



CITY COUNCIL SPECIAL AND REGULAR MEETING MINUTES

Tuesday, May 29, 2012 at 6:00 p.m.

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

Vice Mayor Ohtaki called the Special Meeting to order at 6:00 p.m. with Cline, Cohen and Ohtaki present.

There were no members of the public present to speak. The Council went into Closed Session at 6:01 p.m.

Mayor Keith arrived at 6:35 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: There was no reportable action from Closed Session.

ANNOUNCEMENTS

The Menlo Park Historical Association is holding a one hour (11:00 – Noon) Celebration for the 25th Anniversary of the Menlo Park Clock Tower. The festivities will be held at the Clock Tower located on the eastern end of Santa Cruz Avenue, at the Train Station on June 19.

A. PRESENTATIONS AND PROCLAMATIONS

A1. Presentation by Police Department: Special Olympics Torch Run and Tip a Cop events
Police Chief Bryan Roberts gave a brief presentation on the Tip a Cop event and the Special Olympics Torch Run for 2012 ([PowerPoint](#))

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

C. PUBLIC COMMENT #1

- Matt Henry spoke regarding the Ringwood Bridge and appreciates that the community comments have been taken into consideration. He commented on a stop sign at Pierce and Market Streets which is downstream from the crosswalk and cars would have to go across the crosswalk before getting to the stop sign. ([Map](#))
- Shundon Lloyd requested the Council support the San Mateo County Alpine Road/280 Project and to consider writing a letter of support to the County.

D. CONSENT CALENDAR: None

E. PUBLIC HEARING

- E1.** Consider a request for an amended and restated Conditional Development Permit and Development Agreement for the property located at 1601 Willow Road (East Campus) and heritage tree removal permit and environmental review for the properties located at the 1601 Willow Road (East Campus) and 312 and 313 Constitution Drive (West Campus) ([Staff report #12-083](#)) ([PowerPoint](#))([PowerPoint](#))

Staff presentation by Rachel Grossman, Associate Planner – Project overview
Chip Taylor, Public Works Director – Marsh and Middlefield Roads

- Tim Tosta, Facebook Attorney, thanked the Council, Planning Commission, the extraordinary staff and the many supporters in the community on behalf of John Tenanes. The process in Menlo Park has been the best process for a project. Facebook has set out and already is a good neighbor. He urged the Council to complete this part of the project approval.
- Robert Eckles, Traffic Engineer, stated that his firm has been looking at all of the traffic mitigations involved with the Facebook Project. He stated that the traffic mitigation measures regarding the Marsh and Middlefield Roads are sufficient. There are multiple standards for lane widths.
- Tim Tosta explained that there have been three Environmental Impact Reports (EIRs) that address the Marsh Road and Middlefield Road intersection; the Menlo Gateway Project, the North Fair Oaks Project and the Facebook Project. The first two EIRs have the same mitigation as the Facebook EIR and the Town of Atherton accepted the mitigations in those EIRs. They are now asking for road improvements near the upper channel estimated at \$1-1½ million dollars. The Town of Atherton is asking Facebook to front the entire amount for the intersection rather than a fair share. California Environmental Quality Act (CEQA) requires mitigation of the impacts that your project causes. The impact for the Facebook mitigation will happen after the East and West Campuses are at full staff, which is expected to be 2020-2025. The cumulative impact is during the p.m. peak hours going south bound direction on Middlefield onto Marsh. There is an existing problem that the Town of Atherton has in the right turn from Marsh to Middlefield in the a.m. period. This is not a significant impact under the Facebook, Menlo Gateway or the North Fair Oaks EIR.

