



## CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Tuesday, June 5, 2012 at 6:15 p.m.  
701 Laurel Street, Menlo Park, CA 94025  
City Council Chambers

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Mayor Keith called the Special Meeting to order at 6:15 p.m. with all members present.

There were no members of the public present to speak. The Council went into Closed Session at 6:16 p.m.

**CL1.** Conference with legal counsel pursuant to Government Code Section 54956.9(c) regarding potential litigation - 1 case

Closed Session was adjourned at 6:58 p.m.

Mayor Keith called the Regular Meeting to order 7:00 p.m. with all members present.

### REPORT FROM CLOSED SESSION

**ACTION:** The City Council voted unanimously to initiate litigation on a Below Market Residence that is in foreclosure.

### ANNOUNCEMENTS

**A. PRESENTATIONS AND PROCLAMATIONS:** None

**B. COMMISSION/COMMITTEE VACANCIES, APPOINTMENTS AND REPORTS:** None

**C. PUBLIC COMMENT #1**

- Fran Dehn stated that the Chamber of Commerce has new phone applications that will be in effect tomorrow. She also provided the Council with the Chamber of Commerce Business Directory 2012-13.

**D. CONSENT CALENDAR**

**D1.** Waive the reading and adopt an ordinance approving the Development Agreement for the property located at 1601 Willow Road (Staff report #12-085)

**ACTION:** Motion and second (Cline/Ohtaki) to adopt **Ordinance No. 978** approving the Development Agreement with Facebook Inc. and Wilson Menlo Park Campus, LLC for the property located at 1601 Willow Road passes unanimously.

**E. PUBLIC HEARING**

**E1.** Consider Planning Commission recommendation to approve the El Camino Real/Downtown Specific Plan and associated final Environmental Impact Report (EIR), General Plan amendments, Zoning Ordinance amendments and rezonings; consider

amendment to the City's Master Fee Schedule to add a Specific Plan Preparation Fee  
(Staff report #12-084)

**NOTE:** City Attorney, Bill McClure announced he is recused from the item due the location of his law firm's office and left the meeting at 7:21 p.m.

Staff presentation by Thomas Rogers, Associate Planner (PowerPoint)

Also present: Arlinda Heineck, Community Development Director; Karen Tiedemann, Outside Attorney; and Prakash Pinto and Mark Hoffheimer from Perkins+Will.

**NOTE:** Council Member Fergusson announced she is recused from the El Camino Real South-East and El Camino Real South West zoning districts due to of her husband's employer and will be leaving the meeting during discussions in these districts.

**NOTE:** Vice Mayor Ohtaki announced he is recused from the El Camino Real South West zoning district due to property he recently sold and will be leaving the meeting during discussions in this district.

The Public Hearing was opened at 8:04 p.m.

#### Public Comment

- Ciya Martorana stated that she would like convenient and abundant parking and she is opposed to food trucks downtown.
- Clem Molony appealed to the public to trust fellow citizens and the process thus far.
- Pat White stated the Plan does not fit the community.
- Mark Mongird commented on amending the zoning to make the downtown area more vibrant.
- Charlie Bourne stated that the Plan will severely impact the traffic in the downtown area. He suggested that the Council dump the Plan. (Letter)
- Sam Sinnott thanked the Council for the five year process that has taken place. He is supportive of the Plan however public benefits and bonuses should be amended. (Handout)
- Margaret Carney spoke about the Farmer's Market on Sundays and asked the Council not to approve any Plan that would have a negative impact on the Market.
- Frank Carney stated throughout the process the most common comments were about maintaining the character of downtown and the small town village. He urged the Council not to approve the Plan as is.
- Peter Palm asked if the parking structure would provide additional parking, would parking be available for Sunday church parking and he is opposed to having permanent food trucks.
- Jeff Pollock made a presentation regarding public benefits. (PowerPoint)
- Mary Gilles thanked Thomas Rogers and the Planning Commission for the outstanding work and numerous hours that have gone into the creation of the Plan. It is time to take the risk and move forward and urged the Council to approve the proposed Plan.
- Vincent Bressler stated that the Stanford land does not have a lot of risks discussed in the staff presentation. He stated that the Planning Commission only had thirty minutes to discuss public benefit and make a decision.
- Michael Moore suggested taking caution with the density in the Plan.
- Patti Fry gave a presentation focusing on public benefit bonus and the process. (PowerPoint)

