

Special Meeting  
June 23, 2010

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:37 p.m.

Present: Burt, Holman, Klein, Price, Scharff, Shepherd

Absent: Espinosa, Schmid, Yeh

ORAL COMMUNICATIONS

None

1. Review Draft City Comments on the Preliminary Alternatives Analysis Report for the San Francisco to San Jose Section of the High Speed Train Project

Deputy City Manager, Steve Emslie gave an overview of the Draft Alternatives Analysis (AA) Report for the Council's review. He said the High Speed Rail Authority (Authority) issued the AA Report in April 2010. Its purpose was to obtain comments from the Peninsula cities between San Jose and San Francisco regarding alternatives for aligning the High Speed Rail (HSR) in the existing Caltrain right-of-way. It was to prepare for the Authority's Project EIR and released by the end of 2010. The City retained Hatch Mott MacDonald to prepare the Peer Review and RMT, Inc. provided the environmental oversight and drafting of the comments. The High Speed Rail Standing Committee (HSR) and the Planning and Transportation Commission (P&TC) comments were placed before the Council at this evening's meeting. A cover letter with the final review of the AA comments would be submitted to the Authority by June 30, 2010, and would be considered at a HSR Authority Board meeting in late August/September 2010. The cover letter contained an introduction, the City's position on alternatives, Comprehensive Plan policies, Peer Review, AA comments, Guiding Principles, and oppositions to above or at grade alignments. He said information from the Authority was pending and the Draft AA contained

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inadequate information identified by the City. Comments had not been finalized and the City would continue to exercise discretion in finalizing the comments as additional information came in from the Authority. He said discussions regarding train station alternatives would begin shortly thereafter and anticipated the Authority to solicit feedback on train station options. Cities for potential HSR train stations were Palo Alto, Mountain View, and Redwood City.

Director of Planning and Community Environment, Curtis Williams clarified Attachment B with strikeouts/underlines placed before the Council at this evening's meeting should have been included in Staff Report CMR: 293:10. The document contained changes made by the HSR Standing Committee (HSR), the P&TC and the public. School District issues regarding the athletic facilities and site access had been taken into consideration. Residential neighborhood issues regarding visual, noise, traffic impact, and the seizing of properties were included in the final comment section. The California Department of Education used the 45 day-night average sound level (DNL) limit for classroom noise level.

Judith Wasserman, Palo Alto, spoke of the opportunities for bicyclist and pedestrians to use the right-of-ways to cross underground tracks.

(Wasserman-verbatim)

I would like to talk about the urban design opportunities that we have with the train project. When we had the design workshop back in October, I call this again for the first time. We have opportunities all along the right-of-ways to cross what one of the train tracks which will now will be underground and this will net our town together as it never has been before because the train predated most of us. I am only talking about bicycles and pedestrians. I don't think there are opportunities to bring cars because you can't land on both sides but you can pedestrians and bicyclist across the right-of-way. You can daylight the creeks at the right-of-way and have locally restored creeks with little mini parks and running water and the most exciting thing on my opinion is at the north end where the trains will be underground, if you bring Quarry Road across the right-of-way to Alma Street and close Alma north of Quarry, that entire area becomes a Rotarian (?) park based on the creek and based on El Palo Alto, and now the abandoned historian train trestle becomes a place for celebration for parties, parades, farmers markets. The concept of using the right-of-way to net the town together again—think of what could happen at University Avenue with the trains below University Avenue at grade. The dream team concept comes to fruition. Things we never imagine could happen can happen. Once a century opportunity, don't pass it up.

Sara Armstrong, Californians Advocating Responsible Rail Design (CARRD) said a community workshop was held to help provide comments to the Council in preparing the preliminary AA. The workshop focused on community values, mapping context, preferred alignments, hybrid solutions and alternatives. The community favored a below grade alternative. She said it was important the City understood the transitions into neighboring cities and how they flowed into the alternatives and station areas. She addressed recommendations regarding a corridor study, a HSR station at Palo Alto, creative funding, financing solutions, exploring additional synergies, opportunities, and sponsored community engagement.