CEQA says that if there is an impact, you pay for the impact you cause (CEQA Guideline Section 15126.4 (4) including subsection (b)). Facebook generates 8% of the traffic that has been found to be significant and Facebook is willing to pay 30%. The mitigation must be proportionate to the impact. The difficulty with the mitigations being requested by the Town of Atherton is that it is not a stable position. The current mitigation being requested from the Town of Atherton falls outside of the CEQA process. The mitigations being requested by the Town of Atherton were not brought up during the review of the Draft EIR, they were raised when the Final EIR was in print. (*Documents referenced*)

- Theresa DellaSanta, Interim City Manager with the Town of Atherton, read a statement into the record stating that the EIR is inadequate. ([Statement](#)) Council Member Dobbie stated that the Town of Atherton would like to come to a conclusion. He pointed out on January 19, 2012, they sent the City a letter regarding the EIR and underestimating traffic.

The Public Hearing was opened at 8:13 p.m.

Public Comment

- David Tuipulotu spoke in favor of the project Facebook is in a position to assist the Belle Haven Community move forward.
- William Byron Webster commended the City Council, Planning Commission and Facebook regarding the progress made regarding the City of East Palo Alto concerns.
- Sharon Williams urged the Council to move forward with the Facebook Project.
- Charlie Bourne stated that traffic and transportation have not been adequately addressed by staff or the Planning Commission. He also stated that the Transportation Commission could not file comments on the EIR.
- Dorsey Nunn spoke against the project and the contributions that Facebook have made to the community.
- Nancy Cash, representing the Mt. Olive Church, thanked the Council for a phenomenal process and encouraged the Council approve the items.
- Vicky Robledo, a Belle Haven resident, stated that she has not been happy with the process as she was not a part of the process for input. What is Facebook doing to accommodate her?
- William Nack, San Mateo County Building Trades, stated that Facebook has brought jobs to the area and respectfully requested the Council to approve staff recommendations.
- Fran Dehn, Menlo Park Chamber of Commerce, stated that the Chamber of Commerce has addressed the Planning Commission and the City Council on numerous occasions. The Chamber of Commerce fully supports the Facebook Project as it will have a net positive impact to the community.
- Dr. Nancy Jewell Cross, Clean Air Transport, stated she is concerned that there is not a Transportation Plan and no consideration of environmental conditions in other communities. ([Memo](#))
- Kail Lubarsky, Jog Train, stated they are supportive of Facebook as they are a good neighbor and due to Facebook generosity, the community is better and urged the Council to approve the project.
- Omar Chatty stated that he made comments on the EIR with two suggestions for traffic improvements; making Highway 84 into an expressway and expanding BART around the Bay.
- Cedric Williams gave suggestions on what Facebook could have done or could do for the Belle Haven Community. He requested more interaction on the project.
- Matt Henry stated that he has, in the past, provided a list of items the Belle Haven Neighborhood could use to City staff and previous City Councils. The list was provided to Facebook at their request.

ACTION: Motion and second (Fergusson/Cline) to close the Public Hearing at 8:53 p.m. passes unanimously.

ACTION: Motion and second (Fergusson/Ohtaki) to approve **Resolution No. 6068** certifying the Final Environmental Impact Report for the Facebook Campus Project located at 1601 Willow Road and 312 and 313 Constitution Drive; to approve **Resolution No. 6069** adopting findings required by the California Environmental Quality Act, Statement of Overriding Considerations, and adopting the mitigation monitoring and reporting program for the property located at 1601 Willow Road; to approve **Resolution No. 6070** approving an Amended and Restated Conditional Development Permit for the property located at 1601 Willow Road; and to approve **Resolution No. 6071** approving Heritage tree removal permits for the properties located at 1601 Willow Road, and 312 and 313 Constitution Drive passes unanimously.

ACTION: An Ordinance of the City Council approving the Development Agreement with Facebook, Inc. and Wilson Menlo Park Campus, LLC for the property located at 1601 Willow Road was introduced.

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

Council Members reported on meetings attended in compliance with AB1234 reporting requirements.

K. PUBLIC COMMENT #2

Andrew Boone agreed with comments made during Public Comment #1 regarding the Alpine/280 Project that will be before the San Mateo County Transportation Authority.

L. ADJOURNMENT

The meeting was adjourned at 9:31 p.m.



Margaret S. Roberts, MMC

City Clerk

Minutes accepted at the Council meeting of July 31, 2012