- Halle Hewitt stated she has concerns that the residents have not been listened to, but rather the businesses. The biggest concern should be what the residents and businesses want and not the City Council or staff wants.
- Harold Schapelhouman, Menlo Park Fire Protection District (MPFPD), commented on the overall Plan. They are hoping to continue working with staff and that a provision be placed in the Plan to build the Fire Station (#6 expansion) as a public safety facility and to allow greater flexibility with the development standards so that they can build a fire station to meet the needs of the community.
- Tim Cremin, MPFPD, discussed public benefit fees and the fair share being paid by all. The Fire District has asked for a special provision to be added to the Plan.
- Virginia Kiraly, MPFPD, stated that it is not the MPFPD's intention to change the Plan. She restated the request for the two provisions mentioned by the previous two speakers from the MPFPD.
- Henry Riggs stated that most of the community is in favor of the zoning changes in the Plan. He criticized K. Fergusson on her email yesterday regarding public benefits.
- Michelle Daher spoke to adding Sharrows throughout town. Slowing down the transportation in the downtown is not a negative as it gets people out of their cars.
- Cassandra Pelanyo stated that she bikes around town and she would like bicycle safety to be considered. She would like to have El Camino Real be a bicycle friendly road.
- Adina Levin, Silicon Valley Bicycle Coalition, stated that El Camino Real is the most direct route and she appreciates the section in the Plan that discusses Sharrows. She encouraged the Council adopt the Planning Commission recommendations. She further suggested potential future studies that could be done.
- Richard Draeger, Draeger's Market, thanked the Council for the five year process and they are in favor of portions of the Plan. The parking implementation of the parking needs to be in place prior to the Plan going into effect.
- Andrew Boone discussed the fact that El Camino Real is currently not bicycle friendly and showed some pictures of suggestions for improvement (*Pictures*)
- David Alfano spoke regarding having the transportation modes represented other than cars and parking. He commented on the schools being impacted with additional homes.
- Matt Matteson congratulated the City on such an open public process. The process that made the Plan was conclusive, thorough and very open. He stated that it makes sense to trust the work of the Planning Commission, Staff and the Consultants. He fully supports the Plan.
- Richard Li stated to move the Plan forward even though it may not be perfect. The Plan will succeed on the possibility of persuading investors to come to Menlo Park.
- Kim Lemieux urged the Council to approve the proposed Plan. After 5 years of process and public comment it is a move in the right direction. Getting people out of their cars will make the downtown more vibrant.
- Cherie Zaslowsky suggested the Council follow the suggestions made by Council Member Fergusson in her email from yesterday. She stated that the Plan is not the will of the people. She stated that just because the Plan started five years ago doesn't make it a good Plan.
- Jo Eggers stated that she echoes what Richard Draeger stated earlier. The business owners need to work together.
- Nell Triplett she stated that she is an avid supporter of the Plan. She stated that the Plan has been such an inclusive and public process as demonstrated by the array of comments made tonight.
- Lawrence Zaro thanked the Council for listening to the business owners and residents. He asked that the conflict over residential areas in the downtown be addressed. He

addressed food trucks taking up parking spaces in the parking lots. He urged the Council to keep the small town downtown.

- Skip Hilton thanked the Council and Planning Commission for their hard work on the Plan. He stated that outreach has been good and there have been multiple ways of commenting on the Plan. He stated that Menlo Park has a problem with change. The Plan is a good Plan and urged the Council to move forward and approve the Plan.
- Steve Elliott, Stanford University, requested some clarification on the property adjacent to the Stanford properties. Stanford University is supportive of the Plan and it moves the City forward.
- Dexter Chow stated that it is time to move forward with a unified Plan that addresses the needs of the future for downtown. There is considerable good in the Plan and urged the Council will approve the Plan.
- Fran Dehn, Chamber of Commerce, stated that the Chamber supports the Plan as it defines an envelope for use. The Chamber of Commerce applauds the process and urged the Council to approve the Plan. (*Letter*)

**NOTE:** Council Member Fergusson left and returned to the meeting as follows during the Public Hearing:

- 8:39-8:42 during comments made by Vincent Bressler
- 9:35-9:38 during comments by Cherie Zaslowsky
- 9:47-9:51 during comments by Steve Elliott from Stanford University

**ACTION:** Motion and second (Fergusson/Cline) to close the Public Hearing at 9:56 p.m. passes unanimously.

The Council discussed questions and concerns raised during the Public Hearing.

