



HOUSING COMMISSION MINUTES
DRAFT
Regular Meeting
December 7, 2005
5:30 p.m.
Administrative Building Conference Room, First Floor
701 Laurel Street, Menlo Park, CA 94025-3483

CALL TO ORDER

Chairperson Carol Louchheim called the meeting to order at 5:30 p.m. in the Administrative Building City Council Conference Room.

ROLL CALL

Housing Commission Members Present: Carol Louchheim (Chair); Anne Moser (Vice-Chair); Patricia Boyle; Jack O'Malley; Clarice O'Neal; Elizabeth Lasensky

Housing Commission Member Absent: Elza Keet

Staff Present: Arlinda Heineck, Community Development Director; Megan Norwood, Management Analyst

A. PUBLIC COMMENT – Don Brawner, City of Menlo Park resident, was present for the meeting but did not make a comment.

B. REPORTS AND ANNOUNCEMENTS – Chair Louchheim announced that she would like to consider Business Item #3 (Consideration of and Direction on Revised Agenda Template) first, then Business Item #2 (Discussion of City Council Project Priorities for Fiscal Year 2006-2007), followed by the remaining two business items listed on the Agenda. Discussion of Business Item #2 would be preceeded by a presentation by Commissioner Boyle on Housing Elements (see Information Items, below).

C. BUSINESS ITEMS

1. Approval of October 5, 2005 and November 2, 2005 Minutes

M/S Moser/Boyle to approve the October 5, 2005 minutes, 5-0-1 with Commissioner Lasensky abstaining.

M/S Moser/O'Neal to approve the November 2, 2005 minutes, 5-0-1 with Commissioner Boyle abstaining.

2. Discussion of City Council Project Priorities for Fiscal Year 2006-2007

Chair Louchheim noted that the Commission does not have to submit its recommended City Council Project Priorities for Fiscal Year 2006-2007 until after next month's Housing Commission meeting. Therefore, she said, if the Commission is unable to conclude its discussion of project priorities in the present meeting, it can continue the discussion to the January Housing Commission meeting. Director

Heineck asked the Commission to be aware that two items had already been scheduled on the January agenda.

Chair Louchheim initiated the discussion by focusing on the need to complete the Housing Element. She asked how the Housing Element is considered by the City Council when reviewing development projects and whether completion of the Housing Element could be included as part of a possible upcoming El Camino Real project. Director Heineck responded that when new projects come up, staff advises City Council if the potential project site or sites is/are listed in the Housing Element. She said that the City Council hasn't had a meeting on El Camino Real yet but that there will probably be meetings after the first of the year to discuss the area and that housing may be a part of the discussion. She further explained that the Housing Element is a guiding policy document. Director Heineck also explained that many of the goals and policies in the approved 1992 Housing Element are still valid today. She said that a new, updated Housing Element would be good but that the 1992 Housing Element is not entirely an outdated document and that it still provides for needed housing.

Chair Louchheim asked if an updated Housing Element would allow the Commission/City to plan for certain types of housing, such as senior housing. She said that, in the present situation, developers can do what they like with their land and the Commission can only respond, rather than proactively shape development to reflect the needs of the community. Director Heineck responded that the Housing Element can create goals as well as identify specific sites and implementation strategies.

Director Heineck further explained that issues specific to the City's affordable housing programs, such as meeting the need to serve smaller households, could be addressed through changes to the BMR Guidelines rather than the Housing Element. She said that the Commission had previously identified issues related to affordable housing programs that were not prioritized by the Council for the current year and that the Commission may wish to consider these separate and apart from the Housing Element.

Commissioner Boyle explained that the Housing Element is required by law and referenced that there may be sanctions or other difficulties without a certified Housing Element. Director Heineck confirmed that although there are currently no financial sanctions, the City is prohibited from applying for certain grants and may be more liable to lawsuits from housing advocates and developers. Director Heineck further indicated that the State Legislature is continuing to consider legislation that would impose financial sanctions. Director Heineck then provided background on the approval process for the 1992 Housing Element.

Commissioner Boyle asked if it would be possible to just do a simple Housing Element without an EIR and all the "bells and whistles." Director Heineck responded that State law requires specific components but that there is flexibility, particularly regarding the level of environmental review. She explained that the City Council could agree to move forward with a Negative Declaration for the Housing Element rather than requiring an EIR, as it did with the 1992 Housing

Element, but that this would require a new decision by City Council. Commissioner O'Malley asked how long this would take and Director Heineck responded that, even if the EIR continues to be required, it could be done in six to nine months, given that staff resources are prioritized for the work.

M/S Boyle/Lasensky to include the Housing Element as a proposed priority to the City Council for the fiscal year 2006-2007, 6-0.

Chair Louchheim said that Mayor Winkler had asked her if the Commission would consider turning the BMR Program over to the County, or some other entity such as the non-profit Housing Endowment and Regional Trust (HEART), that is not the City. Chair Louchheim distributed to the Commissioners an e-mail from Mayor Winkler, in which the Mayor describes the idea and its pros and cons. Chair Louchheim further explained that Mayor Winkler told her that she would like the Commission to consider recommending this as a priority project to the Council. The Mayor expressed to Chair Louchheim that administering the BMR Program is expensive and that "outsourcing" the program could save the City money.

Commissioner Lasensky expressed concern with this idea. Commissioner Boyle said that she doubts that HEART would be interested in administering the City's BMR Program. Management Analyst Norwood commented that administration of the BMR Program is not paid for by City funds, but by Redevelopment Agency funds, so therefore does not impact the City's General Fund. She also said that the County is under-staffed, has limited experience in administering a BMR Program and may not be interested in taking on the program.

