

Special Meeting
June 9, 2003

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The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:30 p.m.

PRESENT: Beecham, Burch, Freeman arrived at 5:35 p.m., Kishimoto, Kleinberg, Lytle arrived at 5:35 p.m., Morton, Mossar, Ojakian

CLOSED SESSION

1. Public Employee Performance Evaluation
Subject: City Manager, Frank Benest; City Attorney, Ariel Calonne;
City Auditor, Sharon Erickson; and City Clerk, Donna Rogers
Authority: Government Code section 54957

The City Council met in Closed Session to discuss matters involving public employee performance evaluation as described in Agenda Item No. 1.

Mayor Mossar announced that no reportable action was taken on Agenda Item No. 1.

ADJOURNMENT: The meeting adjourned at 7:02 p.m.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:05 p.m.

PRESENT: Beecham, Burch, Freeman, Kishimoto, Kleinberg, Lytle, Morton, Mossar, Ojakian

ORAL COMMUNICATIONS

Jim Dinkey, 3380 Cork Oak Way, spoke regarding speed bumps.

Tony Spitaleri, spoke regarding Fire Department service cuts.

Leland Taylor, 2629 Whitetail Court, spoke regarding Fire Department service cuts.

Catherine Capriles, 112 Beacon Street, Mountain View, spoke regarding Fire Department service cuts.

Susan Minshall, spoke regarding Fire Department service cuts.

Nelson Hilger, spoke regarding Fire Department service cuts.

Aaron Aguilar, Palo Alto Firefighter, 633 Silver Avenue, Half Moon Bay, spoke regarding Fire Department service cuts.

Ed Power, 2254 Dartmouth Street, spoke regarding good government.

Mayor Mossar noted a request from staff to continue Item No. 12 to the June 23, 2003, City Council meeting.

MOTION: Council Member Morton moved, seconded by Burch, at the request of staff, that Item No. 12 be continued to the June 23, 2003, regular City Council meeting.

MOTION PASSED 9-0.

APPROVAL OF MINUTES

Mayor Mossar announced that City Clerk Donna Rogers requested the April 21, 2003, Council minutes be removed from the agenda.

CONSENT CALENDAR

Vice Mayor Beecham registered a "no" vote on Item No. 6.

MOTION: Council Member Morton moved, seconded by Ojakian, to approve Consent Calendar Item Nos. 1-10.

LEGISLATIVE

1. Resolution 8296 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Curt Shepord Upon His Retirement"
2. Resolution 8297 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Paige Shepord Upon Her Retirement"
3. Resolution 8298 entitled "Resolution of the Council of the City of Palo Alto Calling Its General Municipal Election of Council Members, Requesting the Services of the Registrar of Voters, and Ordering the Consolidation of Said Election"
4. Approval of Resolutions Amending Local 1319, International Association of Fire Fighters Memorandum of Agreement and Compensation Plan to Provide a Firefighter Leave Sharing Program

Resolution 8299 entitled "Resolution of the Council of the City of Palo Alto Amending Section 1501 of the Merit System Rules and Regulations Regarding the Memorandum of Agreement Between the City of Palo Alto and Local 1319, International Association of Fire Fighters, to Add a Firefighter Leave Sharing Program"

Resolution 8300 entitled "Resolution of the Council of the City of Palo Alto Amending the Compensation Plan for Fire Department Personnel (Local 1319, International Association of Fire Fighters) Adopted by Resolution No. 8030, and Amended by Resolution Nos. 8243 and 8252, to Add a Firefighter Leave Sharing Program"

5. Resolution 8301 entitled "Resolution of the Council of the City of Palo Alto Directing Enhanced Efforts to Assure the Protection of Civil Liberties that are Threatened by the U.S. A. Patriot Act"
6. Resolution 8302 entitled "Resolution of the Council of the City of Palo Alto In Support of a Moratorium on the Death Penalty in California"

ADMINISTRATIVE

7. 650 Waverley Street: Recommendation From the Historic Resources Board at the Request of the Owner, Roger McCarthy, to Designate a

Residential Building to the City of Palo Alto's Historic Inventory in Category 2 Pursuant to Municipal Code Chapter 16.49 (Historic Preservation Ordinance)

8. Rejection of Bids Received on January 7, 2003, for Substructure, Electric Cable and Equipment Installation for Underground Utility District No. 38 (High Street, Cowper Avenue, Oregon Expressway, Colorado Avenue)
9. Contract Between the City of Palo Alto and Trinet Construction Inc. in the Amount of \$205,000 for Page Mill, Arastradero, and Lytton Station Pressure Regulating Valve Replacements Maintenance Project, CIPs 30707 and 30533
10. Contract Between the City of Palo Alto and West Valley Construction Company in the Amount of \$1,983,008 for Water Main Replacement Project 16, CIP Project 33331

MOTION PASSED 9-0 for Item Nos. 1-5 and 7-10.

MOTION PASSED 8-1 for Item No. 6, Beecham "no"

PUBLIC HEARINGS

11. Public Hearing: Assessments for California Avenue District Parking Bonds Plan G - Fiscal Year 2003-04

MOTION: Council Member Ojakian moved, seconded by Burch, to approve the staff recommendation to adopt the resolutions confirming the Engineer's Report and Assessment Roll for:

- California Avenue District, Project No. 86-01
- California Avenue District, Project No. 92-13

Resolution 8303 entitled "A Resolution of the Council of the City of Palo Alto Confirming Engineer's Report and Assessment Roll California Avenue Parking Project No. 92-13 (For Fiscal Year 2003-04)"

Resolution 8304 entitled "A Resolution of the Council of the City of Palo Alto Confirming Engineer's Report and Assessment Roll California Avenue Keystone Lot Parking Project No. 86-01 (For Fiscal Year 2003-2004)"

MOTION PASSED 9-0.

