



CITY OF PALO ALTO CITY COUNCIL TRANSCRIPT

Regular Meeting
May 11, 2015

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:00 P.M.

Present: Berman arrived at 6:02 P.M., Burt, DuBois, Filseth, Holman, Kniss, Scharff, Schmid, Wolbach

Absent:

Closed Session

Mayor Holman: We need either discussion or a Motion to go into Closed Session.

MOTION: Council Member Kniss moved, seconded by Vice Mayor Schmid to go into Closed Session.

MOTION PASSED: 8-0 Berman absent

Council went into Closed Session at 6:00 P.M.

1. CONFERENCE WITH LABOR NEGOTIATORS
City Designated Representatives: City Manager and his designees pursuant to Merit System Rules and Regulations
(James Keene, Lalo Perez, David Ramberg, Joe Saccio, Kathryn Shen, Sandra Blanch, Allyson Hauk, Val Fong, Christine Paras, Molly Stump)
Employee Organization: Utilities Management and Professional Association of Palo Alto (UMPAPA)
Authority: Government Code Section 54957.6(a).

The Council reconvened from the Closed Session at 7:10 P.M.

Mayor Holman: There's nothing to report from the Closed Session.

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Special Orders of the Day

2. Community Partnership Presentation - Palo Alto Medical Foundation linkAges Timebank Program.

Lacey Lutes, Utilities Account Representative: Hello. I am Lacey Lutes from the Utilities Department here at the City. I would like to introduce the team from the Palo Alto Medical Foundation's Innovation Center. The Innovation Center has launched an intergenerational community program called linkAges, which you are about to hear a little more about. The program was originally launched in Mountain View, and now spans from Redwood City all the way down to Saratoga. I wanted to let you know that Utilities has recently contracted with the Medical Foundation, because we saw great opportunity to take advantage of community involvement to spread the word about water conservation outreach because of the drought and energy efficiency to further extend our impact on the community. Utilities happened to be the first department to partner, and now other departments are beginning to. I would like to introduce Vandana Pant, the Senior Director of Strategic Initiatives at the Innovation Center to share more about the program.

Vandana Pant, Palo Alto Medical Foundation linkAges Timebank Program: Thank you, Lacey. Thank you for giving us the opportunity to present. Very quickly, my name is Vandana, and I head up Strategic Initiatives at the Innovation Center at the Palo Alto Medical Foundation. The Innovation Center was founded by the Palo Alto Medical Foundation in 2010. We're actually a disruptive innovation center, which means we're focused on innovations for community health and well-being that are implemented out in the community versus innovations in clinic-based care. Some key things that drive our work. We look for grant challenges that are impacting not just local community but also the nation. We look to leverage technology, and we look to create and deploy solutions that are scalable. They are applicable regionally across our own areas, but also applicable nationally across the rest of the country. The first problem that we're looking at, we're on our incubation initiative called linkAges, is addressing very simply the concept and the issue of aging in community and how do we create communities that allow folks to age successfully in their own homes as they get older. Some background to that. Globally the population of folks 65-plus is increasing very, very quickly. Nationally in the US, domestically, we're reflecting and mirroring that growth. We're doubling almost every 20 years in the number of folks that are older. Here locally for you in Palo Alto, currently the population of older adults is at 17 percent of your total City population. That's about 6 points higher than California, and that's about 3 points higher than the US national average. By projections that have been

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done through demographic calculations, in about 20 years the population of older adults in Palo Alto is going to go up further and is going to be 24 percent, so almost a quarter of the City's population is going to be folks that are going to be 65-plus. Twenty years is coming literally around the corner. In 20 years, I'm going to be right bang in the middle of that age group myself. What's the issue that's happening? Most people want to continue to live at home, in their homes and their communities, and they want to find support to keep them vital and actively engaged in their communities. We ran an ethnographic study here in Palo Alto and the surrounding areas. One of the key things that has emerged is that what seniors are missing as they're getting older and they're retiring is opportunities to engage meaningfully with the community. There's a whole issue that arises with a sense of social isolation and loneliness. We're very concerned about that, because there are a lot of health implications. A lot of studies that are now out. The trajectory is high incidence of perceived loneliness and high incidence of social isolation leading at some level to increased levels of dementia to a very much earlier increase in the loss of daily living skills and then depression. All of that puts you on a route for then needing more assisted living care, and then you're out of your home before you know it and in institutionalized care. As a health system, we want to reverse that trend. The other people that are impacted by this whole dynamic is the family caregiver, typically your sandwich generation person or a partner or spouse taking care of each other. Always the issue of stress, multiple demands, and how do you leverage all of that with your own responsibilities of work and family. That becomes really important because there are some stats here from a study done by MetLife nationally. There's a huge, huge impact on the health of family caregivers. We're putting them out there, because we want cities to take note of that. We want employers to take note of that. We want our own colleagues to be taking note of those kinds of things. How do we create a support system for this very invisible population? Clearly when we went through the study, we realized that health and well-being for the community is being impacted even for seniors as you're living your daily lives. It's not happening during your episodes of sick care on a sustainable level. That's the piece we're trying to address. We wanted to create a solution based in the community. We called it linkAges for linking across the ages, because we want it to be intergenerational. We're looking to create a grassroots community movement where people of all ages come together to support each other and become resources for their neighborhoods. We're also looking for policy changes and priorities established on a policy level to support that piece. Our solution does four things. It's called linkAges. We want to find out about people, what their needs, interests, hobbies are, something beyond what the doc's visit will typically tell you. We want to be able to connect them to resources in the community, in their counties, on a regional level in

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a more meaningful way than existing databases will do, so I get to know a little bit more than just a name and a listing. We want to find a way to support the family caregivers in being able to track what's happening with the health of their parents in quiet, unobtrusive ways but in a comfortable way that creates peace of mind for both the senior and the family caregiver. At the root of it, we want to create community connections and create opportunities for meaningful social engagement. That piece of our program is called linkAges Timebank, which is the grassroots movement through which we're activating communities and connecting communities. Just to explain. Simply, we've created an online platform called the linkAges Timebank. The website is timebank.linkages.org. We launched it in Mountain View, and it's now across cities all the way from San Carlos down through Saratoga. We were popular in LA, and we're going to be expanding into Santa Cruz, Sacramento and the rest of the Bay Area later this year. Simply the Timebank is a network. People living in a close-knit community or a neighborhood sign onto the network similar to NextDoor, if a lot of you have heard of NextDoor. The only thing that's happening over here is people are putting offers and requests based on their needs, interests, skills or hobbies. As Lacey mentioned, we have a partnership with the Utilities Department here in the City, If you want to help someone make their home more energy efficient and you want to be the neighbor that does that and you're on the Timebank, you can sign up to do that. You can offer two hours of your time to that individual to come into their home and help them with changing light bulbs or figuring out how to make their home energy efficient. That person will put those two hours of time into "your Timebank account." You can use those two hours in any way that you want. If there's somebody else on the Timebank who's offering to give a ride to a senior to the pharmacy and your mom happens to be in need of that, you can use your two hours and let your mother have that ride with somebody in the community. We create community connections. We create opportunities for everybody to give back into the system. The exchange of hours is just a mechanism that allows people to know that they're both giving back and receiving. Some key things happen which is why we chose this concept of time banking. One is that it equalizes everybody's contributions. We're conscious that we want to create a network where the person who's 18 years old or 30 years old and the person who's 75 years old or 85 years old are all feeling that what they're offering into the network is valued equally. Whether it's Adobe skills training or it's a French class in the evening or just a friendly conversation or just a cake recipe, anybody who offers anything feels equally valued. Another key thing we want to do is that this helps people in neighborhoods discover each other and their values and their talents and their skills. We're all living with each other, but that doesn't often happen. Another key thing that's happening along with that is that every time a senior contributes something, they feel they're giving

