



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, May 10, 2005
7:00 p.m.

701 Laurel Street, Menlo Park, CA 94025
Menlo Park City Council Chambers

6:00 p.m. STUDY SESSION (Menlo Park City Council Chambers)

1. Discussion of and possible direction on a proposal to demolish an existing Safeway Grocery Store of approximately 83,292 square feet and construct a new 65,748 square foot Safeway Grocery Store and 11,500 square feet of additional retail space on a property located at 525 El Camino Real.

Stephen O'Connell, Contract Planner, explained an application submitted by Safeway. Justin Murphy, Community Development Services Manager, added that Safeway wanted this opportunity to share their plans for the site. Steve Burnt with Safeway said that initially they explored the remodel and upgrade options but it was too challenging. Council asked questions regarding the plans and in particular about the break room for employees and the need for natural light.

David Alfano, with the neighborhood working group, made a brief presentation about the ongoing dialogue with Safeway. The concept of incorporating art into the project was discussed, and Safeway said that this was explored with the neighbors. However, since the City no longer has an art requirement it was dropped from the project. Elizabeth Houck, a member of the Safeway working group, added that the group was excited about the art component. Members of the public commented on the proposed project and some shared concerns that the improvements might take away pedestrian space along El Camino Real. Council Member Cohen would like hedges and flowers to be included, and Council Member Fergusson requests a bicycle circulation plan, and high quality materials.

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

ROLL CALL – Winkler, Jellins, Cohen, Duboc, Fergusson

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

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES AND REPORTS

1. Recognition of outgoing Bicycle Commissioners.

Mayor Winkler recognized Commissioners Cronin and Servos who have served since 1997.

2. Swearing in of Bicycle Commissioners.

City Clerk Vonderlinden swore in Liz Smith and Laure Laprais.

3. Appointment to the San Mateo County Mosquito Abatement District – Board of Trustees.

Mayor Winkler read a letter of interest from Valentina Cogoni.

M/S Jellins/Fergusson appointing Ms. Cogoni to this seat. Motion carries unanimously.

4. Commission Reports.

Thomas McDonough, Chair of the Library Commission, reported on the creation of a Library Foundation and the Library Commission goals. He added that the Commission held an event recognizing all Library employees. This Commission is organizing "Meet Your Library Commissioner Day". Mayor Winkler thanked the Commission for its efforts, and asked that these accomplishments be posted on the City's webpage.

Reg Rice referred to a letter he sent to Council about the traffic at Ravenswood. Mayor Winkler replied that this is a Council priority for 2005-06.

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation recognizing Kepler's 50th Anniversary.

Mayor Winkler recognized Clark Kepler for the 50th Anniversary of his bookstore. Ms. Winkler read a proclamation praising Kepler's dedication to the Menlo Park community. Mr. Kepler thanked the Council and the customers.

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

D. CONSENT CALENDAR

1. Adoption of Resolution No. 5596 requesting the Metropolitan Transportation Commission (MTC) to allocate Fiscal Year 2004-05 Transportation Development Act (TDA) Article 3 Pedestrian and Bicycle Funding for the creation of bike lanes on Bay Road and on Middlefield Road, and for the installation of video detection systems for bicycles at three intersections.

2. Appointment to the Peninsula Library System Advisory Board.

Item pulled D3

3. Authorization of the City Manager to enter into an agreement in the amount of \$62,280 with Community Focus, a project of the Tides Center, to provide Community Engagement Services to assist in the development of the 2006-07 Priority-Driven budget; adoption of resolution No. 5597 appropriating \$29,280 from the General Fund Reserve to cover the unfunded portion of this expense and approval of a draft work plan.

Item pulled D4

4. Approval of the Minutes for the City Council Meeting of February 15, 2005.

M/S Jellins/ Duboc to approve items D1 and D2. Motion carries unanimously.

Discussion on Item Pulled D3

3. Authorization of the City Manager to enter into an agreement in the amount of \$62,280 with Community Focus, a project of the Tides Center, to provide Community Engagement Services to assist in the development of the 2006-07 Priority-Driven budget; adoption of resolution No. 5597 appropriating \$29,280 from the General Fund Reserve to cover the unfunded portion of this expense and approval of a draft work plan.