ORDINANCES AND RESOLUTIONS

12. Adoption of a Park Improvement Ordinance for Construction of School Use Improvements of Tennis Courts, Paths and Driveway Areas, and Use of Terman Park Athletic Fields and Tennis Courts Associated with the Palo Alto Unified School District (PAUSD) School Re-Opening

~~Ordinance of the Council of the City of Palo Alto Approving and Adopting a Plan for Improvements to Terman Park~~

Item continued to the June 23, 2003, regular City Council meeting.



13. Approval of a Budget Amendment Ordinance for the Seismic Retrofit of the Sand Hill Road Bridge (Capital Improvement Program Project 10018) in the Amount of \$2,494 to Accept and Expend State Grant Funding and Authorization for the City Manager to Approve and Manage the Program Supplement to the Master Agreement Between the State of California and the City of Palo Alto

Mayor Mossar stated she would not participate in the item due to a conflict of interest because her husband was employed by Stanford University.

Council Member Kleinberg stated she would not participate in the item due to a potential conflict of interest because her husband's former law firm represented Stanford in land use matters.

MOTION: Council Member Burch moved, seconded by Morton, to approve the staff recommendation as follows:

1. Approve a Budget Amendment Ordinance (BAO) in the amount of \$2,494 to accept and expend State grant monies (Attachment A of CMR:286:03) for the Sand Hill Road Bridge Seismic Retrofit Project, Capital Improvement (CIP) 10018; and
2. Authorize the City Manager to execute the Program Supplement to the Master Agreement between the City of Palo Alto and Caltrans for the Sand Hill Road Bridge Seismic Retrofit Project, CIP 10018 (Attachment D).

Ordinance 4792 entitled "Ordinance of the Council of the City of Palo Alto Amending the Budget for Fiscal Year 2002-03 to Provide an Additional Appropriation of \$2,494 for State Bridge Seismic Retrofit Grant Funding for the Sand Hill Road Bridge CIP 10018"

Council Member Lytle said she did not support the project because it was a \$2,500 investment that had not yet been approved by Council. She understood it was a two-bridge proposal designed by Stanford University. There was an approval process with Menlo Park, with Palo Alto as a commenting agency in the approval and a mitigation-monitoring plan that identified cultural, rare and endangered species issues in the bridge design

Council Member Freeman asked what the ramifications were of having two bridges on the San Francisquito Creek and why the project was not brought forward when the possibilities of the Joint Powers Authority (JPA) was discussed.

Council Member Beecham asked if it Council Member Freeman's questions were in light of the staff report indicating that State of California Department of Transportation (Caltrans) had submitted funding in the amount of \$85,000.

Council Member Freeman said she still wanted to know about the double bridge on the San Francisquito Creek flow and flooding situation.

Public Works Director Glenn Roberts said it was a simple project to add two restrainers to the existing bridge to prevent it from falling off its foundation in the event of an earthquake. Cable restrainer straps would be installed, funded by the Caltrans in the amount of \$85,000. That was separate and independent of anything that was done on the Stanford West, Sand Hill road-widening project. A second bridge would be build next to the existing bridge. Both bridges would not impose any capacity constraints. Staff was involved in preliminary review and discussion with Menlo Park as the lead agency for the project. He urged Council to approve the Budget Amendment Ordinance (BAO) to fully fund the health and safety related issue for earthquake protection.

Council Member Morton asked if the project was strictly seismic retrofit and if the City's share was \$2,500.

Mr. Roberts said the action at that evening's meeting was to correct a budgetary item where the City budgeted \$83,000 but was given \$85,000 by Caltrans. The City needed to increase their budget limit to accept the total amount given by Caltrans and if that were not done it would go back to Caltrans.

Council Member Morton clarified it was not CIP funds but utilizing the full Caltrans grant.

Mr. Roberts said that was correct.

Council Member Beecham said he understood the seismic retrofit project was being done on a bridge that would not be changed in the Sand Hill Road process.

Mr. Roberts said that was correct; it was a stand-alone project.

Council Member Beecham said the BAO required six positive votes.

MOTION PASSED 6-1, Lytle "no."

RECESS: 7:52 p.m. to 7:57 p.m.

REPORTS OF OFFICIALS

14. Reconsideration of City Clerk's Report on Sufficiency of referendum Petitions Regarding Ordinance No. 4779 - Amending Section 18.08.040 of the Palo Alto Municipal Code (The Zoning Map) to Change the Classification of Property Known as 800 High Street From CD-S(P) to PC Planned Community and Approving a Variance from a Height Requirement

Larry Hassett, owner of Palo Alto Hardware, 875 Alma Street, said his store would close if zoning for 800 High Street were upheld and it would be due to lack of sensitivity to adjacent business owners and the Council's decision. The store closure would have the following impact: loss of 30 jobs, all but three held by Palo Alto residents; loss of over \$4,000,000 in sales per year and \$400,000 in sales tax revenue per year; a traffic impact due to customers having to drive to big box retailers; and loss of support to non-profits, schools, and community programs.

Brian Davis, 443 Tennessee Lane, asked Council not to put the 800 High Street Ordinance on the November ballot prior to making a decision on the SOFA 2 Coordinated Area Plan (CAP). He said it would be contrary to an amendment Council passed on March 31, 2003, that directed staff to return to Council, preferably at the April 14, 2003; meeting, a timeline that would enable the discussion of SOFA 2 so a decision could be made by August of 2003.

