



**SPECIAL MEETING MINUTES**

**Date:** 6/11/2019  
**Time:** 6:00 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

City Councilmember Catherine Carlton participated by phone from:  
1222 Langley Circle  
Naperville, IL 60563

**Closed Session (City Hall - "Downtown" Conference Room, 1st Floor)**

**A. Call to Order**

Mayor Mueller called the meeting to order at 6:00 p.m.

**B. Roll Call**

**Present:** Carlton, Combs, Nash, Taylor, Mueller  
**Absent:** None  
**Staff:** City Manager Starla Jerome-Robinson, Assistant City Manager Nick Pegueros, City Attorney Bill McClure, Administrative Services Director Lenka Diaz, Human Resources Manager Theresa DellaSanta, City Clerk Judi A. Herren (excused at 6:02 p.m.)

CL1. Closed session conference with labor negotiators pursuant to Government Code 54957.6 regarding Menlo Park Police Sergeants Association (PSA) and American Federation of State, County and Municipal Employees (AFSCME)

**7:00 p.m. Special Meeting (City Council Chambers)**

**A. Call To Order**

Mayor Mueller called the meeting to order at 5:37 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, Deputy City Clerk Neetu Salwan (excused at 9 p.m.)

## C. Pledge of Allegiance

Mayor Mueller led the Pledge of Allegiance.

### Report from Closed Session

None.

## D. Consent Calendar

Mayor Muller continued item D3.

- D1. Update the City's public engagement plan and dedicate a vacant full-time equivalent personnel to manage a pilot program to application of the Institute for Local Government's public engagement framework on new City projects ([Staff Report #19-123-CC](#))
- D2. Award contracts totaling \$511,857 to Towne Ford Sales and Priority 1 Safety for hybrid vehicles and outfitting ([Staff Report #19-121-CC](#))
- D3. Approve updated direction on preparation of the city manager's proposed fiscal year 2019-20 budget ([Staff Report #19-124-CC](#))

**ACTION:** Motion and second (Nash/ Combs) to approve the consent calendar excluding item D3., passed unanimously.

## E. Regular Business

- E1. Direction to city attorney on whether to draft an interim ordinance imposing temporary moratorium on development and direction regarding scope of potential temporary moratorium ([Staff Report #19-122-CC](#))

Assistant City Attorney Cara Silver made the presentation.

The City Council received confirmation that the options include one, two, or both moratoriums.

- Clem Molony spoke in support of increasing housing availability in Menlo Park.
- Brad Ramezane spoke in support of a moratorium with increased teacher housing.
- Angie Evans spoke in support of affordable housing and offered ideas on how to incentivize it in the downtown area.
- Gail Wilkerson spoke in support of a moratorium.
- Barrie Hathaway spoke in opposition of a moratorium that pauses job growth and increases housing growth.
- Phil Gutierrez spoke in support of a moratorium.
- Nancy Edelson spoke in support of a moratorium.
- David Ernhart spoke support of the two moratoriums.
- Leonard Basoco spoke in opposition of the moratorium.
- Dennis Martin spoke in opposition of the moratorium.
- Nathan Ho spoke in opposition of the moratorium.
- Matt Henry spoke in support of the moratorium.

- Brielle Johnck spoke in support of the moratorium.
- Steve Schmidt spoke in support of a moratorium
- Nina Work spoke in support of the moratorium.
- Rose Bickerstaff spoke in support of the moratorium.
- Sagar Patel spoke in opposition of the moratorium.
- Sheryl Bims spoke in support of the moratorium.
- Julie Shanson spoke in support of the moratorium.
- Pamela Jones spoke in support of the moratorium.
- Vicky Robledo spoke in support of the moratorium.
- Ross Levy requested some housing projects not be included in a moratorium.

City Council took a break at 8:27 p.m.

City Council reconvened at 8:42 p.m.