Robert Moss, Palo Alto, spoke of the Authority's funding estimate of \$5 billion in contributions from local governments, lack of information on contributions, and what the local governments would be getting for their money. He said seizing of properties would reduce neighboring property values due to noise and vibrations. He said a tunnel design would damage the image of Palo Alto and a partial or below grade alternative would not work.

Elizabeth Alexis, Palo Alto, raised concerns regarding the transition into the City of Mountain View that limited the options in the AA. The below grade option was being eliminated because of Adobe Creek and San Antonio Road overpass. The Caltrain station served a large portion of Palo Alto and had the ability to make the station work for transit and connections to housing. She urged the Council to bring back an underground option in South Palo Alto.

Herb Borock, Palo Alto, addressed Ms. Wasserman's recommendation which would extend the Quarry Road to Alma Street through dedicated parkland. Street connections to Alma Street would require mitigation due to street closures to prevent cut through traffic to Highway 101. He said mitigations should be paid by the Authority.

Sara Armstrong continued her presentation and focused on various grade separation alternatives that include widths of right-of-ways, the Authority's understanding of roadway separations, and the impacts to adjacent properties and road systems. She said an overpass had more impacts than an underpass which had an eight percent roadway grade and a 22-foot vertical separation between the tracks. She provided a visual overlay of the grade level crossing at Charleston Road, Meadow Drive and Churchill Avenue which were not on the Authority's official map. The Authority said they would not close roads unless it was recommended by the City.

Council Member Klein asked what the process was in finalizing the cover letter. He preferred to not wordsmith but to focus on finalizing the draft.

Council Member Holman concurred with Council Member Klein and asked when the next HSR Standing Committee meeting was scheduled.

Mr. Emslie said it was scheduled for July 1, 2010, and Staff was asking for Council's direction in working with the Mayor and the HSR Standing Committee in transcribing the comments.

City Manager, James Keene said he realized the complexity of the letter but did not feel an additional HSR Standing Committee meeting would be necessary prior to the June 30th deadline. He said the information from HSR was incomplete but the City was not exempt from sending a supplemental letter or additional information after the June 30th deadline.

Mayor Burt said the Council would need to authorize changes prior to sending the letter to the Authority.

Council Member Klein suggested starting the draft letter in a direct tone and suggested the following revisions: the first sentence of the first and second paragraph be deleted; it was not clear whether Alma Street ran East-West or North-South and not consistent in the document; to strikeout C.1-15; remove the rhetorical question at the bottom of page 17; and to not incorporate a statement regarding "prevent crime and social behavior" which could raise an argument in criminal behavior.

Council Member Price was in favor of the tone of the draft letter. She said the City should take a declarative position but would get further ahead by starting in a more positive tone. She felt comments regarding phased implementation should be incorporated into the document to have on record the City's ideas. She said the DEIR suggested the HSR was not a strong environmental alternative and asked if that was based on a particular study.

Jeffrey Smith, RMT, Inc. Representative said comments found in Staff Report CMR 293:10, Attachment A, Comments C.2-2 through C.2-6 were excerpts from a letter from the public.

Mayor Burt asked if Staff had evaluated a study by the Institute of Transportation Studies (ITS), University of California, Berkeley, regarding the HSR environmental impacts.

Mr. Emslie said he did not know if that had been done.

Council Member Price asked whether Staff would be in contact with Santa Clara County regarding street and road impacts and if they would be involved in providing comments prior to the June 30th deadline.

Mr. Emslie said the County had not been contacted but was included in the distribution of the materials. He said contact could be made prior to June 30<sup>th</sup> to ensure that County coordination be included in the DEIR.

Mr. Keene raised concerns regarding the accuracy of the numbers included in Staff Report CMR 293:10, Attachment A, Comment C.2-2 through C.2-6

Council Member Price raised concerns regarding the amount of tracks required.

Mr. Keene needed clarification on language of not being explicit but to suggest that population could affect the number of tracks.

Mayor Burt said the ITS study looked at the system and not the segment. He said Comments C.2-5 referred to the system and Comment C.2-6 was on the segment. He said several factors needed to be considered for a four-track system, such as the need to accommodate freight, switching to a hybrid systems and the number of Caltrain passengers per day.

Council Member Shepherd said the CARRD presentation had specific alternatives. She asked whether Staff was crafting more environmental friendly alternatives. The Authority should give the alternatives serious consideration.