Bob Moss, 4010 Orme Street, recommended Council rescind the Ordinance. He said the approved 800 High Street project was excessive and inappropriate. The Planned Community (PC) zoning pretended to be transit-oriented but only offered parking spaces. A transit-oriented project required fewer, not more parking spaces. It was completely incompatible with the neighborhood and it offered no real benefits to the Community only detriment.

Dorothy Bender, Military Way, asked if Council wanted to be remembered as the City Council that was responsible for taking the heart out of a historic district by causing the elimination of the few remaining local-serving retail businesses in Palo Alto.

Doug Ross, 909 Alma Street, said he had been with the project for 17 months. The SOFA 2 CAP encouraged 140 units of housing but felt that part of the town could not carry 140 units since it was already significantly developed. He noted after several years of SOFA 2 deliberations, the Working Group met with staff and scrapped the Working Group Plan and retained the Commercial Downtown District Service (CDS) zone. In view of the referendum, he noted people were encouraged to vote on whether the City wanted the project or not. He encouraged putting the project on the ballot so citizens could decide.

Mike Alexander, speaking as Chairman of the Mid-Peninsula Action for Tomorrow (MPACT) Committee, 710 LaPara Avenue, said MPACT endorsed the 800 High Street Referendum. MPACT would work to educate the voters about the flaws on Ordinance No. 4779. When voters understood the way the project manipulated the Comprehensive Plan (Comp Plan) in providing benefit to the developer and dubious benefit to the public, they would share concerns and defeat the project. MPACT asked Council to rescind the Ordinance.

Tom Jordan, 474 Churchill Avenue, requested Council complete the Working Group Plan then, either place the 800 High Street project on the ballot or rescind it.

Council Member Burch asked Mr. Jordan how he read the fact that there were 13 of the 15 members of the Working Group present at the meeting voted 9-for, and 2-against, and 2-abstaining to go back to the CSD zoning.

Mr. Jordan said reopening the Working Group Plan was disturbing. He did not understand why the Planning Department permitted it to be reopened.

Curtis Peterson, 909 Alma Street, said housing was one of the Top 5 Priorities. A very vocal minority group looked for every possible way to stop housing projects. He felt the 800 High Street project would bring housing opportunities, vitality, and would make the City a better place. He urged Council to put the project on the November ballot.

Joy Ogawa, said project revisions for 800 High Street, as recommended by the Architectural Review Board (ARB) were approved by the Planning Director on March 11, 2003. On March 17, she had filed a timely appeal of the approval. The Palo Alto Municipal Code (PAMC) stated "The City Clerk

shall place the appeal on the City Council's Agenda for a regular meeting no later than the thirty-first working day after receipt of the appeal." That day was April 29, 2003, and the appeal had not yet been placed on the agenda, making it a violation of the PAMC. Her appeal focused on the Below-Market-Rate (BMR) program not contributing to current affordable housing needs. She wanted to know when her appeal would be heard.

Elaine Meyer, 609 Kingsley Avenue, spoke regarding her disagreement of Council approving the 800 High Street project. She asked that the SOFA 2 CAP be completed first before deciding on the 800 High Project going to a vote.

Edie Keating, 3553 Alma Street #5, did not support the project. Doubling density was a large change from the existing zoning. She expected to see more than a 15 percent BMR component in the PC, and the stride should be toward affordable housing. She also addressed the proposed parking and felt that two spaces per unit should be reduced to one since the project was close to transit.

Janet Dafoe, 433 Kingsley Avenue, said on March 31, 2003, the Council had voted on a timeline established to complete the SOFA 2 CAP before deciding on 800 High Street, which was to be accomplished by August 2003. A July 19, 2003, meeting was planned to deal with SOFA, which was cancelled. She urged Council to determine the SOFA 2 plan first as promised. Her neighborhood was in total support of housing. She questioned how much housing, how dense the project should be, what scale it should be, and what share of Palo Alto housing needed to be built in the project. She urged Council to keep their promise and abide by good process and honor the neighborhood by planning the neighborhood first without deciding on one large development out of context.

Mayor Mossar asked City Attorney Calonne for a response to Ms. Ogawa's question.

City Attorney Ariel Calonne said once the petitions were turned in and the Clerk certified the Referendum, the Ordinance was suspended and there was nothing to appeal. Should the measure be approved by the voters, likewise, there was nothing to be appealed.

Mayor Mossar clarified the United States Constitution guaranteed the Mayor the freedom of speech to comment that it looked as though SOFA 2 was dead. The Constitution also guarantees the newspapers the right to write the articles they wrote. They were separate and independent acts. She did not vote on SOFA 2 and the remainder of her colleagues did vote on SOFA 2 and could make that determination. The current Council voted unanimously

to put this action on the agenda and, therefore, it was returned to the Council as a unanimous Council action.

Council Member Morton said due to how the boundaries were defined, he could not vote on SOFA 2, but could vote on the 800 High Street project. Currently it was difficult to find funding for affordable housing. He voted for the project because something would be built there and many of the PC's passed had modest benefits. Putting the Referendum on the November ballot would allow the community to decide whether or not they wanted denser housing in that area and if the available parking would be a sufficient benefit for them to approve housing there.

MOTION: Council Member Morton moved, seconded by Ojakian, to direct the City Clerk to place the Referendum on the ballot of a Special Election to be held at the time of the November 4, 2003 Election.