**NOTE:** Council Member Fergusson left and returned to the meeting as follows during Council discussions and voting due to her previously announced conflict:

- 10:01-10:02 Stanford properties
- 10:25-10:26 Stanford properties
- 10:27-10:33 EIR discussion
- 11:28-11:29 Stanford properties
- 11:48-11:50 Side setbacks on ECR
- 12:07-12:08 Middle Avenue bicycle-pedestrian crossing as a Public Benefit Bonus Element
- 12:18-12:23 Stanford properties
- 12:25-12:27 ECR South East and South West

**NOTE:** Council Member Ohtaki left and returned to the meeting as follows during Council discussions and voting due to his previously announced conflict:

- 10:27-10:33 EIR discussion
- 11:48-11:50 Side setbacks on ECR
- 12:26-12:27 ECR South West

**ACTION:** Motion and second (Cline/Fergusson) to certify the Final Environmental Impact Report (EIR), adopt the Mitigation Monitoring and Reporting Program (MMRP), and to make the Findings and to adopt the Statement of Overriding Considerations for the El Camino Real/Downtown Specific Plan passes 2-0-1-2 (Ayes: Cline, Keith; Noes: None; Abstain: Cohen; Recused: Fergusson, Ohtaki)

**ACTION:** By consensus the Council gave direction to establish an advisory task force for downtown parking issues. The task force will meet on a regular basis, be comprised of membership such as a City Council Member, Transportation Commissioner, Chamber of Commerce, business owner, property owner, etc. Parking impacts of the Chestnut Paseo and Market Place are identified as key issues to evaluate.

**ACTION:** By consensus, starting with the next fiscal year, include the Parking Management Plan as a regular item to consider as part of the Capital Improvement process.

**ACTION:** By consensus the Council endorsed the Planning Commission recommendation to allow for alternate verification of LEED requirements.

**ACTION:** By consensus the Council retained the density/intensity thresholds as proposed but will review in one year.

**ACTION:** Motion and second (Fergusson/Cohen) to split the Floor Area Ratio (FAR) mid-way between the recommendation in the staff report versus current zoning and to review in one year and then every two years after that fails 2-3 (Ayes: Cohen, Fergusson, Noes: Cline, Keith, Ohtaki).

**ACTION:** Motion and second (Ohtaki/Cline) to approve the FAR as recommended in the Plan and to review in one year passes 3-1-1 (Ayes: Cline, Keith, Ohtaki; Noes: Fergusson; Abstain: Cohen).

**ACTION:** Motion and second (Cohen/Cline) to approve the changes to the setbacks on El Camino Real as in the below chart passes 3-0-0-2 (Ayes: Cline, Cohen, Keith; Noes: none; Abstain: none; Recused: Fergusson, Ohtaki).

<b>District</b>	<b>Min</b>	<b>Max</b>	
<u>ECR NE-L</u>	<u>10'</u>	<u>25'</u>	<u>no change</u>
<u>ECR NE</u>	<u>0' ground level</u> <u>10' upper level(s)</u>	<u>25'</u>	
<u>ECR NE-R</u>	<u>0' ground level</u> <u>10' upper level(s)</u>	<u>25'</u>	
<u>ECR SE</u>	<u>10'</u>	<u>25'</u>	<u>no change</u>
<u>ECR NW</u>	<u>n/a</u>	<u>n/a</u>	<u>no change</u>
<u>ECR SW (South of Live Oak Avenue)</u>	<u>5'</u>	<u>25'</u>	<u>no change for majority of area</u>
<u>ECR SW (North of Live Oak Avenue)</u>	<u>0' ground level</u> <u>5' upper level(s)</u>	<u>25'</u>	<u>new geographic distinction</u>

**ACTION:** Motion and second (Cohen/Fergusson) to approve adding language and revised diagrams in the Final Specific Plan that bulb-outs are a full option that should be considered, subject to project-specific outreach and review, and revise diagrams to show them as an option (along with retaining the existing curb line) passes 3-2 (Ayes: Cline, Cohen, Fergusson; Noes: Keith, Ohtaki).

