



SPECIAL MEETING MINUTES

Date: 7/15/2019
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:00 p.m. Special Session

A. Call To Order

Mayor Mueller called the meeting to order at 6:06 p.m.

B. Roll Call

Present: Carlton, Combs, Nash, Taylor, Mueller
Absent: None
Staff: City Manager Starla Jerome-Robinson, City Attorney Bill McClure, City Clerk Judi A. Herren

C. Pledge of Allegiance

Mayor Mueller led the Pledge of Allegiance.

D. Consent Calendar

Mayor Pro Tem Taylor pulled items D1 and D2.

- D1. Adopt Resolution No. 6511 authorizing the city manager to sign contract with the State of California Department of Education to reimburse the City up to \$1,011,860 for child care services at the Belle Haven Child Development Center for fiscal year 2019-20 ([Staff Report #19-138-CC](#))

The City Council requested that future staff reports include an itemized budget, a copy of the referenced State report, and the master agreement. They also requested that information be provided as to why the subsidies increased.

ACTION: Motion and second (Combs/ Taylor) to adopt Resolution No. 6511 authorizing the city manager to sign contract with the State of California Department of Education to reimburse the City up to \$1,011,860 for child care services at the Belle Haven Child Development Center for fiscal year 2019-20, passed unanimously.

- D2. Authorize the City Manager to enter into a professional services agreement up to \$100,000 with Steer for a Transportation Management Association feasibility study ([Staff Report #19-152-CC](#))

- Jen Wolosin spoke in support of the Transportation Management Association (TMA) and suggested that the Bayfront area be included.

The City Council discussed public outreach, impacts from the Stanford project, and bus sharing options.

ACTION: Motion and second (Combs/ Taylor) to authorize the city manager to enter into a professional services agreement up to \$100,000 with Steer for a Transportation Management Association feasibility study, passed unanimously.

D3. Item moved to regular business.

E. Regular Business

E1. Combined with item E5.

E2. Combined with item E5.

E3. Adopt Resolution No. 6512 identifying those discretionary projects approved by the Planning Commission to be appealed by the City Council as a matter of course ([Staff Report #19-147-CC](#))

Assistant City Attorney Cara Silver and Assistant Community Services Director Deanna Chow made the presentation (Attachment).

The City Council discussed the different options available regarding City Council initiated Planning Commission appeals. They also considered the staff impacts of these items being brought before the City Council. Mayor Mueller suggested staff send an email (CCIN) to all City Councilmembers after each Planning Commission meeting and allow the individual City Councilmembers to put any item on the City Council agenda for consideration. The City Council discussed triggers and focusing on large and impactful projects.

ACTION: Motion and second (Taylor/ Carlton) to adopt Resolution No. 6512 establishing a process for notifying the City Council and public of final planning commission actions to facilitate City Council review of large or impactful projects, passed unanimously.

E4. Establish a City Council subcommittee to review current City Council procedures and recommend updates ([Staff Report #19-150-CC](#))

Assistant City Manager Nick Pegueros introduced the item.

The City Council received clarification on the timeline.

ACTION: By acclamation, the City Council appointed City Councilmember Carlton and Mayor Mueller to the subcommittee.

E5. City Council adopted 2019-20 priorities and work plan quarterly update and verbal report from City Council subcommittees on planning and zoning updates ([Staff Report #19-155-CC](#))

Assistant City Manager Nick Pegueros introduced the item.

City Councilmember Nash read a report out for the District 2, 3, 4, and 5 subcommittee (Attachment).

Mayor Pro Tem Taylor reported out for the District 1 subcommittee.

Mayor Pro Tem Taylor read a letter from June 11 (Attachment).

