



**CITY COUNCIL
and
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, September 27, 2005

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 Chambers)

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

STAFF PRESENT - David Boesch, City Manager; Dan Siegel, Acting City Attorney; and Silvia M. Vonderlinden, City Clerk. Various department heads and other City staff were also present.

PLEDGE OF ALLEGIANCE

Mayor Winkler made the following announcements:

- The budget surveys are due October 3, 2005.
- On Wednesdays there will be a new farmer's market at the Belle Haven Senior Center.

A. COMMISSION VACANCIES AND REPORTS

1. Appointments to the Parks and Recreation Commission.

Mayor Winkler opened the floor for nominations:

Council Member Duboc nominated the incumbents for the two vacancies.

The Council unanimously reappointed Patricia Watkins and Heyward Robinson to the Parks and Recreation Commission.

2. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS - None

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

Linda Craig announced that on September 28, 2005 the League of Women Voters will host a Fire District Board candidates' forum. The event will be televised and rebroadcast thanks to the Media Center.

Sanford B. Carnaham addressed Council on the need for sidewalks on Santa Cruz Avenue. He supports Consent Calendar item D3.

Hank Lawrence congratulated Mr. Robinson on his reappointment to the Parks and Recreation Commission. He expressed his views about development of properties in Menlo Park.

D. CONSENT CALENDAR

1. Approval of a contract with the Ravenswood City School District in an amount not to exceed \$70,000 for the delivery of food services at the Belle Haven Child Development Center and authorization of the City Manager to execute the contract.
2. Adoption of Resolution No. 5625 authorizing the revision of the City's Records Retention Policy for the City Clerk's Office in regards to the retention of City Council Meeting videotapes.

Item pulled D3

3. Adoption of Resolution No. 5626 authorizing the City Manager to submit an application and execute agreements with the California Department of Transportation (Caltrans) to receive Fiscal

Year 2006-07 community-based Transportation Planning Grant to conduct a feasibility study of installing new sidewalks on Santa Cruz Avenue.

4. Waiver of the reading of ordinance no. 938 and adoption of ordinance no. 938 amending Chapters 16.82, Conditional Development Permits, and 16.96, Below Market Rate Housing Program. Waiver of the reading of ordinance no. 940 and adoption of ordinance no. 940 rezoning property located at 966 to 1002 Willow Road from C-2-B (neighborhood commercial, restrictive) to R-4-X (high density apartment, conditional development).
5. Approval of the City Council Minutes for the meeting of August 23, 2005.

Motion by Council Member Fergusson to approve the Consent Calendar with the exception of D3.

Council Member Duboc mentioned she had two minor corrections to the minutes. The corrections were 1) a speakers' last name and 2) identifying Ms. Duboc instead of Ms. Fergusson as posing a question (page 3). Mayor Pro Tem Jellins said he had one small change and the minutes could return for Council's approval. Council agreed to table the approval of the minutes.

Consent Calendar item D5 was excluded from the motion.

M/S Fergusson/Duboc to approve Consent Calendar items D1, D2, and D4.

Motion carries unanimously.

Discussion on item D3

3. Adoption of Resolution No. 5626 authorizing the City Manager to submit an application and execute agreements with the California Department of Transportation (Caltrans) to receive Fiscal Year 2006-07 community-based Transportation Planning Grant to conduct a feasibility study of installing new sidewalks on Santa Cruz Avenue.

Council Member Fergusson asked for confirmation that the study would look at both sides of Santa Cruz Avenue. Chip Taylor, Transportation Manager, confirmed that this was the intent.

Motion by Council Member Fergusson to approve Consent Calendar item D3.

Mayor Pro Tem Jellins asked for clarification on the issue raised. Council Member Fergusson clarified that since there are some segments in the north side that lack sidewalks she wanted to make sure this would cover both sides (north and south sides). Council Member Cohen asked why the original suggestion was only for the south sidewalks. Kent Steffens, Public Works Director, said that when this was originally looked at, that cost was a prime factor, and by focusing on the south side there would be a lower cost because there was less work needed.

Council Member Cohen seconded the motion. Motion carries unanimously.

