



NOTICE OF SPECIAL MEETING MILLBRAE CITY COUNCIL

MINUTES
January 23, 2019

CALL TO ORDER MILLBRAE CITY COUNCIL

Mayor Lee called the meeting to order at 7:03 p.m.

ROLL CALL: Mayor Wayne J. Lee, Vice Mayor Reuben D. Holober, Councilmembers Ann Schneider, Anne Oliva, and Gina Papan.

PLEDGE OF ALLEGIANCE TO THE U.S. FLAG

CONSENT CALENDAR

1. Approve, by Motion, a Fee Waiver and Street Closure for the Lunar New Year Event on March 2, 2019

Upon a motion/second by Holober/Papan Item 1 passed unanimously.

EXISTING BUSINESS

2. Millbrae Serra Station Project (TOD # 1) Study Session

Mayor Lee explained that this is a study session and no action will be taken. Developers and staff will take comments from the City Council.

City Manager Williams said that the objective of tonight's meeting is to inform the Council of the status of the project and obtain feedback on the design elements as we evolve this project into its final design in preparation for future public hearings. We are not looking to resolve any issues this evening. We are not asking the Council for resolution on any of these outstanding items. This is truly just a workshop to share information.

Interim Community Development Director Misner presented the report.

City Manager Williams said that there are additional materials for the City Council in the purple folders on the dais. There are four items in the folders: Millbrae Municipal Code on zoning, the Land Use Policies from the Millbrae Station Area Specific Plan (MSASP), a letter of opposition, and a presentation.

Council stated that this went to the Planning Commission and came back to the City Council with eleven unresolved issues. Did it go back to the Planning Commission after that? Has this come with the Planning Commission's approval? Why isn't this a joint study session with the Planning Commission? Does the Planning Commission have consensus?

Staff answered that this item did not go back to the Planning Commission. The item went to the Planning Commission in November and again on December 3rd. The Planning Commission asked the developer to continue with community outreach. This is not a joint study session because the Planning Commission is

satisfied and does not need another study session. They previously gave their input and exhausted their comments. The Planning Commission did not reach a decision, but they had comments about the signage, retail treatments, and access to the site. They do not have any formal recommendation to the City Council. There are still some things that need to be resolved such as the 45 degree setback and community input prior to the item moving forward to public hearings.

Regarding live work units, Council asked the developer to explain the concept, is there signage that says open for business, is there an example where it exists, and for mix uses here are they counted as residential or office? The developer responded for the live work units, you could live there and work there. Potentially there could be signage. These units exist in Millbrae by the Millbrae Pancake House. It is an old idea, but one that urbanists are using more and more now. It would be counted as residential, but can be used as both residential and office space.

Regarding the sidewalk on California Avenue, Council asked if the building overhangs into the street and sidewalk, and what is the clearance? The developer responded that the path is not covered and the clearance is 25 feet.

Regarding Serra Alley, Council asked if a wind study was completed for comfortable outside space and for the balconies. The developer responded that there will be a tree buffer. The trees will diffuse the wind.

Council voiced concern over privacy for residents and whether people walking by will be looking into someone's home. The developer responded that the units are looking out onto the sidewalk. So there is privacy for someone walking by.

Council asked why Serra has to be two way. The developer answered that it is a Fire Department requirement. Also, due to the seven unrelated properties on El Camino Real, it must remain two ways.

Council asked will there be a drop off area. The developer answered there are two designated drop off areas.

Council asked for clarification on the alignment of California Drive to connect with the developers on-site re-alignment of California Drive. The developer said it is not their property and they will not be able to do anything beyond Linden because they don't own it. Assistant City Attorney Conneran said traffic mitigation fees are intended to pay for that work. The developer further stated he would be willing to work with the City on the off-site connection.

Council expressed concern that the pedestrian crossing at California Drive and Linden Avenue is very busy and they want to see some additional traffic calming. Staff indicated they will look into traffic calming at this intersection.

Council said the art work in front of the R1 building needs improvement and a large installation of public art. Council directed the developer to appear before the Arts Commission and get their advice.

Council asked the developer to explain how the glass on the buildings are bird proof. The developer said that the birds can see the stripes in the windows and that the glazing is designed to be bird proof. It is also an environmental solar responsive glass.

Council indicated they like the office building design fit with the architecture of the BART Station.

Council asked if signage will include wayfinding to parking and the civic center. The developer said yes, if there is a request from the City, they will do that.

For the media wall, Council asked will it be a fixed image or rotate between images. The developer said they are movies. They can be changed. It can be run as a scene. An artist would come up with what is appropriate for Millbrae.

