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- 26. PUBLIC HEARING: Council Action Regarding an Appeal of the Director of Planning and Community Environment's Decision Approving a Project on an Approximately 17-acre Site in the RP (AS2) Zoning

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District located at 1451-1601 California Avenue, and Council Approval of a Tentative Map to Subdivide Three Parcels Into 83 Parcels at the Same Site. The Proposal Would Authorize Demolition of Approximately 290,220 Square Feet of Existing R&D/Office Space and Construction of 180 Dwelling Units, Which Includes 68 Detached Single Family Units and 112 Multi-Family Units as Anticipated in the 2005 Mayfield Development Agreement. Environmental Assessment: City of Palo Alto/Stanford Development Agreement and Lease Project Environmental Impact Report (State Clearinghouse No. 2003082103) ..210

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ADJOURNMENT: The meeting was adjourned at 11:55 P.M. ....227

# MINUTES

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:01 P.M.

Present: Berman, Burt, Holman, Klein, Kniss, Price, Scharff, Schmid, Shepherd

Absent:

## CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS  
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Lalo Perez, Joe Saccio, Kathryn Shen, Dania Torres Wong, Eric Nickel, Catherine Capriles, Geo Blackshire, Melissa Tronquet, Mark Gregerson, Nancy Nagel, Molly Stump, Walter Rossman)  
Employee Organization: International Association of Fire Fighters (IAFF), Local 1319  
Authority: Government Code Section 54957.6(a)
2. CONFERENCE WITH LABOR NEGOTIATORS  
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations (James Keene, Lalo Perez, Melissa Tronquet, Joe Saccio, Molly Stump, Walter Rossman, Nancy Nagel, Dennis Burns, Mark Gregerson, Kathryn Shen, Dania Torres Wong)  
Employee Organization: Palo Alto Police Officers Association (PAPOA)  
Authority: Government Code Section 54957.6(a)

The Council reconvened from the Closed Session at 5:45 P.M. Mayor Shepherd advised no reportable action.

## CITY MANAGER COMMENTS

James Keene, City Manager reported that the Planning Staff will be hosting a workshop related to the Comprehensive Plan update on June 24, 2014 at 6:00 P.M. at the Elks Lodge in Palo Alto. A brochure was available for the public regarding the Comprehensive Plan, as they were able to participate in the Environmental Impact Report (EIR) scoping process. Regarding California Avenue, the City's contractor, Redgwick Construction, completed the water line and was now moving into the streetscape portion of the project. There were 49 new trees to be planted along California Avenue, making the number of new trees over 100.

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The Street Tree Plan followed California Avenue's existing pattern and the overall Street Tree Plan. The California Energy Code was scheduled to go into effect on July 1, 2014; it impacted residential and non-residential design construction. The City prepared a Climate Protection Plan in 2007, related to the Sustainability and Climate Action Plan (S/CAP) that specified goals for Greenhouse gas reduction; the City exceeded their goals and set new goals. The community emissions were estimated at 34 percent below 1990 levels, and about 29 percent below 2005 levels. The new circumstances, new technology, and the rising bar of initiatives called for a new CAP. Staff issued a Request for Proposal (RFP) for the Climate Plan on June 2, 2014 and met with perspective bidders on June 9, 2014. The RFP asked for three different greenhouse gas (GHG) reduction scenarios: 80 percent by the year 2050; 80 percent by 2030; and 100 percent carbon free by 2025. The Chili Cook Off was being held at Mitchell Park on July 4, 2014. The Fire Department, Emergency Services Department, Police Department, and the Open Space Rangers of the Community Services Department planned on conducting a safety watch that involved the Midpeninsula Open Space Districts, Stanford University, and other agencies to deter crime, fire, and other dangers in the Baylands and Foothills. Veteran artist Ehren Tool was at the Art Center through June 29, 2014; he created and gave away more than 1,500 cups to promote dialogue about war and veteran experiences. The Twilight Summer Concert Series began June 28, 2014 with the Air Force Band of the Golden West in Rinconada Park. With the approval of the contract for the remodel of the first floor at City Hall, work was scheduled to begin the week of June 30, 2014, each phase taking between 60-90 days. The first phase involved a new community meeting room, a new Council Conference Room. The Main Library was being remodeled with public art, and the Council Chambers was receiving new carpet and seats, and new elevator cabs were being installed at City Hall. Phase Two and Three included improvements on level two, the Mezzanine, and the old Council Conference Room.

## ORAL COMMUNICATIONS

Robin Angstadt spoke regarding aggressive homeless people and their ability to ask for money in front of stores and wanted to begin petitioning about this issue.

Timothy Gray read an e-mail regarding a public records request that dealt with a Grand Jury report on 27 University Avenue; he requested the Council's support.

## MINUTES APPROVAL

**MOTION:** Council Member Price moved, seconded by Council Member Berman to approve the minutes of May 5 and May 6, 2014.

**MOTION PASSED:** 9-0



# MINUTES

## CONSENT CALENDAR

**MOTION:** Council Member Klein moved, seconded by Council Member Price to approve Agenda Item Numbers 3-23.

Council Member Holman registered a no vote on Agenda Item Number 4.

Council Member Schmid registered a no vote on Agenda Item Number 4.

Council Member Scharff registered a no vote on Agenda Item Number 23.

3. Award of Banking and Related Service Contracts to: (1 and 2) U.S. Bank and Their Wholly-Owned Subsidiary Elavon for General Banking and Merchant Services, (3) Wells Fargo for Lockbox Service, (4) Commerce Bank for the New and Innovative Accounts Payable Bill Payment Service, (5) Union Bank for Investment Safekeeping (Custodial) Service, and (6) JP Morgan Chase Bank for Purchase Card (P-Card) Service.
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**MOTION PASSED for Agenda Item Numbers 3, 5-22: 9-0**

# MINUTES

**MOTION PASSED for Agenda Item Number 4:** 7-2 Holman, Schmid no

**MOTION PASSED for Agenda Item Number 23:** 8-1 Scharff no

Council Member Holman thought the process for the System Application Product (SAP) security system should go before the Policy and Services Committee, then Council because it was significant and needed to be vetted.

Council Member Schmid added that there were questions regarding SAP and it was good to know the expectations of the Council and the public upfront.

Council Member Scharff did not support Item 23.

## ACTION ITEMS

24. Approval of One Contract and Two Contract Amendments: (1) Construction Contract with Duininck, Inc. in the Amount of \$8,987,809 for the Palo Alto Golf Course Reconfiguration Project, CIP PG-13003; (2) Change Order No. One with Duininck, Inc. in the Amount of \$265,399, Reflecting Cost Savings; and (3) Amendment No. One to Contract C13148028 with Golf Group, Ltd. in the Amount of \$456,693 for Construction Support and Environmental Mitigation Monitoring Services; Adoption of Two Resolutions: Resolution 9441 entitled "Resolution of the Council of the City of Palo Alto (4) Amending Resolution No. 9296, adopted November 13, 2013, to Extend Statutory Exception for Soil Transfers by Truck on Oregon Expressway until December 31, 2014;" and Resolution 9442 entitled "Resolution of the Council of the City of Palo Alto (5) Adopt the Attached Resolution Declaring Intention to Reimburse Expenditures from the Proceeds of Tax-Exempt Obligations (e.g. Certificates of Participation) for Not-To-Exceed Par Amount of \$7 Million to Fund a Portion of the Cost of the Palo Alto Municipal Golf Course Reconfiguration Project;" and Adoption of Two Budget Amendment Ordinances: Budget Amendment Ordinance 5261 entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto (6) In the Amount of \$2,501,569 for Golf Course Reconfiguration Project PG-13003, Increasing Appropriations From \$8,545,338 to \$11,046,907;" and Budget Amendment Ordinance 5262 entitled "Budget Amendment Ordinance of the Council of the City of Palo Alto (7) In the Amount of \$324,800 in Revenues and \$324,800 in Expenses to Operate Golf Course During July 1, 2014 – August 31, 2014"

# MINUTES

Mayor Shepherd noted that decisions needed to be made for the City Manager to move forward with this Item.