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something back. We're addressing the needs of seniors who may have problems with accessing technology or may not be speaking the English language. We're addressing that by allowing nonprofits to become members in the linkAges Timebank. A nonprofit staff person can then represent whatever the needs of their clients or their participants may be. This is a program we're taking across several communities. As I said to you, we currently have 450 members. We just launched in Palo Alto recently, and already about 17 percent of our membership base is coming from this City. Just to give you an idea, people have already over the course of 1 1/2 years exchanged almost 1,400 hours worth of services. Out of these exchanges, more than 50 percent are happening with people who are over 60 and people who are under 60. The network is really growing. This is how we roll out in every city. We establish partnerships with key organizations and key agencies. You'll see some of our partners listed in there. In particular, I want to mention our partnership with the Utilities company which was phenomenal and really, really creative. It's helping create this pool of volunteers that are supporting seniors with their energy efficiency and energy usage. There's a similar partnership happening with Zero Waste, who are supporting people learning about recycling. Of course, we have a partnership with Avenidas. In particular, we are partnering with the Y on Ross Road, but also some other Ys across Silicon Valley. All of the partners help us with outreach. They take the information about the program out into their membership or their client bases, and then connect their own people with the broader community through these opportunities for service exchanges. It's volunteerism with a little bit of a twist. This is what some of our partners are saying about their experience so far. [video presentation] Our ask to you tonight as the City Council is to focus on considering an official endorsement of the program for the City of Palo Alto, so that we can have an extended partnership that allows City departments and other City organizations to collaborate with us in terms of offering space for orientation, supporting our efforts with information and media outreach into the community, communications to City employees about the availability of the social network, and then extended community connections so that we can engage further residents. Typically in every city that we go in, we have a city partnership and a launch. We'll make such a request of the City Council because, as I said, part of the implication is we want this to be a systems change effort. While we're offering a grassroots program and individuals and residents can opt-in or opt-out based on their needs, part of it is how much are the city governments and the cities recognizing that this is a priority for them to support aging in community and bringing the rest of the community together to achieve that mission. Any questions?

Mayor Holman: Delighted that you have partnered with the City of Palo Alto in a number of ways, as you've demonstrated here with Utilities and Zero

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Waste group, Public Works. Congratulations. It looks like a wonderful program, and it's widely adopted by other communities. Thank you for that. You've made an impressive case. Thank you so much for the presentation and for the efforts.

Ms. Pant: Thank you so much for the opportunity.

3. Proclamation Recognizing the Week of May 10, 2015 as Police Week/National Peace Officers Memorial Day.

Council Member DuBois: Read the Proclamation into the record.

Dennis Burns, Police Chief: Mayor, Members of the Council. Thank you so much for the Proclamation. I want to invite the Council as well as the public to a brief ceremony this Friday, May 15th, at Cogswell Plaza. We'll be celebrating National Police Day, remembering our three fallen officers as well as honoring Officer Ted Brassinga, who was killed on National Police Day 21 years ago. Hopefully you all can make it. Thank you very much for the Proclamation. That's at 9:00 a.m.

4. Presentation on the American Public Works Association (APWA) Accreditation Process.

Mike Sartor, Public Works Department: Good evening, Mayor and Members of the City Council. I'm Mike Sartor, the Public Works Director here in Palo Alto. Seated to my right or to your left is Larry Perlin, our Accreditation Manager. Tonight we're going to give you a presentation on our American Public Works Accreditation process, which has been ongoing for almost two years now. It's a process where we look at all of our practices and procedures and policies to ensure that we're following best management practices as laid out by the American Public Works Association (APWA). This presentation to you tonight is a required part of the accreditation process to demonstrate that we are dedicated to continuous improvement here in the Public Works Department of Palo Alto. Before we start that, I'd like to show...

James Keene, City Manager: May I say something before you do?

Mr. Sartor: Absolutely, Jim.

Mr. Keene: Thank you. Sometimes people say, "Why would you go through this laborious process of accrediting Public Works?" Fortunately, we have a Council who has been leading on infrastructure, members who served on the Infrastructure Blue Ribbon Commission, so you know very well what critical importance infrastructure is to the life of our community. Mike went out

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with his crack research team to find some documentation that would support the importance of this fact itself. I'll turn it over to Mike, but it might have everything jump into sharp focus for everybody about why infrastructure is so important.

Mr. Sartor: Yes. This clip also demonstrates what we do and how we do it. Larry, if you would, go ahead and show the clip. [video presentation] Thank you for your patience on this, but we did want to have a little fun with this. With that, I'll turn it over to Larry to walk through our APWA accreditation.

Larry Perlin, Accreditation Manager: Thanks, Mike. Members of the Council, Mayor. There are numerous national and international organizations that sponsor accreditation of public service agencies. Examples include organizations that accredit activities such as airports and libraries, public safety, both law enforcement and fire protection, planning, building codes, administration, parks and recreation and public works. The American Public Works Association, which accredits public works agencies, launched its accreditation program back in 1996. Since then, fewer than 100 public works agencies out of more than 15,000 in North America have achieved this level of recognition. This demonstrates both the rigor and the commitment that is necessary to become accredited. In the Bay Area, there are five public works agencies that have been granted accreditation by APWA. These include Alameda and Contra Costa Counties, the Cities of San Francisco, Oakland and Berkeley. Additionally there are three cities that have applied for and are seeking accreditation. These are the Cities of Vallejo, Alameda and Palo Alto. Palo Alto is the furthest along in the process and is on track to become the 101st accredited agency in North America later this summer and the first in Silicon Valley. Why are we seeking accreditation? Every agency has its own reasons. For Palo Alto, I believe there's four that best explain why we've undertaken this effort. The first is that it promotes a culture of excellence in everything that we do. Second is that it allows us to evaluate our service delivery methods against nationally recognized standards and best practices. Third is that it demonstrates a commitment to continuous improvement over time. Becoming accredited is not a one-time accomplishment. To remain accredited requires an ongoing discipline and effort to adhere to the accreditation standards, something that APWA will periodically verify with us. Lastly, the accreditation process affords us an outstanding opportunity to capture and retain institutional knowledge that can so easily be lost as employees transition out of the organization. We like to think that the work we're doing now will be available to our successors in the years ahead. How does this work? The accreditation process involves five phases, the first three of which are primarily the responsibility of the City. The last two are primarily the

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responsibility of APWA. In the first phase, which is called self-assessment, we identified all the various accreditation practice standards that APWA has developed and that are applicable to Palo Alto and gathered documentation we have that demonstrates how we both implement and comply with each standard. The second phase is the application phase, which essentially involves the submittal of a formal application for accreditation to APWA. The third phase is referred to as the improvement phase. During the improvement phase, we evaluate how well we are currently complying with each practice standard. For those for which we determine that we are deficient, we identify what actions are required to become compliant with the standard. This could involve drafting a policy or a procedure that is new or simply modifying an existing activity that we perform. This is about where we're at in the overall status of the process. The fourth phase is the evaluation phase. This is akin to an audit on steroids. During the evaluation phase, a team of public works professionals assembled by APWA will visit Palo Alto for several days to conduct a peer review of our department and of the documentation we've assembled and determine whether we are either in full or substantial compliance with each and every practice standard applicable to Palo Alto. The results of the peer review will then be used to determine whether we've met the standard for accreditation. Lastly, the final phase, the accreditation phase is when APWA formally grants accreditation to the City. Our accreditation process began in late 2012 and is expected to be completed in 2015, later this year. This is a fairly standard length of time which again demonstrates the level of effort and commitment to this process. A little bit more about these practice standards. There are 593 that are divided into 39 chapters. There's 377 that are applicable to Palo Alto. These represent industry best practices developed by technical committees formed by APWA. They're updated every three years. Here's a couple of examples of practice standards. The first one deals with how we communicate with media when required. The second deals with environmental compliance of airport operations. The actual practice standard is what's in the blue text. The notes below the blue text are guidance that's provided by APWA to help interpret the standards. This chart shows the percentage of practice standards that fall within each functional division within the Public Works Department. This table shows the results of our self-assessment. Of the 377 practice standards, we've determined that we are in full or substantial compliance with 312 of them, and there are 65 for which we're in partial or non-compliance. Those are the ones that we're working on during the improvement phase. Overall, 83 percent full or substantial compliance and 17 percent non-compliance. What are some of the issues we've uncovered in self-assessment with our compliance documentation? In some instances, too much documentation was provided, and we have to cull through that and pick out what's relevant. In some instances we've been able to demonstrate what we do, but not

