



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY
MINUTES**

Tuesday, August 22, 2006

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 - Jellins, Fergusson, Cohen, Duboc, Winkler

STAFF PRESENT -

PLEDGE OF ALLEGIANCE

A. COMMISSION VACANCIES, APPOINTMENTS AND REPORTS

1. There are three vacancies on the Parks and Recreation Commission to fill three expired terms that end September 2006. The new terms will run until September 2010. The deadline for receipt of applications is Thursday, August 31, 2006.
2. Recognition of outgoing Environmental Quality Commissioner.

Frank Carney received the certificate and spoke about his experience in that Commission. In particular he thanked the City's Environmental Coordinator for her professionalism during the last eight years.

3. Appointment to the Environmental Quality Commission.

Nominations:

Fergusson nominated Jeanne Durnford

Winkler nominated Lawrence Lee.

Vote on the first nomination:

Durnford is appointed with four votes.

Lawrence Lee is not appointed but Winkler voted for him.

4. Commission Reports.

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation "One Book – One Community" (Kite Runner).

Susan Holmer, Library Director, received the proclamation and presented the Council with the book.

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

Peter Keller filed a petition with 35 signatures from Vintage Oaks residents because of concerns with the traffic design there to avoid accidents. He mentioned that he has asked the maintenance department to take care of it but the weeds grow back up.

Elias Blawie has a concern with deleting the records that are being proposed.

D. CONSENT CALENDAR

Pulled

1. Approval of a resolution for the destruction of records for the Administrative Services Department.
2. Waiver of the second reading and adoption of ordinance no. 951 of a new Chapter 13.20 of the Municipal Code pertaining to Street Trees.

3. Adoption of resolution no. 5696 to accept \$7,500 from the California State Library Foundation and amend the Library budget to spend said funds in Fiscal Year 2006-07.
4. Adoption of resolution no. 5697 authorizing the City Manager to execute all agreements with the California Department of Transportation to receive Surface Transportation Program Funds, and approval of an agreement with the Town of Atherton to share the cost of resurfacing Valparaiso Avenue.

Pulled

5. Waiver of the second reading and adoption of ordinance no. 952 rezoning the property located at 1460 El Camino Real from C-4 (General Commercial - applicable to El Camino Real) to PD (Planned Development District).
6. Adoption of resolution no. 5698 to accept \$1,800 from the California State Library and amend the Library budget to spend said funds in Fiscal Year 2006-07.
7. Approval of the resubmitted Minutes for the City Council Planning Commission Interviews of April 4, 2006, the Minutes of the Special Meeting of April 4, 2006, and the Minutes for April 5, 2006.
8. Adoption of resolution no. 5699 authorizing the purchase of a Below Market Rate (BMR) housing unit located at 20 Willow Road, unit 22; authorizing the City Manager to execute the Certificate of Acceptance for the grant deed on behalf of the City; authorizing the utilization of a portion of the BMR fund reserved for the Purchase Assistance Loan Program (PAL) for the purchase of said unit; and authorizing the resale of the unit in accordance with the BMR Program.
9. Authorize the City Manager to enter into master professional agreements with Kutzmann Associates; Linhart, Peterson Powers Associates; John J. Heneghan, Consulting Geotechnical and Civil Engineer; and Ralph Osterling Consultants, Inc., for a 36-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.

Duboc/Fergusson Cohen is recused on D5.

Cohen

Fergusson would like extra time to review the item.

M/S Fergusson/Jellins D1 to table.

Council Member passes 4-1 with Cohen opposing.

E. PUBLIC HEARING(S)

1. Consideration of an appeal of a Planning Commission action to approve a Use Permit revision to relocate an existing detached garage and reduce the existing setback of 31.9 feet to 18 Feet from the corner side property line (Cambridge Avenue) at 910 Cambridge Avenue.

Deanna Chow, Senior Planner, presented the staff report. The applicant, Ms. Cutright spoke about her reasons for the appeal and how other neighbors do not have the same required. Council discussed the. There was no public comment.

Cohen wants to honor the appellants' request. Fergusson can see a sidewalk on Cambridge and she is leaning towards the staff's recommendation. Ms. Duboc is predisposed to grant the appellant the request and she believes this is human.

M/S Winkler/Cohen to allow the applicant to prevail and she would like the applicant to have land for her family.