James Keene, City Manager remarked that in February 2014, Staff received a notice of incompleteness from the Regional Water Quality Control Board (RWQCB) related to the request for a 401 Permit Certification. In mid-March, 2014 there was a meeting with the RWQCB and other effected parties in the San Francisquito Creek Joint Powers Authority (JPA) to discuss the delays in the issuance of a permit, and how Staff could move forward with the Golf Course project. The meeting discussed how executive leadership was needed for this project, and how approval of the permit was gained. The RWQCB had a 30-day response period and Council went on recess the month of July 2014; the Council would be on break when a response was required. Staff recommended delegation to the City Manager to authorize the contract while Council was on break. Recommendations Two, Three, Six, and Seven were all subsequent actions once the contract was awarded. Staff was adopting a Change Order to the contract, one was deductive, the others were the anticipation of cost, additional expenses, adoption of a Resolution, and a Budget Amendment Ordinance to allow for sufficient funding. He noted that Staff might not execute the contract because of not receiving the permit. Direction was requested on: 1) the allowance of Staff to make additional expenditures to the design work on the Golf Course; 2) the passing of a Resolution extending the ability for limited hauling of materials by trucks on the transfer of soil; and 3) adoption of two Budget Amendment Ordinance's for revenues and for expenses for the operation of the Golf Course for the first two months of Fiscal Year (FY) 2015. Staff hoped they would award the contract, have the permits, and close the Golf Course for the remainder of FY 2015. A two month extension was requested to move forward with the contract and the permit.

Trish Mulvey was concerned about the Least Environmentally Damaging Practicable Alternative (LEDPA) for the flood project related to the Golf Course because there were regulatory and resource agencies dealing with endangered species. She requested a relocation of the Golf Course levees.

**MOTION:** Vice Mayor Kniss moved, seconded by Council Member Klein to:

1. Approve, and conditionally authorize the City Manager or his designee to execute the attached contract with Duinick, Inc. in the amount of \$8,987,809 for the Palo Alto Municipal Golf Course Reconfiguration Project, Capital Improvement Program Project PG-13003;

# MINUTES

2. Approve, and authorize the City Manager or his designee to execute, the attached deductive Change Order No. One to the contract with Duininck, Inc. in the amount of \$265,399 to reflect negotiated cost savings measures incorporated in the project;
3. Authorize the City Manager or his designee to negotiate and execute one or more additional change orders to the contract with Duininck, Inc. for related, additional but unforeseen, work which may develop during the project, the total value of which shall not exceed \$872,241;
4. Approve, and authorize the City Manager or his designee to execute, Amendment No. One to Contract No. C13148028 with Golf Group, Ltd., in the amount of \$456,693 for construction support and environmental mitigation monitoring services for the Palo Alto Municipal Golf Course Reconfiguration Project (PG-13003). The amendment includes \$344,262 for basic services and \$112,431 for additional services. The revised total contract amount is not to exceed \$1,002,031, including \$779,600 for basic services and \$222,431 for additional services;
5. Adopt the Resolution extending an exception to Chapter 10.48 [Trucks and Truck Routes] of the Palo Alto Municipal Code for the limited purpose of allowing the transfer of soil from Stanford University along Oregon Expressway to the Palo Alto Municipal Golf Course and adjacent areas;
6. Adopt the Resolution declaring intention to reimburse expenditures from the proceeds of tax-exempt obligations (e.g. Certificates of Participation) for not-to-exceed par amount of \$7 million to fund a portion of the cost of the Palo Alto Municipal Golf Course Reconfiguration Project;
7. Adopt the Budget Amendment Ordinance in the amount of \$2,501,569 for the Palo Alto Municipal Golf Course Reconfiguration Project (CIP PG-13003) to increase the total project appropriation from \$8,545,338 to \$11,046,907; and
8. Adopt the Budget Amendment Ordinance in the amount of \$324,800 in revenues and \$324,800 in expenses to operate the Golf Course for the two months of FY 2015 (July, 1, 2014 through August 31, 2014) in the event that inability to secure regulatory permits continues to delay the project.

Vice Mayor Kniss remarked the City was trying to decrease their loss; this project had continued issues.

# MINUTES

Council Member Klein said the cities involved in this project acted very responsibly and added that the RWQCB had time to respond to the Environmental Impact Report (EIR) but their delays were astonishing. He wanted the actions recommended by the City Manager to move forward because the failures of the RWQCB were costing the City significant amounts of money.

Council Member Scharff questioned the changes on Deductive Change Order One and inquired whether the changes made the Golf Course less appealing, or were lower quality materials being used.

Joe Teresi, Assistant Director of Public Works clarified that changes were the efficiencies the contractor recommended, which were reviewed with the Golf Staff and the Golf Course architect; they felt it did not take away from the overall quality of the product.

Council Member Scharff wanted clarification of the \$105,000 savings on the bridge and the earthen crossing.

Mr. Teresi explained that the original plan had an island people used to get to the green. Instead of a bridge, there was going to be grading used to simulate an island.

Council Member Scharff was disappointed with the RWQCB Board's actions and said a flood would be their responsibility.

Council Member Price questioned who made the appointments to the RWQCB.

Molly Stump, City Attorney answered appointments were made by the Governor.

Council Member Price wanted to know who funded the RWQCB activities.

Ms. Stump replied State Legislature.

Council Member Price inquired whether all other options were exhausted.

Mr. Keene answered that the JPA and the City filed appeals with the State Water Board in relation to the JPA Flood Control denial and to be on record that there was a notice of incompleteness received. The City Attorney was asked to hold off on the appeal because the process took time and the fastest way to receive approval was through the Executive Officer of the RWQCB.

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Time was running out and risk was increasing as the construction season was passing. Staff met with the Executive Officer of RWQCB in March 2014 and identified necessary changes to move forward with the Golf Course; changes were provided, but delays and requests for more information were received. The target deadline was July 2014; Staff thought the consequences were better owned by the RWQCB. Congresswomen Eshoo and Speier tried to provide funding to close the gap on the flood control, but they had concerns about why the RWQCB was not moving forward. The JPA pointed to RWQCB staff as the gateway to concluding the review and issuing the permit. It was well known what modifications needed to be done to satisfy LEDPA.

Council Member Price suggested advising Governor Brown.

Council Member Schmid clarified that no risk was put on the Flood Control Project by moving ahead with the permit for the Golf Course.

Mr. Keene relayed that one issue was the RWQCB's staff continually requested changes to the Flood Control Project, not addressing the Golf Course Project until changes to the Flood Control Project were complete. Identifying the boundaries of change to the Executive Officer of the RWQCB was a goal that could be made.

Council Member Schmid wondered if Staff would sign a contract with a construction firm if there was a permit with qualifications.

Mr. Keene wanted to make sure that the conditions were met and would come back to Council if there were any questions. Coming back to Council meant the deadline for the contract passed and there were probably costs and consequences. No independent determinations were going to be made while the Council was on recess.

Council Member Schmid wondered how many trucks delivered soil through Oregon Expressway and if there was a need to limit the number of trucks per week.

Mr. Teresi remarked that soil delivery was going to be accelerated but the trucks would not run during peak hours.

Council Member Schmid requested that Staff be sensitive to the improvements taking place on Oregon Expressway.

Council Member Holman felt unsure about the effects on the environment being placed on the wildlife and the soil being piled in different places.



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Mr. Teresi reported that checks were performed for nesting birds, and the soil was not going to be stockpiled on any wetland areas, near any endangered species. There was no added risk to the wildlife at this time.

Council Member Holman wanted clarification where the increased soil would be delivered to.

Mr. Teresi said the soil delivery place was the same but the piles would be higher and added that the issues of the soil were addressed in the EIR.

Council Member Berman felt the RWQCB actions were irresponsible and the JPA had a Flood Control Plan. Staff hoped the project would begin in 2014, but the delays continued. These issues needed to be resolved because it put nearby communities in danger, especially East Palo Alto. The longer there was an obstruction, the more likely there were repercussions. It was not the RWQCB, but its staff that caused the problem.

Council Member Burt said the RWQCB linked the City's permit to the JPA permit, which caused a rationale for refusal of the permit and the continued set of requests. A RWQCB staff member stated that the levees in Palo Alto were being constructed taller than levees on the East Palo Alto side; this was explained but brought up a month later. Their delays put people at risk because the levees protected East Palo Alto. There was a misconception regarding the amount of downstream water flow that the project accommodated; even though it was explained, there was still a misunderstanding. The RWQCB Board Members had watershed expertise, but many of their questions did not seem genuine and deterred from the Golf Course Project. The members of Palo Alto and East Palo Alto needed to voice their concerns about the actions of the RWQCB and their staff. Assemblymember Gordon and State Senator Hill were concerned because there was a question of whether this agency was abusing their authority to the detriment of many people.

Mayor Shepherd thought there was confusion in the community about how only the bridges needed to be replaced, but that was not the situation. Menlo Park and East Palo Alto were just as anxious for the permits as Palo Alto. It was important to continue to act. The contract came in a little above the Engineering Funds Contract, and yet Staff was able to negotiate some Change Orders to bring the contract back into the type of expenditures that was intended for the Golf Course. Income was lost due to the Golf Course not being open.

**MOTION PASSED: 9-0**

# MINUTES

Council took a break from 6:50 P.M. to 7:00 P.M.