- Lynne Bramlett spoke in accord with Mayor Pro Tem Taylor and City Councilmember Combs' regarding the public's concerns with development and suggested a city satisfaction survey.
- Angie Evans spoke in support of affordable housing in the downtown, preferably on public land.
- Karen Grove spoke in support of affordable housing and to not displace people through the up-zoning process.
- Katie Behroozi spoke in support of more dense housing in the community.
- Adina Levin spoke in support of housing in the downtown and speeding up the timeline.

The City Council went to recess at 7:54 p.m.

The City Council reconvened at 8:03 p.m.

The City Council received clarification that the City Council priorities will be updated and returned to the City Council after the subcommittee's provide their recommendations. The City Council requested this be revisited in August.

- E6. Authorize the city manager to enter into a contract with LSA Associates, Inc. to prepare an environmental impact report for the proposed Menlo Uptown project with 483 multifamily dwelling units and 2,000 square feet of commercial uses at 141 Jefferson Drive and 180-186 Constitution Drive for the amount of \$197,574 and future augments as may be necessary to complete the environmental review for the proposed project ([Staff Report #19-142-CC](#))

Assistant Community Development Director Deanna Chow and Senior Planner Tom Smith introduced the item.

- Lynne Bramlett spoke in opposition of this project moving forward.
- Adina Levin spoke about including services into this project and similar projects.

The City Council received clarification that this item does not approve a project and, legally, the application must be processed. The City Council discussed the number of proposed rental units, air quality, the job/ housing imbalance, lack of essential services, and other projects denied after their environmental impact report (EIR) approval.

ACTION: Motion and second (Combs/ Carlton) to authorize the city manager to enter into a contract with LSA Associates, Inc. to prepare an environmental impact report for the proposed Menlo Uptown project with 483 multifamily dwelling units and 2,000 square feet of commercial uses at 141 Jefferson Drive and 180-186 Constitution Drive for the amount of \$197,574 and future augments as may be necessary to complete the environmental review for the proposed project, passed 4-1-0 (Taylor dissenting).

- E7. Receive and file a summary of the outreach process and status update for transportation projects ([Staff Report #19-156-CC](#))

Assistant Public Works Director Nikki Nagaya introduced the item.

- Jen Wolosin spoke in opposition of how the repaving/re-striping project on San Mateo Drive was presented to the community.

- Katie Behroozi spoke in support of the projects on Middle Avenue.
- Adina Levin spoke on the Complete Streets Commission process.

The City Council requested a total and list of parking spots to be removed and a stop sign analysis.

F. Informational Items

F1. Belle Haven Child Development Center self-evaluation report for fiscal year 2018-19
([Staff Report #19-139-CC](#))

- Lynne Bramlett commented that documents like this need a budget attachment.

F2. Additional financial information on City website ([Staff Report #19-158-CC](#))

- Lynne Bramlett spoke in support of more financial specifics.

G. City Manager's Report

None.

H. City Councilmember Reports

City Councilmember Combs requested that residents who send emails to individual City Councilmembers to also send to the CCIN email.

City Councilmember Carlton commented on educating people on mosquito abatement.

I. Adjournment

Mayor Mueller adjourned the meeting at 9:49 p.m.

Judi A. Herren, City Clerk

These minutes were approved at the City Council meeting of August 20, 2019.



AUTOMATIC APPEAL OF PLANNING COMMISSION DECISIONS JULY 15, 2019

ANNENBERG FAMILY
GYMNASIUM



AGENDA

- Background
- Current Appeal Process
- Recommended Changes to Appeal Process
- Policy Direction on Exempting Special Circumstance Projects (i.e. housing projects, retail, hotel)



REQUESTED CITY COUNCIL DIRECTION

- Adopt resolution pre-authorizing the automatic appeal of all **large or impactful** projects to the City Council.
- Provide input to staff on triggers for appeal of projects
- Provide input to staff on whether additional projects should be exempt from automatic appeal process (e.g. residential, retail, hotel)



JUNE 11 COUNCIL DIRECTION

- **Moratorium discussion:** At request of Mayor Pro Tem Taylor and Councilmember Nash, staff brought forward discussion of a citywide development moratorium on non-residential development and moratorium on housing developments over 100 units in District 1

- **Rationale for moratorium:** Concern about amount and pace of development in City and desire to examine current policy documents to ensure they reflect current community values

- **Council action:**
 1. Formed two sub-committees to look at development issues in District 1 and Districts 2-5
 2. Recommended City Council be final decision maker on large or impactful development projects



CATEGORIES OF PROJECTS

- **Non-discretionary projects**
 - Require conformance to objective standards. Do not involve personal judgment.
 - Example: Single family home on conforming lot.

