



## CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, April 1, 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.

### PLEDGE OF ALLEGIANCE

#### A. COMMISSION/COMMITTEE VACANCIES AND REPORTS

1. **Commission members and Chamber of Commerce reports.**

**Action:** No reports.

#### B. PRESENTATIONS AND PROCLAMATIONS - None

#### C. PUBLIC COMMENT #1

Jim Lewis spoke in tribute of former Congressman Tom Lantos.

Marcia Bever spoke in support of the Willow Traffic Study indicating that there has been a lot of changes in the area in the last decade including increased traffic and more children.

#### D. CONSENT CALENDAR

**Action:** Moved, seconded (Robinson/Boyle) and carried unanimously to approve the Consent Calendar as noted below.

1. **Authorization of the City Manager to enter into an agreement in the amount of \$68,880 with Alta Planning and Design to develop a School Traffic Trip Reduction Study. ([Staff Report #08-041](#))**

**Action:** Authorized the City Manager to enter into an agreement with Alta Planning and Design to develop a School Traffic Trip Reduction Study.

2. **Adoption of a resolution authorizing a budget amendment in the amount of \$35,000 from the General Fund Capital Improvement Program Fund for the Sidewalks on Santa Cruz Avenue Study, thereby increasing the total project budget from \$75,000 to \$110,000, and authorization of the City Manager to enter into an agreement in the amount of \$76,270 with BKF Engineers to perform the Sidewalks on Santa Cruz Avenue Study. ([Staff Report 08-042](#))**

**Action:** Adopted Resolution No. 5791 authorizing a budget amendment for the Sidewalks on Santa Cruz Avenue Study and authorizing the City Manager to enter into an agreement with BKF Engineers to perform the study.

3. **Approval of the City Council minutes for the meetings of March 4, 2008 and March 11, 2008.** ([attachment](#))  
Action: Approved minutes.

**E. PUBLIC HEARING - None**

**F. REGULAR BUSINESS**

1. **Approval of Capital and Study Project Priorities to be included in the proposed 2008-09 Budget.** ([Staff Report 08-043](#))

City Manager Rojas informed the Council that staff has prepared a list of 54 capital and study project priorities and is recommending 35 of these projects for inclusion in next year's budget. He also presented additional information on eight projects that were referred to staff at the March 11 meeting.

Members of the Council asked questions and discussed these projects.

Single Family Residential Review Process (CD3)

Mayor Cohen asked staff to explain the community driven process as proposed by Mayor Cohen.

City Attorney Bill McClure responded that as initially proposed this process would be implemented in three phases. Phase 1 would be led by a steering committee selected by the Mayor and that this steering committee would perform outreach for the purpose of involving 100 or more community members representing all neighborhoods and points of view. The goal of this community group would be to define the issues and problems relating to the single family residential review process and to report back to the Council on their findings. Phase 2 would be for this community group, led by the steering committee, to explore approaches for addressing the problems and report back to the Council. Phase 3 would be for this group to develop regulations which would then go through the process of being reviewed by the Planning Commission and the City Council.

Mayor Cohen reported that over the past few months he has met with a small group consisting of the City Attorney, Patti Fry and Lori Sinnott, both former members of the Planning Commission, to discuss the issues and come up with this proposal. He stated that the City Attorney has agreed to be part of this steering committee as a private citizen.

In response to Council Member Boyle's question, the City Attorney stated that, as proposed, neither the steering committee, nor the community group, would be a Brown Act body.

Streamlined Review for Sustainable Buildings (CD5)

Arlinda Heinick, Community Development Director, reported that Council expressed an interest in considering a phased approach so that a portion of this project could move forward next fiscal year. She stated that a logical first step would be to support the use of standards developed by Leadership in Energy and Environmental Design (LEED) for City

projects and that the only active City building project is the planned Burgess Gymnasium and Gymnastics Center.

In response to Vice Mayor Robinson's suggestion for a volunteer program, Ms. Heinick stated that it might be possible to look at a volunteer program for commercial projects over 10,000 square feet.

#### El Camino Streetscape (E15)

Public Works Director Kent Steffens informed the Council that staff was not recommending E15 in next year's list of projects due to its high price tag and limited staff resources. Mr. Steffens informed the Council that the City was unsuccessful in obtaining a grant for this project under a grant proposal through the City and County Association of Governments' (C/CAG) Grand Boulevard Initiative in 2007, but that the City would reapply for the grant during its next cycle. He stated if a grant is awarded to the City, the City would partner with Trees for Menlo to have them complete the design work, but that City staff resources would be needed for bidding and construction management which could be proposed as a project in FY 2009-10.