**ACTION:** By consensus the Council agreed to review the Plan after one year and then every two years after that.

**ACTION:** By consensus the Council agreed to prioritize Middle Avenue bicycle-pedestrian crossing as a Public Benefit Bonus element (Fergusson recused).

**ACTION:** Motion and second (Cohen/Fergusson) to insert the following text to the “Non-Parking Improvements on Downtown Parking Plazas” section and the Land Use row of the Downtown (D) passes unanimously.

Except as specifically provided in the Specific Plan, the downtown public parking plazas shall remain in parking use.

**ACTION:** By consensus the Council endorses the concept that specifies that contiguous parcels under common ownership may be reviewed and approved comprehensively, with potential caveat about City discretion/oversight. (Fergusson recused)

**ACTION:** Motion and second (Cline/Ohtaki) to approve the following actions passes unanimously:

**Resolution No. 6072:** A resolution of the City Council of the City of Menlo Park amending the General Plan Land Use Designation and to change the Land Use Designation for property located in the Specific Plan Area (Applicable to all Specific Plan Districts except El Camino Real South-East and South-West) passes unanimously.

**Resolution No. 6073:** A resolution of the City Council of the City of Menlo Park approving and adopting the El Camino Real/Downtown Specific Plan applicable to all Specific Plan Districts except El Camino Real South-East and South-West passes unanimously.

An Ordinance of the City of Menlo Park amending Title 16 of the Menlo Park Municipal Code to incorporate the El Camino Real/Downtown Specific Plan was introduced.

An Ordinance of the City of Menlo Park rezoning properties located in the El Camino Real/Downtown Specific Plan Area (Applicable to all Specific Plan Districts except El Camino Real South-East and South-West) was introduced.

**ACTION:** Motion and second (Ohtaki/Cline) to approve the following actions passes 4-0-1 with Council Member Fergusson recused.

**Resolution No. 6074:** A resolution of the City Council of the City of Menlo Park amending the General Plan to add the El Camino Real/Downtown Specific Plan Land Use designation and to change the Land Use designation for property located in the Specific Plan Area (applicable to El Camino Real South-East District).

**Resolution No. 6075:** A resolution of the City Council of the City of Menlo Park approving and adopting the El Camino Real/Downtown Specific Plan for the El Camino Real South-East District.

An Ordinance of the City of Menlo Park rezoning properties located in the El Camino Real/Downtown Specific Plan Area (Applicable to the El Camino Real South-East District) was introduced.

**ACTION:** Motion and second (Cline/Cohen) to approve the following actions passes 3-0-0-2  
(Recused: Fergusson, Ohtaki):

**Resolution No. 6076:** A resolution of the City Council of the City of Menlo Park amending the General Plan to add the El Camino Real/Downtown Specific Plan Land Use designation and to change the Land Use designation for property located in the Specific Plan Area (applicable to El Camino Real South-West District).

**Resolution No. 6077:** A resolution of the City Council of the City of Menlo Park approving and adopting the El Camino Real/Downtown Specific Plan for the El Camino Real South-West District.

An Ordinance of the City of Menlo Park rezoning properties located in the El Camino Real/Downtown Specific Plan Area (Applicable to the El Camino Real South-West District) was introduced.

**ACTION:** Motion and second (Cline/Fergusson) to approve **Resolution No. 6078** amending City fees and City charges to establish an El Camino Real/Downtown Specific Plan Preparation Fee passes unanimously.

**F. REGULAR BUSINESS**

**F1.** Consider 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. CITY MANAGER'S REPORT:** None

**H. WRITTEN COMMUNICATION:** None

**I. INFORMATIONAL ITEMS:** None

**J. COUNCILMEMBER REPORTS**

**NOTE:** Council Member Cohen announced his recusal on High Speed Rail and left the meeting at 12:32 a.m.

Council Member Fergusson discussed new information on the High Speed Rail project. A letter will be sent out today (Wednesday, June 6) to Senator Simitian.

**K. PUBLIC COMMENT #2**

Andrew Boone talked about bicycle lanes and extended an offer to take the Council Members on a bicycle ride.

**L. ADJOURNMENT**

The meeting was adjourned at 12:36 a.m. Wednesday, June 6, 2012.

  
Margaret S. Roberts, MMC

City Clerk

Minutes accepted at the Council meeting of November 13, 2012