



**CITY COUNCIL
COMMUNITY DEVELOPMENT AGENCY MEETING
MINUTES**

Tuesday, January 8, 2008

7:00 p.m.

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

ROLL CALL – Cohen, Robinson, Boyle, Cline, Fergusson

Staff present – City Manager Rojas, City Attorney McClure and City Clerk Kelly. Other staff were present in the audience.

PLEDGE OF ALLEGIANCE

A. COMMISSION/COMMITTEE VACANCIES AND REPORTS

1. **Consideration of and possible direction on the selection process for the El Camino Real Downtown Visioning Process Oversight and Outreach Committee.**
([Staff Report #08-002](#))

Thomas Rogers, Associate Planner, presented the staff report. He informed the Council that a list would be compiled of the 34 applicants and presented to the Council next week.

Action: By consensus, the Council agreed to follow the process outlined in the staff report for making appointments to the committee.

2. **Appointments to the Finance Audit Committee.** ([attachment](#))

Members of the Council discussed the nomination and voting process and agreed that the applicant with the most votes would be appointed for a term of three years and that the next two highest vote-getters would be appointed for two-year terms.

Actions: Council Member Fergusson nominated Honor Huntington. Vice Mayor Robinson nominated Jeffrey Child. Council Member Cline nominated Stuart Soffer. Council Member Boyle nominated Mark Gilles and Ronald Shepherd. Moved, seconded (Fergusson/Robinson) and carried unanimously to close nominations.

Honor Huntington received five votes. Jeffrey Child received five votes. Stuart Soffer received four votes (Cline, Cohen, Fergusson and Robinson). Mark Gilles received one vote (Boyle). Ronald Shepherd received no votes.

Honor Huntington and Child tied with five votes. The Council conducted a runoff to determine which applicant would be appointed for a three-year term. Honor Huntington received four votes (Cline, Cohen, Fergusson and Robinson). Jeffrey Child received one vote (Boyle).

The following community members were appointed to the Finance and Audit Committee: Honor Huntington for a term expiring in January 2011 and Jeffrey Child and Stuart Soffer for terms expiring in January 2010.

3. **Commission members and Chamber of Commerce reports** - None

B. PRESENTATIONS AND PROCLAMATIONS

1. **Proclamation honoring Officer Shaw and his canine partner Cain.** ([attachment](#))
Action: Mayor Cohen presented a proclamation honoring Officer Shaw and his canine partner Cain.
2. **Presentation by the “HillviewRobotics”, Hillview Middle School students on their findings of the “Energy Audit of the Belle Haven Child Development Center”.**
Action: Students of the Hillview Middle School presented their findings of the “Energy Audit of the Belle Haven Child Development Center”.

C. PUBLIC COMMENT #1

Christina Neal, senior at Carlmont High School, informed the Council that the “Sojourn to the Past” project is an opportunity for young people to travel to the South to meet people who were involved in the civil rights movement. She stated the trip costs \$2,500 and that she and other students are seeking financial assistance.

Brazill Harris, student at Carlmont High School, said that potential donors can obtain information from the website, www.sojournproject.com.

Kelli Riley, student at Carlmont High School, provided additional information about the project and requested donations from the public to assist the students.

Elias Blawie expressed his concern regarding the makeup of the membership of the El Camino Real Downtown Visioning Process Oversight and Outreach Committee.

D. CONSENT CALENDAR

Action: Moved, seconded (Fergusson/Cline) and carried unanimously to approve the Consent Calendar as noted below:

1. **Authorize the City Manager to execute an amendment to the agreement between the City of Menlo Park and the City and County Association of Governments (CCAG) to provide the City with additional funding in the amount of \$41,000 for Fiscal Year 2007-08 for the operation of the Marsh Road and Willow Road Shuttle Bus Services.** ([Staff Report #08-001](#))
Action: Authorized the City Manager to execute an amendment to the agreement.
2. **Approval of the minutes for the City Council Meetings of October 2, 2007** ([attachment](#)); and **October 9, 2007.** ([attachment](#))
Action: Approved the minutes.