#### Willows Area-Wide Traffic Study (T4) and Willows Road Traffic Study (T14)

Public Works Director Kent Steffens informed the Council that staff intends for the scope of the study in T4 to consider impacts of Willow Road traffic and therefore does not feel there is a need to do T14. In response to questions raised by members of the Council, Mr. Steffens stated that previous traffic study data would be looked at as part of the T4 Study and that staff would work with the neighborhood to determine if there are traffic calming features that could be used; the cost of these devices; and what, if any, shifts in traffic would occur to other streets. He reported that what would not be included in the study would be any design detail, construction or simulation modeling.

Members of the public commented as follows:

Andy Cohen, Mayor, stepped down from the podium, and spoke as a member of the public, in support of a Quiet Zones Study (T21). He stated that he is sick and tired of Caltrain's not enacting adequate safety measures and tired of his City not enacting quiet zones.

Barbara Hunter reminded the Council of prior Willows traffic studies dating back to 1993 and suggested that it is presumptuous of a few residents of the Willows to expect the City to spend \$150,000 for another traffic study.

Ross Wilson urged the Council to approve the Willows Traffic Study. He stated that there have been changes both in the demographics and in traffic since 1993 and that there are a lot more children in the area, with most of the houses sitting close to the roadways. Mr. Wilson said that there will be more development in this area and that the City needs to understand the traffic flows.

Chuck Kinney, steering committee member for Trees for Menlo Inc., urged the Council to move forward with the El Camino Streetscape (E15). He reminded the Council that two-thirds of this project has already been completed with private funding and that CalTrans has already given its approval for the planting of trees in their right-of-way. Mr. Kinney

asked the Council to consider: 1) making this a priority project for the next three fiscal years; 2) dividing the project into three phases for financing over the next three years; 3) Trees for Menlo will contribute 20% on top of the construction to handle the design for this project; 4) apply for a grant, when and if, an opportunity exists; and 5) as the City proceeds with its Visioning Plan for El Camino Real consider mitigation fees for land use to help reimburse the City.

Patti Fry expressed support for moving forward on the Mayor's alternative proposal for a Single Family Residential Review Process (CD3). She stated that both she, Lori Sinnott, the City Attorney, and the Mayor have committed to working on this and bringing in at least 100 people with as many different perspectives as possible to flush out the problems and issues and to determine what approaches other communities have taken. Ms. Fry asked for City support in the following ways: 1) a modest time commitment from Community Development Department staff to describe the current process, answer questions, and provide the group with their insight into the issues and ideas the staff has; 2) support from the new Community Engagement Manager to help facilitate some of the group meetings and possibly provide some structure to the process; 3) staff support for public notice of meetings, meeting room space, and a modest budget for incidentals; and 4) a preference that the steering committee be appointed by the community rather than the Council.

Lorie Sinnott stated her agreement with Patti Fry. She said that at present the steering committee consists of Patti Fry, the City Attorney, and herself with the support of the Mayor.

Michelle Heeseman said she recently bought a house in the Willows and wants to support her neighbors and their desire for the Willows Traffic Study. She stated that they want to feel safe in their homes, front yards, and on the sidewalks and streets.

Penelope Huang, a Transportation Commissioner, informed the Council that the Commission prioritized the Willows Traffic Study as one of their recommended projects even though many of them live in other parts of the City. She noted that the demographics have changed; that there are over 375 children in the neighborhood; that the housing stock has changed; and that there will be more development in the area which will put more pressure on the Willows neighborhood. She asked that the Council fund this study.

Fran Dehn, Chamber of Commerce, spoke regarding all of the parking related projects. She thanked staff for adding the Utility Undergrounding Study of City Parking Plazas (E20) to the recommended list. She asked that if the Downtown Parking Structure Financial Feasibility Study (E24) is not approved for this year, the City should still move forward with renovations to the City's parking plazas. She also asked that if renovations to Parking Plaza 8 are going to be delayed due to the Utility Undergrounding Study, monies that are collected from parking fees to fund these renovations be put aside to be spent on the renovation project at a later date.

