



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
October 21, 2013

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 5:34 P.M.

Present: Berman, Burt, Holman, Klein, Kniss, Price (arrived at 5:57), Scharff, Schmid, Shepherd

Absent:

STUDY SESSION

1. Potential List of Topics for the Study Session with Senator Jerry Hill.

The City Council Adjourned to the Closed Session at 6:34 p.m.

CLOSED SESSION

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS, CALIFORNIA GOVERNMENT CODE SECTION 54956.8

Properties:

Cubberley Community Center, 4000 Middlefield Road, Palo Alto 94306 (including 8 acres owned by the City of Palo Alto and remaining acres owned by the Palo Alto Unified School District); and Ventura School site, 3990 Ventura Court, Palo Alto 94306

Agency Negotiators:

James Keene, Pam Antil, Lalo Perez, Joe Saccio, Hamid Ghaemmaghami, Greg Betts, Rob De Geus, Thomas Fehrenbach, Aaron Aknin, Molly Stump

Negotiating Parties:

City of Palo Alto and Palo Alto Unified School District

Under Negotiation:

Lease and/or Purchase/Sale*
Price and Terms of Payment

ACTION MINUTES

*Purchase/sale is listed to comply with Brown Act legal requirements, and include various types of transactions including but not limited to easements, options, rights of first refusal and land exchanges.

The City Council Adjourned to the Council Chambers at 8:00 p.m. Mayor Scharff announced there was no reportable action.

SPECIAL ORDERS OF THE DAY

3. Community Partner Presentation: Palo Alto Players at the Lucie Stern Community Theatre.

MINUTES APPROVAL

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Price to approve the Minutes of August 19, 2013.

MOTION PASSED: 8-1 Berman abstaining

CONSENT CALENDAR

MOTION: Council Member Kniss moved, seconded by Council Member Price to approve Agenda Item Numbers 4-10.

4. Approval of a Stewardship Agreement Between the City of Palo Alto and the Santa Clara County Fire Safe Council (FSC) in the Amount of \$50,000 from the Public Works CIP PO-12003 for the Initial Year of Services for Treatment Work Indicated in the Foothill Fire Management Plan (FFMP).
5. Policy and Services Recommendation to Accept the City Auditor's Office Fiscal Year 2014 Proposed Work Plan and Risk Assessment.
6. Policy and Services Recommendation to Accept the Report on the Status of Audit Recommendations (June 2013).
7. Policy and Services Recommendation to Accept the Auditor's Office Quarterly Report as of June 30, 2013.
8. Approval of a Utilities Enterprise Fund Contract with Efacec Advanced Control Systems, Inc. in the Amount of \$107,647 for Software and Hardware Support Services for the City's Utility SCADA System (EL-02010) and 10% Contingency of \$10,700 for Related, but Unforeseen Work; for a Total Authorized Amount of \$118,347.

ACTION MINUTES

9. Approval of Annual Report of Williamson Act Contracts Within the City of Palo Alto.
10. Council Direction on Selection of Voting Delegate for the National League of Cities Annual Business Meeting on Saturday, November 16, 2013.

MOTION PASSED FOR AGENDA ITEM NUMBERS 4-10: 9-0

ACTION ITEMS

11. Public Hearing: Parking Exemptions Code Review: Review and Recommendation to City Council to Adopt: 1. Ordinance to Repeal Ordinance 5167 and Amend the Palo Alto Municipal Code to Delete Sections 18.52.060(a)(2) and 18.52.060(c) Related to Parking Assessment Districts to Eliminate the "Exempt Floor Area" Parking Exemption Which Allows for Floor Area up to a Floor Area Ratio (FAR) of 1.0 to 1.0 to be Exempt From Parking Requirements Within the Downtown Parking Assessment Area and Floor Area up to an FAR of 0.5 to 1.0 to be Exempt Within the California Avenue Area Parking Assessment District. 2. Interim Ordinance to Amend Chapters 18.18, Downtown Commercial (CD) District, and 18.52, (Parking and Loading Requirements) to Make the Following Changes to be Effective for a Period of Two Years: a. Delete Sections 18.18.070(a)(1), 18.18.090(b)(1)(C) and 18.52.070(a)(1)(D) to Eliminate the 200 Square Foot Minor Floor Area Bonus and Related Parking Exemption for Buildings not Eligible for Historic or Seismic Bonus. b. Delete Sections 18.18.090(b)(1)(B), 18.52.070(a)(1)(B) and 18.52.070(a)(1)(C)(i) to Eliminate the Parking Exemption for On-site Use of Historic and Seismic Bonus. c. Amend Section 18.18.080(g) to Remove the On-site Parking Exemption for Historic and Seismic Transfer of Development Rights up to 5,000 Square Feet of Floor Area to a Receiver Site in the CD or PC Zoning Districts. d. Amend Section 18.18.120(a)(2) and (b)(2) Related to Grandfathered Uses and Facilities to Clarify that a Grandfathered Use May be Remodeled and Improved, But May Not be Replaced and Maintain its Grandfathered Status. e. Amend Section 18.52.070(a)(3) Related to Remove the Sentence Allowing Square Footage to Qualify for Exemption That Was Developed or Used Previously for Nonresidential Purposes but was Vacant at the time of These actions are exempt from the California Environmental Quality Act (CEQA) under Section 15061 and 15301 of the CEQA Guidelines