E. PUBLIC HEARING

1. **Consideration of an appeal of the Planning Commission’s decision to approve a request for a Use Permit, Architectural Control, and Tentative Parcel Map to demolish an existing one-story, 5,750 square-foot commercial building and construct a new two-story, 9,825 square-foot office building for medical/dental office use and the related site improvements at 1906 El Camino Real located in the**

C-4 (General Commercial - applicable to El Camino Real) Zoning District and consideration of a Heritage Tree Removal Permit and Mitigated Negative Declaration for said project. ([Staff Report #08-003](#))

Deanna Chow, Associate Planner, presented the staff report which recommended the Council deny the appeal and approve the mitigated negative declaration, a use permit, architectural control, tentative parcel map, and heritage tree permit to demolish an existing one story commercial building and construct a two-story office building for medical and dental use. Ms. Chow informed the Council that a revision to Condition (8o) has been provided to the Council. She reminded the Council that on July 17, 2007 the Council considered an appeal of the Planning Commission's decision to approve the proposed project and that the Council made the finding that new material information had come forward related to accidents near the project site and returned the project to the Commission with direction: 1) a traffic study be prepared; 2) the corner element of the building be reconsidered architecturally; and 3) the building be set back to allow for street trees and extension of the sidewalk to the City boundary.

Louis Deziel, Chair of the Planning Commission, informed the Council of the deliberations at the Planning Commission meeting and the differences between the recommendations made by staff and those made by the Planning Commission.

Rafael Rius, DKS Associates, reviewed the key points of the traffic study. He pointed out that the El Camino Real and Watkins intersection rates below the statewide average in accidents and therefore is not considered a dangerous intersection.

Chip Taylor, Transportation Manager, responded to several questions raised by members of the Council. He informed the Council that the City of Menlo Park has no control of the intersection and that any changes to this intersection would need to be worked out between the Town of Atherton and CalTrans. He explained how the traffic study was prepared and talked about each of the possible alternatives related to traffic mitigations for the project and concerns raised regarding the dangerousness of the intersection and the impact of traffic to the neighborhood. He reiterated staff's position that the only viable traffic mitigation alternative under control of the City is Alternative 6, which would require egress from the project onto Watkins. He stated that while this would add some traffic to the neighboring streets, staff does not consider the impact significant. Mr. Taylor indicated that additional analysis would be needed to determine the traffic impact if credits for an existing restaurant were to be considered and that this process would take approximately three months.

The Mayor opened the public hearing:

Mike Brady, the appellant, referred to his letter of December 5, 2007 to the Planning Commission. He stated his belief that the parking situation should be reopened and compared the parking spaces allowed for this project to those allowed for 1706 El Camino Real. Mr. Brady said that medical and dental office buildings require more parking spaces than other types of office uses. He also expressed concern for the impact that traffic will have on the neighborhood.

Ben Hamberg, the attorney for the project applicant, informed the Council that the applicant never saw the December 5, 2007 letter referred to by the appellant and that he objects to it being part of the record at this time. He disagreed with statements made by

the appellant regarding parking requirements and said that the project meets the base guidelines for parking spaces. Mr. Hamberg informed the Council that his client acquired the Acorn Restaurant property in May of 2006. He noted that this property has been vacant since 1995 and has been a blight on the City of Menlo Park and the Town of Atherton.

Mr. Hamberg reviewed the history of the project application before the Planning Commission and its approval; the appeal to the City Council; the City Council's referral back to the Planning Commission; up until the most recent report and recommendation by City staff that is before the Council at this time. He asked that the Council approve the project as recommended by City staff and to not approve the project with the recommendations made by the Planning Commission. Mr. Hamberg stated that the traffic study ordered by the Council is evidence that the intersection at El Camino Real and Watkins does not meet the standards of a dangerous intersection and that the only traffic mitigation alternative within the power of the City and the applicant is Alternative 6, which requires egress from the project onto Watkins. He stated that his client will continue to work with the City of Atherton and CalTrans to see if they prefer and will work with their client to implement Alternatives 1, 2 or 3.

Elias Blawie stated that there is a need for a real parking study and that requiring all traffic to egress onto Watkins is not a solution.

David Speer said that there are a number of policy issues that should be addressed related to floor area ratio, parking, and traffic impacts.