Mr. Williams said Council Member Shepherd's concerns could be added with emphases on the advantages and to ask the Authority to provide feedback on those advantages.

Council Member Shepherd asked if the Council would be able to review the additional concerns prior to submitting them to the Authority.

Mayor Burt said the Council would proceed at this evening's meeting to move forward and provide Staff with guidance to allow him and Committee Chair Klein to sign off on the changes. He asked whether the 45 decibel standard for schools was for interior or exterior sound.

Mr. Williams said it was for interior.

Mayor Burt asked whether input had been received from the property owners of Palo Alto High School, Sheraton Hotel, the train station and El Camino Park.

Mr. Williams said Stanford University said they would be putting together high-level comments that would express concerns regarding properties they owned, but would not be specific on potential impacts on each alternative.

Mayor Burt asked whether Staff felt the transition issues had been adequately addressed in the AA.

Mr. Emslie said he would need to verify with Staff but felt everything was in sync with the Cities of Mountain View and Menlo Park, however, there was a need to revisit the San Antonio Road issue.

Mayor Burt said phase construction, partial or horizontal cover, and diagrams of property impacts caused by grade separations and track separation at grade in CARRD's presentation were not included in the AA comments and asked if they could be added as an attachment. Additionally, Caltrain was open to exploring options other than a four-track system.

Mr. Emslie said the CARRD information would be attached.

Council Member Holman said the letter was not strong enough in describing the City's concerns. Financial impacts to the communities or recommendations on how communities would provide funding had not been addressed. She felt the Authority's Program EIR did not consider the environmental impacts well.

Council Member Shepherd suggested the letter should address the community's time spent in evaluating the program and their concerns.

Council Member Klein asked to include a statement indicating the City would not buy into anything until the City was clear on the transition into Mountain View. He raised concerns regarding the ridership and HSR competing with air travel which was on a decline since 2005. It was unrealistic to expect an increase in travel between San Francisco and Los Angeles at the rate suggested in the Program EIR. He said the ridership studies were inadequate and flawed.

Council Member Price said the letter should reference the ITS study to justify comments regarding ridership.

Mayor Burt said there were two aspects to the financial contribution from local jurisdictions. The Authority had raised the expected local jurisdictions' contribution in their \$5 billion business plan. The Authority stated that local jurisdictions would be responsible for funding a below grade option similar to the City of Berkeley undergrounding the Bay Area Rapid Transit (BART) in the 1960's prior to California Environmental Quality Act (CEQA). A CEQA criteria was the impacted party was not obligated to pay for mitigated impacts imposed on them by another party and was paid by the imposing party. It was contrary to the City's fundamental long standing legal land use law and should be included in the letter. If mitigations were required then it was not the burden of the impacted party to pay.

Mr. Keene said Staff had a sense of where the Council comments would be placed and the draft would be ready for review by Friday, June 25, 2010.

Council took a break at 8:25 p.m., and reconvened at 8:35 p.m.

## 2. City Council Direction Regarding the Comprehensive Plan Amendment and Housing Element Update

Director of Planning and Community Environment, Curtis Williams said the item was being continued from two Joint Study Sessions with the Planning and Transportation Commission (P&TC). Issues that required the Council's direction in preparing the Comprehensive Plan Amendment were 1) criteria for preparation of the Housing Element Housing Sites Inventory, 2) 2020 growth projections, 3) the extent of revision to the Vision, policies and programs of the Comprehensive Plan, and 4) additional work outside the current Comprehensive Plan Amendment Work Plan scope.

Mayor Burt asked Mr. Williams to review the areas which needed expansion.

Mr. Williams asked whether priority should be given to revising the South El Camino Real Guidelines within the next year and if the following tasks should be added to the existing work program: the University Avenue/Downtown Area Concept Plan; South El Camino Real Area (from Charleston to San Antonio Road) Concept Plan; High Speed Rail land use scenarios; sea-level rise study and mitigation measures; and housing at Stanford Shopping Center site.