Elias Blawie spoke in support of moving forward on the Single Family Residential Review Process (CD3). We stated he would prefer to see staff more involved in the process and acknowledged that the Council will still have to make tough choices.

Vice Mayor Robinson expressed support for the approach outlined by the Mayor and members of the public for CD3. He cautioned that the challenge will be to ensure that the process is defensible and that all ideas are welcome. He commented that what he hasn't

heard is what the process will be and suggested that there should be more thought put into how the process will work.

Vice Mayor Robinson stated his support for a phased approach on CD 5 and staff's proposal to start by having large commercial buildings submit a checklist.

Vice Mayor Robinson stated that it is important that the T4 Study include some kind of visualization tools so that the public can see what might be done and it is also important that there be input from diverse groups.

Council Member Fergusson stated that she generally would support CD3 and likes the idea of an informal community driven process. She cautioned that it is important to remember that staff is a stakeholder in this process with much to contribute to the dialogue and that she is not in support of including council members in this process.

Council Member Fergusson said she liked staff's suggestion for phasing in of CD5 by starting with large scale commercial projects. However, she stated she would still like to see a requirement for a checklist for all building projects.

Community Development Director Arlinda Heinick informed the Council that the applicants often times depend on staff to provide guidance on these types of issues and one reason to recommend that only large commercial projects be required to comply with sustainable building standards is that they generally have the expertise to do so. She stated that before staff is capable of providing assistance on smaller projects, staff would need training on how to conduct project review and on how to apply any newly adopted standards.

Council Member Fergusson stated her desire to see E15 move forward with a phased approach and questioned whether the Council should consider using reserve funds for this project.

Council Member Fergusson also stated her desire to include a Study on Caltrain Quiet Zones (T21) in the next fiscal year.

In response to questions raised by members of the Council, Public Works Director Steffens stated the purpose of doing a Study on Quiet Zones is to prepare a preliminary design and to come up with costs.

Council Member Cline stated his support for T4 along with his desire to include data from prior studies. We also cautioned against assuming that traffic calming devices are the solution prior to performing the study.

Council Member Cline said he would like to see the group working on CD3 come back with a proposal for a process that will be defensible and can withstand criticism from those that will perceive that they are on the losing side.

Council Member Cline expressed concern for losing the support of Trees for Menlo if the Council doesn't fund E15, but stated that he did not see how the City could justify funding this project this year because of its high cost. He questioned if the City will ever be able to justify funding this and suggested that the project be implemented in phases or commingled with other projects.

Council Member Boyle expressed concern, based on staff's report that the City will be facing a tough budget year, with expenses possibly exceeding revenues, for adding, rather than deferring, projects in the upcoming year. He said he could sincerely support every one of the projects, but doesn't believe that the City has the time, staff, financial resources, and focus to do so. Council Member Boyle pointed out that many of these projects are huge and will require lots of community involvement. He stated his belief that in this case, less may be more to ensure better outcomes on projects and that it is not a matter of saying "no", but rather deferring projects. Council Member Boyle offered to take the initiative to do so, but said that it is his sense he would be the only one willing to do so.

Council Member Boyle stated that CD3 will be controversial and will take a lot of time and need a lot of staff support. He suggested that this process be led through a Council subcommittee.

Mayor Cohen asked the Council to support CD3 and to give the steering committee and the community process a chance.

Members of the Council discussed what the process would be if they approved the staff's recommended projects at this meeting and then later decided to revisit and add other projects.

The City Manager informed the Council that if the Council approves the recommended list of projects for next year and later decides to revisit the list and add other projects, the Council will need to either drop off one or more of the projects previously approved or use reserve funds to move the project forward.

**Actions:** Moved, seconded (Robinson/Boyle; Ayes – Boyle, Cline, Fergusson, Robinson; Noes – Cohen) and carried to continue Single Family Residential Review (CD3) with direction to staff to come back with additional information based on the Council's discussion.

Moved, seconded (Fergusson/Robinson; Ayes – Cline, Cohen, Fergusson, Robinson; Noes – Boyle) to approve the capital and study project priorities as recommended by staff in Attachment A of the staff report and to continue: a) Streamlined Review for Sustainable Buildings (CD5); b) El Camino Streetscape (E15); and c) a Study on Quiet Zones (T21) with direction to staff to come back with additional information based on Council's discussion.