ACTION MINUTES

MOTION: Mayor Scharff moved, seconded by Council Member Burt to adopt:

1. An Ordinance to amend the Palo Alto Municipal Code (PAMC) to permanently delete Sections 18.52.060(a)(2) and 18.52.060(c) related to Parking Assessment Districts to eliminate the "Exempt Floor Area" parking exemption which allows floor area up to a floor area ratio (FAR) of 1.0 to 1.0 to be exempt from parking requirements within the Downtown Parking Assessment Area, and floor area up to an FAR of 0.5 to 1.0 to be exempt within the California Avenue area parking assessment district (Attachment A); and
2. An Interim Ordinance (Attachment B) to amend PAMC Chapters 18.18, Downtown Commercial (CD) District, and 18.52 (Parking and Loading Requirements), to make the following changes, to be effective for a period of two years:
 - a. Delete Sections 18.18.070(a)(1), 18.18.090(b)(1)(C) and 18.52.070(a)(1)(D) to eliminate the parking exemption related to the 200 square foot Minor Floor Area Bonus for buildings not eligible for Historic or Seismic Bonus (keep sq footage but eliminate parking exemption)
 - b. Delete Sections 18.18.090(b)(1)(B), 18.52.070(a)(1)(B) and 18.52.070(a)(1)(C)(i) to eliminate the parking exemption for on-site use of Historic and Seismic Bonus.
 - c. Amend Section 18.18.080(g) to remove the on-site parking exemption for floor area bonuses derived through historic and seismic upgrades via the transfer of development rights (TDR) program (where up to 5,000 square feet (SF) of floor area for each type of upgrade is allowed for receiver sites in the CD or downtown PC zoning districts).
 - d. Amend Section 18.52.070(a)(3) to disallow the parking exemption for floor area developed or used previously for non-residential purposes and vacant at the time of the engineer's report during the parking district assessment. (keep sq footage but eliminate parking exemption)

MOTION SEPARATED FOR THE PURPOSE OF VOTING: Mayor Scharff bifurcated the Motion to allow separate votes for Item Numbers One and Two.

BIFURCATED MOTION: Mayor Scharff moved, seconded by Council Member Burt to adopt:

1. An Ordinance to amend the Palo Alto Municipal Code (PAMC) to permanently delete Sections 18.52.060(a)(2) and 18.52.060(c) related to Parking Assessment Districts to eliminate the "Exempt Floor Area"

ACTION MINUTES

parking exemption which allows floor area up to a floor area ratio (FAR) of 1.0 to 1.0 to be exempt from parking requirements within the Downtown Parking Assessment Area, and floor area up to an FAR of 0.5 to 1.0 to be exempt within the California Avenue area parking assessment district (Attachment A); and

MOTION PASSED: 9-0

BIFURCATED MOTION: Mayor Scharff moved, seconded by Council Member Burt to adopt:

2. An Interim Ordinance (Attachment B) to amend PAMC Chapters 18.18, Downtown Commercial (CD) District, and 18.52 (Parking and Loading Requirements), to make the following changes, to be effective for a period of two years:
 - a. Delete Sections 18.18.070(a)(1), 18.18.090(b)(1)(C) and 18.52.070(a)(1)(D) to eliminate the parking exemption related to the 200 square foot Minor Floor Area Bonus for buildings not eligible for Historic or Seismic Bonus (keep sq footage but eliminate parking exemption)
 - b. Delete Sections 18.18.090(b)(1)(B), 18.52.070(a)(1)(B) and 18.52.070(a)(1)(C)(i) to eliminate the parking exemption for on-site use of Historic and Seismic Bonus.
 - c. Amend Section 18.18.080(g) to remove the on-site parking exemption for floor area bonuses derived through historic and seismic upgrades via the transfer of development rights (TDR) program (where up to 5,000 square feet (SF) of floor area for each type of upgrade is allowed for receiver sites in the CD or downtown PC zoning districts).
 - d. Amend Section 18.52.070(a)(3) to disallow the parking exemption for floor area developed or used previously for non-residential purposes and vacant at the time of the engineer's report during the parking district assessment. (keep sq footage but eliminate parking exemption)

AMENDMENT: Council Member Klein moved, seconded by Vice Mayor Shepherd to exempt the pipeline projects at 240 Hamilton Avenue, 261 Hamilton Avenue, 429 University Avenue, 640 Waverley Street, 500 University Avenue, 301 High Street as listed in Table Six of the Staff Report.