Following a discussion, Chair Louchheim asked Director Heineck if she would learn more about the proposal and report back to the Commission. Director Heineck said that she would do so. In conclusion, the Commission agreed to further consider the idea at the January meeting, for possible inclusion in its recommended project priority list.

Commissioner Boyle asked about the status of the Habitat for Humanity/Terminal Avenue project. After providing a brief update on the status of the project, Director Heineck said that the Commission does not need to list it as a priority project because it is an active project in the Planning Division and considered part of staff's day-to-day work.

There was Commission consensus that discussion of project priorities will continue at the Commission's January 2006 meeting.

3. Consideration of and Direction on Revised Agenda Template

The Commissioners considered a memo from Director Heineck to the Housing Commission, dated December 7, 2005, that presented a draft agenda template that includes new language providing the Commission with the ability to establish time limits in specific cases for public comments.

The Commissioners discussed the proposed revised language. Commissioner O'Malley commented that the Commission should have some time limitation and said he was concerned that, as an example, if a person has a one hour time limit he/she will speak for the entire one hour. Commissioner Boyle agreed. Commissioner O'Malley suggested that one way to avoid such a situation would be to allow 15 minutes for comment at the beginning and end of the meeting. Commissioner O'Neal commented that the Commission used to have a time limit for public comment and that it was applied at the beginning of the meetings. Commissioner Moser expressed a concern that having public comment at the end of the meeting would be after the Commission's deliberations. Commissioners Boyle and Lasensky agreed that public comment at the end of the meeting could impact the Commission's work.

Commissioners asked about whether or not time limits would apply to developers making presentations. Director Heineck said that time limits generally apply to the developer's presentations but not to the questions and answers that follow the presentations. The Commissioners discussed when the public comment period should take place during the meeting. The Commissioners also discussed whether or not the time limit should be defined as a certain amount of time per speaker with no maximum overall time limit, a certain amount of time per speaker with a maximum overall time limit, or a maximum overall time limit with the amount of time per speaker contingent upon the number of speakers.

M/S Boyle/O'Neal to approve revised language that would establish that the public comment period be held at the beginning of the meeting and that it be set at 10 minutes, and that if more than one speaker is present the 10 minute time period would be divided equally between the speakers.

Commissioner Moser said that the motion seems awkward and that it should set a certain time limit per person/speaker. Chair Louchheim asked Director Heineck what she would advise. Director Heineck replied that she would suggest a three minute time limit per speaker, with the flexibility to extend that time limit if need be. She said that if there are a great number of persons wishing to speak, the Commission can choose to extend the public comment session and/or deliberations to a subsequent Commission meeting. Commissioner Boyle expressed concern over how this might impact developers whose presentations to the Commission had been agendized for that meeting. She said this could hold up a very important discussion and/or decision.

Commissioner Boyle withdrew her motion.

Chair Louchheim said that, based on the Commissioners' discussion thus far, she thought she was hearing that the Commission Chair should have the authority and flexibility to adjust the time limit, if needed. Commissioner O'Malley suggested two time limits: a per person time limit and a total time limit. Commissioner Boyle agreed. Chair Louchheim said that she would like to be consistent with the City Council and Planning Commission time limits, which are three minutes per person.

M/S Boyle/O'Neal to approve revised language that would establish that the public comment period be limited to a maximum of 15 minutes at the beginning of the meeting, with the Chair having discretion to determine time limits on individual speakers.

Chair Louchheim suggested an amendment to the motion to establish a limit of three minutes per person, and that the Chair would have the discretion to adjust the limits when appropriate. Commissioners Boyle and O'Neal accepted the amendment.

M/S Boyle/O'Neal to approve revised language that would establish that the public comment period be limited to a maximum of 15 minutes at the beginning of the meeting, with a time limit of three minutes per speaker with the Chair having discretion to modify the time limits when appropriate, 6-0.

4. Monthly Report on the Housing Rehabilitation Loan Program for October 2005

The Commissioners accepted the report.

D. INFORMATION ITEMS

1. Commissioner Boyle made a brief presentation on Housing Elements in general and the Menlo Park Housing Element in particular. Commissioner Boyle's presentation was followed by an in-depth discussion by the Commission, especially as to how the Housing Element might relate to the Commission's proposed project priorities for 2006-2007. Regarding Commissioner Boyle's presentation in particular, Commissioner Moser asked how many of the approximately 900 housing units that Menlo Park is now required to produce by ABAG have been produced. Director Heineck responded that she did not have that information readily available. Responding to a question, Director Heineck then explained why the City of Menlo Park's 1992 Housing Element was never certified by the State, but was approved by the Menlo Park City Council. She also said that at the State and regional level, a discussion is now beginning concerning regional housing production numbers, rather than local or City housing production numbers. Commissioner O'Malley asked who writes Menlo Park's Housing Element and Director Heineck responded that it is being developed by a combination of Housing and Redevelopment Division staff, Planning Division staff, and a consultant. She explained that there will be cuts to City services this year so an updated Housing Element would have to compete against other projects in this environment.
2. It was noted that in January 2006 the Commission will select a new Chair. Chair Louchheim asked who should chair the January meeting. Director Heineck said

that the choosing of a new Chair will be agendized for the January meeting and that the decision as to who will chair the January meeting will be decided by Chair Louchheim.

E. ADJOURNMENT The meeting was adjourned by consensus.

Respectfully submitted,

Megan Norwood
Management Analyst

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