25. PUBLIC HEARING: City Council Review and Consideration of a Proposed Reclassification from a Category 3 Historic Resource to a Category 2 Historic Resource and an Architectural Review Application for the Historic Rehabilitation Project Located at 261 Hamilton Avenue that would Generate 15,000 Square Feet of Transferable Development Rights for Off-Site Development. The Rehabilitation Project Includes Renovations to the Existing Building And Relocation of Floor Area to Make A 5,910 Square Foot Addition at the Rear of the Building. Environmental Assessment: Exempt from the California Environmental Quality Act per Sections 15331 Historical Resource Rehabilitation and 15301 Existing Facilities.

Mayor Shepherd recapped Staff's recommendation and said this Item was quasi-judicial and required Council to disclose any information known to them that was outside the public record.

Council Member Berman met with Doria Summa and Jeff Levinsky but did not learn anything outside the public record.

Council Member Scharff spoke with Annette Glanckopf but did not learn anything outside the public record.

Council Member Holman talked with Doria Summa and Jeff Levinsky and learned that Encina, California was a neighborhood.

Mayor Shepherd clarified Encina was listed as a town in the Staff Report.

Council Member Holman said it was implicated as a town.

Council Member Schmid met with Jeff Levinsky and Doria Summa; the conversation did not include anything that was not in the public record.

Council Member Burt met with Doria Summa and Jeff Levinsky and did not learn anything outside public record.

Mayor Shepherd said 261 Hamilton Avenue related to the renovation of a historic building and the applicant's request to reclassify this historic building from a Category Three to Category Two building to gain Transferrable Development Rights (TDR).

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Once the Staff Report was presented, the applicant had up to 10 minutes to speak, the public then made their comments; each person from the public had three minutes to speak. The applicant had three minutes for rebuttal, and then the Council asked questions and made a Motion; Council was able to continue this Item to a future date if necessary. She wanted to know if this Item was time sensitive.

Hillary Gitelman, Director of Planning and Community Environment remarked that the Public Hearings were noticed but this Item could be continued if Council was not able to reach resolution.

Clare Campbell, Senior Planner relayed the first component was the historic reclassification from a Category Three to a Category Two Historic Resource; being a Category Two made the building eligible for 15,000 square feet of TDR's. The second component was the architectural review for the proposed exteriors of the site, which included the rehabilitation and improvement at the rear of the site. The standard review required review by the Historic Resources Board (HRB) and action by Council. The review of the exterior improvements required review by the HRB, Architectural Review Board (ARB), and action by the Planning Director. The HRB unanimously recommended approval on April 16, 2014 and the ARB recommended approval on June 5, 2014. This project required removal and relocation of the floor area from the basement to create an addition at the rear of the site and a clear understanding of the term "Building Envelope". Once the historic reclassification was complete and developed, the site needed to be fully parked, as well as meet the Municipal Code definition for a Category Two Historic Resource. The project met this definition because it had regional importance as one of the largest Spanish Colonial buildings revived in the Bay Area, it was designed by Birge Clark, and the building retained its original design intent. The proposed rehabilitation work included the repair of the red clay tile roof, cleaning and repairs of the stucco, the restoration of the ornamental iron work, rehabilitation of the steel case windows, and the restoration of all the store fronts along Ramona Street and Hamilton Avenue. When the Downtown Parking Assessment District was established, the building was thought to have 37,800 square feet of floor area, which included the basement. The project plans proposed converting the majority of the basement into a parking facility, which meant that 8,300 square feet of floor area was going to be decommissioned. For all improvements of historic buildings, the Secretary of Interior Standards of Historic Rehabilitation must give approval; this plan was in compliance with them.

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Ms. Gitelman explained that the building was "Grandfathered," which meant it did not adhere to the current building standards. Grandfathered buildings were able to be improved, as long as there was no increase in the floor area, no change to the building footprint, no increase in the height, length, or building envelope, or any other increase in size; Staff's proposal did not violate any of those regulations. There were two interpretations of "building envelope:" 1) the building itself or the building skin; and 2) buildable area. In definition two, the relocation of square footage was allowed. The second interpretation was the more accurate because of a close reading of the Municipal Code, how the term was interpreted in the past, and the common usage in a zoning context. If the drafters of the Municipal Code meant the building envelope to refer to the building skin, there was no direct mention of the increase of the building size. A second reason was in the past, the City allowed relocation of square footage. Staff looked to neighboring jurisdictions as to how other planners defined this wordage and found that very few jurisdictions used the term "building envelope" in zoning Ordinances because there was difficulty in the interpretation. Building envelope was also used in connection with energy efficiency, which related to the skin of the building, or the building itself. Staff's proposal enabled the project to generate 15,000 square feet of TDR's, but the project was not going to result in a net increase of usable square footage. The improvements added parking to the site but the project would not change the elevation of the building.

Public Hearing opened at 7:16 P.M.

Brent McClure, spoke for the Applicant and said there was going to be a restoration of the windows, a reduction in the ground floor, and replacement of the transit windows. He hoped restoration would continue on Centennial Walk, along Ramona Street and Hamilton Avenue. There were other proposals, but the plans were changed to make the building more historically compatible. The existing floors were 30,000 square feet, with an 11,000 square foot basement, which was usable space today; this left 32,000 square feet of space to be used. The project proposal included decommission of about 8,300 square feet of basement space. He noted that this proposal could not to be changed in the future, as it would become a condition of approval. The basement plan included nine underground parking stalls. There was a planned addition of two floors to the existing one story piece, which added 5,900 square feet. The mezzanine piece took away almost 2,000 square feet, and with the basement, the net change brought the building down to 37,500 square feet; this caused a loss of close to 4,400 square feet of usable space. The building, before improvements, maximized at 42,000 square feet.

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If the proposal was completed, the square footage would be reduced to 37,500 square feet. These changes included historic life safety features located at existing stairs, and alongside the elevator. The elevator was non-compliant by today's standards. The addition also included a code compliant exit stairwell, which also made the building fire safe. Sprinklers were included in the plan, and a full seismic upgrade, including a new elevator equipped to hold a paramedic gurney.

Robert Moss remarked that there was a difference in Floor Area Ratio (FAR) between what was in the Staff report and what the applicant relayed. In the past, underground basements were not included in the FAR. The proposed addition of nine parking spaces did not accommodate the 30-35 office workers that would be using the building.

Sheri Furman explained that moving the FAR around made the office and the basement different and there was a loss of parking spaces. The Municipal Code needed to be changed if that was not clear.

Michael Hodos did not support converting 4,000 square feet of storage into office space. That meant one parking space to every 250 square feet of space. The deficit of parking meant overflow of parking in downtown neighborhoods.

David Mackenzie understood this project improved deficiencies identified in the building, while maintaining the original intent of the design.

William Ross questioned the EIR and said the California Environmental Quality Act (CEQA) guidelines required all construction and operational impacts be considered. Staff followed a pattern of construction impacts offline and adequate review under CEQA was required for approval of the project.

Jeff Levinsky outlined how examples in the Staff Report regarding historic precedence did not support Staff's definition of building envelope. Historic precedence in relation to the building envelope followed the Municipal Code.

Doria Summa remarked that the Staff Report used building envelope as a synonym for buildable area, as was in Encino but "Encino" was a neighborhood. The City of Los Angeles explained building envelope as the height, size, number of units to buildings, driveways, and any proposed garden walls.

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Annette Glanckoph said the law of the Municipal Code clearly defined building envelope and said it had not been followed for decades; there should be one set of laws. She did not understand how the FAR in the garage was converted to upper storage, since it was below grade.

Herb Borock remarked that the Staff Report interpreted building envelope by terms in Municipal Code and their interpretation was substituted with words that were in the Zoning Code. Building envelope referred to modifying the physical structure. He suggested reading the language of the Municipal Code.

Stephanie Munoz said propositions in the past asked for more space or size, which was paid for by the people with public benefit. It was unreasonable to add space to a building that was already oversized, to be more under parked. All proposed parking spaces needed to go in the unbuilt corner at the top of the building.

Eric Filseth remarked that Palo Alto had the worst jobs/housing balance and the worst in-bound traffic commute, caused by an increase in downtown office jobs. If Council believed that there was a need for greater office density downtown, then they needed to support Staff's interpretation.

Reta Verele noted there was a lot of anger regarding overdevelopment. University Avenue was used by people outside Palo Alto and California Avenue was used by residents; she did not see the need in upsetting residents because the town was being overdeveloped.

Ruth Lowy said the Council needed to remember the word "residents" because their decisions were chipping away at the quality of life.

John Hanna, spoke for the Applicant and remarked that improvements for the elevator and the stairs were a necessity. Basements were included in the Ordinance, and parking was excluded. Nine parking spaces being added equaled a reduction of 4,300 square feet of space. The California Environmental Quality Act had exemptions for historic buildings. Palo Alto Neighborhoods (PAN) asked that the words "building envelope" be changed to "building structure" in the Ordinance.