E. PUBLIC HEARING

1. Consideration of rezoning from C-4 to C-4-X, a Conditional Development Permit to demolish an existing Safeway Grocery Store and construct a new Safeway Grocery Store and additional retail and service space, a categorical exemption of a left turn pocket on El Camino Real along the project frontage, and authorization of the City Manager to execute an acknowledgement of termination of an access easement upon demolition of the existing building at 525 and 625 El Camino Real.

Mayor Winkler explained that Planning Department staff is sick, consequently City Manager Boesch presented the staff report. Mr. Boesch mentioned that this item was unanimously approved by the Planning Commission. He gave further details about the conditions of approval.

Steven Berndt, Director of Real Estate for Safeway, addressed Council and presented an "Open Letter to the Safeway's Neighbors and People of Menlo Park" as a promise of its commitment to being good neighbors during construction time. Mr. Berndt thanked the Council and each group that got involved in the process during the past five years.

Elizabeth Houck, who was a member of the working group and representative to the art subcommittee,

spoke about the process which included much community collaboration. She gave details about the children's art tiles that will be part of the project and shared her excitement about other organizations collaborating on the art portion. Ms. Houck supports the project and the community work that went into it.

Council Member Duboc asked Acting City Attorney Siegel how the conditions of the letter could be enforced. Mr. Siegel said he had not seen the letter; however this is most likely based on a good faith effort and probably not easily enforceable by the City. Council Member Fergusson asked questions of the applicant relating to the quality of the construction, site functionality and parking areas. Mr. Berndt responded that the ceiling finish of the arcade is going to be a stained wood finish. The light fixtures for the arcade were discussed and he committed to a quality pendant fixture. Mr. Berndt said that bicycle parking needs were addressed in the revised plan, and the sidewalks were also widened to accommodate longer bicycles. Council discussed Condition "S" and how its addition ensures the resolution of this issue prior to issuance of a building permit.

Council Member Cohen is pleased that skylights were added to the employee break rooms. He posed questions about proposed uses on site and asked if retail wasn't the priority. Mr. Berndt confirmed that was the case. Mr. Cohen has no problem with personal services but he does not believe that office use is appropriate with the exception of a travel agency. Mr. Berndt said that the goal is to not restrict uses for the future. Council Member Fergusson referred to the use permit and the following two uses 1) financial establishment and 2) office uses. She would prefer moving these items from permitted uses to administratively permitted uses.

Mayor Winkler opened the public hearing.

Mary Kenney, with time donated by Don Ellis, read a letter from David Alfano favoring the renovation. Mr. Alfano thanked all the parties involved in the process and he supports the final product. In particular, the letter recognized the work of Candace Hathaway and the Safeway neighbors. Ms. Kenney added that many parties worked hard to get to this point, and she thanked residents and staff for their commitment.

Hank Lawrence thanked Safeway for its efforts on El Camino Real. He would like Safeway to commission a study to review the viability of placing a store in the Belle Haven area.

Walter Yost is supportive of this project. Mr. Yost is happy about the outcome. He mentioned that residents, such as his parents, feel that their opinions were respected and engaged.

Elizabeth Houck supports the project and the work leading to this solution. Ms. Houck opined that the Good Will truck should be moved from the Safeway's parking lot.

Joe Pasqua echoed the comments from Mary Kenney and David Alfano. Mr. Pasqua said this has been a long journey, but it ultimately created a project that is viable for the community and Safeway.

Stu Soffer is pleased with Safeway's efforts and one suggestion he made is Council to tighten permitted uses and stipulate that only retail can be included.

M/S Duboc/Fergusson to close the public hearing. Motion carries unanimously.

Council Member Duboc referred to a resident's letter that asks about adding a traffic light. Mr. Boesch said that the traffic light could not be added because it is too close to an existing one at the intersection. Council Member Duboc asked how the Safeway letter will be incorporated. Attorney Siegel said certain items could be added as conditions of approval.

M/S Jellins/Duboc to approve the staff recommendation, including a condition similar to paragraph eight of the letter from Safeway, and include paragraph four if it is not already included in the existing language.

Item eight of Safeway letter reads:

"To minimize noise during construction, Menlo Park noise ordinances will be adhered to. Adjacent property owners and specified neighborhood representatives will have a 24-hour phone access to a project representative for reporting problems."