AMENDMENT TO MOTION FAILED 4-5 Klein, Shepherd, Kniss, Price yes

ACTION MINUTES

INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND THE SECONDER to add to 2b and 2C “to have Staff return with replacement incentives for historic and seismic bonus” to read as follows:

- b. Delete Sections 18.18.090(b)(1)(B), 18.52.070(a)(1)(B) and 18.52.070(a)(1)(C)(i) to eliminate the parking exemption for on-site use of Historic and Seismic Bonus and to have Staff return with replacement incentives for historic and seismic bonus.
- c. Amend Section 18.18.080(g) to remove the on-site parking exemption for floor area bonuses derived through historic and seismic upgrades via the transfer of development rights (TDR) program (where up to 5,000 square feet (SF) of floor area for each type of upgrade is allowed for receiver sites in the CD or downtown PC zoning districts) and to have Staff return with replacement incentives for historic and seismic bonus.

MOTION AS AMENDED PASSED: 8-1 Kniss no

- 12. Public Hearing: Adoption of Eight Ordinances: (1) Repealing Chapter 16.04 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2013 Editions, and Local Amendments and Related Findings; (2) Repealing Chapter 16.05 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.05, California Mechanical Code, 2013 Edition, and Local Amendments and Related Findings; (3) Repealing Chapter 16.06 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.06, California Residential Code, 2013 Edition, and Local Amendments and Related Findings; (4) Repealing Chapter 16.08 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.08, California Plumbing Code, 2013 Edition, and Local Amendments and Related Findings; (5) Repealing Chapter 16.14 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.14, California Green Building Standard Code, 2013 Edition, and Local Amendments and Related Findings; (6) Repealing Chapter 16.16 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.16, California Electrical Code, 2013 Edition, and Local Amendments and Related Findings; (7) Repealing Chapter 16.17 of the Palo Alto Municipal Code and Amending Title 16 to Adopt a New Chapter 16.17, California Energy Code, 2013 Edition, and Local Amendments and Related Findings; and (8) Repealing Chapter 15.04 of the Palo Alto Municipal Code and Amending Title 15 to Adopt a new Chapter 15.04, California Fire Code, 2013 Edition, and Local Amendments and Related Findings

ACTION MINUTES

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Kniss to adopt the following:

1. Ordinance repealing Chapter 16.04 of the Palo Alto Municipal Code and amending Title 16 to adopt a new Chapter 16.04, California Building Code, California Historical Building Code, and California Existing Building Code, 2013 Editions, and Local Amendments and Related Findings.
2. Ordinance repealing Chapter 16.05 of the Palo Alto Municipal Code and amending Title 16 to adopt a new Chapter 16.05, California Mechanical Code, 2013 Edition, and Local Amendments and Related Findings.
3. Ordinance repealing Chapter 16.06 of the Palo Alto Municipal Code and amending Title 16 to adopt a new Chapter 16.06, California Residential Code, 2013 Edition, and Local Amendments and Related Findings.
4. Ordinance repealing Chapter 16.08 of the Palo Alto Municipal Code and amending Title 16 to adopt a new Chapter 16.08, California Plumbing Code, 2013 Edition, and Local Amendments and Related Findings.
5. Ordinance repealing Chapter 16.14 of the Palo Alto Municipal Code and amending Title 16 to adopt a new Chapter 16.14, California Green Building Standard Code, 2013 Edition, and Local Amendments and Related Findings.
6. Ordinance repealing Chapter 16.16 of the Palo Alto Municipal Code and amending Title 16 to adopt a new Chapter 16.16, California Electrical Code, 2013 Edition.
7. Ordinance repealing Chapter 16.17 of the Palo Alto Municipal Code and amending Title 16 to adopt a new Chapter 16.17, California Energy Code, 2013 Edition.
8. Ordinance repealing Chapter 15.04 of the Palo Alto Municipal Code and amending Title 15 to Adopt a new Chapter 15.04, California Fire Code, 2013 Edition.

MOTION PASSED: 8-0 Klein absent

13. Approval of Contract for the Downtown Development CAP to Dyett & Bhatia Urban & Regional Planners in the Amount Not to Exceed \$200,000 (Continued from October 7, 2013)

MOTION: Vice Mayor Shepherd moved, seconded by Council Member Price to approve and authorize the City Manager or designee to execute contract with Dyett & Bhatia Urban & Regional Planners (Attachment A) in the amount of \$200,000 for the Downtown Development Cap Study - Phase 1 project.

ACTION MINUTES

MOTION TO CALL THE QUESTION: Moved by Council Member Burt moved, seconded by Vice Mayor Shepherd.

MOTION TO CALL THE QUESTION PASSED: 6-2, Schmid, Holman no, Klein absent

MOTION PASSED: 7-1 Schmid no, Klein absent

ADJOURNMENT: The meeting was adjourned at 11:39 P.M.