



# SPECIAL MEETING CITY COUNCIL COMMUNITY DEVELOPMENT AGENCY MINUTES

Tuesday, September 16, 2008  
7:00 P.M.

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

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

## **PLEDGE OF ALLEGIANCE**

### **A. PUBLIC COMMENT #1**

Julie Hill stated she runs a for-profit business called “The Organization for the Elimination of Mental Illness”. She would like to see two police officers per patrol vehicle. She stated she personally had a run-in with a police officer who created a list of things that she had done and it finally ended up with a tail light bulb was out. She talked about respect for intellectual property laws and citizen’s passion for their idea of safety development.

Clem Maloney a Willow’s resident spoke about the new group Sustainable Menlo Park. He stated that sustainability is the three E’s, environmental conservation, a balanced economy and social equity. He stated they are in the process of forming this group to: a) have quality of life, b) educate the community about the benefits of community development projects, c) collaborate to avoid wasteful delays in City processes, d) become a voice for intelligent development and e) advocate for beneficial projects.

Patricia Lee Finau stated this past weekend she was a passenger in a vehicle and she and the driver of the car were not intoxicated. She stated a Menlo Park Police Officer arrested her and charged her with “drunk in public”. She wanted to know how to file a complaint and a civil lawsuit.

Glen Rojas, City Manager stated the Council Meeting was moved from the Fireside Room to the City Council Chambers so that the meeting could be recorded. He talked about the two study session items on the agenda.

### **B. STUDY SESSION**

#### **1. Council review and input on the draft Community Engagement Plan and Community Engagement Process Design Model ([Staff Report #08-129](#))**

Cherise Brandell, Community Engagement Manager gave a presentation on the draft Community Engagement Plan and Community Engagement Process Design Model. The study session outcome is to give Council direction confirming the organization’s intent to use a systematic model for community engagement process planning and to confirm intent to implement the community engagement plan as proposed. Staff structured this portion of the study session to provide an overview of the plan, an overview of the model, Council discussion and feedback and the desired next steps. The plan was developed with over 40 interviews and themes from interviews to form the basis of the plan.

The plan follows some basic guiding principles which include insuring that the City uses an open versus a closed approach to community engagement. The City will use a decentralized versus a centralized approach and that means there will not be a central spokesperson that has to approve every message. The City will attempt to be much more proactive versus reactive in the way it approaches communication. Staff will focus on some strong themes versus scattered messages. ([Presentation](#))

H. Robinson requested more information about the e-forms. C. Brandell stated some Council Members and other interviewees mentioned they would like to see utilized technology because of its accessibility as a tool that would help promote community engagement.

J. Boyle stated concerns about accessibility and some potential challenges of creating a 24 hour public forum. C. Brandell replied the City would not use a managed blog as the only way to provide opportunities for input. Bill McClure, City Attorney replied that it is a way for Council to received dialog and input from the community, but not engage in a back and forth dialog with the community through that forum. He stated it would be a violation of the Brown Act if the Council got involved in a dialog or was collectively making a decision or trying to achieve a consensus through a forum like that.

R. Cline asked how the actual project would be ranked and matched with outreach. C. Brandell replied it depends on what the problem is or the opportunity. R. Cline stated it has been a challenge to bring this to the community. He asked what will be the process to communicate to the community and to get their feedback. C. Brandell recommended that the City take processes out to communities as much as possible. R. Cline asked how stakeholders will be determined. C. Brandell replied sometimes it is anyone that thinks they have a stake in a decision. Techniques that involve brainstorming and talking to people are used. Council and Commissions are a key piece of helping to determine who stakeholders are.

K. Fergusson asked why we need community engagement. C. Brandell answered the community would like to be included and to make sure that the City is moving forward in a way that reflects the needs of the diverse interest of residents and the only way to do that is to use an open, honest and fair process. K. Fergusson asked how does staff ensure the surveys that are sent to the public to gain public opinion are scientific, that good results are obtained and the questions are not leading or misleading the answers. C. Brandell answered she would like to make sure that everyone understands the difference between a community engagement process and a statistically valid, random sample, scientific survey of community opinion. One is designed for judgment and the other is designed to measure opinion. The survey that the City is doing is going to be done by a national research firm who is writing the questions to make sure they are stated objectively.

H. Robinson asked where the actual solutions are generated. C. Brandell answered it happens at the information sharing stage.