Council Member Duboc agrees with this approach, and supports the consultant chosen. Council Member Cohen prefers postponing action until the recently formed committee has a chance to meet. He believes the committee should have a role in guiding the consultant, and in his opinion approving the contract will preclude that. Mayor Pro Tem Jellins believes the consultant should be hired now, and there will be opportunities for feedback. Mr. Cohen would like to see the committee involved from the start in directing the consultant, and doing community outreach. He believes in this dual role.

City Manager Boesch is impressed with the consultant and he does not think there is a disagreement between what is being proposed and Mr. Cohen's comments. Mr. Boesch reiterated that the goal is to have the budget advisory committee give as much input as possible. Council Member Fergusson reiterated her trepidation with the zero-based budget approach, because she was not sure the more vulnerable would be well represented, but she approves this consultant because of its rigorous scientific approach to the matter.

M/S Duboc/Winkler to approve item D3. Motion carries 4-0-1 with Cohen abstaining.

Discussion on Item Pulled D4

4. Approval of the Minutes for the City Council Meeting of February 15, 2005.

Council Member Fergusson would like to table approval of the minutes until she has a chance to propose certain edits.

Council consensus was to table the item.

E. PUBLIC HEARING

1. Introduction of an Ordinance amending Zoning Ordinance Regulations pertaining to commercial development, adoption of related City Council policies, and approval of the negative declaration prepared for the ordinance amendment.

Justin Murphy, Community Development Services Manager, presented the staff report emphasizing that this is a proposal to streamline certain permitting processes. Mr. Murphy covered the Planning Commission recommendations, adding that this item is part of Phase II, while Phase III is a project priority for the upcoming fiscal year. Council asked about the benefits of this proposal, and staff said that retail sales might be one of the benefits. Council Member Fergusson asked about zoning in the C4 and M2 districts. Mr. Murphy explained the applicability of the proposed ordinance on the two types of zoning. Council asked why this is being addressed now and Mr. Murphy answered that when the new Business Development Program was created (Fall of 2003), the concept of commercial streamlining was one of the items flagged for improvement.

Council Member Cohen referred to a letter received from Patti Fry, and asked staff to comment. Mr. Murphy said that the four items listed in the letter would still require a use permit under the proposed ordinance, because the only thing the proposed ordinance streamlines are structural alterations.

Public Comment

Kitty Craven recognized some of the benefits of the proposed ordinance, however she disagrees with stopping notification to those within 300 ft. She believes neighbors should be aware of projects.

Mr. Murphy clarified that the proposed ordinance does not affect the use permit process for new uses.

Stephen Ackley gave an example of how this is an efficient approach and he asks Council to support the proposed ordinance. He believes this will streamline the process and won't deter applicants.

Patti Fry expressed concerns about the changes because in her opinion it might impact neighbors. Ms. Fry does not believe that if a current use is permitted it automatically implies that another use is appropriate. She shared a chart relating to traffic impacts of changing uses.

Fran Dehn in concept supports the proposed ordinance, however she does not believe enough outreach to the business community took place. She asks Council to postpone action and convene a meeting with businesses and property owners to get their input.

M/S Winkler/Fergusson to close the Public Hearing. Motion carries unanimously.

Council asked Mr. Murphy to provide details of what people might view as loopholes of the proposed ordinance. Staff provided details relating to possible interpretations, the 12-month period for the final inspection, and the change in M2 zoning district as it relates to the proposed ordinance. Council Member Fergusson asked for administrative review in changes in use from retail to general office. Council asked staff to respond to statements that the proposed ordinance is not in compliance with the General Plan. Mr. Murphy explained that ultimately it is a Council decision; and, while staff respects the comments made, it stands by its recommendation.

Council Member Fergusson suggests that when a change is proposed to financial services and professional services that it should go through an administrative review. She proposes that the three tier approach remain, but allow for administrative review on structural alterations. On pages A1 through

A4 she suggests that for commercial districts, financial services and professional uses when the use is supposed to change these should go under administrative review. She is comfortable making this suggestion because it will be revisited in Phase III. Ms. Fergusson added that some uses can potentially have higher traffic generation with no revenue generation. Council Member Duboc feels comfortable with the proposed ordinance because the topic will be revisited during Phase III. If at that point there are negative impacts then the Council could change the ordinance. Council Member Fergusson would prefer an incremental approach and she feels the administrative review is adequate.