Item four of Safeway letter reads:

“If the trees between the Safeway building and adjacent Kenwood/Roble properties show signs of distress within five years after construction, and if the City arborist finds that this was caused by the construction, Safeway will remove these trees and plant new trees of a species recommended by the arborist.”

Council Member Fergusson asked for three potential friendly amendments:

- 1) include stained wood look on the arcade ceiling.**
- 2) condition to use high quality pendant light fixtures.**
- 3) make financial establishments and office uses administratively permitted uses.

Mayor Pro Tem Jellins cannot agree with the last item, but he can accept the first two. Mr. Siegel said if the third item is accepted into the motion this would have to come back because the city lacks an administrative permit use process for these two uses in its zoning ordinance.

Council Member Fergusson would like to split the question taking out part B of the conditional development permit and voting on the items separately. Mr. Jellins and Ms. Duboc did not agree with this change; however, both agreed with including items one and two as part of the motion. Ms. Fergusson believes that strict restrictions are a good approach because competition between office and retail uses drives prices up. Council Member Fergusson brought up the current Kepler's situation, and compared the decision on Safeway with the decision of the Council's fore-bearers twenty years ago on Menlo Center. When Menlo Center was approved, she said, the Council put strict restrictions in the Development Permit about retail uses and percentages of floor space that should be used for different things; she opined it is those very conditions that may allow Kepler's to be brought back. Ms. Duboc thanked Ms. Fergusson for the comments but she is not willing to exclude future uses and she would not like to micromanage the use permit. She added that uses can be symbiotic. Mayor Winkler does not agree with the Kepler's parallel. Council discussed the possible uses on the site, and there were divergent views about how strict the permitted uses should be. Ms. Fergusson suggested an amendment that would include “office uses serving the neighborhood”. There was no consensus to include this wording.

Motion carries unanimously.

Mayor Pro Tem Jellins reiterated that revised Condition “S” was included in the motion. Condition “S” reads:

“Prior to building permit issuance, the applicant shall cause the stairs and the access door at the rear of the Masonic Lodge located at 651 Roble Avenue to be removed/relocated so that it is not exiting onto the 525 and 625 El Camino Real property, or the applicant shall provide an emergency exit plan on the 525 and 625 El Camino Real property for persons who have exited the Masonic Lodge Building as it presently exists, subject to review and approval of the Building Division”.

F. REGULAR BUSINESS

1. 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 - None

H. INFORMATION ITEMS

1. Status Update on Commercial Streamlining Phase III and Planning Staffing.

David Boesch, City Manager, explained this is the first status update relative to staffing and work load. Mr. Boesch explained that staff felt it was timely to raise the issue of El Camino Real and the vacancy rate. Mr. Boesch suggested holding a study session in early December about the El Camino Real corridor situation.

Council Member Fergusson prefers focusing on the broader commercial streamlining project. Council Member Duboc referred to business to business sales and the revenue deriving from it. Ms. Duboc agrees that commercial streamlining should continue to be the priority, and she offered that consultant assistance may be needed. Mayor Winkler shared figures about city revenues.

I. COUNCIL MEMBER REPORTS

Council Member Fergusson reported that she is flying to Washington, DC to attend a conference and meet with the Corps of Engineers on issues related to the San Francisquito Creek.

Mayor Pro Tem Jellins reminded Council that the Annual Conference of the League of California Cities will take place next week in San Francisco.

Council Member Cohen attended the Housing Endowment and Regional Trust (HEART) of San Mateo County first retreat. Its first project has been approved; it is a senior low income rental housing project in Foster City.

Council Member Duboc referred to a disaster preparedness manual that can be downloaded from the City's web page. Ms. Duboc also announced an upcoming joint San Francisquito Joint Powers Board meeting on October 5, 2005 in East Palo Alto. This meeting is for residents interested in the creek flooding situation and she encourages residents to attend. Ms. Duboc asked residents to fill out the budget survey and share their thoughts.

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

K. ADJOURNMENT - the meeting adjourned at 8:49 p.m.

Respectfully submitted,

Silvia M. Vonderlinden, CMC

Approved at the City Council Meeting of November 8, 2005.