Public Hearing closed at 7:58 P.M.

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Council Member Burt disagreed with “modifying” the definition of building envelope, and said the question was whether the Council agreed with Staff’s interpretation. He wondered if Staff’s interpretation about the FAR was correct, and if it was possible to move basement area above ground, as long as it did not break the daylight plane or change the height.

Mr. McClure said yes.

Council Member Burt made a parallel with projects that might raise issues with other downtown patterns. He wondered if Staff meant the basement space could be moved above ground, and not change the building envelope.

Ms. Gitelman replied yes.

Council Member Burt remarked that did not pass common sense definition. The Municipal Code listed the series of the footprints, the height, the length, the building envelope, and any other increase in size of the building. Staff’s interpretation was that the size of the facility was not what was above ground, it was above and below ground, it was exchangeable, even if the space was moved from above or below ground.

Ms. Gitelman clarified that Staff was equating size to square footage, and were clear that there were two interpretations.

Council Member Burt explained that when size was equated with square footage it meant that what was below ground was equal to what was above ground. The basement was used as storage and allowed space to be converted to above ground office. The space was then converted to floor area below ground, and became exempt from the floor area calculation when it was turned into parking spaces. There was 6,000 additional square feet placed above ground and the current Municipal Code called for four parking spaces per thousand square feet. This required an increase of 24 spaces above ground and nine more spaces below ground.

Ms. Gitelman agreed that how the basement was occupied was a factor and said the space was counted as assessed floor area space when the Parking Assessment District was established.

Council Member Burt remarked that the claim on the physical impact was reasonable but that meant increased parking deficit. This project had merit because it provided rehabilitation but he did not understand how Staff’s interpretation was used.



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Council Member Klein said that by changing the historic Category, the applicant received 15,000 square feet of transferable space; he wondered what the cost was, or what the City received in exchange.

Ms. Gitelman clarified the question was about the applicant fee.

Council Member Klein wanted to know what the benefit to the City was.

Ms. Gitelman answered that the TDR program was initiated to give value to historic properties so they could be rehabilitated and returned to useful life. The value of the TDR made the rehabilitation of the Historic Resources more feasible.

Council Member Klein wanted to know if there was anything in the Report that required that the applicant make the improvements.

Ms. Gitelman noted that the applicant would only qualify for the TDR's if historic rehabilitation was completed to the City's satisfaction.

Council Member Klein wanted to know if that was a fair trade-off.

Ms. Gitelman noted when the TDR program was instituted, the value of the TDR's was thought to be equal to the value of the historic building.

Council Member Klein wondered what problems the applicant would have if there was no upgrade to the Category of the historic building.

Ms. Gitelman suggested the applicant speak to that.

Council Member Klein wanted to know what restrictions the City placed on the redevelopment of the property, if it remained in the same Category.

Ms. Gitelman explained the property would continue to conform to the Secretary of Interior State Standards, but would not receive the benefit of the TDR's, which helped finance the historic rehabilitation.

Council Member Klein thought the only exchange for the community was assisting the developer with his remodel.

Ms. Gitelman noted an incentive was the rehabilitation of a building with the Secretary of Interior State Standards.

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Council Member Klein questioned whether the community received a future benefit for a historic Category upgrade.

Ms. Gitelman felt the purpose was to offer an incentive by making rehabilitation projects more feasible, which conferred the value. Without the TDR, the value was not applied to the rehabilitation and it was less likely that the rehabilitation would occur.

Council Member Klein inquired about the Centennial Plaques on Centennial Way, and did not see any mention of the rights to have the Plaques on that wall. He recalled some type of license or easement in 1993 or 1994.

Ms. Campbell said the applicant proposed retaining three of the Plaques, and moving the remaining three to the University Avenue side of the building. The Plaques were not public art and there was no mode of regulating them.

Council Member Klein did not recall the agreement of the Plaques.

Cara Silver, Senior Assistant City Attorney said there was no research done regarding an existing license agreement or a lease agreement for the replacement for the Plaques.

Ms. Gitelman added that the applicant proposed maintaining all Plaques, even though some would be relocated.

Council Member Klein questioned whether that was in the interest of the City.

Roxy Rapp noted that if the project was approved, there was going to be documentation that ensured the Plaques remained for the life of the building. The President Hotel was identical to the proposed building, but improvements were not made for persons with disabilities and it was not brought up to earthquake standards. He proposed bringing this project up to earthquake standards and making all bathrooms accessible to persons with disabilities; he emphasized life-safety.

Council Member Klein explained that there was usually never one way to read an Ordinance or a law. He thought Staff misread this Ordinance and said understanding what the drafter of the Ordinance meant was the key: "the proposal should not increase in height, length, building envelope, or any other increase in the size.

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The phrase “any other increase in size of the improvement” was important and everything that was before that were examples of what the drafters of the Ordinance tried to achieve. If the drafters of this language wanted to say “building area” or “building envelope,” they would have said it. The City Grandfathered buildings in, but did not want them increased in the size. Interior remodels were allowed, but trading off basement area for square footage elsewhere was not; the language included what was above ground.

Vice Mayor Kniss agreed with other comments and said: larger was larger. This project did not seem ready. She wanted to know if a Motion was needed to reject the project upgrade from a Category Three to Two, and to decide on the meaning of building envelope.

Ms. Gitelman noted an application was submitted, and there was a need to decide on the disposition of the application. She said the applicant could be asked to revise it or the application could be denied.

**MOTION:** Vice Mayor Kniss moved, seconded by Council Member XXX to deny the application but allow the applicant to resubmit after taking into consideration the Council input tonight.

Ms. Silver explained that the application could be denied or Council could indicate that they would like to see a revised project.

## **MOTION FAILED DUE TO THE LACK OF A SECOND**

Council Member Holman wanted Staff to reconsider the CEQA exemption because a better explanation was required. There were many conditions of approval that came back to either the ARB or a subcommittee that were called minor adjustments, like the street trees. Transportation Demand Management measures and others that were not minor, were required in the application. She referred to Noncompliant Fillable Facility Replacements and said Staff did not respond to her question. Staff’s interpretation of building envelope was different from the one in the Municipal Code. Changing the building from a Category Three to Two was separate because the building qualified as a Category Two designation. In exchange for approval of this project, the public received a permanent protection of this building, which was a landmark in a nationally registered district; she proposed penalties when there was a default in responsibility of historic buildings. In return, the applicant received TDR’s and the Historic Tax Credit. Disrupting Centennial Walk Plaques eroded the historic features and the honor of the Plaques.

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She noted that the building could be rehabilitated without the above grade addition, and the fire egress could be installed. She discussed how the buildings' innovative approach to massing and façade design was something that people related to as an example in breaking up mass and scale.

Council Member Scharff said Council needed an interpretation that resonated with the public and made common sense. It was a concern that there was a basement that was not often used, which could be converted into office space, and the building was not parked. The Ordinance gave people an incentive to upgrade to Category Two status and to rehabilitate their existing buildings, but discussion about the parking for the TDR's created concern that people would not have the incentive to rehabilitate their buildings. He inquired about what the developer wanted, and what upgrading the Category meant.

Mr. Rapp answered that the building was in an historic district and 85 percent of the buildings in that district were Category Two buildings.

Council Member Scharff relayed that the applicant had a different project planned if the Council did not approve this proposal. He inquired about what direction to give.

Mayor Shepherd reminded that Staffs proposed Motion was to approve the proposed reclassification of the building from Category Three to Category Two Historic Resource, enabling generation of 15,000 square feet. She requested confirmation on Staff's direction.

Ms. Gitelman said if the building changed from a Category Three to Two, it qualified for the TDR's, but the building had to be rehabilitated to create the TDR's, which was when the covenant was placed on the building. Council could decide to: 1) move forward with the re-designation from Category Three to Two, independent to what was proposed about the project; 2) deny the proposal and ask for resubmission of a modified proposal; or 3) approve the project without the rear addition, submit a different interpretation of building envelope, and not allow the applicant to relocate the square footage from the basement to the rear addition. The other option was for Council to ask the applicant to resubmit a modified project.

Council Member Scharff wanted to know if that could be done.

Mr. Rapp wanted his project to be continued.

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**MOTION:** Council Member Scharff moved, seconded by Vice Mayor Kniss to continue this Item to a date uncertain.

Council Member Scharff thought the project was good but it did not follow the rules. He wanted the applicant to come back, removing the proposal of space from the basement. Once that was done, Council was able to grant Category Two status.

Vice Mayor Kniss thought the best idea was to continue this Item.

Council Member Berman agreed with Staff most of the time but thought it was wise to continue this Item and hoped another proposal would be brought back.