Council Member Ojakian clarified to direct the City Clerk to place the Referendum on the ballot in the timeframe of the November 4, 2003, election. He said this project offered affordable housing, parking, and no assessment district plan in the near future. The BMR project was being done under the assumption of getting more affordable housing in the future. The limits on the BMR program were raised to try to get more affordable units. The 800 High Street Project provided 17 to 18 percent of its numbers for BMR housing units. In a joint meeting with the ARB, not only did they comment about qualities of the building from a design standpoint, but also that it met the City's building standards. It was important that the project moved forward. Not only would it improve the area, but also the community would benefit from its amenities in an important way.

SUBSTITUTE MOTION: Council Member Kishimoto, seconded by Lytle, to repeal Ordinance No. 4779 and welcome a new project to return at an appropriate time.

Council Member Kishimoto said the reason for her motion was because she felt the project could be better. She believed the Council felt the same way because it was sent back to the referendum group and the developers to try and negotiate a compromise. By the nature of the referendum group, the group had little power for negotiating a project. Only the Council could negotiate and push for a better project. It would split the community if Council were to have them vote on a project that was less than optimal.

Council Member Lytle said the substitute motion was not her first choice of action. She would have preferred the SOFA recommendations go forward first. She addressed the three choices on the SOFA 2 Plan being forwarded to Council: (1) a proposal by property owners to keep zoning with minimal

modifications; (2) a Working Group proposal that was voted on and became clouded; and (3) the Planning and Transportation Commission (PTC) recommendation. Proposals were referred back to the groups because the Council wanted to see a Coordinated Area Plan that required a working model of the area in context in terms of the scale and massing issues, which were big points in the referendum petition.

Council Member Freeman referred to the Council Meeting minutes of April 21, 2003, regarding a motion she had made, seconded by Kishimoto, asking staff to complete the SOFA 2 CAP prior to August 2003. The motion had passed. She asked why the motion was not being addressed.

Mayor Mossar clarified what was on the agenda was whether or not to place the Ordinance on the Ballot.

Council Member Freeman asked if the vote should be taken prior to talking about SOFA 2.

Mayor Mossar said the Council could reaffirm that action at that evening's meeting. It was reagendaized by a majority vote of the Council to be brought back for discussion and voted on.

Council Member Burch hoped the project would be placed on the ballot to let the Palo Alto citizens decide what they wanted to see happen at that location. He would vote against the substitute motion and vote for the main motion.

Council Member Beecham opposed the substitute motion. He said each of his colleagues voted for 61 housing units and two levels of parking; now some Council Members were opposing. At the end of March, on a 5 -4 vote, he voted to support staff returning with a program for the SOFA 2 CAP to go along with the process of having the developer and the community work together to find a common ground. Unfortunately, there was not a common ground. There were discussions of a smaller project with one level of parking that was not received favorably by the community. If the project were rejected, a smaller project would not be acceptable. He believed the petitioners wanted to place the project on the ballot so it could be voted on.

Council Member Kleinberg would not support the substitute motion. She voted previously to honor the SOFA 2 process and waited to hear what the SOFA 2 CAP was before voting on the 800 High Street Project. She was disappointed to hear the SOFA 2 process was in trouble. Citizens had signed the petition because they wanted to vote. Her reason for not supporting the substitute motion was because it did not honor the referendum process.

Mayor Mossar said the substitute motion was to rescind the Ordinance.

Council Member Freeman said she wanted to amend the motion to continue discussion until after review of staff's SOFA 2 CAP decision, which had been directed to return prior to August 2003.

Mayor Mossar asked if it was an amendment to a motion to rescind the Ordinance.

Mr. Calonne said it was inconsistent with the substitute motion.

Council Member Freeman said it was to continue the substitute motion to a later date until after the Council had done what they had agreed to do.

Mayor Mossar felt it was a new motion.

Mr. Calonne said it was in order if the motion was to continue consideration of the repeal to August.

The motion that he was speaking to was to proceed with the former decision to complete the SOFA 2 CAP, which was inconsistent with the substitute motion to repeal.

SUBSTITUTE MOTION FAILED 3-6, Freeman, Kishimoto, Lytle "yes".

SUBSTITUTE MOTION: Council Member Freeman moved, seconded by Lytle, to continue the discussion of the item until after review of staff's recommendation of the SOFA 2 CAP, which Council had already directed to return prior to August 2003.

Council Member Freeman said her motion also included that Council would follow the motion to review SOFA 2 CAP.

Mayor Mossar said she understood that a motion could be made to continue the discussion with nothing else associated with it.

Mr. Calonne said there was nothing to undo. The affect of the continuance was to leave it in place.

Council Member Freeman said before spending \$40,000 on a referendum she suggested that Council make a decision on what to do with SOFA 2.

Council Member Lytle felt it was a far better outcome to have a discussion after Council had a chance to have staff follow up on the adopted action to bring the SOFA 2 CAP back to Council.

Council Member Morton said a decision had to be made at that evening's meeting to either to repeal or allow the community to vote on the issue.

Mayor Mossar said her decision never changed. She felt the item should have been placed on the ballot when it was first brought to Council.

Council Member Freeman asked why the rush.

SUBSTITUTE MOTION FAILED 4-5 Freeman, Kleinberg, Kishimoto, Lytle "yes."

MOTION PASSED 8-1, Kishimoto "no".

Council Member Kishimoto said she supported the item going forward to a vote in principium and felt it would be a good debate. The reasons why she voted no on the item were because of the timing and the sequence of the issues on SOFA 2,

15. Charleston Road/Arastradero Road Corridor Plan Land Use Assumptions: Staff Request for Council Review and Direction

Director of Planning and Community Environment Steve Emslie gave a summary of the land use assumptions prepared as outlined in staff report (CMR:310:03). He said since Council had adopted the development moratorium on the Charleston Corridor, staff had prepared his team by being organized, instituting regular meetings, collecting data, and completion a transportation model that would aid in various scenarios to determine the outcome of traffic along the corridor. The land use assumptions were not to confer any entitlement, but to use as a planning tool.