Elizabeth Lasensky stated the residents really need community outreach and wanted to congratulate the City for going through this process. She would like to make sure this process brings in people like the disabled, elderly and non-English speaking and people who normally do not come to council meetings. The threshold 2008 process was a terrific model for engaging the public on issues of affordable housing.

J. Boyle stated that staff should explore how to have this model measure and review the

results.

K. Fergusson commented that staff should include youth in the list of people to reach out to. She stated Council would like to make sure staff is following-up on email from citizens and it would be good to have a tracking system that we all can have read access to. She stated Brisbane has an informative blog.

A. Cohen asked C. Brandell if there are there any observations she has made as a result of her years of experience that she think would be enlightening to Council. C. Brandell answered it is clear that Council is genuinely interested in using the community's needs and values in their decision making. Staff fully embraces that and have a great leadership team that really understands it. She also thought there are some very deep divisions in the community that could pull the City apart if staff does not work hard to broaden their definition of what a good solution is to embrace all community needs.

A. Cohen asked is there as part of this process to build a data base of other resources that might be a way to bring youth, disabled or elderly people into the process. Is that part of the plan? C. Brandell replied that is the reason why there is a step for stakeholder analysis, so that staff does that kind of thinking about all of the interests that needs to be included, what is the best way to reach them and how can we make sure they have opportunity to participate and get involved.

R. Cline asked is there going to be a check-in and if there will be a place to do the evolution. C. Brandell answered there is a professional organization that she belongs to called the International Association of Public Participation that does cutting edge thinking about this. Staff needs to stay involved with that organization. R. Cline asked is there a place for documentation that will be public to let people know who the stakeholders are. C. Brandell answered that is part of stage three; a supporting communication plan includes reflecting back on how input was gathered and what it looks like.

H. Robinson stated a one page summary document for each project that the City is working on should be created. He said the project websites should be kept up-to-date.

J. Boyle stated there should be balance between a clear set of rules, but yet the flexibility to use common sense and do what is right on a given project. He stated it is really important to make it easy but not required for the public to participate.

**Review of and possible direction on a proposed review process for completion of the Housing Element ([Staff Report #08-131](#))**

2. Doug Frederick, Housing Manager and Arlinda Heineck, Community Development Director gave the presentation on the housing element.

G. Rojas stated staff is asking the Council to: a) consider the study session's expectations to have a clear consensus to make the housing element a project priority, b) to get clarity on consideration of housing in the City's industrial area and how it relates to business development and relationship to impacts and would Council be willing to consider as part of the options, housing in the industrial area and c) alternate discussions to address the state requirements and if there is a real concern about being able to meet the number of units that are mandated to implement, what are some of the alternatives and is Council willing to consider some of those alternatives in the directions that is given to staff and that will then be pursued from that point of view.

D. Frederick gave an overview of the staff report.

K. Fergusson asked what year the City last had a State Certified Housing Element. A. Heineck answered 1992 and that Housing Element was not certified by the state.

J. Boyle asked about units that are not built up to the full R-30. A. Heineck gave an example on attachment C, site number one, Stanford Park R-2. J. Boyle asked about places that are already zoned but underdeveloped. A. Heineck replied there may be residential zoning today and the consideration would be whether or not to increase the density that is allowed within that existing residential area. J. Boyle asked what counts as a unit. A. Heineck answered a unit needs to have an independent kitchen.

R. Cline stated it seems like the City can decide what can be rezoned without recourse. A. Heineck answered the City is required to identify and zone appropriately to be able to accommodate 1,830 units. Rezoning the property moves the property a step closer to being able to enable development on that property. The units themselves do not actually have to be built in order for the mandate of the Housing Element to be met.

H. Robinson asked for an update on a bill in the State Legislature. A. Heineck stated she tried to research the bill but was unsuccessful. H. Robinson stated the bill states the California Resources Board is going to be able to sue communities that do not have Certified Housing Elements. He stated staff should find out more about this as they go forward. He asked about the history of the previous Council forming an Environmental Impact Report (EIR). A. Heineck replied staff got Council direction to pursue an EIR for the 1999 – 2006 planning period. H. Robinson asked for the proposed timeline for number two and what kind of environmental review is anticipated? A. Heineck answered staff is anticipating a full EIR.