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exactly how we do it. This is the case with the prior example of media relations. We know that we communicate with the media, but we don't know exactly how we're doing it. Conversely, we sometimes are able to demonstrate how we do something, but not exactly what we do. An example of this would be security at the Regional Water Quality Control Plant. Obviously we provide security at the treatment plant, but we don't have procedures well documented there for what we're doing. In other instances, some of the documentation is either missing or incorrect. Some is not what the practice standard asks for. In some instances, we simply have no documentation at all. Where have we uncovered opportunities for improvement throughout this process? Strategic planning is one area; we're working on that right now, developing a multiyear strategic plan for the department. Employee training and recognition and safety programs is another area we've identified. Risk management, how we respond to legal inquiries that come our way; we're working with the City Attorney's Office to develop some procedures in that regard. Communications both internally and externally. Asset management, this goes back to some of the work that the Infrastructure Blue Ribbon Committee (IBRC) did. Project management, how we manage our Capital Improvement Program and construction of capital projects. Equipment and fleet management, which was recently the result of an audit by the City Auditor's Office. Some of our procedures in our public services division that deal with street and sidewalk maintenance. There are a few others. Many opportunities for improvement have been uncovered throughout this process. In addition, we're also creating, as a part of this, a departmental resource guide that will be made available in electronic format to all department staff so that we can all remain on the same page with one another. What remains to be completed in the process is to wrap up the improvement phase which will occur this summer. In August, tentatively scheduled for the week of August 10th, is when the peer review team will be onsite here for several days. At the end of August, if we are fortunate to have achieved accreditation which we believe we will, we'll be recognized at the APWA Congress that's down in Phoenix this year. The formal award of accreditation will occur later this summer or early fall. Two years out in 2017 is when we have to submit our first mid-cycle compliance report. That speaks to the issue of ongoing commitment to remain accredited. In 2019 would be the first reaccreditation that we would go through, because the accreditation when granted lasts for four years. It's been an outstanding effort on the part of many of the staff in the department. We look forward to being back before the Council later this summer hopefully with recognition by APWA. If there's any questions, we'll be happy to answer them at this time.

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Mayor Holman: Congratulations on great progress being made on this program. Like the prior presenter, you have made your case. Congratulations on this and thank you for the effort you're carrying forward.

Agenda Changes, Additions and Deletions

None.

City Manager Comments

James Keene, City Manager: Thank you, Madam Mayor, Council Members. I guess I'll be routinely updating the Council for the next year to decade or whatever on drought issues and regulations. As you know, over the past couple of months there have been a flurry of drought-related activities at the State level, including the new State Water Resources Control Board emergency regulations. For the first time in California's history, an Executive Order by the Governor mandates a 25 percent reduction in urban potable water use. While the Resolution that is on your agenda tonight is in response to the State Board's March 17th regulations, I wanted to share that the measures outlined will be critical as we consider what will be needed to achieve the latest as of May 5th regulations that will require Palo Alto to reduce water use from 2013 levels by 24 percent. I mentioned that briefly last week, that we'd gotten updated numbers. That will be in effect from June 1st of this year until February 28th, 2016. The most visible restriction in the Resolution is a two day per week limit on outdoor irrigation. We know that the largest potential water savings will come from outdoor use during the summer months. Reductions in that usage are going to be required if we're going to meet our target. All of the urban water suppliers across the Bay Area are working together to standardize as much as possible the days per week restrictions. The schedule as it now stands is properties with odd or no addresses will be able to water on Mondays and Thursdays; those with even addresses on Tuesdays and Fridays. There are some allowances from the two times per week watering schedule for some public and private facilities, but customers overall will still have to achieve the City's State mandated water reduction goals. Our Public Works and Community Services are developing a detailed inventory of water use and potential areas for reducing water use at City facilities, including parks and the golf course. Staff plans to bring a report back to Council later month with the results and recommendations. Public Works has also been working on creative solutions to expand the use of non-potable water use throughout the community. Our approach has been focused on outreach and education to eliminate water waste; however, we are sensitive to the reality that the City could potentially face monetary penalties if we don't meet our 24 percent reduction target. To that end, we hired a part-time water waste coordinator and are in the

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process of hiring an additional two hourly employees to assist with these efforts. A Council Member asked me over the weekend what the City's percentage of water use, the City as an organization, is. We are approximately 5 percent of the water use provided through the different City facilities out of our entire City's usage. Just a reminder, just around the corner now, a community health fair on May 17. That will be to kick off the 40th anniversary of the City's paramedic and ambulance delivery services. It's in support of the Council's Priority, Healthy City Healthy Community. That will take place at Mitchell Park on Sunday, May 17th, from 11:00 a.m. to 2:00 p.m. In 1975 our Fire Department became one of the first agencies in California to deploy paramedics and is the only Fire Department in Santa Clara County providing direct City ambulance services by the municipal government. We hope you can join us. We did want to share some good news that the International Association of Fire Chiefs has announced that our own Deputy Chief Geo Blackshire has been accepted into the Fire Services Executive Development Institute. He competed with new chiefs and chief officers from around the country and was one of only 20 across the nation to become part of the 2015 program. Congratulations to Chief Blackshire who's also been awarded a scholarship which covers expenses for his attending the program. One final reminder, this Thursday is Bike to Work Day. The City is joining in to encourage everybody to give bike commuting a try. From 6:30 a.m. to 9:00 a.m. stop by one of the City's four energizer stations for treats and encouragement. Volunteers will be at the Alma Bike Bridge, that's Alma Street near Palo Alto Avenue; City Hall on the Ellen Fletcher Bike Boulevard, if you didn't know that, right there at Bryant and Hamilton; California Avenue Caltrain, our busiest stop typically, that's at the new plaza at Cal. Avenue; and then the Wilkie Way Bridge, between Wilkie Way and Miller Avenue. If every person ditched their cars on Bike to Work Day alone in town, more than 60,000 vehicles would be off the road, reducing tailpipe emissions by more than 150,000 pounds. Bike to Work Day is a vision of what the morning commute should be like. I do believe the Mayor will be making an appearance at the California Avenue stops for folks to come by and talk with the Mayor. I think a couple of us will ride. Lastly, before turning it over to the Mayor, I did want to share with profound sadness that we learned that Ray Bacchetti died yesterday at the age of 81. His wife Carol of 60 years was by his side. As you know, Ray was a citizen, steward and volunteer without comparison. We benefited from his time and his talents and his wonderful wry, sometimes biting but still always impish, sense of humor. He served on many boards and commissions. I would turn it over to the Mayor to say some parting comments in that regard. A memorial service is currently being planned. Once known, we will pass those details on to the Council. Madam Mayor.

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Mayor Holman: Thank you, Jim. It seemed appropriate to read a little bit of excerpt from the Proclamation that we bestowed on Mr. Bacchetti on March 16th of this year. Mr. Bacchetti has volunteered for the Palo Alto Police Department for nine years, supporting the department's efforts to maintain a safe and welcoming community. Ray served on the leadership team for Project Safety Net and contributed his time as a TrackWatch volunteer as well as serving six years on the Human Relations Commission. Ray also served on the Palo Alto School Board and as a trustee of the Foothill Community College. He received the Avenidas Lifetime of Achievements Award in 2009 and the Palo Alto Chamber of Commerce Tall Tree Award for outstanding citizen volunteer in 2013. Presenting the Stanford Cuthbertson Award in 1982, President Donald Kennedy of Stanford recognized Ray for "his relentless energy and unstinting integrity for a role in which he has created a legion of secret beneficiaries." Quite an honor for Ray. He will be missed in this community by many as the Proclamation indicates. One other comment about someone else that we've lost recently is Franklin Olmstead who, as many of you know, has donated hundreds if not thousands of hours in our parks, especially Foothill Park. He passed away very recently. There is a service for him this coming week. Turning to a slightly different note. I didn't want to let the Chief get away without, in his modesty he would not bring this up. The PTA Youth Council did give the Palo Alto Police Department a Continuing Service Award this past Friday morning at a breakfast that was held. Just one phrase from the Award was that led by Chief Dennis Burns, the Palo Alto Police Department is an active and caring partner in our community and a critical partner working alongside schools and nonprofits. They are a reassuring presence in our community whether at civic events or just in the regular pulse of their workday. I thought I'd ask Chief Burns if he would like to say anything about the receipt of that Award for his team.

Dennis Burns, Police Chief: Thanks Mayor, Members of the Council. It was an honor and a great surprise. It's a tribute to the caliber of the people that I work with on a regular basis. I can assure that probably our most important job is to hire people of great character and for us to understand the needs of our community. The Council of PTAs pointed that out. They were particularly interested in recognizing our work on mental health as well as our work in a class we teach. It's a 12-week class called the Parent Project, which is designed to give parents of children who might be a little troublesome the skills to be stronger and some ideas about how to be a better parent. It was a pleasure to be there. One part of the presentation, at the end, really caught me off guard. Pat Markevitch came up and she said, "This award is really for the entire Police Department. We want you to make sure that that is shared with them." She brought up a pink box of doughnuts, which was literally the size of this podium, and we brought that

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back and celebrated with them. Thank you very much, Mayor. I appreciate being there as well as Council Member Berman.