2. **Approval of a letter to the Menlo Park City School District providing comments on the proposed Negative Declaration for the Oak Knoll School Modernization, Renovation, and New Facilities Project.** ([Staff Report #08-044](#))

Kent Steffens, Public Works Director, presented the staff report. He stated that the proposed Oak Knoll School project includes the construction of a new two-story building, removal of the existing portable classrooms, modernization of the existing buildings, construction of a new parking lot with access to Oak Avenue, reconfiguration of the Oak Knoll Lane pick-up and drop-off area, and modifications to enlarge the playfield and hard-court areas. He stated that the School District has released a proposed Negative Declaration for the project that states there are no significant impacts with a review period ending on April 9, 2008. Mr. Steffens reported that the School Board has the authority to

approve the environmental documents, and once approved the School District proceeds with detailed design plans, which are subject to approval by the State Architect's Office.

Mr. Steffens informed the Council that the City's role in review of public school projects is limited to changes in the public right-of-way and storm water issues. He reported that staff has prepared a draft comment letter, included as Attachment A, which includes comments on these issues as well as other aspects of the project that could create impacts to the community. Mr. Steffens also noted that separate from the environmental review process, the School District is required to obtain right-of-way encroachment permits from the City for all construction within the public right-of-way. The items that require permits include the new driveway access on Oak Avenue, the improvements along Oak Knoll Lane, and any connections to the City's storm water system. He stated that the School District is not required to comply with the City's heritage tree ordinance.

School Superintendent Ken Ranella said he is at this meeting to listen to comments of the Council and members of the community. Mr. Ranella outlined the review process and informed the Council that the Board will conduct a public hearing on the environmental documents. He also noted that City staff has asked for additional information and that this will be an interactive process.

Members of the public commented as follows:

Nancy Anders informed the Council that she is committed to the renovation of the school, but is alarmed that the Negative Declaration states there will be no significant impacts. She reported that the neighbors have tried to engage the School District in constructive dialogue and were assured that their concerns would be addressed, but their suggestions have been shot down. Ms. Anders stated the neighbors want the School District to prepare an EIR to look at traffic, emergency vehicle access, use of the proposed facilities, neighborhood security, and storm water runoff. She said they are being forced to accept a plan which opens the school grounds; adds traffic to a narrow, busy street, which already exceeds its capacity for traffic; cuts down a massive heritage oak tree and replaces it with an unnecessary parking lot; puts a storm water leech field of questionable design against neighboring properties; removes a sidewalk; and adds nearly 19,000 square feet of impervious surface. Ms. Anders asked the City to send a letter to the School District, as proposed by staff, and to include in the letter denial of the Oak Avenue curb cut, denial of the Oak Knoll Lane curb cut, and denial of relocation of the crosswalk.

Charlie Bourne, representing the Transportation Commission, stated that there are problems with the Negative Declaration and that due to the short review time and the holidays none of the commissions have had time to perform a meaningful review. He commented that there are significant traffic problems in the area and that a parking lot on Oak Avenue will make this worse.

David Roise asked that the letter from the City include notification to the School District that the City will not approve any encroachment permits that move the crosswalk and egress driveway to locations that are being proposed. He pointed out that over half the children walk or ride bikes to school and that the District's plans give priority to parents who drive their children to school. He said that the District has not considered any of the alternatives proposed by the neighbors.

John Fox informed the Council that he worked on the 2002 Safe Routes to School Plan for Oak Knoll and is a member of the Bicycle Commission. He stated that the environmental documents make no reference to the Safe Routes Plan or prior reports and the project, as proposed, has not taken this into account. He urged the Council not to allow the District to change the roadway.

Ram Duriseti stated that the project as proposed has an adverse impact on pedestrian and bicyclist safety, underground storm drainage retention, and threatens heritage trees on an adjacent private property. He asked the City to: 1) deny the curb cut on Oak Avenue and relocation of the crosswalk and curb cut on Oak Knoll Lane; 2) request an extension of the review period and request the District prepare an EIR; 3) strongly recommend preservation of both heritage Valley Oak trees on Oak Avenue, especially the tree on the site of the proposed parking lot; and 4) provide professional and unbiased traffic advice, and if need be, traffic re-engineering along Oak Knoll Lane in the spirit of the 2002 Safe Routes to School Initiative.