Chief Planning Official Lisa Grote did a review of the Charleston-Arastradero Corridor Land Use Assumptions attached to staff report (CMR:310:03), which identified 25 sites that could undergo change. Single-family areas within the Corridor would not be changed. There were about 20 sites in the Corridor and 5 sites outside of Corridor that could potentially affect traffic.

Jean Wilcox, 4005 Sutherland Drive, spoke regarding speed tables being placed on Louis Road, between Adobe Creek and East Charleston Road that was included in the Charleston-Arastradero Road Traffic Study. She expressed concern about speed tables being temporary. She said when previous rubber cushions were installed, traffic traveling on Louis Road would turn right on Gayland Road and left on Grove to Charleston Road to avoid the rubber cushions. With 380 housing units proposed for the Sun Micro System site, much of the traffic would travel north on Louis Road to

East Meadow Road and west to Alma Road. There would be traffic changes to that section on Louis Road that needed to be studied and requested a full study of traffic impact be made in compliance with the Charleston-Arastradero Road Traffic Study.

Penny Ellison, 513 El Capitan Place, said she was glad to see the staff report covered the projects included in the study. The study would aid in development solutions to minimize impacts to South Palo Alto and the safety of Charleston School Corridor. She was concerned that it was currently two months into the six-month study portion of the nine-month moratorium and had not received a schedule of meeting dates for stakeholders. Without a schedule, meetings could not be planned in advance in order to get community feedback and the required forum for voting as quickly as the moratorium required. She asked Council to direct staff to provide a schedule of stakeholder meetings.

Myllicent Hamilton, 4014 Ben Lomond Drive, said hundreds of school children crossed and traveled along Charleston/Arastradero Roads. Traffic congestion was not a safe situation for children and it was important that traffic calming measures and meaningful mitigation took place. She suggested left-turn pockets be installed between Mumford Place and Middlefield Road to help calm traffic and make streets safer. The Green Meadow Community asked for a six-month trial to see if would work. It was recommended in the 2000 Charleston Traffic Management and Safety Study. She urged the Council to direct staff to try those changes on Charleston Road between Mumford Place and Middlefield Road.

Deborah Ju, 371 Whitlem Drive, said Chief Transportation Official Joe Kott assured her the study would pay particular attention to enhancing school commute safety on the Corridor. The potential development along the Corridor was staggering and could be more growth than the Corridor could absorb without significant and unacceptable degradation in traffic and safety that could not be mitigated. The study failed to address non-traffic impacts of the future growth such as school over-crowding, inadequate libraries, parks and playing fields. If those were not included in the study, she asked when and how non-traffic impacts would be studied.

Jay Hammer referred to page 2, item 5, of the Land Use Assumptions. He said that 45,000 square feet for a commercial/retail center at 3445 Alma Street was not an accurate figure and would get back to Council within a few days with the corrected figure.

Council Member Freeman asked where on the list was the yellow school located next to the new Terman School.

Ms. Grote said it was listed as the Children's International School. For several years, it was the Jewish Day School and the Children's International School was interested in occupying it.

Council Member Morton asked how land use assumptions could be made on the section between Alma Street and Middlefield Road on East Meadow Road, sites 14, 15 and 5, since it was not a contiguous area.

Ms. Grote said it was background traffic that would be accounted for in the traffic model. The moratorium applied to the blue sites on the map.

Council Member Morton clarified background traffic would include evaluation of traffic in that area.

Ms. Grote said it would be considered.

Council Member Morton asked staff to respond to the concerns of the community and asked when the schedule of stakeholders meetings would be available to the public.

Mr. Emslie said the schedule was just finalized and ready for distribution.

Council Member Morton asked if work was being done to come up with proposals on left-turn pocket areas and would it be possible to work with Mr. Kott to implement those during the study period. Would it provide information about the behavior and give some indication of whether one of the other goals could be met regarding the issue of school corridor safety.

Mr. Emslie said there was that possibility, but explained the left-turn pockets issue was a funding issue.

Council Member Morton asked whether it could be pursued if funding was found within the next 10 months.

Mr. Emslie said it would be pursued.

Council Member Morton asked if school corridor safety would be an important parameter in the current evaluation.

Mr. Emslie said it was the highest criteria.

Council Member Beecham needed clarification that any policies mentioned in the Comp Plan, as well as policies mentioned by the public, would be included in the study.

Mr. Emslie said that was correct.

Council Member Lytle said the Thresholds of significance were currently under review by Council as one of the Top 5 Priorities milestones. The Council would use the Thresholds of Significance to determine intersection capacity. Policy consideration had not been forwarded to Council. She asked if a decision could be made before going forward.

Mr. Emslie said all thresholds were being studied. The traffic impacts were separated out by the Planning and Transportation Commission (P&TC) knowing the Citywide Transportation Plan was going forward. It would be brought to Council prior to consideration of the Charleston Corridor.

Council Member Lytle asked if different thresholds would be reviewed during the study.

Mr. Emslie said different ranges would be provided such as vehicle, bicycle and pedestrian levels of service.

Council Member Lytle said the Comp Plan left issues of most changed areas unresolved. New zoning was to be applied to those areas according to the new policies that were developed. Currently, it had automobile-oriented zoning. They were heading in a different direction with the Comp Plan and the Zoning Ordinance Update than what was being assumed with the Charleston Corridor study. She suggested rather than taking the applicant's proposal, to actually develop some different density proposals that might anticipate the direction to go on the Comp Plan. Perhaps one would be to have mixed-use with less parking to get a better housing outcome that was not as automobile-oriented.