Council discussed the pros and cons of each approach. Council Member Cohen has much respect for the many who offered input but he is concerned that not enough input was received from the business community. He is unsure that the city's tax revenue will improve because of this approach. Mayor Winkler agreed with Council Member Fergusson's approach so that when there is a change of use to financial or professional services (that involves a structural alteration) then administrative review by planning staff should kick in. Mayor Winkler supports this as an interim measure until Phase III is before Council. Mayor Pro Tem Jellins stated that he hasn't seen a great number of conversions.

City Attorney McClure clarified that Council would need to reintroduce the ordinance if the direction is to move forward with this approach. Council asked about the 10,000 sq. feet threshold and staff explained how it arrived at that number. Fiscal impact and quality of life were discussed, and Ms. Fergusson referred to documents presented by Ms. Fry. Council Members Winkler, Duboc and Jellins cannot support that the change be applicable to M2 zoning.

Council discussed the M2 zoning and related parking requirements. Ms. Fergusson would like to include that if bicycle parking spaces are available it may be feasible to reduce car parking. A Council majority agreed with this approach. Ms. Fergusson would like to have the appeal to administrative review listed on page D2. Staff explained that appeals of administrative decisions are reviewed by the Planning Commission and it would not be a problem to add this to the list. Notification practices were covered in detail. The 18 day versus the 15 day notification was discussed for the newspaper. City Attorney McClure suggested having congruence between current policy and the text in the ordinance. **Council consensus was to accept the suggestion and institute the 15 day notification.**

The City Attorney summarized the discussion in the form of a possible motion:

Give direction to staff to return with a revised ordinance on Consent Calendar, reflecting the consensus reached through the discussion which includes the following:

- 1) make the following findings relative to the Negative Declaration for the Zoning Ordinance amendment: 1) A Negative Declaration has been prepared and circulated for public review in accordance with current State of California Environmental Quality Act (CEQA) Guidelines. 2) The Planning Commission and City Council considered the Negative Declaration prepared for the proposed project. 3) Based on the Initial Study prepared for the Negative Declaration and any comments received on the document, there is no substantial evidence that the proposed ordinance amendment will have a significant effect on the environment.**
- 2) Make a finding that the proposed ordinance amendment, to establish new regulations for commercial development, would be consistent with the General Plan.**
- 3) Approve the Negative Declaration for the project.**

On page three of the staff report (item #1) approve the following:

- 1) Eliminate the need for a use permit for structural alterations of buildings in the following commercial zoning districts:**
- **C-2-A Neighborhood Shopping, Restrictive (generally located on Willow Road near Gilbert Avenue and Bay Road between Hollyburne Avenue and Windermere Avenue),**
 - **C-2-B Neighborhood Commercial, Restrictive (generally located along Willow Road near Bay Road, Willow Road and Newbridge Street, and Willow Road and Ivy Drive),**
 - **C-4 General Commercial other than El Camino Real (generally located along Marsh Road, Middlefield Road near Willow Road, and Willow Road between Coleman Avenue and Highway 101), and**
 - **C-4 General Commercial applicable to El Camino Real.**

However require an administrative review process for a change of use involving a structural alteration that results in a change of use in a professional office or financial establishments.

- 2) Eliminate the need for a use permit in the M-2 General Industrial zoning district for structural alterations of buildings affecting 10,000 square feet or less of gross floor area and for changes of use in which the intensity of the use does not increase.
- 3) Change the basis for calculating the parking requirements in the M-2 zoning district from number of employees to the gross floor area of buildings.
- 4) Allow a reduction in commercial and industrial parking requirements through an administrative permit process, however include an example for bicycle parking facilities to the Transportation Demand Management.
- 5) Codify the current “blanket use permit” process for properties that are nonconforming in regard to parking.
- 6) Create or modify definitions as necessary to implement the associated changes to the structural alteration and parking requirements.
- 7) Revise public noticing policies to create consistent, effective and efficient noticing for projects that require review by the Planning Commission, including the types of items covered by the noticing policy on administrative appeals.