Kurt Hafer said that he and his neighbors have attempted to work with the School District to resolve their concerns and at the same time meet the educational needs and space issues for the students and the school. He stated his belief that this can be accomplished by having the footprint of the plan redesigned. Mr. Hafer stated his desire to: 1) have the District prepare an EIR; 2) ask the City to submit a letter to the District regarding its concerns over the proposed Negative Declaration; 3) ask the City to deny the Oak Avenue curb cut for the new parking lot and the relocation of the Oak Knoll curb cut for extended drop-off lanes, and the relocation of the crosswalk on Oak Knoll; and 4) ask the City to require the District to post a bond to assure the health of the heritage Stone Pine tree on the adjacent private property and limit construction, excavation and paving with a tree protection zone.

Bronte Abraham encouraged the Council to take all the information they hear to heart, but cautioned that requiring an EIR would result in the children waiting another year for these needed renovations.

Dave Muffly stated that he is a board certified master arborist and disagrees with many of the findings in the arborist's report. He pointed out that the heritage trees are anywhere from 150 to 500 years old and can not be replaced.

Milton Borg said that the playground area is in use during all four seasons and that the driveway off of Oak is dangerous. He asked the Council to help slow this process down so that issues can be addressed.

Elias Blawie urged the Council to engage the School District in a dialogue involving the neighbors.

Dave Montague stated the School District study shows the demographics have changed and that the area is growing. He expressed his desire to see the School District prepare an EIR.

Council Member Boyle suggested that the draft letter prepared by staff be revised to make it clear that the City has already been in dialogue with the School District and that Item 1d be clarified.



Vice Mayor Robinson expressed his support for this project, but stated his concerns, after reviewing the environmental documents, regarding the following: a) loss of heritage trees; b) impact on the 2002 Safe Route to School Plan; and c) traffic issues.

Council Member Cline said he is also supportive of this project, but expressed concern for the lack of analysis regarding traffic flow and also agreed with concerns raised by Vice Mayor Robinson.

Council Member Fergusson said she supports the project and believes the message that Mr. Ranella will take away from comments made by the public and the Council is that the School District should continue to work with the City and the community to optimize the plan while taking into account concerns raised. She questioned whether the project, as proposed, would undermine the work done on the 2002 Safe Route to School Plan.

Mayor Cohen complimented the School Board on their difficult job. He noted, however, that the neighbors don't feel as if they have been heard or included in the process. He stated that he believes there needs to be an independent traffic study and would like to see the District comply with the requests made by members of the public.

**Actions:** Moved, seconded (Boyle/Fergusson) a motion to approve sending the letter drafted by staff with the minor edits previously mentioned and with a friendly amendment added by Council Member Fergusson to ask the District to look at how the proposed plan for this project impacts the Safe Route to School Plan.

After discussion by members of the Council as to what should and shouldn't be included in a letter approved by the Council this motion was withdrawn.

Moved, seconded (Boyle/Robinson; Ayes – Boyle, Cline, Fergusson, Robinson; Noes – Cohen) and carried to direct staff to send a letter to the School District from City staff commenting on the proposed Negative Declaration and to include in the letter whatever staff deems appropriate.

**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 Item.**

**Action:** None

**G. WRITTEN COMMUNICATION - None**

**H. INFORMATION ITEMS - None**

**I. COUNCIL MEMBER REPORTS - None**

**J. PUBLIC COMMENT #2**

Elias Blawie stated that he admires the members of the Council, but that he is not pleased with how they handled their own process in discussing the items on the agenda. He said he would have liked to have seen them find ways to say "yes" rather than "no" to projects and that because they took so much time on one agenda item, the public got shorted on their opportunity to speak on another agenda item.

Morris Brown reported that the Planning Commission spent over an hour last night on one issue and that he felt the time spent could have been reduced if proposals had been written and handed out in advance of the meeting. He stated that a member of the Planning Commission complained that he did not receive his agenda packet materials until a day before the meeting. Mr. Brown suggested that written material for the commissions and the Council should be made available to them and the public at least a week in advance of the meeting.

Kurt Hafer referred to a packet of material he distributed to the Council at this meeting but did not have time to talk about during the public comment period related to the Oak Knoll School project.

Ram Duriseti invited members of the Council to visit with him and his neighbors to further discuss the Oak Knoll School project.

**K. ADJOURNMENT** – Adjourned at 12:20 a.m. in memory of Tom Landos.

Respectfully submitted,

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Sherry M. Kelly  
City Clerk

Approved at the Council meeting of April 22, 2008.