Mr. Emslie said the worst case scenarios were being presented by using the existing zoning. As models are developed, they would have the ability to run different scenarios and investigate impacts, review trip distribution patterns as to how they were changing from employment base to more residential base. Lower intensity scenarios could be run based on different development standards such as ride-sharing, with Transportation Demand Management (TDM), which had access to public transportation to determine traffic behavior.

Council Member Lytle asked if one disagreed that the assumptions were worst case scenarios when putting the old zoning aside and applied mixed-use designations or other designations that resulted in higher worst case numbers, what could Council do to encourage staff to come up with a range of Land Use Assumptions.

Mr. Emslie said if directed by Council, staff could develop those scenarios but would like to continue to use that data in order not to lose ground and start to discover some of the predictions. Work could be done to expand on those that exceeded the Assumptions that had been made.

Council Member Lytle said she would eventually like to make a motion to expand some of the Land Use Assumptions after hearing from other Council Members.

Council Member Burch noted the possibility of four train tracks coming through Charleston Road and Meadow Drive where grade separation would be required.

Mr. Emslie said they were looking at the scope of grade separation but primarily non-vehicular. Some analysis possibly could be done on vehicle grade separation. He had concerns that if analysis were only on this Corridor, it would have a deleterious impact on the traffic if Charleston Road were the only grade separation provided in Palo Alto for vehicle access. Concentration would be made on bicycle and pedestrian grade separations through the Caltrain Corridor. If the direction was to go to four tracks, you will be looking at more than one grade separation per major arterial.

Council Member Morton asked if consideration would be looked at for grade separation for pedestrians only at East Meadow Drive to increase safety.

Council Member Freeman asked where funds would be coming from if grade separations were required.

Mr. Emslie said often times with major upgrades there were right-of-way expenses that were allocated through the Transportation Agency. Federal and State funds become available, or matching grants are provided, to local jurisdictions. The Capital Improvement Program (CIP) did not include funds for the project and the upgrades depended heavily on outside funding sources.

Council Member Kishimoto said one goal was to look at potential cumulative growth of possible land use intensification and how it could be mitigated. Another was to get an overview of the capacity of the Corridor. What assumptions would they be working with should the traffic impact get much worse on Arastradero Road.

Mr. Emslie said the Citywide Transportation Model was a factor in more of the background growth. It took into account the background pattern of projections and where growth occurred and referred to as projects bearing down on the corridor. Growth in broader areas such as Stanford was part of

the models and projected an incremental growth based on what happened Citywide.

Council Member Kishimoto asked if a clear picture were developed of cumulative impacts and if different levels of mitigations were modeled, what would staff do when unavoidable impacts were found.

Mr. Emslie said there were no preconceived notions of the outcome. Not knowing the prediction could raise policy issues that fall into the realm of the Environmental Impact Report for the plan. Staff did not want to override significant, unavoidable impacts and would like to see traffic maintained at its current level.

Council Member Kishimoto asked what if staff found that the goal was not achievable.

Mr. Emslie said it would raise policy questions that would need to be discussed with the Planning and Transportation Commission (P&TC). Council would be advised of the questions and solutions.

Council Member Kishimoto asked if that would come at the end of the study.

Mr. Emslie said it would happen after checking back with the P&TC and Council. Getting a better idea of policy implications would be realized as soon as staff started running traffic assumptions.

Council Member Kishimoto said she would be interested in a motion to have the policy issue come back to Council.

Mayor Mossar asked for clarification that State law did not give the option of not building housing because traffic impacts could not be mitigated.

Mr. Emslie said State law established minimum land use and densities that were articulated in the Housing Element and would need to be honored based on that State law. The study would show where minimums were in the Housing Element compared to what the traffic impacts would be.

Council Member Kishimoto asked if part of the study was to propose and look at access and driveway issues.

Mr. Emslie said yes.

Council Member Kishimoto asked if the assumption was made for existing conditions at Alma Plaza regarding the 45,000 square feet.

Mr. Emslie said Mr. Hammer would report back on the issue and the goal would be to have an accurate development proposal considered. He said if numbers were understated, he would see they were corrected.

Council Member Kishimoto said the existing condition for the Sun Microsystem's site was 260,000 square feet of Research and Development (R&D) use. She asked since the site is currently vacant, would they be looking at the allowable traffic conditions should the building become occupied.

Mr. Emslie said since the building was zoned for R&D uses, that would be the baseline used.

Council Member Burch asked whether buildings were counted differently if occupied or unoccupied.

Mr. Emslie said the assumptions were for occupied buildings and were used to analyze the change in land use.

Council Member Burch asked if the figures were lowered on some of the retail buildings that currently were unoccupied.

Mr. Emslie said no. There was no discretion on whether they were fully occupied or not. They were counted as buildings.

Council Member Kishimoto said Palo Alto did not have a clear policy on how to calculate baseline and asked if the City Attorney had comments.

City Attorney Ariel Calonne said the most recent court decision suggested the process for establishing threshold be more formal and more evidence-based. The sooner the City established thresholds on whatever baselines it used the better. He referred to evidentiary requirements that took away the community's control over its look and feel and trying to put it into an equation form that was difficult to translate back into what people experienced.

Council Member Kishimoto said traffic thresholds and baseline issues of California Environmental Quality Act (CEQA) standards could be disturbing during the process.

Mr. Emslie said the Citywide Transportation Plan was based on current conditions. Actual traffic data was collected based on the current time. It provided more data to be able to recommend how the City's transportation system worked and operated at a much higher level than the current traditional level of service.