Council Member Schmid remarked that the Staff Report said the HRB, ARB, and Staff "recommended", but the minutes noted that the building envelope was not in their purview. An impact of this project was parking. About two years ago, Council passed an Emergency Ordinance regarding parking in the downtown area. In this project, the usable retail space went down by 25 percent, usable office space increased by 25 percent, and the total usable space went up by 11 percent. A month ago, the Development Coordinated Area Plan (CAP) evaluation noted that the downtown area was consistently under-parked. There needed to be 14.4 thousand parking places to accommodate non-resident properties; the downtown area had 4.9 thousand parking spaces, and the surrounding area required 8.9 thousand parking spaces; these were issues that were compounded over time. Proposals regarding the downtown area were continually under-parked.

Council Member Price supported the application and the work of Staff and felt that their interpretation about the building envelope had merit. People were concerned with transparency and open government, but there were extensive ARB and HRB discussions and ample opportunity for the community to engage in this discussion. She wanted clarification that some of the basement space was being used as office space, and not just storage.

Mr. Rapp said the basement was used for frame work, an outside sales office, customers were brought to businesses there, it was used for manufacturing; no cars occupied the basement.

Council Member Price questioned whether there were other ways to gain more parking.

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Ms. Campbell remarked that there was no way to get more spaces, other than using a valet program because of the placement of the columns and the elevator.

Council Member Price suggested stack parking but did not recommend having parking drive decisions. If the building life was 30 – 40 years, people had to be careful about using old paradigms when achieving mobility now. The benefit to the community was a beautified building. The life safety issue was a critical part of the proposal and should not be minimized.

Ms. Gitelman requested information about what it meant to continue this Item.

Ms. Silver said first, there needed to be discussion among Staff and the applicant, and then the applicant had to submit a modified proposal. Staff determined whether the modified proposal needed to go back to the ARB. It was possible to bring the Item directly back to Council, but the modification might trigger additional discussion, in which case the proposal was sent directly to the ARB.

Mayor Shepherd said the discussion of building envelope was good and supported the upgrade to a Category Two. She noticed that the applicant was willing to fill the space underneath the street and requested more information because that eliminated square footage in the basement.

Ms. Campbell answered that the area under the two different sidewalks was approximately 2,050 square feet.

Mayor Shepherd answered that “two different sidewalks” was not clear.

Ms. Campbell clarified that underneath the street sidewalks dealt with Ramona Street and Hamilton Avenue. The City was supportive of filling this because there were a lot of maintenance issues with filling in the sidewalks, and problems with water and leakage. The plan was to fill it in with dirt and wall it off, making it inaccessible; this made room for trees.

Mayor Shepherd clarified that was part of the square footage that was meant for above.

Ms. Campbell said yes.

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Mayor Shepherd was okay with replacing the square footage for a retro-fit of the elevator, the stairwell, and the emergency components because that was allowed for a similar building across the street. The City received the benefit of street trees and sidewalk repairs; some retro-fit was needed to bring the building up to emergency standards. She was interested in having the building fitted, seismically and correctly, while remaining a historic building.

Council Member Klein remarked that the City Attorney answered his questions as to a continual or a denial.

Council Member Burt questioned whether basements were included in the commercial area when the calculation of the baseline for downtown was made.

Ms. Gitelman thought that some basements were included for assessed square footage for the Parking District, but she was not sure.

Council Member Burt agreed and said this project prompted discussion on the conversion of basements related to retail, but not defined retail space, because basements were intended to support the ground floor retail and were converted into offices. That shrunk functional retail areas, the new space was not parked, and the area was converted from light to high intensity use. The comment about eliminating the basement and the sidewalk was beneficial but was not permitted under the revised definition of the building envelope. He suggested clarification in the Motion.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to incorporate the more restrictive description of "building envelope" as part of the Motion.

Mayor Shepherd questioned whether some of the intended square footage was inside the building.

Council Member Burt was only clarifying the definition of building envelope and said guidance was needed on the approval of Category Two qualification.

Ms. Gitelman said Staff thought the building was deserving of a Category Two classification. If the Council completed the re-designation, and there was a revised proposal to be submitted by the applicant, the proposal could be approved by the ARB, and then approved at the director level; the proposal would only come back to Council on appeal.



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Council Member Burt felt that the applicant heard Council's inclination to approve the Category Two designation. The applicant qualified for TDR's, with the reclassification, but Council may want to revise the TDR's in the future.

Council Member Holman wondered if the application would go back to the HRB if it were continued.

Ms. Silver answered that the project would return to the HRB.

Council Member Holman remarked that basements served as support space for retail and if the basements continued to be converted, the retail would be diminished. She requested that Staff bring forward clarification on "building envelope" and "Grandfathering".

Ms. Stump noted that the interpretation of building envelope applied to projects going forward.

Council Member Holman differentiated between Council's interpretation and the Municipal Code definition.

Ms. Stump explained that the Council's meaning served as the interpretation of "building envelope" and did not require a Municipal Code amendment.

Council Member Holman wanted to ensure that this term was interpreted for future reference.

Ms. Stump clarified this was an interpretation of the law and suggested clarifying language.

Council Member Holman agreed and suggested the same with the term "Grandfathering" so these terms were not open to interpretation. This was a reasonable mode of explanation and a fair test for the applicant, the public, and Staff; it helped people to feel like they were being treated fairly.

**MOTION AS AMENDED PASSED:** 8-1 Price no

Council took a break at 9:12 P.M.

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26. PUBLIC HEARING: Council Action Regarding an Appeal of the Director of Planning and Community Environment's Decision Approving a Project on an Approximately 17-acre Site in the RP (AS2) Zoning District located at 1451-1601 California Avenue, and Council Approval of a Tentative Map to Subdivide Three Parcels Into 83 Parcels at the Same Site. The Proposal Would Authorize Demolition of Approximately 290,220 Square Feet of Existing R&D/Office Space and Construction of 180 Dwelling Units, Which Includes 68 Detached Single Family Units and 112 Multi-Family Units as Anticipated in the 2005 Mayfield Development Agreement. Environmental Assessment: City of Palo Alto/Stanford Development Agreement and Lease Project Environmental Impact Report (State Clearinghouse No. 2003082103).

Council Member Klein noted he could not participate in this Item because his wife is a Stanford faculty member and this is on Stanford Property. Council Member Klein left the meeting at 9:20 P.M.

Mayor Shepherd asked Council to identify any information they learned that was outside the public record.

Council Member Berman met with representatives from Stanford University and did not learn anything outside the public record; he invited the appellant to meet but they declined.

Council Member Price discussed this project with representatives from Stanford University and was not aware of any additional information that was not in the public record.

Mayor Shepherd disclosed that she met with Stanford University on the maps portion of this project but did not learn anything beyond the public record. This project related to a housing development project that was the subject of a 2005 Development Agreement between the City of Palo Alto and Stanford University. To make sure all Items were before the Council, Staff combined the public hearing on the Architectural Review Board (ARB) appeal, the Director's Appeal, and the subdivision map.

Hillary Gitelman, Planning Director remarked that Staff was available to answer questions.

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Jodie Gerhardt, Senior Planner said Staff processed an ARB application and a tentative map that was developed with three office complexes. The proposed project replaced these complexes with 68 single-family homes and 112 multi-family homes, including a community center, fitness center, swimming pool, and approximately 2.7 acres of usable open space. The tentative map subdivided existing parcels into 68 single-family lots, two condo lots, and 13 parcels for private street and common areas that equaled 83 parcels. The ARB application included 11 different single-family houses with 29 different styles. All detached homes had two-car garages and the multi-family buildings provided two parking spaces for each unit. The proposed map sub-divided the parcels by 83, including private interconnected streets that accessed California Avenue at three other locations. The land use and density for this project were approved in 2005. Vested rights were provided to relocate non-residential units away from College Terrace and to build 250 housing units on two sites. The first site was the proposed property and the second site was approved for 70 Below Market Rate (BMR) houses at 2550 and 2500 El Camino Real. The construction of these homes helped the City to meet the Regional Housing Needs Allocation (RHNA) part of the Housing Element. The Development Agreement provided a streamline process for housing and limited the City's purview for architectural review for the following three project elements: 1) determination of the project compliance with the Alternative Standard Overlay, District Two (AS-2) development standard, and ARB findings; 2) review and approval of the lighting, noise, landscaping, and selection of exterior materials and finishes of the buildings and other structures; and 3) to limit the review to the California Avenue edge of the property to determine whether the project approximated horizontal rhythm to the buildings side-yard setback, including the relationship of the first and second stories, and to ensure the property reflected the design of the neighborhoods on the north side of the streets. The ARB approved this project on March 20, 2014. The applicant and the neighborhood asked for additional time to review the conditions of approval; the revised proposal was approved on April 18, 2014. The Planning and Transportation Commission (PTC) recommended approval of the map on May 28, 2014. Many of the concerns raised were connected to the map so Staff decided to hear the proposal and the approval of the map together. Answers to issues raised by Staff were listed during appeal. The Director's decision and the approval of the tentative map was Staff's recommendation.

