on all single story additions to lots of 5,000 square feet or more, and not covering more than 35% of the lot. The motion also includes:

- request for information on how many projects this will apply to
- identification of the impacts originating from single story homes
- list of conditions staff has imposed on single story homes.

Motion carries unanimously.

Mayor Duboc and Council Member Jellins reiterated that this matter will be addressed again when it comes back for scope definition.

Planning Commissioner Deziel volunteered a new way to look at the challenge for R1U zoning, and it includes imagining that it is a standard lot by extending the lot to be 7,000 sq. feet. He offered a catalogue of solutions and it included overlays.

City Attorney McClure stated that staff's question number two, three and four are all part of the scope and could be addressed when the item comes back. Mayor Duboc asked those present to think of suggestions to propose when the time comes. Planning Commissioner Fergusson asked how the citizen group involved with the ordinance petition could bring its input forth and Council Member Kinney stated that they could send in comments. Mr. Boesch explained that in November and December the Commissions are asked to set forth their priorities and this could be part of that process.

Council Member Collacchi inquired about what would happen at the January 2005 Priority Study Session to determine whether broader changes to single family residential zoning should be a priority. Mr. Boesch clarified that the item first has to pass the test that it is a priority, and then Council might hold a meeting dealing with the details of the ordinance. Planning Commissioner Pagee stated that when the priorities are sent back to Council via the staff she would like to review the files on the matter. Ms. Heineck responded that there are extensive files on the subject available for review. Mayor Duboc thanked the Planning Commission and appreciates its hard work.

2. 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.

G. WRITTEN COMMUNICATION

1. Request by Mayor Duboc to agendize the issue of Arts Commission vacancies and how to increase community interest in all City commissions.

Mayor Duboc asked to place this item on a future agenda to discuss the Arts Commission vacancies and broaden the scope to include other Commissions. Mayor Duboc would like staff to provide more information on this matter. Council Member Kinney stated that Council should ponder the resignation of the Arts Commission.

H. INFORMATION ITEM - None

I. COUNCIL MEMBER REPORTS

Council Member Kinney reported on attending two meetings of the San Francisquito Creek JPA and he said that the water level is high.

Mayor Duboc thanked Council Members Collacchi and Kinney for meeting on the storm drain subcommittee. Mayor Duboc asked about the next steps and Mr. Boesch clarified that this item will need to be given some priority in January 2005 if that is what the Council intends to do. Mr. Boesch also stated that it would be good to see what happens with neighboring cities.

Mayor Duboc announced that the City Council would not hold a regular meeting next week, however there would be a meeting of the Parking Structure Feasibility Study and Evaluation of Parking Sites.

J. PUBLIC COMMENT #2 (Limited to 30 minutes) - None

K. ADJOURNMENT- 9:20 p.m.

Respectfully submitted,

Silvia Vonderlinden, CMC

Approved at the City Council Meeting of October 26, 2004.