Chief Planning and Transportation Manager, Julie Caporgno spoke regarding the projected growth in population, housing, and employment growth between 2010 and 2020. Staff proposed to modify the Association of Bay Area Government's (ABAG) 2009 housing projection that would limit housing to less than what was being proposed by ABAG. Staff determined the

average growth rate from the City's historical data and took into consideration what was in process. She said the City's economic consultant recommended the employment projection be based on ABAG's 2007 projections. Jobs in the Region dropped significantly in 2009 but Palo Alto did not experience a large loss and 500 jobs would be added by 2020. She said the Regional Housing Needs Allocation (RHNA) numbers were for planning purposes only and differed from residential growth projections. Staff was asking for the Council's direction in providing the Community with the projected figures for growth by 2020.

Mr. Williams said the **numbers** could be found in Staff Report CMR:152:10, Attachment C, page 7.

Mr. Williams said on that attachment, the May 12<sup>th</sup> CMR, page 7, that has the tables that basically outlined in 2000, 2010, 2020 based in high-medium-low scenario growth.

Council Member Klein asked why all three tables were not being used similar to the Palo Alto Unified School District of high-medium-low calculations used in student population projections.

Mr. Williams said the same projections would be used but more work was needed in developing moderate projections.

Council Member Klein asked why the moderate projection could not be used as realistic numbers and be the estimate that would most likely happen.

Ms. Caporgno confirmed the realistic numbers were the moderate projected numbers. (when we consulted with our Economic Consultant as far as the employment and housing growth, what's in the pipeline (or in process) that we anticipate will occur.)

Council Member Klein said Tesla Motors had thousands of employees and asked if they were in the (pipeline) **process** number or a speculative number.

Council Member Klein said I understand, and since we are talking about going out 10 years, obviously we have to put things just in the pipeline. Just an implementation question, how would you treat Tesla for example. Tesla has these numbers that are fairly large as employees out there. They have several thousand. Is that a pipeline number or just speculative or how do we handle something like that.

Mr. Williams said he would need to get an answer from the Economic Consultant since job density was being considered and not square footage.

Ms. Caporgno said the Stanford Hospital expansion would be included in the projected growth.

Council Member Scharff asked if it was necessary to do all three scenarios and how beneficial would it be.

Ms. Caporgno said if the Council found it not to be beneficial Staff could look into evaluating another alternative prior to moving forward with the EIR.

Council Member Scharff asked what was being addressed in the EIR.

Ms. Caporgno said what was being addressed was what the City was anticipating to happen and the Council would have a range with flexibility when the Comprehensive Plan was adopted.

Tony Carrasco, Palo Alto, spoke regarding disallowing rezoning of commercial sites to residential. He said when a commercial site is designated for RHNA numbers, changes or remodel to a site that conformed to the existing zoning were not allowed unless RHNA numbers were met on the site. He said the restriction was unfair for existing properties such as motels that does not allow remodels or significant changes without producing the RHNA numbers. He asked the statement be changed to conform to existing zoning and not produce RHNA housing units on those sites.

Sara Armstrong, CARRD, asked that the Rail Corridor Study be added to the June 28th Council meeting agenda. It would avoid a delay in moving forward with the Authority's discussion on train stations.

Robert Moss, Palo Alto, raised concerns regarding Staff's recommendation in zoning for small housing units. He said there were units that had remained vacant for long periods of time. He did not see a market for small unit housing.

Council Member Price asked what methodology did the Economic Consultant use for projected numbers versus ABAG numbers and if the information was being conveyed to the community. She asked if there were historical data on ABAG's projections versus the actual numbers.

Mr. Williams said ABAG's historic data was broken down into five-year increments and their projected numbers were much higher. The consultant considered Palo Alto's situation which varied from ABAG.

Mayor Burt said he would like to see a ten-year job growth comparison of the greater Silicon Valley Region. He said ABAG projected significant job growth in their five and ten year projections and the numbers were way off.

Council Member Price said the City of San Mateo had a different approach to the RHNA numbers where they worked with other cities in that county for a self-certification. She asked whether Palo Alto would be exploring San Mateo's methodology and consider other alternatives.

Ms. Caporgno said the City could move forward to try to encourage other cities to do the same in the next RHNA cycle. San Mateo's approach was preferred by the Department of Housing and Community Development's (HCD) and ABAG because it was coming from a Regional standpoint. She said the self-certification was a pilot process and unsuccessful.