Ken Hoyle informed the Council that he lives on Watkins and that requiring everyone leaving the office building to turn onto Watkins is extremely detrimental to the neighborhood and inconvenient for the clients visiting the medical building. He pointed out that there are a lot of children in the neighborhood and no sidewalks.

Steve Schmidt referred to the letter from Clark Kepler, which pointed out that there was a lot of concern when his project was built, but that it turned out fine. Mr. Schmidt said that the City is limiting the ability of property owners and the City to eliminate blight caused by vacant and under-used properties. He encouraged the Council to approve the project as recommended by staff.

Morris Brown expressed his belief that this is a bad project based on parking, traffic, safety issues and the lack of sales tax revenues generated by medical and dental services. We reminded the Council that there have been a couple of serious accidents at this intersection and stated his desire to see a traffic signal at the intersection. At a minimum, Mr. Brown asked the Council to reject the option preferred by Planning Commission, which suggests credits for the prior business activity.

D. J. Brawner pointed out that the traffic generated by the property when it was a restaurant occurred mostly between the hours of 4 p.m. to midnight, with almost no traffic in the morning, and little during the lunch hour. He stated that to consider giving credits to this project because of its prior restaurant use is ludicrous. Mr. Brawner stated that this is the wrong project, on the wrong street, and at the wrong intersection.

Jill Blackburn stated she lives on Watkins and that requiring cars leaving the medical building to turn onto Watkins would change the nature of her neighborhood. She pointed

out that the impact will be felt not only on Watkins and Walnut, but also on Station Lane. She noted there are train tracks, lots of children, park access for a very busy park, and no sidewalks. Ms. Blackburn also feared that overflow parking from the office building would wind up in front of their homes.

Alan Bushell, resident of Stone Pine Lane, also expressed concern that overflow parking from the office building would wind up in their neighborhood.

In response to questions raised by council members, Associate Planner Chow informed the Council that if the owner of the property decided to re-occupy the building for any commercial use without making renovations, a use permit would not be needed. She stated that if the building were to be re-occupied and renovated for a commercial use, the owner would have to go through the process of obtaining a use permit, but the project would not come before the Council. Ms. Chow also responded that as a condition of approval there will be no reserved parking allowed for the medical and dental building.

Transportation Manager Chip Taylor reviewed traffic mitigation Alternatives 1 through 3 as follows: Alternative 1 – includes restricting westbound left-turns from Watkins to El Camino Real during the evening peak hours and would require signage; Alternative 2 – installation of a traffic control signal at the intersection; and Alternative 3 – modifying the El Camino Real median island to provide a more defined refuge area. He stated that the alternative recommended by staff is Alternative 6, which requires vehicles leaving the office building to turn right onto Watkins. Mr. Taylor reiterated that the only alternative under control of the City is Alternative 6.

Action: Moved, seconded (Robinson/Fergusson) and carried unanimously to close the public hearing.

Council Member Fergusson acknowledged that this project is complicated because the site is located on the City's boundary and because the City is in the middle of a vision process for El Camino Real. She pointed out that the vacant building has been a blight to the neighborhood and that other retail or service uses at this site could result in more traffic. While she understood that traffic mitigation Alternative 6 is the only mitigation under control of the City, she said that it feels un-neighborly to push traffic into the neighborhood. Council Member Fergusson questioned whether or not the Council could require the applicant to deposit a certain amount of money with the City for a period of four years to be used toward one of the other mitigation alternatives if the Town of Atherton and Caltrans can reach agreement on one of these. She also questioned why the plan that came back to Council did not address widening the sidewalk to six feet.

Mayor Cohen expressed similar concerns stated by others regarding parking, traffic, pedestrian safety, and requiring traffic to flow into the Atherton residential neighborhood. He pointed out that the City is in the middle of a process for developing a vision for El Camino Real and doesn't see this project as being future thinking.

Council Member Boyle reminded everyone that this is a mixed-use area and that by not approving this project, the City could end up with a restaurant or retail at this site, which would generate more traffic at more times of the day and night and possibly more problems for the neighborhood. He noted that the project has been under review for a lengthy period of time and stated that he is willing to accept the project as recommended.

by staff and that future mitigations of traffic could be addressed by the Town of Atherton if they chose.