Mr. Keene: Madam Mayor, if I might quickly say? First of all, we do have a Healthy City Healthy Community initiative, on the last point. I thought I would add again that amongst many things Ray Bacchetti also served as co-chair for the 18-month period that the Infrastructure Blue Ribbon Commission (IBRC) was going on. I think that Ray would have been hardly smiling externally but eating up the little video that we showed. Obviously his leadership has borne fruit along with his other IBRC members and the Council in a plan that's going to last for the next couple of generations. Thanks.

Mayor Holman: Thank you for that addition.

Council Member Kniss: Jim, I wanted to ask you a couple of questions that relate to water. One of the NPR segments today dealt with Santa Cruz, which apparently off-and-on has offered a water school. It is in-lieu of paying a fine, if you are apparently caught either by the water police or caught by whatever other means. Could you say a little more about where we're going to go proactively with this? Or maybe retroactively.

Mr. Keene: What I would suggest, I don't know if Val wants to chime in.

Council Member Kniss: Maybe we don't have plans yet.

Mr. Keene: One of the great things about our town, of course, is that not only will we be generating new ideas, we don't hesitate to borrow from other places. I would expect hearing more things like your water school suggestion pouring in, pun intended. Val. We are still in development. I mean we have a lot of existing programs related to both incentivizing and educating folks.

Valerie Fong, Utilities Director: Just to be clear, we've got an enforcement process, but most of it is focused on education. Probably the last stage is the water police stage where we actually impose fines.

Council Member Kniss: Water police or not? Not yet.

Mr. Keene: Could I just add again? It's worth repeating what we've talked about over this past year. When we were dealing with a voluntary 10 percent reduction, we were able to achieve over that period a 16 percent reduction just in that setting. We don't want to underestimate the task that's before us as a community, but our feeling is that with the Palo Alto

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concern about the environment and that overachiever aspect that we have, we're hoping that we can focus on education and incentives.

Council Member Kniss: Apparently though in Santa Cruz, they had some overzealous residents who were reporting on their less zealous residents, which became somewhat of a problem. Food for thought.

Oral Communications

Stephanie Munoz: Good evening, Council Members. You know me; I'm Stephanie Munoz. I thought I would give you a little bit different perspective on the Buena Vista property owner. When my children's great-great grandparents were in California, the United States of America conquered California. They, at the time, owned a great deal of land because the progenitor was a Mexican civil servant. He was general inspector of the missions, and he was a customs officer at Monterey. Anyway, they had a lot of land grants. Of course, it didn't go all that far amongst 18 children, but still it was a lot. One day the county came and said, "You'll have to pay us taxes or leave this land." Like I said, but this is our land. We've had it for several generations. Nope. You've got to get off it, so that somebody else can come on here who can pay the taxes and develop this land into something worthwhile. They went. Then my grandmother in San Francisco, she also had rental property. She didn't want to sell it. She wanted to keep it. It was during the Depression. They were going to ride out the Depression. She wasn't allowed to keep it. The Federal Government and San Francisco took it over by eminent domain. They bought it for a song, because of the appraised value. It was very low during the Depression. Neither could have their tenants, nor could they have the appreciation from the gain. Then my mother, during the War, turned my father's office, he had been a physician, into housing for girl marines, and the rest of our house into also housing for girl marines. Over the years, she had three pieces of property, which as you can imagine rose a lot. End of her life, US Government said, "No need for you to live in this house. We'll take 39 percent." For no damn reason. They took that. I can't be too sympathetic with people who think that they're entitled to use the property and to get the profit on the property that other people have had to give up, that other people have had to pay the taxes to maintain and the taxes to raise the investment in infrastructure that has made the property worth more money. It does seem to me that if the County of Santa Clara tells somebody that, number one, you may not buy property, but you must rent, that they have some obligation to keep that renting available to the people who take it. Thank you.

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Amado Padilla: I'm here once again in support of the youth living in Buena Vista Mobile Home Park. Several Stanford students and I are in the process of conducting a survey of youth between 12 and 24 who live in the park. The purpose of this survey is to ask about the emotional stressors these young people are experiencing because of the pending closure of the park and the real possibility of having to transfer to new schools. We have identified 85 youth who fit our profile. As of yesterday, we have surveyed 50 percent of them. Briefly, we have learned that most of the young people we have spoken to have lived in Buena Vista for all or at least most of their life and consider Palo Alto their home. Of the young people who are still in school, we have learned that they consider their school to be their home away from home. Students report positive relationships with teachers and other adults in the school and feel that the school community cares for them. Students report a high level of stress at the prospect of having to attend school in another community. The mere idea of moving to another school evokes strong emotional responses from them. They report not feeling good about even having to think about living anywhere else other than Buena Vista. Breaking the bonds with the teachers and friends they have at the school is weighing heavily on them. Not surprising in our interview with the older 19-24 year olds, who have graduated mostly from Gunn High School, we have learned that many of them are attending nearby community or four-year colleges. These older youth worry about their younger siblings who will not benefit from the same Palo Alto education they have received. As has already been stated multiple times by different community members, the closure of Buena Vista will impact everyone who resides there. However, I believe that the closure will have a much more devastating impact on the teens and the young adults who identify with Palo Alto and with their schools. I recognize that the Palo Alto Unified School Board has indicated support for the children of Buena Vista by affirming that students could remain in the district. However, realistically this will not apply to most Buena Vista youth, whose families will necessarily have to move a long distance from Palo Alto because of the lack of affordable housing in Palo Alto and in nearby communities. Consequently, I urge you as elected community leaders to find a solution in which to preserve Buena Vista in Palo Alto especially for the approximate 85 youth or so who live in Buena Vista. Thank you.

Minutes Approval

Mayor Holman: We have at places a suggested correction to the minutes of April 6 brought to our attention by Bob Moss and recommended or suggested by City Clerk Beth Minor.

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MOTION: Vice Mayor Schmid moved, seconded by Council Member DuBois to approve the minutes of March 23 and April 6, 2015 with changes to the April 6, 2015 minutes as requested by Bob Moss.

MOTION PASSED: 9-0

Council Member Kniss: Point of Information, Mayor Holman. Is this the last time we will see real minutes?

Beth Minor, City Clerk: Yes, it is.

Council Member Kniss: Rest in peace.

Mayor Holman: The last time we'll see sense minutes, right?

Ms. Minor: That's right.

Consent Calendar

MOTION: Council Member Scharff moved, seconded by Vice Mayor Schmid to approve Agenda Item Numbers 6-12.

6. Approval of a Contract with Schaaf & Wheeler Consulting Civil Engineers in the Amount of \$600,000 for Design Services for the Matadero Creek Storm Water Pump Station Improvement Project, Capital Improvement Program Project SD-13003.
7. Approval of a Lease Agreement Between City of Palo Alto and Palo Alto Players-Peninsula Center Stage for Office Space Use at Lucie Stern Community Center Located at 1305 Middlefield Road, Palo Alto.
8. Approval of Six Contract Amendments: (a) Amendment No. 3 to 4Leaf, Inc. Contract C13149364, Increasing Compensation by \$2,100,000 to \$5,100,000; (b) Amendment No. 3 to Kutzmann & Associates, Inc. Contract C13149368, Increasing Compensation by \$250,000 to \$976,000; (c) Amendment No. 3 to Interwest Consulting Group Contract C13149365, Increasing Compensation by \$25,000 to \$175,000; (d) Amendment No. 2 to CSG Consulting Contract C13149366, Increasing Compensation by \$20,000 to \$120,000; (e) Amendment No. 2 to TRB & Associates Contract C13149369, Increasing Compensation by \$20,000 to \$120,000; and (f) Amendment No. 2 to West Coast Code Consultants Contract C13149367, Increasing Compensation by \$118,000 to \$888,000, to Renew Contracts and Amend Scope of Work Each for a One-Year Term Extension for On-Call Inspection, Plan Check Services, and Capital Improvement Costs.

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9. Utilities Advisory Commission Recommendation that Council Approve Changes to the Performance Measures and Strategic Initiatives of the 2011 Utilities Strategic Plan.
10. Resolution 9509 entitled, "Resolution of the Council of the City of Palo Alto Amending the City's 2010 Urban Water Management Plan in Compliance with the State Water Resources Control Board's March 17, 2015 Emergency Water Conservation Regulations."
11. Ordinance 5324 and Ordinance 5326 entitled, "Ordinance of the Council of the City of Palo Alto Amending Chapters 16.14, 16.17, and 16.18 of the Palo Alto Municipal Code to Adopt Local Amendments to the California Green Building Code and the California Energy Code (First Reading April 20, 2015 PASSED: 9-0)."
12. Amended Ordinance 5300 entitled, "Ordinance of the Council of the City of Palo Alto Amending Chapter 9.14 (Smoking and Tobacco Regulations) of the Palo Alto Municipal Code to Establish New Outdoor Smoking Restrictions in Commercial Areas and Outdoor Dining (First Reading: April 20, 2015 PASSED: 9-0)."