Council discussed the fact that this may set a precedent. Mayor Jellins will not support the motion and the same for Fergusson, but she is happy that people will get her. She complimented the appellant on how much she knows about this. Council Member Cohen thanked staff for its work.

Motion to include the findings that are attached (A1) are approved and a modification to condition 4A so that the set back would be .5 instead of 18 feet. Winkler and Cohen supported.

F. REGULAR BUSINESS

1. Consideration of and possible direction to staff on a framework for determining public benefits related to planned development zoning applicable to projects within the El Camino Real Corridor.

Justin Murphy presented the staff report. Council discussed the matter.

Jim Pollard with the O'Brien group said that in summary he does not agree that in general terms an application that has an increase in size requires an augmentation in public benefit. He believes that public benefits are elements of the projects that go above and beyond what was required to mitigate the proposed development. Mr. Pollard covered a letter he presented to Council and he spoke about his project and Garwood Way. He outlined all the public benefits the project is already offering such as 21 BMR units, which is one more than what is required. He prefers a more structured approach and a framework that establishes a range and he asks that the items that are already within the project should count towards that. Council Member Cohen asked about the value of a BMR home and Mr. Pollard said that it is in the range of \$350 to \$400.

Jeff Warmoth supports a framework and the certainty that will derive from there. He also believes that this should be built into the Development Agreements.

Elizabeth Lasensky applauds the people who thought about this project and she wants to see these projects move forward. She would like to see some of the parking spaces set aside for the park theater so that these office spaces could be used for that. She would like to see the reopening of the Parking theater.

Winter Dellenbach believes that the park theater should be used to restore it and use it as public benefit. She asks the Council to reopen it and she believes it could be a win win all the way around. She believes it is an historic gem.

Elias Blawie believes that Council is on the right track but this is not the correct approach. He believes that office uses compete with the other uses. He asked what are we being paid for the vast economic benefit.

Council discussed the various approaches to the issue.

Council took a break at 9:30 p.m. until 9:36 p.m.

Mayor Pro Tem Fergusson has a contrasting view then Ms. Winkler and she has a lot of respect for the General Plan and she believes it is a pretty good baseline. She thinks that historic preservation is something that the public can see. She thinks the numbers look really low and these are income streams and she is not seeing much public benefit from the framework and she would like to see the list of categories increased to include historic preservation and shared parking and some kind of tearing system.

M/S Duboc/Winkler to further work on development of categories that would be useful fo projects that come along El Camino Real and not apply a certain percentage but support the project-based community benefits and stay away from the numbers game. This to not apply to the Derry project.

Council Member Cohen believes this is a meaningless exercise and without a general plan review he cannot support what the Council is about to do. Mayor Pro Tem Fergusson does not believe we can give away the density. Council Member Duboc said that the Design Charrette should be looked at. On the historic preservation item the item will come back. Ms. Fergusson asked about the tiering and Mr. Jellins said that this will be discussed next.

M/S carries 4-1 with Council Member Cohen opposed.

2. Council direction on commercial zoning ordinance update (CZOU) related to zoning district options and schedule.

Thomas Rogers, Assistant Planner, presented the report and provided details on the working group.

Elias Blawie discussed the matter. Ms. Fergusson feels that this has been too rushed in the process and she believes the city would benefit from a round of outreach. Ms. Fergusson would like one more round of public outreach.

M/S Duboc/Winkler to go with option A. Ms. Fergusson wants more process. Ms. Duboc does not think we need more process. The agreement was to have/.

Mayor Jellins left the dais at 10:40 p.m.

4-1 passes with Mayor Pro Tem Fergusson opposing.

3. 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. Correspondence from Council Member Duboc regarding public input on employee contract negotiations.

Ms. Duboc wants to agendize this soon and she would like the public to be aware of what latitude we have. Mayor Pro Tem Fergusson said that more public input is more better.

H. INFORMATION ITEM(S)

1. Intention of the City Manager to consent to assignment and assumption of lease from the County of San Mateo to the Ravenswood Family Health Center.

I. COUNCIL MEMBER REPORTS - None

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

Matt Henry said that peoples' needs change and so the zoning ordinance and the general plan should change too. He doesn't understand the reluctance of some quarters of this town to change and so far as more public outreach this city has so many study groups on top of study groups and he does believes it is a joke to say that there isn't enough public outreach.

K. ADJOURNMENT – 10:49 p.m.