Public Hearing opened at 9:31 P.M.

Ms. Gitelman mentioned that the Fire Marshal was present for any questions on this Item.

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Fred Balin, Appellant remarked that the areas of appeal dealt with the Fire Code, congestion on Columbia Street, garage mirrors, and Safe Routes to School. The Development Agreement Requirement on a Site Specific Circulation Analysis and the view of the City's Traffic Engineer needed to be decided on by Council but the decision regarding the tentative map depended on State law and the Comprehensive Plan. He referenced Appendix D in Ordinance 5223 which outlined fire apparatus access roads and dead-end streets. Dead-end roads in excess of 150 feet needed to be provided with width to enable turnaround provisions of a 151-500 feet: a turnaround of 120 feet in the shape of a hammerhead, a 60 foot "Y" turnaround, or a 96 foot diameter cul-de-sac. The Fire Code did not support Staff's interpretation of fire access roads because driveways needed a turnaround but the Fire Code states that a turnaround "shall be provided." There were no fire hydrants that reached the dead-end streets. He suggested an exit road be put in place of a dead-end street, along with another fire hydrant, and on grounds of liability, that the Council follow the Fire Code. Regarding congestion on Columbia Street, 77 percent of the vehicles exiting the complex took Columbia Street. The road near one of the proposed dead-end streets needed to be extended and a garage accessed by mirrors needed to be taken away. People used the most convenient exits, which created traffic. Stanford's consultant said that in the morning commute hours, most people used the Columbia Street exit, the most convenient exit; this was confirmed with a previous study done at Peter Coutts village where people found an unequal distribution of cars. The recommended route for Safe Routes to School was through Bowdoin Street or Hanover Street because of the crosswalks, which was not a condition of the project. Regarding sidewalks and road widths, there was no sidewalk on Amherst Street because of the retaining walls and trees. Additionally there was a street that was narrower than 24 feet; the streets needed to be widened to match the streets in College Terrace. People were concerned about traffic and have asked to have an exit onto Page Mill Road.

Jean McCown, applicant said the Mayfield Development Agreement was approved by Council in 2005; it was an agreement between the City and Stanford University. This project received extensive feedback from College Terrace and the Peter Coutts neighborhoods. The partnership enjoyed the benefit of new soccer playing fields, moving almost 3,000 square feet of space from College Terrace, which was going to potentially lower housing density. This was a mutually agreed to requirement within a binding Development Agreement that included an approved Environmental Impact Report (EIR). She noted that in exchange for the building of Stanford University housing, the City agreed to narrow their future discretions when approving its housing projects and to limit their mitigation measures. The

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agreement included a detailed list of zoning requirements and a long list of specific litigation measures, based on the EIR. This project met every AS-2 requirement and promised to comply with every mitigation requirement. Staff, the ARB, and the PTC examined the Development Agreement in detail and Stanford University agreed to comply with the proposed revisions. The goal was to ensure that the housing was compatible with the neighborhood design character and that the Stanford faculty living in this new housing felt like they were part of this neighborhood. This project met the many goals that the party set out to achieve and Council's action will implement the mutual commitments made in the 2005 Development Agreement.

Chris Wuthmann, Stanford University Real Estate said the planning principles were: 1) to make design standards match those of nearby neighborhoods; 2) to have a good circulation pattern through pedestrian orientation and vehicle circulation; and 3) to make the site sustainable through minimization of hardscape and maximization softscape, in accord with open space requirements. In regard to turnarounds and the Fire Code, two key points were misinterpreted: 1) the Fire Code's interpretation and application was left to the local Fire Code official; this was confirmed by the State Fire Office; and 2) the proposed plan did comply with the City's Fire Ordinance. A turnaround was not required because there was a combination 150 foot road access, a 150 foot reach, and continued pedestrian access. Distances were able to be modified by the Fire Marshal and the houses were going to have fire sprinklers. Regarding the road width, there was a 24 foot wide road entrance placed to improve traffic safety and to eliminate street parking; the traffic lanes were widened by one foot on each side of the street. Fire sections within 20 feet of fire hydrants were revised with rolled curbs, as required by the Fire Marshall. Regarding congestion on Columbia Street during peak hours, the professional analysis estimated that in the morning, 26 trips were made per hour, and 40 trips per hour in the evening. He explained that the drop in traffic moving from office to faculty residence would not cause congestion because most faculty members had campus permits. Concerning adding a fourth driveway, this was unsafe because it did not align with Dartmouth Street and movements in and out of the suggested extra street would be unexpected and would cause safety problems. Regarding not having a sidewalk on Amherst Street, there was less usable land available and there were numerous trees that needed to be preserved that took up space. His proposal was 12 feet wider and provided more condensed lots than the existing lots. If a sidewalk was included, it would force the houses back; also, a sidewalk was not required on private streets. The mirror issue for the garage was maintained by management of the condominium building and was an aid, but was not required.

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William Ross noted that this hearing had to meet the findings of a legal case in Los Angeles to bridge the gap of the evidence. Medical issues were the primary calls for service and installing sprinklers did not reduce response time for medical aid. He suggested a comprehensive indemnification provision for negligent response time.

Adrian Fine wanted to streamline Stanford University's work because according to the appeal, the project was ready. College Terrace was quiet and because traffic was minimal, he did not see a problem with kids getting to school safely. Installing mirrors was reasonable and he wanted the project to continue forward.

Jane Uxrova wanted to see new families move in because the buildings were empty. Private citizens were burdening this project unnecessarily.

Arthur Liberman said the layout was in conflict with the Fire Code because access roads "shall be provided." A turnaround dealt with basic safety issues. The Staff Report related fire access roads to the "generally accepted interpretation". The Fire Marshall did make interpretations but none that had effect on the Fire Code. If the Fire Marshall needed to amend the Code, he should do so because the laws should not be modified.

Sharon Murphy said that 35 years ago the people worked to blockade the streets in College Terrace. Now, the people were trying to preserve the safety of the streets from people cutting through the neighborhood and speeding. Having an access road to Page Mill Road was a limited request because there used to be an access road.

Ed Schmitt remarked that there was a study performed a year ago at Peter Coutts that determined that 54 percent of the traffic led to Stanford University. The two peak times were early morning and evening and half of the outbound traffic returned 30 minutes after leaving. Total traffic volume was about 70 cars per hour during those times; he suspected two driving trips were being made.

Michael Tomz supported the Mayfield project and felt it reduced the traffic because he and his neighbors did not use their cars. This project helped to build a community that interacted with each other, which was important for the maintenance of academic excellence at a world class teaching institution.

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Manish Butte thought the new project replaced the high impact office space. He biked his kids to school and did not own a car. The figure of 10 percent of the cars coming out of the neighborhood was reasonable. Regarding faculty recruitment, people were terrified of the prices in the area and this project allowed for affordable housing for faculty.

Margit Aramburu remarked that there was flexibility to widen Bowdoin Street, Columbia Street, and Amherst Street because of the width of those streets. There was a lack of sidewalks on Amherst Street, including the connection around the back, but there was flexibility to provide a sidewalk.

Brent Barker thought the lack of a sidewalk on Amherst Street was impractical because it was unsafe for kids because the planting strip could be replaced with sidewalk. The narrowing of the A, B, C streets when they hit California Avenue segregated College Terrace and made it like a gated community. He suggested giving up the parking spaces on California Avenue for a bike lane.

Robert Moss noted Council passed an Ordinance requiring a minimum street width of 32 feet for all new projects. Turnaround's for emergency vehicles needed to be provided. Stanford University said the Trichloroethene (TCE) levels were adequate for building houses but approval was needed from Regional Water Control Board, not the Department of Toxic Substance Control who approved the TCE levels. The TCE values were not given in the Staff Report; oversight for mitigations of TCE needed to be resolved.

Stephanie Munoz said Staff, the appellant, and the applicant needed to clear up the suggestions made by the appellant. The City gave up jurisdiction of review to Stanford University, but that did not mean they would do a good job. The project needed to be postponed until the problems were worked out.

Carina Chiang explained that adequate access for emergency vehicles was needed. The California Vehicle Code required a minimum of three feet to pass a bicycle; this area anticipated high bicycle traffic. The parcel map showed shrubs around a transformer pad, but eight feet of clearance was required; bollard protection was required on Amherst Street.

Herb Borock said the Mayfield project needed to follow changes in the Fire Code, but the Health and Safety Code required the project comply with the Palo Alto Fire Code; it did not.