MOTION PASSED: 9-0

Action Items

13. PUBLIC HEARING: Adoption of an Urgency Interim Ordinance 5325 entitled, "Urgency Interim Ordinance of the Council of the City of Palo Alto Amending Title 18 (Zoning) of the Palo Alto Municipal Code to Prohibit Conversion of Existing Ground Floor Retail and Retail-Like Uses to Office or Other Uses on a Citywide Basis Effective Immediately."

Hillary Gitelman, Planning and Community Environment Director: Thank you, Mayor Holman and Council Members. I'm Hillary Gitelman, the Planning Director. I also want to thank Amy French, who's here with me today, and Cara Silver for her assistance in preparation for tonight's meeting. The item before you is adoption of an Urgency Interim Ordinance protecting ground-floor retail. The purpose of tonight's meeting is to conduct a public hearing and adopt the proposed Ordinance essentially perpetuating the status quo. This idea first arose at the Council's discussion on March 2nd. If you recall, we were talking about the pace of job growth and office development in Palo Alto. It was noted that, given current economic conditions, there was almost an incentive for conversion of ground-floor retail space to office use where that was permitted by our Zoning Ordinance. Subsequently on April 6th the Council gave very specific direction on the nature of an Urgency Ordinance the Council wished to

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consider preventing further conversions of ground-floor retail space, and then also direction on some subsequent steps that could be taken once the Urgency Ordinance was in place. The subsequent steps would be to reevaluate ground-floor retail protections that exist, strengthen them where needed and expand them as necessary. The proposed Ordinance which is in your packet would prevent existing retail and what we've called retail-like uses from converting to other uses, essentially by doing four things. First, it provides a specific list of uses that would be protected from converting to other uses that are not on the list. It prohibits use of that 25 percent ground-floor area conversion to office in the Downtown area of the City. It prohibits other ground-floor uses that are currently allowed by Conditional Use Permit, again if they're not on the list. It preserves for now existing non-conforming retail uses that are located on the ground floor. This slide shows the protected uses as they're described in the Ordinance. First is retail, and we've incorporated into the Ordinance a slightly revised revision of the definition of retail services from the Municipal Code. We've also identified retail-like uses by name including eating and drinking, personal services, hotels, theaters and travel agencies, commercial recreation, commercial nurseries and auto dealerships. We do ask a question in the Staff Report that I'm going to pose to you again in a moment about other uses that could potentially be added to this list. Just to pause for a moment. This is the change that we're making to the definition of retail services. This was at Council's direction to add the word "predominantly" into the current definition. Also, just because we may not all be familiar with the definition of personal services in the Municipal Code, this is how it's defined, listing some of the uses that are considered in this category. In terms of the question we have for Council regarding uses, essentially asking whether the list of uses that I just read of retail-like uses should be expanded to include these additional categories: automotive services and service stations, private schools, daycare facilities, financial services or any other uses. We'd be happy to discuss that further in a moment. Just to review. This is an important question about what uses are on the list. If a use is included on the list, the ground-floor space it inhabits cannot be reused for something else that is not on the list. This does not prevent a property that is going through redevelopment from redeveloping, but property owners cannot reduce the ground-floor space devoted to retail except by the minimum necessary to provide access to the parking below and the uses above. We have, as usual with things like this, a question about pipeline projects. At the Council's direction at our last meeting, we talked about defining the pipeline of discretionary applications basically and not applying this Ordinance to the three discretionary applications that are currently pending. We identified those in our last discussion. One is on El Camino. One is on Park Boulevard, and one is the 429 University that the Council heard last week. There are also a number of ministerial permits. These are permits

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over which we have no discretion. The Ordinance would apply to those that have not, what we call vested, that haven't been granted and then acted upon. The conversion has not effectively taken place. I do have a slide which, I have to confess, is a little bit of a work in progress. Planning Staff and City Attorney's Office was working today on this list. I want to go over it quickly with you. This is a list of the projects that we know have been in the process of perfecting a ministerial permit, use and occupancy permits and other building permits, to effect a conversion of ground-floor space. The first one there is the North Face location which is in Downtown but outside the ground-floor protected area. That U&O was filed recently, but no building permits have been issued. In our view, the project has not vested, and this Ordinance would prevent the ground-floor conversion to office space. The second one is 433 Hamilton, and the one under it is 435 Hamilton. Those are in the same building. That was the building occupied by Stanford Florist. These are a little more difficult. Both spaces have essentially converted; although, in one case a use and occupancy permit was just filed for. In the other, it was not. It appears to us, late-breaking news getting to this hearing this evening, that in both cases we as a City have issued tenant improvement permits. Even though we don't have a use and occupancy permit on file, it seems that these conversions have in fact taken place, and permits have been issued to vest them. In that case, this Ordinance would not apply, and the conversions would be allowed to proceed. We can answer further questions about that. All of these are fact-based decisions, so we're going to have to get into more specifics, if you have questions, and look at the record in some detail. There are four more on this list. I'll try and go quickly. One is on El Camino, and it was a driving school. The proposal is to convert to real estate office. In this case, it would be allowed to proceed under the terms of this Ordinance, because neither is a protected use that's listed on the list of uses in the Ordinance. For 930 Emerson, it's an auto service use or collection of uses that's proposed for conversion to a private school. In this case again, this would be allowed to proceed under the terms of the Ordinance as it's been drafted, because auto services are not currently on the list of protected uses. One of our questions to the Council is whether that use should be added, in which case this transaction would have a problem. 440 Kipling is immediately adjacent to the project you saw last week, and basically it's a different yoga studio expanded capacity. They have a parking issue they have to solve. Again in this case, this application could proceed because commercial recreation and personal services are both protected uses on this list. They're converting from one protected use to another. Finally, the Middlefield application is a use permit application for a financial services use. In this case, it would not be allowed under the terms of the Ordinance that we've prepared, because financial services are not on the list of protected uses. The Ordinance says new use permits would not be allowed in these

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instances. That, again, could be changed depending on how the Council feels about adding banks and financial services to the list of protected uses. Sorry to go deep into those details, but I thought it was worth taking the time. Also just to note, there are a couple of waivers in the Ordinance before you, in response to legal requirements. We're proposing an Ordinance for economic hardship and another for multifamily housing to allow the Council to make one of the required findings. In both cases, we're saying that the applicants would have to provide substantial evidence including an economic analysis and that it would be the Council that got to make the decision about whether a waiver should be granted. Finally, in terms of next steps, if this Ordinance is adopted this evening, it would be effective immediately and for a period of 45 days. In that timeframe, Staff would be working to prepare an extension of the Interim Ordinance. We would also be working on an identical Ordinance that would be adopted through the regular process with a hearing at the Planning and Transportation Commission, two readings at the Council. Finally, we would begin development of permanent adjustments to the Zoning Regulations. The Council meeting next week on the 18th contains the first of likely several discussions about retail protections on California Avenue and what form those should take. We also, as you know, have underway a consultant analysis of retail trends in Downtown, and we'll be bringing the results of that study and recommendations regarding Downtown back to Council as soon as we can. With that, we'd be happy to answer any questions. Of course, we're interested in hearing the public comment this evening, comments and questions from the Council.

Public Hearing opened at 8:20 P.M.

