



CITY COUNCIL AND COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, May 6, 2008

7:00 p.m.

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

ROLL CALL – Council Members Boyle, Cline, Cohen, Fergusson and Robinson.

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

City Manager Rojas introduced Alex Andrade, the new Business Development Specialist.

Council Member Fergusson announced the passing of Victoria (Vicki) Johnson, wife of Dave Johnson, the City's Business Development Manager.

PLEDGE OF ALLEGIANCE

A. COMMISSION/COMMITTEE VACANCIES AND REPORTS

1. Report from the Bicycle Commission.

Action: Laure Laprais, Chair of the Bicycle Commission, reported on the issues being worked on by the Bicycle Commission during the past six months including: a) efforts to obtain grant funding for the Laurel Safe Routes to School Study; b) status of the Encinal Safe Routes to School Study; c) concern regarding some of the School District's proposals as part of the Oak Knoll School Renovation project; d) selection of locations for new bike racks in the Downtown; and e) a recommendation that the City regulate no parking in bike lanes on high traffic streets. Ms. Laprais stated that the Commission is just starting to work on the following: a) a Citywide School Reduction Trip Study; b) awards to schools that support bike to school programs; and c) an application to the League of America Bike Friendly Community.

2. Commission members and of Chamber Commerce reports.

Action: None

B. PRESENTATIONS AND PROCLAMATIONS

1. Proclamation to celebrate Bike to Work Day. ([attachment](#))

Action: The Mayor presented a Proclamation to celebrate Bike to Work Day to members of the Bicycle Commission.

C. PUBLIC COMMENT #1

Jim Lewis reported that last week was National Volunteers Week. Mr. Lewis asked the Council and citizens to recognize the work of all the local volunteers, including those that sit on the City's commissions and committees.

Carol Taggart expressed concern that the Council has not required the School District to prepare an Environmental Impact Report (EIR) on the Oak Knoll School Renovation project and she questioned why the District is removing heritage trees as part of this project.

Betty Meissner thanked Council Members Boyle and Fergusson for coming to the tutor recognition event for Project Read on Sunday. She invited council members and staff to come to the quarterly learners and tutors workshops.

D. CONSENT CALENDAR

Action: Moved, seconded (Robinson/Fergusson) and carried unanimously to adopt the Consent Calendar in one motion as noted below.

1. **Adoption of a Resolution requesting an employment extension for Sherry M. Kelly under section 21221 (h) of the Government Code.** ([Staff Report #08-062](#))

Action: Adopted Resolution No. 5796 requesting CalPERS grant an employment extension for Sherry M. Kelly, Interim City Clerk.

2. **Authorize the City Manager to enter into a contract with Mundie & Associates for the preparation of a Fiscal Impact Analysis of a proposed project at 1300 El Camino Real.** ([Staff Report #08-055](#))

Action: Authorized the City Manager to enter into a contract with Mundie & Associates for a Fiscal Impact Analysis of a proposed project at 1300 El Camino Real.

3. **Adoption of a Resolution authorizing submittal of an application to the State Department of Housing and Community Development for Transit Oriented Development Housing Program Infrastructure grant funding associated with the Derry Mixed Use Project located at 550-580 Oak Grove Avenue and 540-570 Derry Lane.** ([Staff Report #08-058](#))

Action: Adopted Resolution No. 5797 authorizing submittal of grant application for the Derry Mixed Use Project located at 550-580 Oak Grove Avenue and 540-570 Derry Lane.

E. PUBLIC HEARING

1. **Consideration of an appeal of the Planning Commission's decision to approve a Use Permit to add 84 square feet to an existing 9,590 square-foot, two-story commercial building at 1010-1020 Doyle Street that exceeds 100 percent Floor Area Ratio (FAR) in the C-3 (Central Commercial) Zoning District and utilizes the use-based parking guidelines.** ([Staff Report #08-057](#))

Megan Fisher, Associate Planner, presented the staff report. She reported that the two-story office building contains office, restaurant and personal service uses and that the applicant desires to add 84 square feet to the ground floor lobby to accommodate disabled access improvements including the potential installation of an elevator and the reconstruction of the entry stairways and enlargement of two existing restrooms on the second floor for disabled access compliance. She stated that the existing building floor area ratio (FAR) is 138% and the proposed increase in square footage would result in a FAR of 139%. Because the FAR exceeds 100% the project is subject to a use permit. Ms. Fisher informed the Council that as part of the use permit review, the applicant has also requested to utilize the use-based parking standards as allowed for by Municipal

Code Section 16.72.010 to meet the parking requirement. She reported that the Planning Commission on a 5-1-1 vote, approved the use permit and made the finding that the proposed addition, with the recommended condition of approval restricting uses to non-medical office on the second floor, would not intensify the use nor add leasable area to the building and therefore would not generate a higher parking demand than currently present.