Staff is to report back on the implementation of the ordinance within six-months.

M/S Duboc/Jellins to approve the motion as outlined above by City Attorney McClure.

Motion carries 4-1 with Council Member Cohen opposing.

F. REGULAR BUSINESS

1. Consideration of the installation of a neighborhood gateway structure on Spruce Avenue.

Rene Baile, Transportation Engineer, presented the staff report explaining the possible installation of a neighborhood gateway structure. Mr. Baile shared slides showing the current situation and options available for Spruce Avenue. The NTMP (Neighborhood Traffic Management Program) qualifying criteria were discussed and Council asked questions about the Transportation Commission’s position. Kent Steffens, Public Works Director, explained that the Council may determine an exception to the NTMP, but the NTMP was implemented so that full disclosure is provided to the public. Council discussed traffic and parking patterns on Spruce Avenue as they might relate to restaurant parking.

Council took a five-minute break at 10:03 p.m.

Public Comment

Alan Olin, formerly a Menlo Park resident, believes that for the safety of Spruce Avenue residents the permanent barriers are needed. Mr. Olin believes this should be an exception to the NTMP.

Don Barnby asked for an exception to the NTMP because in his opinion the guidelines do not apply. He stated that this street has high traffic and a vulnerable population. He supports the gateway.

Mary Walsh explained her difficulties dealing with high traffic overflow. She shared concerns about the safety of children and cars in the street. Ms. Walsh supports the permanent barrier.

Mayor Pro Tem Jellins left the Council Chambers.

Colleen Anderson knows Spruce Avenue well because of a visually impaired friend who lives there. Ms. Anderson opined that this is an unsafe parking area and there isn’t enough enforcement.

Brady Gallagher shared that he has seen overflow parking on Spruce Avenue and speeding. He said he plays with his brother and does not feel the street is safe for kids.

Mark Gallagher said that traffic has been a problem on Spruce Avenue because cars park everywhere and the current sign is not visible. He believes there is too much foliage.

Chris Thomas supports the barrier and thinks it will make it more visible that this is a dead end street. Mr. Thomas opined that drivers will realize that they cannot turn around at the end of the street.

Katarina Von Heusen stated that the only way to turn around on Spruce Avenue is to get into someone's front yard. She supports a permanent barrier.

M/S Duboc/Winkler to approve alternative #1 which is the installation of a "Not a Through Street" sign and a "Dead End" sign on Spruce Avenue, and include a gateway.

Council Member Cohen proposed a friendly amendment to investigate the adequacy of parking at Celia's Restaurant, and return to Council in a month. Such amendment was not accepted by all Council Members.

Council Member Fergusson proposed a friendly amendment to cut back some of the foliage so that the sign is visible. The maker and second of the motion accepted this amendment.

Motion carries unanimously with Council Member Jellins absent.

2. Consideration of state and federal legislative items including decisions to support or oppose any such legislation, and items listed under Written Communication or Information Items.

G. WRITTEN COMMUNICATION

1. Letter from Sam Trans inviting Menlo Park to participate in creating a Senior Mobility Action Plan (SMAP) for San Mateo County.

Mayor Winkler offered the seat to any Council Member interested. No Council Member was available. City Manager Boesch offered to find out if the representative needs to be a Council Member. He also suggested the Mayor communicate with the Transportation Commission to see if a Commissioner is interested.

H. INFORMATION ITEMS

1. Review of the City's Investment Portfolio as of March 31, 2005.

I. COUNCIL MEMBER REPORTS

Council Member Fergusson reported on attending a San Francisquito Creek meeting and discussing with the Assistant Secretary of the Army Corps of Engineers Menlo Park's needs for flood funding.

J. PUBLIC COMMENT #2 (Limited to 30 minutes)

Colleen Anderson addressed the Safeway proposal commenting on previous traffic problems in the area. Ms. Anderson thanked the Council for the dog park.

K. ADJOURNMENT – the meeting adjourned at 10:46 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the Council Meeting of August 16, 2005.