Council Member Cline agreed that this project has brought up many issues which need to be looked at through development of policies, not step-by-step planning. He expressed his opinion that medical services are a regional and not a local benefit. While recognizing that requiring vehicles to turn right onto Watkins and into the neighborhood is not the ideal solution, he stated that the Atherton residents would need to work with their Town Council to explore other mitigation measures.

Vice Mayor Robinson acknowledged that this is not the ideal project nor is the traffic mitigation the ideal solution, but because the City has no control over the intersection there are no other options for the City. He expressed support for Council Member Fergusson's suggestion that the applicant put monies aside to help finance alternative traffic mitigations and work with the Town of Atherton to see if this can be accomplished.

The Mayor reopened the public hearing to receive feedback from the applicant regarding comments made by council members.

Joe Calonna, representing the applicant, responded that creating a sidewalk of six feet in width would require having to shift the building and reduce the width of the walkway in the middle or on the other side of the building. He did note that the landscape strip has been widened and the trash area has been moved to allow for an increase in the length of the sidewalk. He stated that it is their intent to continue to work with the Town of Atherton to see what they would like to see as to traffic flow and mitigations, but that for the Menlo Park City Council to require the applicant to tie up a large amount of funds in escrow for a lengthy period of time appear to be punitive.

Action: Moved, seconded (Robinson/Fergusson) and carried unanimously to close the public hearing.

Actions: Moved, seconded, carried (Fergusson/Cline; Ayes – Cline, Cohen, Fergusson, Robinson; Noes – Boyle) to: 1) accept the staff recommendation to deny the appeal and approve the mitigated negative declaration, use permit, architectural control, tentative parcel map and heritage tree removal permit subject to the findings and conditions set forth in Attachment A to the staff report with modifications to Condition 8(o) as presented by staff at the meeting; 2) add Condition 8(p) to require the applicant to use its best efforts to seek approval from the Town of Atherton and CalTrans for either Alternative 1, 2 or 3 as described on page 31 of the DKS Associates Transportation Impact Analysis Report dated November 8, 2007 in lieu of the designated mitigation measure (Alternative 6) and to work with the City of Menlo Park staff and the affected Atherton neighborhood residents to this end; 3) require the applicant to post either a bond or place \$100,000 in an escrow account with the City of Menlo Park, whichever is acceptable to City staff, for a period of up to four years from January 8, 2008 to be used to pay for completion of Condition 8(p) at which point the bond will be released or the deposit refunded if the Town of Atherton or CalTrans has not approved implementation of one of the alternative mitigation measures; however if it is determined prior to the end of four years that the applicant has used its best efforts to seek such approval, but the approval can not be obtained for any of these alternatives or the cost of implementing the alternative mitigation measure is less than the \$100,000 deposit/bond, the applicant may seek approval from the Menlo Park City Council for return of any unused portion of these

monies; 4) add Condition 8(q) to require the applicant to work with City staff to set back the building to provide for a five foot sidewalk along the Watkins Avenue frontage of the project, while retaining the landscaping as shown on the plans, with any modifications to the project necessary to accomplish this condition to be subject to review and approval of the Planning Division.

A substitute motion by Council Member Boyle to accept the staff's recommendation as proposed died for lack of a second.

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 Item.** - None

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS - None

I. COUNCIL MEMBER REPORTS

Council Member Boyle reported that the Housing Endowment and Trust of San Mateo County (HEART) had the first meeting of their Audit Committee, and that he was elected chair. He also reported that the 2020 Peninsula Gateway Corridor Study Policy Committee will hold a meeting in Menlo Park tomorrow to continue to prioritize ways to improve traffic flow from the Dumbarton Bridge to U.S. 101.

Council Member Fergusson reported that she and Vice Mayor Robinson met with County Supervisor Gordon, the school district, and Atherton representatives regarding the Safe Routes to School programs. She stated the next steps are to meet with staff to discuss process and then to reconvene the group of elected officials.

Several council members thanked staff for all their work during the recent storms and stated that are impressed with the emergency plans that are in place.

J. PUBLIC COMMENT #2 - None

K. ADJOURNMENT – The meeting adjourned at 11:00 p.m.

Respectfully submitted,

Sherry M. Kelly, City Clerk

Approved at Council meeting of March 4, 2008