Council Member Kleinberg asked if it was possible to get the traffic analysis on certain projects of the study, as it progressed, or wait until the entire process was completed.

Mr. Emslie said the Ordinance provided a process by which parts could be exempted.

Council Member Kleinberg asked what the exemption process would be and would staff seek Council's direction to prioritize the projects.

Mr. Emslie said staff would like to work at a pace where they would be as efficient as possible and gain as many economies of scale by looking at it as a total picture.

Council Member Kleinberg asked when staff would be returning with interim results to allow projects to move along.

Mr. Emslie said a good estimate would be in early fall when Council returned from the break.

Council Member Morton said he was unsure of the meaning of the word exemption and asked for clarification. He asked as impacts became clearer in certain segments of the study, would it be possible for an applicant to request their project be moved forward to get an idea of what traffic impacts would be. He referred specifically to Alma Plaza.

Mr. Emslie said that was possible.

Council Member Kleinberg clarified she understood the word exemption meant exemption from the moratorium and not an exemption from the study.

Mr. Emslie said that was correct.

Mayor Mossar said a motion had not been made.

Council Member Ojakian asked for clarification on the Sun site with 260,000 square feet, which could be used again.

Mr. Emslie said that was correct.

Council Member Ojakian referred to the Alma Plaza site and asked what was meant by mid-range alternative model in the EIR for the Comp Plan.

Mr. Emslie said the EIR must analyze the project and the alternatives to the project as required by CEQA. The project description was mid-range and

part of the Comp Plan. Alternatives did not provide the force of the Comp Plan but provided for the purposes of the internal review.

Council Member Ojakian said the assumption showed fewer square feet for Alma Plaza in the mid-range of 20,000 square feet versus the 45,000 square feet

Mr. Emslie said that was modeled in the Comp Plan as the project proposed.

Council Member Ojakian asked how that factor was used in the overall Assumptions.

Mr. Emslie said it was used as an expression of how the Comp Plan and zoning was applied.

Council Member Ojakian asked why the number of students currently enrolled was used under existing conditions for the Terman Middle School site, as opposed to square footage for the other sites.

Mr. Emslie said the Palo Alto Unified School District (PAUSD) provided figures for all school populations. They were asked to give their best estimate of current enrollment in order to have the same baseline as the other uses with projections of their total capacity.

Council Member Ojakian said in looking at the site, the existing condition was the most recent use, which was the Jewish Community Center (JCC), which had a certain traffic level and patterns different from its future use.

Mr. Emslie said they would factor in terms of trip generation and the difference between a private school that drew from a larger area versus a community school that drew from the neighborhood.

Council Member Morton said the trip generation was different from the number of housing units. When referring to floor area coverage, it would be helpful to estimate the square footage. It was misleading to say the City was getting rid of 260,000 square feet of R&D but not aware of the amount of square feet of housing that would replace it.

Mr. Emslie said that clarification would not be a problem.

Council Member Freeman said she did not understand why the Terman Middle School was listed as if it were the JCC when, in fact, in September it would be a school.

Council Member Ojakian said those were the assumptions; to agree with staff looking at maximums for the site was correct. An important Assumption was to consider that Charleston Road was a significant school commute corridor. One of the outcomes of the study was for staff to look at what was going on and suggest mitigations for traffic impacts. The alternative was to look at what was being built at sites.

MOTION: Council Member Ojakian moved, seconded by Morton, to approve the staff recommendation to direct staff on Assumptions regarding future land development and redevelopment, to be used in traffic analysis during the preparation of the Charleston/Arastradero Road Corridor Plan

Council Member Freeman asked if Council would be getting a timeline for staffs actions.

Mr. Emslie said it would be distributed in the near future.

Council Member Freeman questioned the notion of carrying capacity and whether it would be helpful if Council provided parameters regarding physical structure of streets to ensure there were no increases in lanes or pedestrians having to cross more than five lanes of traffic.

Mr. Emslie said staff did not propose a parameter of not increasing pavement or expanding right-of-way for vehicles.

Mayor Mossar said it was a Comp Plan policy not to add lane capacity to solve the problem and there was housing on both sides of Charleston Road.

Council Member Freeman said those were examples and there were other constraining areas that perhaps could be provided or maybe all areas had been covered.

Mr. Emslie said staff was always interested in more feedback. He would like the Council, the Planning and Transportation Commission (PTC) and the community to see what other options were prior to ruling them in or out.

Mr. Calonne said the basis of the moratorium and the Comp Plan policy was that it was a school corridor on a residential arterial. The idea was to design a street that was more conducive to walking and riding a bike. The capacity of being a driver was contrary to the basic theme.

Council Member Freeman asked if the spot traffic calming solutions that was addressed by Ms. Wilcox was a temporary solution.

Mr. Emslie said all spot traffic calming treatment projects were done on a trial basis and were modified and removed. Removal of speed tables were easy and not an extraordinary expense.

Council Member Freeman asked if speed tables would not be permanent until after the study.

Mr. Emslie said there were multiple steps that would need to take place prior to making them permanent. It would need to be approved by the P&TC, a post card survey completed with an expression of support, another vote would be taken, and the P&TC would decide whether they were to be kept or not.

Council Member Freeman said she was concerned about the timing.

Mr. Emslie said it would be done after the study.

Council Member Freeman asked whether software was used to articulate the impact of the measures and identify the principle components.

Mr. Emslie said yes and staff would have their own traffic model for a City of Palo Alto's size, which was unusual.

Council Member Freeman said when there were multiple-variables that impact certain areas, it would be clear on what area would have the highest impact and mitigation could be done accordingly.