Ms. Fisher informed the Council that Morris Brown, of Menlo Park Tomorrow, has filed an appeal of the Planning Commission's decision. She reported that the appeal states that the building is presently under-parked and located in a congested parking area. Ms. Fisher said that the appellant has said he is supportive of the renovations to the building, but opposed to the application of the use-based parking guidelines to a property that does not currently meet the Zoning Ordinance parking requirements. Additionally, the appellant believes that the elevator is proposed to be added to accommodate medical/dental offices on the second floor, which has a higher demand for parking than non-medical office. The appellant would like the property owner to be required to lease additional parking spaces in the Downtown for his building and would like any future revisions to the use permit to require review by the Council.

Ms. Fisher said that staff is not aware of any surplus parking in the Downtown area that could be leased and that a mandatory review by the Council of a use permit revision would be a departure from the permit processing as outlined in the Zoning Ordinance. She pointed out that future Planning Commission decisions to revise a use permit could be appealed to the Council. Ms. Fisher stated it is staff's recommendation the Council deny the appeal and uphold the decision of the Planning Commission along with the findings and conditions adopted by the Planning Commission and provided in Attachment A to the staff report.

Ms. Fisher and Justin Murphy, Development Services Manager, responded to questions from members of the Council regarding: 1) the definition of medical use; 2) the application of use-based parking guidelines; 3) ADA requirements; 4) other projects that would benefit from using these parking guidelines; and 5) cost of parking spaces.

Staff reported that adding 84 square feet would result in a requirement to add one parking space and that the Planning Commission felt that since the additional square footage would not result in more office space, the application of the use-based parking standards, as allowed for under Municipal Code Section 16.72.010 and stated in the Policy for Administrative Review of Parking Reduction Requests, are appropriate for this project with the inclusion of Condition 4a which specifies that only non-medical office use are allowed on the second floor of the building. Staff stated that installation of an elevator is part of the proposal, but the applicant has stated it may be installed at a later date. Staff said that the use permit is necessary for the applicant to make ADA improvements to the stairs and to the restrooms. Staff responded that there is currently only one other project in the pipeline for the Downtown that would benefit from the application of the use-based parking standards. Staff estimated that a parking space cost \$2,500, without the cost of the land, and that the cost of building a parking structure ranges between \$30,000 and \$50,000 per parking space.

The Mayor opened the public hearing.

Morris Brown, the appellant, said that his appeal is based solely on the application of the use-based parking guidelines for this project. He stated that the Policy for Administrative Review of Parking Reduction was passed in 1995 by a prior Council on a 3-2 vote and that this Council should re-examine this policy. Mr. Brown said he would love to see the building renovated, but that he is worried that after the renovations, there will be more medical uses in the building, which will result in more demand for parking. He also expressed concern that adding an elevator is not a requirement of this project.

Charles Brock stated that he is the applicant and one of the owners of the property. He informed the Council that they want to renovate an older building, including the stairs and the restrooms, to meet ADA requirements. He reported that the additional 84 square feet is all in the stairs and that they will be losing over 600 square feet of leased space with these renovations. Mr. Brock said that they would like the option of adding an elevator, but that it is very expensive, and that they would also like the option of being able to lease to a doctor, but they are not looking for an internist or a dentist. Mr. Brock stated that he is okay with the condition as stated in 4a that permits only non-medical office on the second floor without a revision to the use permit for non-conforming parking. He said he does not believe Condition 4b, which requires the building permit plans to show a future elevator shaft, makes much sense.

Elias Blawie said that he supports renovation of this building, but does not agree with the Planning Commission's application of the use-based parking guidelines.

David Speer questioned how the second floor can be truly accessible without the addition of an elevator and he urged the Council to require an elevator. He stated his opposition to the application of the use-based parking guidelines.

Chuck Bernstein also stated his opposition to applying the use-based guidelines for parking and asked the Council to require that the applicant install an elevator as part of this renovation project.

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

Development Services Manager Justin Murphy clarified that an elevator is not required for this building, but that the stairs and restrooms presently do not meet ADA requirements.