- **Discretionary projects subject to Planning Commission approval**
 - Projects which require personal judgment. Standards are more subjective.
 - Examples: Projects in LS and O district require architectural control; Conditional use permit in O District for office building over 250,000 square feet.

- **Discretionary projects subject to City Council approval**
 - Projects which require personal judgment. Typically involve major subdivision, rezoning, Development Agreement, or master plan requiring Conditional Development Permit.
 - Example: Facebook West Campus expansion



CURRENT APPEAL PROCESS

- Code authorizes Planning Commission to make most final decisions on discretionary development decisions unless appealed to the City Council
- Code authorizes 3 methods for appealing Planning Commission decisions to City Council:
 1. City Council may make motion within 15 days of Planning Commission decision.
 2. An individual council member may file an appeal within 15 days of Planning Commission decision. (If Council doesn't authorize, individual council member must pay appeal fee.)
 3. Applicant/member of public may appeal within 15 days of decision



STAFF PROPOSAL: NON-RESIDENTIAL PROJECTS

- For all non-residential projects approved by the Planning Commission on or after July 16, 2019, the Council shall automatically appeal:
 1. Bonus Level Development: All non-residential projects involving bonus level development (community amenities in exchange for increased development rights)
 - Note: Bonus level only applies in El Camino Real/Downtown Specific Plan and Bayfront areas
 2. Projects exceeding designated square footage (e.g. 50,000 net new square feet)
 - Rationale: This additional trigger will capture projects outside of Specific Plan/Bayfront and will also include some base level projects



STAFF PROPOSAL: RESIDENTIAL PROJECTS

- Staff is proposing that 100% residential projects and mixed use projects containing at least 2/3 residential square footage be exempt from Council appeal
 - Rationale: State law limits City's ability to deny residential projects which conform with Zoning
- Staff is proposing that mixed use project containing less than 2/3 square footage housing be subject to automatic appeal (assuming triggers met).
 - Rationale: Avoids developers from adding a small amount of housing in order to evade the automatic appeal process. (But note SB 592.)



ADDITIONAL SPECIAL CASE EXEMPTIONS



- Council may want to exempt certain projects from automatic appeal
- Examples: Retail, hotels, child care centers, eating establishments, movie theaters
- If exemption applies, the projects could still be appealed by applicant, member of public or Council under normal process.
- Council may still appeal these projects under normal appeal process



PROPOSED RESOLUTION:

- Adopt resolution pre-authorizing automatic appeal to City Council of all **large or impactful** projects approved by the Planning Commission any time after July 16 as follows:
 1. Bonus level projects
 2. Projects exceeding identified square footage (e.g. 50,000 net new square feet)
 3. Mixed use project with less than 2/3 residential
- Provide direction to staff on square footage trigger
- Provide direction to staff on other exemptions from automatic appeal



CONCLUSION

The non-residential development moratorium proposed last month was intended to give us a chance to assess the Menlo Park jobs/housing imbalance and policy responses. Today's jobs-housing imbalance and traffic problems are the result of projects approved years ago; now of course more are in the pipeline. Mitigating the impacts of rapid development is a big problem and it is growing.