Begin public comment.

Samar Noueddiuie, Millbrae resident, asks that the developer respect the sovereignty of our street (Hemlock Avenue) and that balconies facing our neighborhood be removed up to the sixth floor.

Rob DuCote, Millbrae resident, said that two key areas do not meet design requirements: the 45 degree setback and the balconies facing the neighborhood. He asks the City for mitigation.

Christina DuCote, Millbrae resident, said that the developer does not want to cooperate with the neighbor requests. It is not fair. We stand united as a neighborhood. Please hear our voices.

Laura Cannon, Millbrae resident, said they were promised that a building permit would not be given until they were satisfied. The design is not compliant. Please require the 45 degree setback.

Constancio Rodriguez, Millbrae resident, said that the 45 degree setback and the balconies are the two problems with this project. He asked that the developer be made to comply.

End public comment.

Council asked the public what their main issues are with the balconies. The public responded that they don't want people to hang out on their balconies, make noise, and it was a privacy issue.

The developer said there was consensus that if they remove the balconies on the first six floors facing Hemlock that would satisfy majority of the neighbors. Two Saturdays ago there was a meeting and some people never realized that the R1 building has balconies. This became an issue two weeks ago. We are sixty feet away. There are balconies all over Millbrae that look out onto people's yards.

Council said they wanted to see the video that the neighborhood saw.

At 10:07 pm Council took a ten minute break to download the video. The meeting was back in session at 10:17 pm.

The video to simulate 500 Hemlock was shown.

Council agreed to end the Council meeting at 11:00 pm or sooner.

Regarding the 45 degree setback, Council stated when the project was approved in April, consensus from the City Council was to require the 45 degree setback in the R2 building. Page 56 shows it is not in

compliance. And a question was asked as to why the project was not in compliance with the 45 degree setback as required. Why is that?

The developer said when the R2 building was presented it was a straight wall. This passed. The planner was Ms. Di Iorio. We specifically asked, we have a single family home across the street on Hemlock, does that apply? She said no that does not apply. We asked how is this building going to work? Ms. Di Iorio said this falls under the 10% adjustment I can make as Planning Director. Then the City changed planners. Ms Meunier comes in and says this is a design criteria and this cannot happen. State legislature passes in 2016, the right to a waiver. We submitted to the City when design review came up, because we have 5% affordable housing, under California law as of 2016 we are entitled to one design waiver. We asked to have that waiver applied. We were told no you can't make the application unless you go back and start all over again because that would be double dipping. There is no criteria in the State statute that prevents our asking for the waiver. There is nothing in the City ordinance that is applicable because the ordinance was in 2015 that was passed that applies to this. But we were denied by the City Attorney to be able to go forward without risking the entire project. I did not want to get into litigation with the City. The Planner decided on her own, I didn't write this language into the Development Agreement (DA). The DA says that we can go to the sixth floor with the plan that we submitted in January 2017. If we want to go all the way up, the way we originally submitted it, we have to get a change of zoning for the lot at 500 Hemlock. It was clear that the Council did not want to do that. So we stayed with the fifth floor setback with the understanding that that's what it was. The ordinance which confirmed the DA passed, has run the statutory period, and as far as I am concerned is the law. And it trumps the change that the Council made by passing the DA. That's my stand here. I'm not changing anything. I'm trying to meet the neighborhood's needs.

Assistant City Attorney Conneran said he would direct us to Section 2.2 of the DA which clearly states the design presented does not meet the specific plan. It didn't need to come back and get amended. It was crafted to allow the developer to either (and it says both) get a change to the zoning of the DuCote property or to get an amendment to the specific plan. So it was very clear the design didn't meet those requirements and the idea was that we didn't want to create a new DA. But it was also very clear that the design presented didn't meet the standards.

Council said the 45 degree setback is required unless it is worked out to the satisfaction of the Hemlock neighborhood. Balconies are not a right, but an option for the City to allow. A variance to the 45 degree setback is a huge benefit to the developer. Council also voiced concern about the live work space because it will be hard to evict a business from a live work space. The residential building needs more work. It is monolithic, a non-descript residential building.

ADJOURN CITY COUNCIL

There being no further business to discuss, the City Council adjourned at 10:38 p.m.

The video recording of the meeting is available on the Millbrae Community Television Youtube website. You can click on the link below to view the recording of the entire meeting.
<https://www.youtube.com/watch?v=KXI4W6n9XoM>

/s/
Elena Suazo
City Clerk

/s/
Wayne J. Lee
Mayor