- Richard Trocmpler spoke in opposition of the moratorium.
- Larry Dahl spoke in support of the moratorium in District 1.
- Olatunde Sobomehin spoke in support of the moratorium.
- Karen Grove spoke in opposition of moratorium that limited housing development.
- Patti Fry spoke in support of the moratorium.
- Elias Blawie spoke in support of the moratorium.
- Aaron Barron spoke in support of the moratorium.
- Daniel Ramos spoke in support of the moratorium.
- Vasile Oros spoke in opposition of the moratorium.
- Fran Dehn spoke in opposition of the citywide moratorium.
- Akala Francis spoke in support of the moratorium.
- Diane Bailey spoke in support of the discussion of a moratorium.
- Lynne Bramlett spoke in support of the moratorium in District 1.
- Tiffany Finley-Souza spoke in support of the moratorium that included Palo Alto and East Palo Alto.
- Jacqui Cebrian spoke in support of the moratorium with the exception of the library project.
- Xiomara Cisneros spoke in support of the moratorium.
- Perla Ni spoke in support of the moratorium.
- Skip Hilton spoke in opposition of the moratorium.
- Rachel Host spoke in support of housing and in opposition of a moratorium.
- Ron Kriemeyer spoke in opposition of the moratorium.
- Adina Levin spoke in opposition of the moratorium.
- Amy Robe spoke in support of the moratorium.
- Jen Wolosin spoke in support of drafting a moratorium ordinance.
- Nevada Meriman spoke in opposition of a housing moratorium.
- Juan Barbora spoke in opposition of the moratorium.
- Ian Streets spoke in opposition of the moratorium.

City Council took a break at 9:47 p.m.

City Council reconvened at 10:04 p.m.

The City Council discussed what the expected results of a moratorium would be and the different mechanisms that could assist in seeing those goals realized. The city attorney explained that modifications made to the general plan, specific plan, and zoning ordinance could be other tools. There was clarification provided to the City Council that during a moratorium the City is obligated to accept and process applications. The City Council discussed what alternatives could be utilized through the use of a development agreement and also received confirmation that the proposed Willow Village project requires a development agreement. Discussions on how to address the issue of the job/housing imbalance pursued.

The City Council directed staff to amend the zoning code so major project approvals are brought before the City Council; create a subcommittee (Mueller and Nash) to examine additional housing opportunities citywide (excluding District 1), particularly near transit and essential services, and to determine whether the existing development caps in all areas of the City (other than District 1) should be adjusted; and create a subcommittee (Mueller and Taylor) to examine the need for decreasing both non-residential and residential density in District 1 and to address allocating for District 1's use of revenues generated by district development. Both subcommittees to report back to the City Council with a work plan to address the issues for review and approval by the City Council.

**F. City Manager's Report**

None.

**G. City Councilmember Reports**

None.

**H. Adjournment**

Mayor Mueller adjourned the meeting at 11:30 p.m.

Judi A. Herren, City Clerk

These minutes were approved at the City Council meeting of July 16, 2019.



# CONSIDERATION OF REQUEST TO IMPOSE A DEVELOPMENT MORATORIUM JUNE 11, 2019

ANNIEKAGA FAMILY  
GYMNASIUM





# AGENDA

- Background
- Moratorium laws and procedures
- Councilmembers' request to impose a development moratorium
- Direction to City Attorney



## REQUESTED CITY COUNCIL DIRECTION

- City Council direction on drafting a moratorium
- If Council directs city attorney to move forward:
  - Applicability of moratorium
  - Scope of general plan/ other study
  - Appointment of sub-committee to work with City Attorney and Community Development Director
  - City Council adopted priorities and work plan
    - Public engagement efforts
    - Available staff and consulting resources
- Alternatives to a moratorium, if any



# BACKGROUND





## APPLICABLE LAWS

- General Plan Consistency:
  - Under State law, zoning ordinance must be consistent with General Plan and Specific Plan.
  
- Housing Element law:
  - State law requires each City to designate adequate sites to accommodate the development of new housing to satisfy projected population growth, i.e. the City's share of the Regional Housing Needs Allocation (RHNA)
  - If the City reduces density of sites designated on the housing inventory, it must designate additional replacement sites to accommodate its RHNA share.
  
- Development Moratorium:
  - State law prescribes process for imposing moratorium.
  - Moratoriums are used when City anticipates a major shift in development policy that could be impacted by pending development



## MENLO PARK'S PLANNING EFFORTS

- El Camino Real Downtown Specific Plan, adopted June 2012, updated in 2014
- Housing Element (2015-2023), certified by HCD on April 16, 2014
- ConnectMenlo General Plan update, adopted November 2016
- Zoning code, amended December 2016