Bob Moss: Thank you, Mayor Holman and Council Members. This is something that we've needed for years. We've had a real problem with offices replacing ground-floor retail. One of the obvious reasons is that office rents are much higher than retail rents. The property owner can make more money by going to offices. If we have too many offices on a block, I don't know what the right number is, whether it's 10 percent or 20 percent or 30 percent, but at some point the offices make the retail much less desirable and much less economical. People want to be able to shop in a number of different stores, just go walking down the street. If they have to go down three or four doors in order to get past the offices, it makes it less economical, less successful. Offices, of course, also have a lot more employees per square foot than retail. That creates traffic and parking problems. It hurts the jobs-housing ratio, which over time puts a lot of pressure on developing more housing in Palo Alto. This creates financial problems all the way around. We do need to preserve the retail and limit the office conversions. In the Staff Report, I did notice that when they refer

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to other areas, they don't talk about El Camino; although, they do talk about the CS and CN Zones, which is what El Camino is. We should again explicitly state that El Camino is being considered just like SOFA, just like California Avenue, just like Downtown so nobody has any questions about that. In regard to what else we could allow in the retail area, in terms of housing, housing is already allowed on upper floors in the CS and CN and CC Zones. It's unlikely that anybody would be enthusiastic about putting housing on the ground floor in retail areas. Omitting housing or specifically saying housing is allowed on upper floors is all you need. In terms of other uses, we could add financial services. We have three banks, for example, between California Avenue and Adobe Creek. That doesn't seem to create any problems. In fact, I find the banks useful; I use all of them. Having a bank is not a major reduction in the viability of the retail space. I would urge you to adopt the Interim Ordinance, clean it up a little bit, shuffle it around a little bit in order to make it improved. We need to preserve our retail vitality, our sales tax revenues, and the vitality of the community. Thank you.

Stephanie Munoz: I'd like to compliment the Staff on a very well prepared and very well thought out Ordinance. More complete than any I've seen. I'd only like to add a few little things. You have to have childcare admitted for ground floor. It would be very unusual, because childcare usually takes less expensive properties. Downtown is unlikely to use them, but I have seen them in Houston, Texas, actually. Very high class, they're very well done. They have an outdoor area for the children. It would go pretty well with Palo Alto, if anybody wanted to do it. That's the first thing. The second thing is if you have in the pipeline things which are not conforming and you would just as soon not have them because they do violate the principle, would you please refund their money and make some kind of effort to help them develop the property or leave the property? Help them in some way. Show some kind of apologetic attitude for being inconvenient to them, for not letting them get away with what we don't want them to get away with. You could do that. You could do that in a better way. That's the second thing. The third thing is let me echo the part about the housing. There's hardly any reason for housing on the ground floor. Case-by-case, great hardship, that's the only property they own, it's in the form of a housing unit, and they need to live there, that's special. On the bank, we've gone through that before. Gary Fazzino used to complain about that Wells Fargo commercial bank. It's a very nice looking building, I must say. It's opposite Prolific Oven. The thing is as you're walking along, the bank destroys the commercial liveliness, shopping ambience that makes the town interesting and fun to be in. These retail uses are the reasons that people want to be here. They aren't going to want to be here just because somebody else is making money in the next building. You can't see that. You could make

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money in a basement, but they really like these shop windows that you go through. The Ordinance in the way it's presented is very good. You should adopt it. Thank you.

Public Hearing closed at 8:26 P.M.

Mayor Holman: Let's try this. We have had a couple of other cracks at this, where we gave Staff input on what to come back with. I'm going to suggest that we have three minutes for questions. We come back then for Motions.

Council Member DuBois: I just have some quick questions on definitions. I see a lot of businesses popping up which are educational, supplemental things. There's the Rock Bend place on Middlefield. There's a place called Cyber Coders in Alma Plaza. There's a model builder store where they offer classes. You can't buy models there, but it's for kids. They can go and build model kits. Where would that fall on our list? Would that be considered retail or retail-like or personal service or not any of those?

Mayor Holman: Council Member DuBois, if you have a second question, why don't you go ahead and ask that?

Council Member DuBois: I have more questions. Maybe continue?

Mayor Holman: Continue while they're trying to sort that one out. Do you have a question.

Ms. Gitelman: I'm sorry. If I can just ask for a clarification? You mentioned a model making store, and what were the others?

Council Member DuBois: Right in Midtown Center there's this model building place, and then there's the Rock Bend class place as well. It's right next to the Palo Alto Coffee, in the retail frontage. Over in Alma Village, there's a place called Cyber Coders, also into kids where they teach programming after school.

Ms. Gitelman: You can see that's it difficult often to classify these uses. In tutoring children, we've called those personal services, so those would be allowed.

Council Member DuBois: That would include also SAT prep, like more academic?

Ms. Gitelman: We often classify that as personal services if it's a relatively small use, but let us do a little more digging in the Code and we can answer that in more detail.

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Council Member DuBois: We have art and dance studios included in personal uses, so you could see maybe music. Then you get to these large SAT preps and it's across the line. I can't remember the name of the chain, it used to be in Piazza's. There was a toddler play area. Will we consider that company commercial recreation?

Ms. Gitelman: I'm sorry. Was it accessory to the grocery store or was it a separate use?

Council Member DuBois: It was a separate retail location where you take your kids in and they play and they had classes for toddlers.

Ms. Gitelman: Was it My Gym or something like that?

Council Member Dubois: Yeah, exactly.

Ms. Gitelman: If it was commercial recreation, a use permit would be required. If we found it to be more like a personal service, then it would be a permitted use. Again, it really comes down to an interpretation. We'd have to research exactly how those uses were permitted going backward.

Council Member DuBois: Looking at your pipeline slide, which was excellent. That was one of the questions I had. Real estate office, is that considered ...

Ms. Gitelman: It's interesting. That particular use was permitted as some definition that doesn't exist anymore, neighborhood business services or something like that. Now it would be a business office.

Council Member DuBois: So it would not be allowed. The conversion of the real estate to the bank is a change of use and it requires a conditional use?

Ms. Gitelman: Right. In this case though, it was a driving school, oh, oh, a real estate office to bank. You're right. It's two different uses. A use permit would be required for the bank. Under the terms of the Ordinance, a new use permit would not be allowed unless financial services were added to the list.

Council Member DuBois: Even though real estate was an office and a bank was an office, it's not under the same CUP?

Ms. Gitelman: They're different use permits. Under the terms of this Ordinance as we read it, it would not be allowed.

Council Member Kniss: Following up on what Tom just talked about. It sounds as though there will be lots of individual decisions that will be made. Most of us may think of this as California Avenue or University, but there are

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many other stores that I can think of, either down in the Charleston area, out on El Camino, in Midtown in particular. Midtown has at least one real estate office, if not two. I'm presuming anything that's there can stay there. Let's say that Midtown Realty decided to sell to ABC Realty. What happens in that case? Is there a grandfather clause or is that a different decision making process?

Ms. Gitelman: Under the terms of the Ordinance, a real estate office once there could stay there or could ...

Council Member Kniss: Regardless of who owns it?

Ms. Gitelman: That's correct. It could convert to one of the uses on the list in the Ordinance. It couldn't convert to something that's not on the list.

Council Member Kniss: Again, the decisions about this, will there be some kind of group or whatever? It would sound as though some of these could get very sticky, to be honest. Even though we don't have a soul in here tonight that seems enormously interested in our Urgency Ordinance.

Ms. Gitelman: It is true that any Ordinance that's based on these definitions is going to be subject to some interpretation. When an application comes in the door, we're going to have to interpret whether it falls in personal service or some other use that's not on the list. By including some of these other things, commercial recreation, personal service, retail service, I hope we're casting a large enough net that that won't happen often, that we have to make those difficult calls.

Council Member Kniss: Stephanie Munoz's question about childcare services, does that fit in under this as well?

Ms. Gitelman: One of the uses that we're suggesting the Council may want to add is daycare. Currently, that's not on this list.

Council Member Kniss: I would think that would be an appropriate one. The other decisions are made through your department or are they going to be made otherwise? Regarding the "who will decide" question.

Ms. Gitelman: If an application comes in and it's a matter of interpretation, like is this a personal service or isn't, that would be a decision that's made by the Planning Department at a Staff level. Again, hopefully that kind of interpretation won't be needed very often, because we've cast a wide net in using these definitions.

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Council Member Kniss: I'm thinking of all the interesting, different uses there are in our community. I'm presuming that pet services doesn't need to be listed separately. Is that personal services?

Ms. Gitelman: I'm sorry, which?

Council Member Kniss: Pet, pets, pet grooming, pet services of some kind. That's under personal services or is that not listed yet?

Ms. Gitelman: There's an animal services use.

Council Member Kniss: There is or was a pet-type store in the Charleston shopping center. I don't know if it's still there or not. We're hearing it's still there.

Ms. Gitelman: There's a use called animal care. If it's not included on this list in the Ordinance, then if the current facility went away, it could be replaced by another animal care use, but it couldn't be replaced by another use that's not either there already or on this list.

Council Member Filseth: Can the City Attorney comment just for a little bit on the limits of what zoning can be required on change in tenancy? I know you folks are looking at this. What's the latest thinking on that?