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There was no evidence to support access roads and Stanford University's project that was turned in late should not necessarily be approved if it violated the law. Staff supported their recommendation with unambiguous language that needed to be interpreted. Council was entitled to independent legal advice about unambiguous language that should be followed.

Ruth Lowy supported the project and said potential safety problems were articulated. Adding an entry on Dartmouth Street helped with the lack of turnarounds and added another road, which helped with the congestion from the housing complexes because there was definitely going to be traffic. It was possible to add an exit to Page Mill Road and it was good for people to express their concerns.

Rita Vrhil remarked that there was room for sidewalks and larger roads. Some residents talked about children and how narrower roads caused people to move to the side of the road; having roadsides consistent with the rest of Palo Alto was important. The message she heard from comments was the request for a redesign.

Mr. Balin wondered why Measure D was adopted if it was not going to be enforced and said departments like Fire and Code Development did not get involved in interpretation of the code. He clarified that his traffic study dealt with commercial development, but the discussion now related to residential development. Regarding outreach, he noted that Stanford University held outreach meetings and has listened but were not responding. The access road on Page Mill Road was allowed for construction. He said it was a natural fire road that should go to the back of the project and should be an easement to this property. He cautioned approval of this project because the housing was so dense and said there was no problem with taking out a few homes to put in a new road and putting them elsewhere. He suggested the proposal be sent back, redesigned, and given new direction.

Mr. Wuthmann said the roads were equal to or larger than the ones in College Terrace for the sake of traffic safety. Stanford University was willing to look at redesign of the sidewalk on Amherst Street.

Ms. McCown noted that there was a letter given to the Council that confirmed Staff's interpretation of the Fire Code.

Annette Walton explained that Stanford University elected Department of Toxic Substance Control because they have hydrologists, engineers, and toxicologists that can evaluate any condition.

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There was TCE found but it was below the threshold. As a result, Department of Toxic Substance Control felt comfortable issuing a "No Further Action" letter, which was available on the Department of Toxic Substance Control website.

Tiffany Griego remarked that Stanford University was not able to make a permanent road through the parking lot at 1450 Page Mill Road. There was no basis to deviate the traffic from the public street system. The temporary construction access road was okay, but it was not permanent.

Public Hearing closed at 10:50 P.M.

Council Member Berman requested to know the job of the Fire Marshall.

Rich Dean, Acting Fire Marshall said his job was to interpret the Fire Code, apply it, review projects, to manage the Fire Prevention Bureau, which included fire life safety inspection, new construction, new developments, and existing businesses and residences.

Council Member Berman inquired whether the Fire Marshall took an oath when he joined the Fire Department.

Mr. Dean replied yes.

Council Member Berman asked what the general idea of the oath was.

Mr. Dean stated that his oath included honesty, integrity, and judgment for the public good.

Council Member Berman emphasized that the most important issue was fire safety and questioned whether the Fire Marshall was able to support the judgment he made for this project.

Mr. Dean answered yes and said the Fire Chief had the final decision.

Eric Nickel, Fire Chief relayed that the most effective fire prevention measure was the installation and maintenance of fire sprinklers and remarked that the Fire Marshall was allowed wide latitude. He emphasized the importance of sprinklers in all homes.

# MINUTES

Council Member Berman mentioned a letter about the review of this project, which was provided by Bill Ross, a former State Fire Marshall. The letter said 24 feet was a generally accepted alternative for proposed road width, assuming the sidewalk withstood the weight of the fire apparatus and the curbs were rolled. He inquired whether the sidewalk was able to withstand the weight of the fire apparatus.

Mr. Dean replied yes.

Council Member Berman continued reading the letter, which said it was impossible to foresee all the possible circumstances, therefore the Fire Code needed to be viewed as a set of regulations and a guide; understanding the intent of a provision and evaluation of a situation when applying the Fire Code to grant modifications and to meet an acceptable level of fire and life safety. It was impossible to State every possible situation in the Fire Code. It was permissible for the City's Fire inspection officials to make an interpretation of the Fire Code. He was glad that Stanford University was accommodating with regard to the sidewalks.

Vice Mayor Kniss inquired about areas where fire trucks and hoses did not reach, in relation to the two dead-end streets.

Mr. Nickel answered that there was plenty of hose to reach the fires. When the Fire Marshall reviewed the project, the hydrants were moved to provide better coverage. Fire engines carried 730 feet of large diameter hose, all trucks carried an additional 200 feet of hose. Concerning the 24 or 26 foot street width and the rolled curbs: this was so one fire engine could get to the location and another fire apparatus could get by.

Vice Mayor Kniss thought it was far more likely that a paramedic would need to access these areas, then a fire hose. She inquired about the access of a paramedic.

Mr. Nickel replied that a typical response call was one fire truck with three personnel and one paramedic with two personnel. Both vehicles fit down private driveways. He noted that the ambulance was smaller. He remarked that turnarounds were more for convenience than improving life safety.

Vice Mayor Kniss inquired about the bulb-outs.

Ms. Gitelman reiterated that Stanford University was prepared to alter the bulbs outs and install rolled curbs.

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Council Member Scharff said Mr. Barker mentioned sidewalks and a bike lane.

Mr. Barker noted that the A, B, C streets narrowed when they hit California Avenue; he felt like it gated the community in.

Council Member Scharff recalled the reason the A, B, C streets narrowed was safety and not allowing people to park on the street.

Mr. Wuthmann said narrowing eliminated parallel parking and the travel lanes were widened. They eliminated the street parking near the corners because it slowed down traffic flow and could be unsafe; it was an elimination of the parking near the street corners and a widening of the travel lanes.

Council Member Scharff thought it looked like the lanes were narrowed.

Mr. Wuthmann said if the streets were not combined, visitors would park there. He suggested a landscape strip and street trees for that entry portion of the street.

Council Member Scharff suggested no parking signs.

Mr. Wuthmann agreed but said that reduced street tree planting that was planned for that spot. People that were unfamiliar with the area would slow the traffic. Red curb was a possibility, or space could be created so there was room for a larger planting strip instead of 12 foot travel lanes.

Council Member Scharff suggested a bike lane on California Avenue.

Mr. Wuthmann thought a bike lane was in the category with the crosswalks. This was the decision of the City and community, not just the developer.

Council Member Scharff inquired about the right to require the bike lane along a portion of the development.

Ms. Gitelman answered that it was not required as mitigation, and was not sure that the Planning Department could require this.

# MINUTES

Cara Silver, Senior Assistant City Attorney declared that legally, the street belonged to the City. Council had the ability to incorporate this as a direction to Staff, which could include some modest costs.

**MOTION:** Council Member Scharff moved, seconded by Council Member Price to: 1) uphold the Director of Planning and Community Environment's decision to approve the Architectural Review (AR) application for demolition of approximately 290,220 sf of existing R&D/Office Space and construction of 180 dwelling units on a 16.96 acre site located at 1451-1601 California Avenue, as envisioned in the 2005 Mayfield Development Agreement, and 2) approve a Tentative Map to subdivide three existing parcels into 83 parcels to accommodate the proposed development based on the attached (draft) Record of Land Use Action containing Findings and Conditions of Approval as amended to add a sidewalk along Amherst Street, and reduce the bulb outs where the streets intersect with California Avenue.

Council Member Scharff thought the community raised legitimate concerns and thought they should be addressed. It was important to have crosswalks and a sense of community. He suggested the bike lane on California Avenue but did not have enough information on the subject.

Council Member Price approved the overall design of the project. This was a legally binding document. Some of the modifications proposed improved the project. She emphasized the importance of community and it was important that the project was done well.

Council Member Burt spoke to the issue of Safe Routes to School and wanted to have a strong bicycle connectedness as the prior Safe Routes to School Plan and Bike Master Plan did not look at this neighborhood. There was a path that went near the corner of California Avenue and Amherst Street that would benefit from a modest amount of improvement.

Ms. McCown noted that Stanford University met with the School District to discuss the appropriate school their children would go to; Stanford University would take a look at the path. They were not sure how much more it could improve. It was County jurisdiction and there were a lot of follow up issues.

Council Member Burt requested a potential bike and pedestrian improvement be looked into.

Ms. McCown said yes and would see if there were improvements to be made.

# MINUTES

Council Member Burt remarked that, regarding the bike lanes on either side of California Avenue up to Hanover Street, there was no parking on the south side. Once a person crossed Hanover Street, the street stayed the same width and there was much less bike traffic west of Hanover Street and east of Hanover Street, which was going to have more bike traffic. Decades ago, the City eliminated parking on one side of the street to create bike lanes. The City had an opportunity to make these streets right because the way it was drawn up now was wrong. He did not know why parking was allowed on the street, but his questions clarified that the project was fully parked, excluding the parking on California Avenue. He reiterated that part of the project was not within the City's discretion and suggested directing Staff to pursue elimination of parallel parking on the south side of California Avenue between Hanover Street and Amherst Street.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to direct Staff to examine the elimination of parallel parking along the south side of California Avenue from Hanover St. to Amherst St., and to place bike lanes on both sides of California Avenue.