Mayor Burt asked if the Council received the 2008 City appeal letter to ABAG regarding RHNA Allocations.

Mr. Williams said it was included in the Packet for May 12, 2010, City Council and Planning & Transportation Commission meeting.

Council Member Holman asked what the results were on growth experience compared to the EIR projections regarding intersection performance.

Mr. Williams said the impacts had not been reviewed on a citywide basis and could be done as part of the traffic analysis. The numbers were low in the analysis of the Sandhill development and shopping center expansion since the project was cut back.

Council Member Holman asked whether to keep the limitation of Policy L-8 of the 1998-2010 Comprehensive Plan or should the City have more restrictive citywide growth limitations on non-residential growth through 2020.

Mr. Williams said it would be considered as Staff moved forward into the Comp Plan policies.

Mayor Burt said to focus on guidance of growth projections for the 2020 timeframe in the Comp Plan.

Mr. Williams said Staff could move forward and evaluate the scenarios if the Council was comfortable in the direction Staff was going.

Mayor Burt asked whether or not to expand the scope of the existing work plan in Staff Report CMR: 152:10, Section D, Number 3.

Council Member Shepherd said the Authority indicated properties could be repurposed after the tracks were removed. She asked if it would be possible to include zoning for housing even if it did not materialize for awhile.

Mr. Williams said it was not possible because Staff would need to show it had been zoned for housing or until the area was zoned for housing.

Council Member Shepherd said situations could change by 2020 and asked to discuss the HSR land use scenarios.

**MOTION:** Council Member Price moved, seconded by Council Member Holman that the Rail Corridor Study be brought to the City Council on Monday, June 28, 2010 for action.

Council Member Price raised concerns that if the item was not brought forward it would be pushed into mid-July.

Mr. Williams said a draft of the study had been presented to the HSR Standing Committee regarding scope and budget for the project. It was a 16-month study and cost \$240,000. The first phase was to develop policy, the second phase was technical analysis on land use options, and the third phase was on implementation.

Council Member Scharff asked if the \$240,000 was coming from the General Fund.

City Manager, James Keene said yes.

Council Member Scharff asked if it would be included in the current year's budget.

Mr. Keene said it would be best to budget for it sooner but could be done later. Funds could be moved and budget amendments processed at mid-year.

Mayor Burt clarified the expenditure was for a year-and-a-half instead of one year.

Mr. Williams said staff time was the only thing that was budgeted. The plan was to take half of a Planner's time to focus working on the Comp Plan and the \$240,000 was for consultant costs.

Council Member Klein said he was uncomfortable with the process and would not support the Motion.

Council Member Shepherd said she wanted to see the project moved forward and supported the Motion.

Council Member Price said she saw the importance of moving the project forward and supported the Motion.

Council Member Holman supported the Motion.

**MOTION FAILED:** 3-3 Burt, Klein, Scharff no, Espinosa, Schmid, Yeh absent

**MOTION:** Council Member Scharff moved, seconded by Council Member Klein to have Staff modify 4-5 key components of the South El Camino Real Design Guidelines (setbacks for different streets, land uses, height step backs, break-up building length, and retail frontage) and authorize Staff to spend \$25k-\$30k for a design consultant.

Council Member Holman asked whether the design concept would be completed within a year.

Mr. Williams confirmed it would take a year.

Council Member Holman asked if it was feasible to implement one change in the near-term of changing the sidewalk from 12 feet to 18 feet and to address the remaining portion of the package within the year.

Mr. Williams said he was not in favor of that approach because the issue could involve lengthy discussions. Additionally, he felt the Planning & Transportation Commission would want to look at all parameters to see how they worked together.

**MOTION PASSED:** 6-0 Espinosa, Schmid, Yeh absent

**MOTION:** Council Member Holman moved, seconded by Council Member Klein for Staff to include the evaluation of area concept plans under LEED-ND principles.

Mayor Burt asked which concept plans.

Mr. Williams said it was for the California Avenue and East Meadow Circle concept plans.

Council Member Scharff asked what the criteria was for the Leadership in Energy & Environmental Design for Neighborhood Development (LEED-ND).

Mr. Williams said it was a point system based on mixed use, walkability, transit access, and energy and water conservation measures. It defined the plans would contribute to developing neighborhoods and connection activities and not a project isolated in its nature.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to identify policies in the Comprehensive Plan that are already consistent with the policies of LEED-ND, and add policies if necessary.