Cara Silver, Senior Assistant City Attorney: Thank you, Council Member Filseth. Cara Silver, Senior Assistant City Attorney. This particular Ordinance is drafted in a way that does not pose any difficulties with respect to a change in tenancy. There have been some questions about how far can you reach back for a change in tenancy and could an Ordinance like this or some subsequent Ordinance apply to reach back to capture past changes of tenancy. We think that there are some legal vulnerabilities there.

Council Member Scharff: I'm going to need you to walk me through the real estate office to Wells Fargo. I don't see anywhere in the Ordinance, I'm probably reading it incorrectly, where that's a problem in the Ordinance. If you could point to the specific language, I'd appreciate it.

Ms. Gitelman: In the Ordinance, it's Section 18.85.102(b). It says conditionally permitted uses suspended during the pendency of this Ordinance, no ground-floor retail use operating as a ... may be replaced by any other non-retail use including uses for which Conditional Use Permits are currently allowed. I believe our expectation was that that would preclude new conditional uses. I'll ask for Cara's help on this. I think Council Member Scharff is pointing out that that paragraph 102(b), conditionally permitted uses suspended, applies when there is a retail use operating as of

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March 2nd. If there's a real estate office operating there, would a financial service use permit be precluded?

Ms. Silver: We've defined retail use to include both your standard retail uses and retail-like uses. If a real estate use is considered a retail-like use, it's not. Okay, right. It would fall outside of the Ordinance, and a Conditional Use Permit would not be.

Council Member Scharff: That was my reading of the Ordinance. We need to clarify it, because you've given opposite answers to Council Member DuBois and other Council Members that the real estate office to Wells Fargo is not covered by this and they may go ahead with that.

Ms. Gitelman: I stand corrected. Let me go back to that slide with the chart. There are two mistakes on this chart. The first one regards 435 Hamilton, where we've said no in the last column. We believe the answer should be okay, because of evidence we received very late this afternoon. As Council Member Scharff has pointed out, in the last row where it says no, a close reading, as the Council Members pointed out, of that section of the Ordinance suggests that this should also be okay, because the existing real estate office does not count as a retail use.

Council Member Scharff: I also had some other questions. If we were to add things to this. Say we added automotive uses. That doesn't change the Ordinance, for instance, Downtown where an automotive use would not be a retail use on University Avenue. Right? It doesn't change those existing, does it or does it?

Ms. Gitelman: That's correct, It would still have to be a permitted use in the other sections of the Ordinance to be allowed.

Council Member Scharff: If we add stuff, it's only where the current areas would allow a wider range of uses anyway. Right?

Ms. Gitelman: That is our intention. Let me make sure we think it's drafted that way. Yes.

Council Member Scharff: I would hope it would be. I just wanted to confirm that. I wanted to ask this other question. You've asked us some questions about other uses that we may want to include in this Ordinance. If we were to add additional items to this Ordinance, then we would not pass this Ordinance tonight and people could convert more retail. Is that correct?

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Ms. Gitelman: I think we're asking whether the list of uses included in Section 18.85.101(b) should be added to. We're thinking that you could in fact do that this evening and adopt the Ordinance as amended.

Council Member Scharff: You could, okay. You guys could get it out? That would work, that's what you're saying? I guess I'm thinking about the redrafting issue. Where I'm going with this is there's two approaches we could take. We could pass this tonight exactly the way it is and then give direction to come back to us in 45 days to add additional stuff, and that gets the Ordinance passed. That's clean to me. The other question is if some people want to add automotive services, for instance, would that entail passing the Ordinance tonight and saying automotive services, would you have to come back to us and put it on consent as something? That's really my question from the timing. Clearly things like the Mango Café and the florist to office, if we pass it tonight, we then cut this off. Whereas otherwise, we haven't.

Molly Stump, City Attorney: That change that you described could be made tonight. There might be other ideas that you may have that are beyond the ability of this item from a Brown Act notice standpoint. Those might require us to come back. That change is encompassed within the item and could be made tonight.

Council Member Scharff: As we go through this tonight, if there are changes that you can get eight Council Members to agree on, I would actually appreciate any proposed changes that you tell us, because it's very important to me that we pass this tonight, whether or not we'd have to come back with another. I'd like to know that.

Vice Mayor Schmid: Just a broad question on geography. We are treating every retail space in town under this Ordinance, wherever it is, inside a commercial district or isolated by itself. Is that right?

Ms. Gitelman: That's correct.

Vice Mayor Schmid: We are excluding from this protection anything that doesn't qualify as a retail or personal service, so auto shops are not protected.

Ms. Gitelman: We're including in this Ordinance those things that are specifically listed in Section 18.85.101. That's that whole definition of retail service and the retail-like uses that are listed there.

Vice Mayor Schmid: You use the term "retail-like" which is very important for judging does this qualify or not. Retail in economics has three

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characteristics. It's a commodity or a good. It's sold in small quantities and sold to a final consumer. That definition might be helpful in retail-like, looking at services. What is like a retail good? The problem with putting a list down is we live in a dynamic society and things change. They change quickly. Fitness, for example, I guess you have that under commercial recreation, but that's a new industry that's growing. Delivery services, as more and more people shop at home, retail for them is a place they can return goods. Does that qualify as a retail site? Certainly for many householders buying and selling a consumer good, it would. Finally, I'm concerned about medical offices. They are not protected, so they might become the next vulnerable area for being replaced by offices. It raises, for me, a red flag. Certainly for a consumer, an aging consumer wanting to have services available, medical services are critical. You seem to be leaving them up in the air. I certainly would, if not dealt with here, think a little bit about what might happen to medical services.

Council Member Wolbach: A couple of questions and thoughts. Continuing along the line of thinking that Council Member DuBois got me thinking about. My sense is that if we were going to limit or allow a music school, a dance studio, a coding class, I don't see a way that we would be able to be fair and say that a math class or an English class or combined an SAT prep class or school would not be allowed. However, if we are concerned about chains, whether it's a chain restaurant or a chain tutoring facility, we should have that conversation. That would probably be something we'd want to talk about at a later time, but it's been brought up in the past. That's a conversation we should have at some point. I don't see how in this Ordinance, particularly the Interim Ordinance tonight, how we'd be able to justify legally restricting SAT prep and not the dance, the coding or the music. I would probably be reluctant to do that. On the question of what other things we might include, there are a few that come to mind. Vice Mayor Schmid hinted at one of these that I was thinking about, which is services for seniors. I would also add to that others in the context of, I'm sorry. The question on this next one is, along the lines of senior services, would things like youth or teen centers or youth services, homeless services or disabled services of facilities, would those be covered?

Ms. Gitelman: We haven't included those uses on this list. I'll have to consult the definitions here to see what uses those would fall under.

Council Member Wolbach: Under this Ordinance, if a space is not currently retail and then in a couple of months, assuming we extend this past the initial term, let's say it becomes retail. Would this Ordinance then prevent it from reverting back to whatever it was previously?

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Ms. Silver: The use is not retail as of March 2nd, which is the operative date, and then it converts to retail?

Council Member Wolbach: After March 2nd, right.

Ms. Silver: Yes. Any conversion after March 2nd, as long as the Ordinance is in effect, the Ordinance would prevent future conversions to office.

Council Member Wolbach: That would include in places that are not zoned to allow retail, correct?

Ms. Silver: Yes, that's correct. Of course, at this point we're only dealing with a 45-day period, so it's unlikely that that scenario would occur.

Council Member Burt: First, I wanted to get clarification. Director Gitelman, you had said that there were tenant improvement permits that had been issued on one or more of these pipelines without a use and occupancy permit. If that's the case, is that a sequence that we have defined or was that an inadvertent action or what?

Ms. Gitelman: Thank you, Council Member Burt. This was inadvertent. The tenant improvements were approved and acted upon without a referral to Planning for review of a use and occupancy permit.

Council Member Burt: Is that currently tightened up?

Ms. Gitelman: Pardon me?

Council Member Burt: Has that been tightened up with the Development Center, whoever it would be.

Ms. Gitelman: We just found out about one of these today, so it hasn't been tightened up yet. This is not a great process, and we will work on making sure that it doesn't happen in the future.

Council Member Burt: When would we be getting the retail trends study?

Ms. Gitelman: I'm sorry, Council Member Burt. I don't have a date for you. At this point, I think it's going to be after your break.

Council Member Burt: Does a Conditional Use Permit expire upon change in tenancy?

Ms. Gitelman: No, it does not.

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Council Member Burt: How explicit then is that Conditional Use Permit? You go from one tenant to another. In one case, they might be virtually identical. In other cases, they may be similar uses. How do we distinguish those?