Council Member Burt understood Recommendation One from the appellant, fully vetting the neighborhood regarding Safe Routes to School, was outside the scope of the project, and within the jurisdiction of the City. He did not think the Safe Routes to School Committee was engaged in this discussion. He recommended: removal of decision 14A and 14C from the Director's Decision, and to have Council direct Staff to engage the neighborhood and the Safe Routes to School Committee for the safest pathways for bikes and pedestrians in and out of the development.

Council Member Scharff wanted to know what page that was in the packet.

Ms. Gitelman said it was pages 1043, 1011, 1012.

Council Member Burt spoke to the street mouths and said there were a number of reasons to have the bulb outs. Part of it was that they were traffic calming devices for traffic exiting this project, along with bikes. He suggested taking the area that had a bulb out, and replacing it with a solid curb separation for a bike lane. No parking was going to be permitted there, it was a safer intersection, and it would have the visual benefit that the neighbors were asking for. This was not a direction, but he asked for it to be looked into.

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Council Member Scharff thought Council giving direction for the best and safest pathway solutions for bicyclists and pedestrians was good.

Council Member Burt agreed.

Council Member Scharff remarked that the Conditions of Approval provided for crosswalks at certain intersections and wanted to know if there would be a situation where they would not want crosswalks.

Ms. Gitelman said crosswalks were imposed in all directions and did not want to see those conditions deleted.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to engage the neighborhood and Safe Routes to School Committee for best, safe pathways heading in and out of the project.

Council Member Schmid thought the current Motion did a good job, having housing, instead of office connecting to College Terrace was good. The sensitivity to traffic made a lot of sense. He suggested an Amendment to receive an Informational Report from Fire Chief on ingress and egress for fire apparatuses and ambulances for driveway A and B within 60 days

Council Member Scharff was confused about what would be in the Report.

Council Member Schmid wanted to know what kind of timing was needed to make an effective turnaround at a dead end street.

Mr. Nickel said Staff could look into it and come back with a report; it was probably going to be about a year after the neighborhood is up and functioning. He wondered what would be done with the report and what policy it drove.

Council Member Schmid remarked that the report was only effective if they could get it soon, for the value of a turnaround on those driveways.

Mr. Nickel said he could examine a similar neighborhood with a similar lay out, similar size, and with rolled curbs to see if he can get some meaningful data.

Council Member Schmid thought that would be helpful.



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Council Member Scharff added that there was no Motion needed for this direction.

Council Member Schmid answered yes, and requested a timely Report.

Mr. Nickel was able to deliver the report within 60 days.

Council Member Holman thought safety was important and the information given by Bill Ross was convincing. She agreed that there was congestion on Columbia Street and suggested a bike lane be added, one that connects to Bowdoin Street.

Ms. Gitelman assumed that requesting collaboration with the neighborhood and the Safe Routes to School Committee would be an outgrowth of what was called for in the Amendment and she wanted to know if that was something that could be addressed.

Council Member Holman wanted to know if that was something the Maker and Secorder were interested in.

Council Member Scharff thought that should be addressed through that process.

Council Member Holman remarked that this could help reduce conflicts.

Ms. Gitelman noted that there were sidewalks on both sides of Bowdoin Street.

Council Member Holman was interested in getting traffic off Columbia Street and suggested an exit on Page Mill Road from the back of the multi-family residence.

Ms. Gitelman remarked that there was an exit provided during the construction period but Staff felt that because it was not included in the original agreement, they could not impose a permanent access egress on the project.

Council Member Holman requested continued access to help alleviate congestion on Columbia Street.

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Ms. Griego relayed that having a permanent access road was not part of the Mayfield Development Agreement, and they were not willing to renegotiate that. They did not think the traffic numbers warranted another public road. It was unsafe, it mixed incompatible uses, and the design put forward achieved the goals, which was to knit this development with College Terrace through safe streets that were tied into the grid system of College Terrace. They felt that it was not prudent planning.

Council Member Holman questioned whether Staff agreed that adding another street alleviated traffic on Columbia Street.

Ms. Gitelman answered that a lot of the people in the neighborhood would use it if it was available them. She had to look at that in detail and did not feel that Staff had the ability to impose this condition, so it did not warrant that level of analysis.

Council Member Holman was not sure how people in the neighborhood would be able to access it.

Ms. McCown said if someone wanted to get to Page Mill Road, they would turn right on California Avenue and then turn right again on Hanover Street; they did not use Columbia Street. If a person wanted to get onto Page Mill Road, they had to drive half a block down California Avenue toward El Camino Real, and turn right on Hanover Street where there was a stop light on Page Mill Road. Having a driveway that directed traffic through the neighboring parcel to Page Mill Road did not have anything to do with traffic on Columbia Street; the cars that wanted to get to Page Mill Road were not driving on Columbia Street.

Mayor Shepherd mentioned that this discussion was not part of the appeal.

Council Member Holman wanted to know how a person got onto Hanover Street.

Ms. McCown answered that a person would come out the new street that linked up with Columbia Street, then turn right toward El Camino Real, on California Avenue; the next stop sign was Hanover Street, which took people to Page Mill Road.

Council Member Holman wanted to eliminate traffic on Columbia Street, which she understood was accessed by California Avenue.

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Ms. McCown said yes because to exit the new project at Columbia Street and California Avenue to get to Page Mill Road, a person had to turn right on California Avenue, but not down Columbia Street.

Council Member Holman clarified she was talking about in the new project.

Ms. McCown understood the congestion concern involved people exiting this project on Columbia Street to drive through College Terrace to get to Stanford Avenue. The road that took a person to Page Mill Road did not alter the congestion on Bowdoin Street, Amherst Street, or Columbia Street.

Council Member Holman understood.

Mr. Balin remarked that internally, the project had bad circulation and thought the traffic cutting through the neighborhood was a concern too.

Council Member Holman clarified that the appellant's comments were in regard to the internal circulation of the project.

Ms. McCown understood that the numbers focused on large volumes of people inside the project, as opposed to people that were using Amherst Street or Bowdoin Street. She understood that if people were coming out at Columbia Street or California Avenue, those people wanted to go through the neighborhood, which was the concern about the College Terrace neighborhood. She noted that creating an access road through 1450 Page Mill Road was a different situation.

Council Member Holman supports Safe Routes to School. She requested more information about improvements because it was a condition of approval that Stanford University would take care of the crosswalks. She wanted to know about covering costs for additional safety features and wanted to know if the cost was going to be shared by the City and Stanford University.

Ms. Gitelman said one factor was whose land the improvements were identified on.

Council Member Holman asked if clarification was needed that internal improvements would be provided by Stanford University.

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Ms. Gitelman said if Council felt like they wanted to make that explicit, they could do that.

Council Member Holman asked to clarify that any proposals that had to do with neighborhood safety changes on Stanford University property would be paid for by Stanford University.

Council Member Scharff wanted to know if the Council had the ability to make that direction.

Ms. Silver clarified that the Council did not have the ability to require Stanford University to pay for improvements on other parcels, but the condition said the improvements would not go forward unless Stanford University agreed to them through a voluntary outreach process.

Ms. Gitelman clarified the Amendment about eliminating parallel parking on California Avenue and placing a bicycle lane there was a request to ask Staff to examine this issue with the idea of implementing these improvements. She said Staff needed to go through a process and do some outreach before they can make it happen and requested more direction from Council.

Mayor Shepherd said she would look at that particular section on Page Mill Road. There were no blockages in her neighborhood but it reminded her of patterns that already existed in Palo Alto.

Council Member Berman wanted to follow up on the bulb out issue and wanted to know if they were going to be eliminated. He thought the suggestion from Council Member Burt was good but the visual benefit of the bulbs increased visibility for cars to see the pedestrians and the bicyclists. He wanted to make sure that a less safe situation was not created for aesthetic purposes. A more limited bulb out was a good compromise for bikers and runners in the neighborhood.

Ms. Gitelman supported that. Reducing, rather than eliminating bulbs provides safety for pedestrians crossing at those locations.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to reduce, rather than eliminate the bulb outs.

**MOTION AS AMENDED PASSED:** 8-0 Klein not participating

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## COUNCIL MEMBER QUESTIONS, COMMENTS AND ANNOUNCEMENTS

Mayor Shepherd said she just came back from the Mayor's conference in Dallas, Texas where climate change was discussed. She was going to bring her material for people see the resolutions.

ADJOURNMENT: The meeting was adjourned at 11:55 P.M.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

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