MEMORANDUM
Date: 3/23/2017
To: Honorable Mayor and City Council
From: William L. McClure & Leigh F. Prince
Re: Menlo Park Fire Protection District -- Fire Station 77 on Chilco Street

Questions have arisen regarding the Menlo Park Fire Protection District ("District") plans regarding Station 77 on Chilco Street and what action, if any, can be taken by the City of Menlo Park at this time or may be required in the future.

The District has developed a conceptual design to replace Station 77 that includes three drive through apparatus bays each deep enough to accommodate the District’s longest pieces of apparatus, dorm space with beds for no less than eight personnel, office, living and storage space, along with the replacement of the existing backup generator and fuel tanks, parking and site access (the “proposed project”). As currently designed, the proposed project would require the acquisition of three residential properties—1457 Chilco Street, 321 Terminal Avenue and 351 Terminal Avenue. It would also require the Fire District to purchase the property it currently leases from the City of Menlo Park. Finally, the Fire District would need a number of legislative and adjudicatory approvals from the City of Menlo Park to complete the proposed project.

With respect to acquiring private property, as a local public agency, the Fire District has the power of eminent domain. The exercise of such power does not require any approvals from the City of Menlo Park. Prior to acquiring private property, a public agency needs to identify the public purpose and use for the property. Because acquisition of property is a "project" within the meaning of the California Environmental Quality Act, an agency must complete environmental review prior to the acquisition. The District hired FirstCarbon Solutions to prepare an Initial Study/Mitigated Negative Declaration (collectively, the "MND") for the proposed project. The action taken by the Fire District at the March 21st meeting was the adoption of the MND, but did not commit the Fire District to the project as proposed.

It is not certain that the Fire District will apply for the project as proposed. At the meeting, the Fire District’s proposed project was met with significant community opposition, especially from the Belle Haven Community. The Fire District indicated that the steps it has taken so far are only preliminary and the community’s comments will be taken into consideration as they move forward. When the Fire District is ready to move forward, it will need to submit a project application to the City of Menlo Park.

Specifically, the project as proposed would require City Council approval for a General Plan Amendment and Zoning Map Amendment to change the zoning from residential R-1-U to public facility P-F. These are legislative acts that require a significant public process, including noticed public hearings and a recommendation by the Planning Commission prior to any decision by the City Council. The proposed project also requires a conditional use permit which is a quasi-judicial proceeding in
which the Planning Commission must give due regard to the nature and condition of all adjacent uses, establish necessary conditions, and make findings based on the potential impacts on neighboring properties. The proposed project would also require the City Council to agree to the sale to the Fire District of the City owned property currently leased to the Fire District, which is in the discretion of the City Council to approve or deny. Finally, the proposed project would require architectural review, a lot merger to merge the City owned parcel with one or more of the other parcels that would comprise the proposed project, and heritage tree removal permit. Thus, there is no action to be taken by Menlo Park at this time, but there will be significant public process prior to approval of any project and there is no certainty that the project as conceived by the Fire District will be approved by the City.