# MORATORIUM LAWS AND PROCEDURES

# WHAT IS A MORATORIUM ON DEVELOPMENT?



- Exercise of police powers to temporarily suspend development approvals
  - Temporary measure to prohibit uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal City is considering or studying or intends to study within a reasonable time
  - Exception to normal zoning process.
    - Planning Commission does not make recommendation
    - Public process not as extensive
- Required findings for a moratorium ordinance:
  - There is a current and immediate threat to public health, safety or welfare; and
  - Approval of additional projects would result in threat to public health, safety or welfare



## ADDITIONAL FINDINGS FOR HOUSING PROJECTS



- Continued approval of multifamily housing project would have a specific, adverse impact upon the public health or safety
  - "Specific, adverse impact" = significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on date ordinance adopted.
- Moratorium is necessary to mitigate or avoid the specific, adverse impact
- No feasible alternative to satisfactorily mitigate or avoid specific, adverse impact with a less burdensome effect, other than the adoption of the moratorium



# MORATORIUM PROCEDURES

**Urgency measure  
(no public notice)**



**45 day moratorium**



**May extend for up to 10  
months and 15 days**



**May extend for up to one  
additional year**

**Non-urgency measure  
(following public notice)**



**45 day moratorium**



**May extend for up to 22  
months and 15 day**



## ADDITIONAL MORATORIUM PROCEDURES



- Original moratorium and each extension requires 4/5 vote of City Council
- Takes effect immediately
- May be adopted at regular or special meeting
- City Council must issue written report describing measures taken to address moratorium conditions (10 days before expiration of each period)
- Ordinance may not prohibit submittal or processing of permits
- Projects subject to Development Agreement or which have building permits exempt
- May not exceed two years total



# COUNCILMEMBERS' REQUEST

# COUNCILMEMBERS' REQUEST TO IMPOSE A MORATORIUM



## Purpose of action:

- Ensure City's general plan and El Camino Real and downtown specific plan reflect current community values
- Consider additional locations/opportunities for more housing.
- In District 1, study unintended consequences of development, such as housing displacement and strain on infrastructure

## COUNCILMEMBERS' REQUEST TO IMPOSE A MORATORIUM (CONT.)



### Councilmembers' proposed action:

- Temporarily suspend **Citywide**:
  - All new non-residential construction (including hotels)
  - Any increased FAR for existing non-residential construction (including hotels)
- Temporarily suspend in **District 1**:
  - All new residential construction on developments containing over 100 units
  - Any increased FAR for existing residential developments containing over 100 units



## COUNCILMEMBERS' REQUEST TO IMPOSE A MORATORIUM (CONT.)



### Councilmembers' suggested moratorium findings:

- To analyze the jobs/housing imbalance by district
- Review zoning and how/where additional housing can be encouraged
- Analyze development caps and the remaining allowable net new development
- Analyze development revenues and expenditures
- Analyze impacts of development by type of development

**State law requires the following findings:** There is a current and immediate threat to public health, safety, or welfare; and that approval of additional projects would result in threat to public health, safety, or welfare

## COUNCILMEMBERS' REQUEST TO IMPOSE A MORATORIUM (CONT.)



### Councilmembers' suggested special housing findings:

- Unprecedented development and influx of traffic
- Sensitive population
  - Lack of affordable housing causing displacement, especially vulnerable seniors
  - Lack of local quality education
- Location in middle of major roadways with environmental and physical impacts, such as: air quality, traffic gridlock, flood zone
- Historical under-investment of infrastructure

## ADDITIONAL FINDINGS FOR HOUSING PROJECTS



### **State required findings for multifamily housing moratorium:**

- Continued approval of multifamily housing project would have a specific, adverse impact upon the public health or safety
  - "Specific, adverse impact" = significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on date ordinance adopted.
- Moratorium is necessary to mitigate or avoid the specific, adverse impact
- No feasible alternative to satisfactorily mitigate or avoid specific, adverse impact with a less burdensome effect, other than the adoption of the moratorium



# DIRECTION TO CITY ATTORNEY



## DIRECTION TO CITY ATTORNEY:

- Whether to draft moratorium ordinance?
- If so, scope of moratorium?
- Should certain projects be exempt, such as: pipeline, affordable housing, retail, mixed use, public projects?
- Should moratorium cover gross square footage or net new square footage?
- Scope of general plan/ other study
- Appointment of sub-committee to work with City Attorney and Community Development Director
- Agendize moratorium meeting – regular or special meeting
- City Council adopted priorities and work plan
- Alternatives to moratorium, if any?





# CONCLUSION