Council Member Fergusson noted that the staircase is dangerous and that there is a benefit in having older buildings renovated. She suggested that the Council consider requiring the applicant to make a payment into a parking fund in-lieu of additional parking.

Council Member Boyle said that the Council should be concerned with the appropriate application of the use-based parking guidelines and the possible intensified usage, if more medical use tenants lease space in the building. He stated that beyond that there are people that don't like the parking reduction guidelines, but that is not what is on the table tonight. Council Member Boyle stated his belief that the Council should not be overruling the Planning Commission and staff on their application of the use-based guidelines, unless the Council believes they have made a mistake. He pointed out that the actual square footage of usable tenant space will be decreased as a result of this renovation and that the applicant has agreed to Condition 4a, which provides language

that will preclude medical use on the second floor without a revision to the use permit. Council Member Boyle stated that he is supportive of this building being renovated and thinks the Council should accept the recommendations of the Planning Commission and staff.

Mayor Cohen agreed that it would be beneficial to have the older buildings renovated, but that there are significant parking problems in the Downtown and he is not in support of applying the use-based guidelines on this project.

Vice Mayor Robinson said he supports the renovation and understands that the tenant space will actually decrease. He followed up on Council Member Fergusson's suggestion that the Council require a parking in-lieu of fee to be paid by the applicant.

Council Member Boyle expressed support for the Council setting a policy for a parking in-lieu fee, but felt that should be a discussion for another time as it is not listed on tonight's agenda.

Council Member Cline agreed that the Council need to deal with the parking problems in the Downtown and should look at the City's policies, but not as part of this project which has already gone through the process. He stated his desire to put in assurances on this project that medical use does not intensify and that an elevator is required.

Council Member Fergusson questioned members of the Council if they would support requiring the applicant to pay a \$15,000 parking in-lieu of fee as part of this project. The consensus of the Council was that a discussion of a policy to require parking in-lieu fees should be scheduled for another time and should include a staff report and analysis and not be attached to this project.

Action: Moved, seconded (Fergusson/Robinson; Ayes – Boyle, Cline, Fergusson, Robinson; Noes – Cohen) and carried to deny the appeal and to approve a Use Permit to add 84 square feet of lobby space to the commercial building at 1010-1020 Doyle Street and adopting the findings and conditions of approval as adopted by the Planning Commission with the following modifications: 1) to require an elevator be installed prior to final building inspection and 2) Condition 4a to read "non-medical office is the only permitted use on the second floor of the building, and, as such, excludes for the purposes of this building, facilities for physicians, dentists and chiropractors where the primary purpose of the space is to provide diagnoses and outpatient care on a daily basis. All users other than non-medical office would require a revision to the use permit for non-conforming parking."

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.**

Action: None

G. WRITTEN COMMUNICATION - None

H. INFORMATION ITEMS

1. Review of the City's Investment Portfolio as of March 31, 2008. ([Staff Report #08-059](#))

Action: Report was received and filed.

I. COUNCIL MEMBER REPORTS

Council Member Boyle informed the Council that the Finance and Audit Committee is looking at putting out an unaudited CAFR and a newsletter summarizing the City's financial situation in the upcoming months.

Council Member Boyle also said that he attended the Transportation Subcommittee of Chamber of Commerce in April, and at this meeting was advised that the San Mateo Transportation Authority has approved \$15 million in safety measures for grade separations in San Mateo County. He said this will include adding pedestrian gates and concrete barriers, and in some cases quad gates. Council Member Boyle reported that the Transportation Authority has previously approved \$21 million to improve safety throughout the corridor and that they will be starting in the north portion of the County, with Menlo Park scheduled for some improvements by mid-2009.

Council Member Fergusson announced that the Green Ribbon Citizens Committee will be hosting a public forum this Saturday at 4:30 p.m. at the Burgess Recreation Center. The topic of the forum is "Likely Local Effects of Climate Change".

Vice Mayor Robinson informed the Council that the San Francisquito Creek JPA is in the process of recruiting for an executive director.

Council Member Cline reminded everyone of an El Camino Real Vision Process Work Group meeting on Thursday, at 7:00 p.m. in the Burgess Recreation Center.

J. PUBLIC COMMENT #2

Colette Llewellyn spoke about traffic and parking problems, especially around the schools. She stated that cars are parked illegally and that police do not patrol the areas to issue citations.

K. ADJOURNMENT – Adjourned at 9:55 p.m. in memory of Victoria Johnson.

Respectfully submitted,

Sherry M. Kelly
City Clerk

Approved at the Council meeting of June 17, 2008