**MOTION PASSED:** 6-0 Espinosa, Schmid, Yeh absent

Council Member Shepherd asked whether the economic study portion of the Rail Corridor Study would be coming back to the Council on July 12, 2010.

Mayor Burt said it was his understanding that it would be included in the HSR scope of work budget.

Mr. Williams said it was removed from the Corridor Study and would be done in conjunction with the on-going HSR assessments.

Council Member Scharff asked if the Comp Plan policy that supported the Concept Plan for the Stanford Shopping Center housing could be included in the RHNA allocation.

Mr. Williams said it could not because it was not specific enough for the Housing Element and needed to be zoned sites in order to be credited in the Comp Plan.

Council Member Scharff asked if it meant not having a Planned Community (PC) zone between San Antonio Road and Charleston Road if the South El Camino Real Concept Plan were approved.

Mr. Williams said there would be no residential intensification until a plan was developed to fit the intensification.

Council Member Scharff asked how would it affect the Housing Element.

Mr. Williams said it depend on how it would dovetail into the Comp Plan policy and would require a study that would take a year after the Comp Plan was completed.

**MOTION:** Council Member Klein moved, seconded by Council Member Scharff to develop a policy for inclusion in the Comprehensive Plan supporting preparation of a South El Camino Real Area Concept Plan (from Charleston to San Antonio portion of El Camino Real) at a later date, and that restricts rezoning for residential intensification unless/until the Concept Plan is approved, approximate consultant cost for preparing the Concept Plan estimated at \$135K.

Council Member Klein said it was crucial to develop a policy because it was one of the most sensitive areas in Palo Alto's.

Council Member Scharff echoed Council Member Klein's comments.

Council Member Holman asked to extend the policy to include areas beyond Charleston Road. Her interest was to identifying a location for a new neighborhood center and to have El Camino Real be the receiver site for Transfer Development Rights (TDR) Housing.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to give Staff the flexibility to expand the geographic area.

Mayor Burt said the area Council Member Holman was referring to was supposed to be the second area plan in the geographic boundaries. It would provide unity, a vision and community development to the area.

**MOTION PASSED:** 6-0, Espinosa, Schmid, Yeh absent

Mayor Burt said if a University Avenue/Downtown Area Concept Plan was not done would it prohibit putting in a Pedestrian Transient Oriented Development (PTOD) zoning overlay.

Mr. Williams said not at all.

Council Member Klein advised he would not be participating in the discussion regarding Stanford Shopping Center Concept Plan as it is owned by Stanford, and his wife is employed by Stanford. He left the meeting at 10:21 p.m.

Council Member Scharff asked what would occur if the Stanford Shopping Concept Plan was approved.

Mr. Williams said policies to potentially develop housing around the Stanford Shopping Center area would be included in the Comprehensive Plan.

**MOTION:** Council Member Scharff moved, seconded by Council Member Shepherd that at a later date, Staff is to develop a policy for preparation of a Concept Plan for the Stanford Shopping Center site, to include the exploration of housing at the site without diminishing the ability to support retail opportunities at the site.

Council Member Holman said she would not support the Motion because the purpose of an area plan was to limit the retail in the area.

Council Member Scharff said that was not the intent of the Motion and clarified the housing portion would not limit the amount of retail on the site.

Council Member Holman said she understood but was uncomfortable with the language of the Motion.

Ms. Caporgno clarified Staff was asking for the Council's approval of the general concept. It was not to develop the actual language that would be approved in the Comprehensive Plan.

Mayor Burt said the language should indicate the intent would be not to diminish retail opportunities at the site.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND THE SECONDER** that the City take the lead role in preparation of the Concept Plan in coordination with Stanford.

Mayor Burt clarified it would reduce the ambiguity of who would have lead role.

Council Member Scharff said the City would have the lead role and not Stanford.

Council Member Price said it was her understanding the Council was providing the language to pursue the concept and would support the Motion.

**MOTION PASSED:** 5-0, Klein not participating, Espinosa, Schmid, Yeh absent

ADJOURNMENT: The meeting adjourned at 10:32 p.m.