The Subcommittee on Districts 2 – 5 Planning and Zoning will identify barriers to the development of housing, so that we can mitigate some of the adverse impacts of nonresidential developments. We plan to review aspects of the zoning ordinance that may be obstacles to building more housing – including building heights, floor area ratios, on-site parking and units per acre. We also plan to identify areas where we can change zoning uses to allow housing close to essential services and transit. We will explore building affordable housing on city land. We know we have finite resources and we are obviously prioritizing within those constraints.

Economic Investment for a Community in Crisis: climate crisis, housing crisis, office development crisis, environmental justice, sea level rise, city services, reinvestment, traffic enforcement, economic opportunity, health and safe development agreements to protect communities of color, senior communities, and unprotected classes. This is unfair and unacceptable.

1. Air Quality & Traffic Impacts

approximately 70,000 cars 4cross the Dumbarton Bridge Monday through Friday. The Belle Haven neighborhood is surrounded by Bayfront Expressway, Willow Road, Highway 84 and the 101 freeway. What is the air quality count? The air quality district is initiating an update to its current California environment quality act guidelines. There have been substantial changes to the data and assumptions underlying the analytical methodology, threshold, and mitigation strategies since the last update of the CEQA guidelines in June 2010. CEQA was revised May 2017 and 2018. There are 2019 guidelines. Where is the update?

There has been no consistent monitoring or a requirement to monitor air quality within the adjacent residential neighborhood of Belle Haven Neighborhood in Menlo Park. Air quality monitoring must be done by voter precincts or district rather than ZIP Code. Has the Haven Street Apartment complex been included?

Menlo Park has failed to ensure an environmental justice approach as outlined by the United States environmental protection act. Conducting an EIR prior to completion of all current construction and full capacity for occupancy buildings will fail to include all associated environmental impacts and cause substantial increased traffic congestion. Failure to fully implement and assess current traffic congestion and auto emissions, Solutions are needed for residence within district one.

2. Jobs/Housing Imbalance

Menlo Park has not conducted a current housing study that identifies the number of apartments and homes occupied, reserved for Airbnb, reserved for corporate rentals, or otherwise unavailable to the public. Where is the data?

The city has not created an ordinance to determine the number of vacancies in the current units in the city. We do not have an accurate count of the number of vacant apartments in the City of Menlo Park. There have been 735 apartments built in District 1. How many in District 2? How many in District 3? How many in District 4? How many in District 5?

Currently the zoning laws in Menlo Park allow for 40 units per acre in some areas of Menlo Park. Not in District 1. Because of the General Plan Connect Menlo update, District 1 was up zoned from light industrial to mixed-use and allows for up to 100 units per acre to be built.

What are the rents for the units that are available? \$3000-\$6000 per month. How many of those units are affordable? If 735 units have been built, at least 173 units should be affordable. How many actually are affordable?

At this time the discussion on moratoriums or moratoria is to provide general information and education to the Council and the public. Also, we will give direction to the city attorney on options.

- What is important for me are the impacts of all of the continuous development on the communities.
- What are the findings during the moratorium? We need to look at lowering the zoning density per acre. . We need to know how many units are truly affordable? We also need to know what school district children will be attending and the impact?

Here are some basic facts. Historical racism in this city. The Belle Haven neighborhood was annexed into Menlo Park over 70 years ago. The last elected official from the Belle Haven neighborhood was over 40 years ago. We do not share healthcare districts with the rest of the city. We do not share congressional districts with the rest of the city. We do not share school districts with the rest of the city. In fact, all of the Bohannon property is in the Redwood City school district. How complicated.

I believe equitable development is achievable. It's a strategy that ensures everyone participates and everyone benefits from the economic transformation. It requires an intentional and thoughtful focus on eliminating inequities and barriers.

- Good governance in land-use, zoning, policy, and programs provides a healthy and safe neighborhood.
- Good governance also provides a voice and influence in the decisions that shape our neighborhoods and our cities.
- Air quality mitigation must be addressed.
- Circulation mitigation must be addressed.
- Impacts of projects on the Bayfront has not been correctly assessed.