Council Member Kishimoto asked when she looked at the delta for the Alma Plaza site it stated minus 5,000 square feet, plus five BMR units and five single-family residential units. Since the old Planned Community (PC) would be a new PC, there was no entitlement of 45,600 square feet for the new developer.

Mr. Emslie said the 45,600 square feet could be occupied currently without need for discretionary approval or modification to the PC, if the PC stayed exactly the same.

Council Member Kishimoto said it would not become a new entitlement should the new developer ask for a new PC development.

Mr. Emslie said no.

Council Member Kleinberg asked if the primary motivation and guiding principle of the study and the motion was the traffic analysis was done to

insure pedestrian and bicycle safety in the corridor, which was not in the motion.

Council Member Ojakian said he phrased it in a different way to try and reinforce it as an Assumption.

Council Member Kleinberg said as long as it was in the record, she would not propose an amendment.

Mayor Mossar read from the staff report (CMR:310:03) the paragraph that focused on the Corridor Plan "to provide meaningful mitigation for traffic impacts from new and existing development."

AMENDMENT: Council Member Lytle moved, seconded by Kishimoto, that staff return to the Council early on to make decisions on levels of significance for traffic impacts on the Corridor Study prior to bringing any analysis forward.

Council Member Ojakian did not accept the amendment because he felt it would be difficult for staff to complete what was currently before them let alone to have Council add in an area where it would be difficult to come to a conclusion.

Council Member Lytle said mitigation would not be necessary if criteria were set high. Setting it low would create overriding considerations in terms of mitigation measures. She felt it was a fundamental policy question that needed to be answered. It dealt with the Charleston Corridor carrying capacity and should not be a staff decision but a Council decision, and Council should have input into the outcome.

Mr. Emslie said it was a level of analysis that had to be done. It was how an intersection function was measured through the level of service.

Council Member Kishimoto asked Mr. Emslie if it was data that had to be gathered.

Mr. Emslie said the plan was to have it part of the Citywide Transportation analysis and presented to Council. It would have information on which intersections were operating and recommendations of what levels of service would be applied.

Mayor Mossar asked if the amendment before them was necessary since staff was going to do the work anyway.

Council Member Kishimoto asked if what was being discussed in this study would require mitigation.

Mr. Emslie said staff would share that discussion with Council and get Council direction. The reason staff was able to do the Corridor Study was because it was following closely behind the Citywide transportation so it would be presented to Council. Council would need to give staff input since there were policy implications that staff could not do and would need to share with Council.

AMENDMENT WITHDRAWN BY MAKER

AMENDMENT: Council Member Lytle moved, seconded by Freeman, to have staff approve a wider range of land use assumptions in their traffic model projections for the Corridor Study using land use assumptions that are now in the process of being developed and applied to the 25 change areas through the Zoning Ordinance Update

Council Member Ojakian asked staff to give their opinion on the amendment.

Mr. Emslie said the work was underway which was part of the Zoning Code team's job to develop the new zoning designations identified in the Comp Plan. The core was the development of the prototypes. He felt it had been developed far enough to draw conclusions and able to insert some scenarios.

Mayor Mossar asked if it was an amendment that was not necessary because it was not part of the work program.

Mr. Emslie said it was not part of the work program and would need Council's decision.

Council Member Lytle said her rationale was that often it was underestimated the direction and future use of projects that were targeted for redevelopment. The reason why the study needed to be done was because assumptions made in the Comp Plan five years prior were not valid. Her attempt was to try and make it a real corridor planning study and to follow the Comp Plan policies. She asked that the zoning team have the best information at the time. Analysis had to be done in this Study.

Council Member Freeman thought it would be beneficial to use the best information to project out as far out as possible.

AMENDMENT FAILED 4-5, Freeman, Kishimoto, Kleinberg, Lytle "yes."

MOTION PASSED 8-1, Lytle "no."

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Mayor Mossar noted on June 5, 2003, the Valley Transportation Authority (VTA) Board approved a contract with the VTA/SEIU unit. It was a three-year contract with 0 percent salary increases and a \$25 increase per employee for insurance premiums and increased copays.

Council Member Kleinberg mentioned that Sally Probst was being honored by the Housing Action Coalition for her advocacy on Housing for Mid-Peninsula.

Council Member Freeman asked that the issue of Mr. Dinkey be addressed.

Council Member Freeman requested a special meeting regarding the Fire Department budget.

Mr. Calonne said the Fire Department could make a request and exercise their rights during Oral Communications. Union lawyers for the Fire Department had written opposition on the grounds of firefighter safety and demanded a "meet and confer" session. Given the request for a "meet and confer" session under the Meyers-Milias Brown Act, he would not advise a special meeting.

City Manager Frank Benest noted there would be a public hearing on June 16, 2003, regarding the 2003-05 Proposed Budget.

MOTION: Council Member Freeman moved, seconded by Lytle, to bring this issue back at a time when it could be discussed prior to finalization of the budget.

MOTION FAILED 8-1, Freeman "yes".

Council Member Morton asked staff to respond to the Palo Alto Unified School District (PAUSD) on Terman Park issues. He asked if the fire lane and tennis courts could be separate issues.

Council Member Lytle spoke regarding a report on right-of-way issues about construction on the Copeland site located on University Avenue. She also requested a report regarding traffic impacts due to the new IKEA store.

Council Member Ojakian requested the meeting be adjourned in memory of Guy DeBall.

ADJOURNMENT: The meeting adjourned at 11:05 p.m. in memory of Mr. DeBall, a long-standing Palo Alto Little League coach, who had recently passed away.

ATTEST:

APPROVED:

City Clerk

Mayor

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.