J. Boyle asked about grants the City would not qualify for because the City does not have a Certified Housing Element. He asked how much funding is involved. D. Frederick answered the major program that the City would be ineligible for is the Home Investment Partnership Act. The State gets an entitlement of approximately \$54 million dollars per year for distribution throughout the state. D. Frederick stated another housing funding program is the Community Development Block Grant program and Affordable Housing Innovation program for local housing trust funds.

A. Cohen stated staff is talking about millions of dollars in incentives, but is describing in rather general terms sums of money available to the state of California. He asked can the Council get an idea of what Menlo Park might reasonably expect to gain with any specificity. D. Frederick replied there are programs the City can apply for (to the Home Investment Partnership Funding) to help fund redevelopment. He stated the City could look to the state to assist with those types of projects. A. Cohen stated there is a project that is claiming to bring a large number of new jobs to Menlo Park. If two thousand new jobs were created, would the City face an additional requirement for housing in Menlo Park? A. Heineck replied it is possible. She said the City is currently doing a detailed housing assessment for that specific project and that assessment will outline what the potential impact might be on the future allocation of regional housing needs. A. Cohen asked if from the results of an EIR, it is determined that certain results cannot be mitigated, what happens then. A. Heineck answered in order to complete the assessment, staff would put together a housing sites list. If the Council decided to keep the list of sites that had impacts that could not be mitigated; the Council would need to consider a statement of overriding considerations for adoption of the EIR.

J. Boyle asked how many housing units the City currently have. A. Heineck replied 12,790 existing units.

R. Cline asked is there anything staff can use from the past EIR. A. Heineck replied there may be information that can be used, but staff will have to go back and look at that. R. Cline asked about the density requirements to get affordable housing. A. Heineck replied the legislation says that you have to zone at a minimum of 30 units per acre, but if there is a project that builds at a density less than that but at which the units are deed restricted to a certain income level, those would still count for the very low income units even though it is below the 30 units per acre.

A. Cohen asked the City Attorney is there any risks of litigation if the City does not comply with this requirement as it has been laid out tonight. B. McClure answered there is some potential of litigation. The failure to adopt the Housing Element itself does not necessarily mean the City has an invalid General Plan. There is not a direct causal relationship. There are certain organizations that are starting to challenge cities who fail to adopt Housing Elements or obtain a Certified Housing Element on the basis that their General Plan is not valid because it does not plan for the required amount of housing. A. Cohen asked if any of those lawsuits have been successful. B. McClure answered the cases that have gone to the Court of Appeals so far, have not been successful.

Patty Boyle stated there are 250 people on their waiting list at this time that cannot afford to live here. She said they will lose 100 shelter beds in early January and it is hard to find those in any other place. She talked about areas off Marsh Road and doing a joint housing project with Redwood City.

Mark Hanson stated he is representing AMB Property Corporation and they are a major stakeholder on the east side of 101. They have a 55 acre property that has various uses all M-2 zoned. They are encouraged to work with the City in exploring different alternatives for the site and focusing in on transportation alternatives.

H. Robinson asked about getting more transparency on how the numbers for Menlo Park and other communities are actually generated. A. Heineck stated she contacted Paul Fassinger at Association of Bay Area Governments (ABAG) and got positive support for working quickly with us to provide that information to the Council.

H. Robinson asked does staff have more information on what the State has been doing on funding for transit. G. Rojas stated when the State looked for ways to balance their budget they took money from transportation.

K. Fergusson stated she sees a need for diversity in the City's housing stock. There is not much senior housing, affordable housing or condos. Regarding M-2 zoning, she is cautious about disrupting existing successful industrial uses.

J. Boyle made a suggestion to determine how many units the City could qualify for and he advised to not lock in on what they are proposing, and asked staff to create an analysis of what the potential could be.

R. Cline stated he voted against the 993 homes. The Housing Element topic handcuffs Council's discussions. It is a system they are trying to create to solve a housing problem, but he does not think it should be incumbent upon the City to take ABAG's plan and dictate it across the community.

H. Robinson requested staff to come back with a regular business item so that Council can vote on it to determine if they should go forward with the Housing Element.

J. Boyle requested an updated "Sites for Potential Housing document" appendix C. He announced there is a tour of the Menlo Atherton Performing Arts Center on Sunday, September 21 from 3:00 – 5:00 p.m. and the Town of Atherton is having a Study Session on September 24.

**C. ADJOURNMENT** – Adjourned at 10:40 p.m.

Verdell Woods  
Deputy City Clerk

Approved at the City Council meeting of February 3, 2009