Ms. Gitelman: Again, this is a fact-based discussion. When someone obtains a use permit, say, for a financial service use and it's a bank, and then another financial service use wants to come in under the same use permit, we have to evaluate whether it is in fact the same use and whether it can comply with the same conditions. It's possible they might need to amend the use permit.

Council Member Burt: Or be denied? Why would we give that Amendment, if it's a use that is not what we're intending to continue, for instance?

Ms. Gitelman: The example I gave was a like use. If it's a question of just complying with conditions, presumably we could say, "I'm sorry. If you can't comply with the conditions, you can't operate there." The use permit does run with the land. Maybe Cara can amplify if you'd like.

Council Member Burt: We've got to understand where we draw the boundaries on what is the same use. That goes into the same issue on whether we have adequate definitions on some of these retail uses. Let me go to another item, which is this scenario where we have a real estate office which, if I understand it right, was initially a permitted retail use under business services. Is that correct? No?

Ms. Gitelman: It was permitted as some kind of neighborhood business service. Currently, we would consider it a general business office.

Council Member Burt: When it was allowed to enter that site, it was essentially a permitted retail use under this definition?

Ms. Gitelman: I don't know. We'd have to research that. I don't believe it was permitted as retail. I think it was permitted as this other thing, neighborhood business service, that we don't have that definition currently.

Council Member Burt: When that definition was around before, was it part of what was our broader definition of retail?

Ms. Gitelman: I don't believe so, no. It's was a separate use and distinct from retail.

Council Member Burt: That probably answers my questions, but I want to tell you what I'm getting at. If we have a scenario where we change the

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definition of retail after a given use went in, and now they want to go from that presently unpermitted use to, say, office, it sounds like they would be allowed to do that. I'm not sure whether that should be the case. I'm not sure whether we have these circumstances or not. I thought this neighborhood business service was formerly in conjunction with our broader definition of retail, but I'm not certain of that. I'll just put that out there for consideration. I did want to address the issue that Council Member Wolbach was talking about, would we be able to permit—no, but I don't think the Vice Mayor asked a single question. I want to be able to make a comment here. On whether a commercial recreation like a dance or other recreation, he was concerned whether we could allow that and deny tutoring. Under the current definitions, my understanding is that it's the other way around. We have, for whatever reason, come up with interpretations of these personal services that allows the tutoring and the SAT shops as being retail but would not allow, outside of a Conditional Use Permit, things like dance and those kinds of recreation activities. It's inverted from what we probably would like to see. That goes to the final concern and question. I heard Staff make comments to this effect. Are there challenges to Staff in trying to understand the intent of our Ordinance and definitions of retail under the current Ordinance?

Ms. Gitelman: Thank you, Council Member Burt. As a newcomer looking at this Code, I think the Code definitions are fairly clearly. It's difficult to understand all of the decisions that have been made in the past about uses and how they fall into these definitions. Also, uses themselves have evolved as some of the Council Members have indicated. There's some uses that are new to us, or there are new takes on them that just weren't around when some of these definitions were granted. For example, we talked about the fact that a small educational use might be permitted as personal services. That's a Code interpretation. If you look at the Code, it looks like it's a, what's the terminology? Personal services of a personal convenience nature, but there is a definition for a trade school that a larger training program would fall under. Personally, I can't tell you how these interpretations have been made over the years, but they have. There is a precedent for a small training program to be defined as part of personal services.

Mayor Holman: I have a couple or three questions. I was just scanning through the definition again of retail and retail services and personal services and such. I didn't find animal care, which I thought was what you had mentioned. I didn't find it, but I did find household pets and supplies. Am I just overlooking animal care?

Ms. Gitelman: Animal care is a separate use, so it's not included on this list currently. Whereas, pet supplies are retail.

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Mayor Holman: Council Member DuBois brought up the question about music classes, guitar lessons, that sort of thing. It seems to me if you have, which is listed here as art or dance studios, does it really need to be listed as art, music or dance? Music is an art. I'm seriously asking. Is it the broader definition that we could direct you to use or do we need to change the language? I'm looking for direction.

Ms. Gitelman: Mayor Holman, clearly if the Council were to adopt this Urgency Ordinance, you would be directing us or continuing to direct us to develop permanent changes to the Municipal Code as it relates to ground-floor retail uses. We could look at cleanup of any of these definitions that the Council's interested in. The question today is how much of that do you feel is necessary to adopt an Urgency Ordinance to effectively perpetuate the status quo and uses that you'd like to preserve.

Mayor Holman: Maybe just one correction is the 433 Hamilton on your pipeline list. It was mentioned that that's Stanford Florist. I think Stanford Florist was on Emerson. Is this the right address but the wrong tenant? Which is it?

Ms. Gitelman: I think it was a florist. I apologize if we got the name of the florist wrong.

Mayor Holman: The address is correct though?

Ms. Gitelman: Correct. It's 433 to 435.

Mayor Holman: What happened at 435 Hamilton? On disposition it says no, but then you said there was some late information that came about. What is that?

Ms. Gitelman: We received evidence that the City had in fact issued a tenant improvement permit. We'll continue to look into this. It's a matter of looking into the record and seeing if we think the conversion has legally occurred.

Mayor Holman: I think that's my questions. I actually will have a Motion to make when we come back, if it gets to me.

Council Member Scharff: I actually really appreciate the Staff work on this. I want to say that. You captured pretty much the Motion that we made, and you guys did a really good job. I also appreciate you bringing forth some of the things that we may think about adding. I'm very pleased with the work on this.

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MOTION: Council Member Scharff moved, seconded by Council Member Wolbach to adopt the proposed urgency interim Ordinance to prevent the conversion of ground floor retail and retail-like uses to other uses citywide.

Council Member Scharff: This is going to come back to us in 45 days. My question is if we're going to think about this some more and stuff, we have the 45 days to think about that. That's a good thing. We have another, what, up to two years, right?

Ms. Silver: Yes, you can extend it for up to two years.

Mayor Holman: Can I interject here? I'd asked the question previously and this might help inform your Motion is why I'm interjecting here. I had understood that there's no allowance to amend an Interim Ordinance. It can be extended but not amended. Is that correct? Did I understand that correctly from my prior question?

Ms. Silver: Thank you, Mayor Holman. There is a safe harbor provision in Government Code 65858 which allows the Council to extend Interim Ordinances. It does not expressly allow Amendment. The safest course would be to just extend the Ordinance, not amend it.

Council Member Scharff: If we're going to add additional categories, then you're saying we should do it tonight?

Ms. Silver: That's correct.

Council Member Scharff: That's different than what I thought.

Ms. Stump: Council Member Scharff, I would like to add one thing. We are bringing a regular Ordinance through the Planning and Transportation Commission (P&TC). That might be a place where the P&TC might recommend or this Council might in fact make some changes or tweaks or adjustments.

Mayor Holman: Again, to help inform our action tonight. Pardon me, Council Member Scharff. Because it has to go to the Planning Commission, what would the timing on that be approximately?

Ms. Silver: We plan to bring that to the Planning Commission in, I believe, June and then to the Council, it will probably be after your break, in August. That needs to go for first and second reading.

Council Member Scharff: There have been a lot of things that have been raised here tonight, particularly Council Member Burt's comments regarding if we get to a point where we have a change in tenancy as opposed to a

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change, can we then mandate a change in use? You've heard me argue before that I'd like us to start amortizing out certain uses, like the Wells Fargo Bank building which breaks the block on University Avenue. There's a lot more work to be done in this area, but I don't think it's tonight and I don't think it's on this Ordinance. My question is I'm very interested in what Council Member Burt said, which was when a use that is clearly not conforming and in a non-retail, I mean it should be retail, it's office. It's in a retail-required zone. It's been there for a while, and they're changing tenants. How do we change that? That's a legal issue, right? You obviously need to do more work. How do we get that agendized back? Are you planning on coming back with the answers to these questions? How do we move that forward, so after we do this tonight and then it comes back on consent if we're not going to make Amendments in the 45 days? How do we not lose the momentum on this and get this other stuff done?

Ms. Gitelman: Thank you, Council Member Scharff. Next Monday we have a discussion on California Avenue. You could certainly raise that question in the context of that discussion.

Council Member Scharff: We've done that broadly enough that we can ask the question Council Member Burt just asked?

Ms. Gitelman: You can ask it with respect to uses in the California Avenue area. What we're seeking is direction about crafting a permanent Ordinance for California Avenue, so it would seem to be relevant. Your specific bank example won't work, but perhaps there's another use in the area you could use to raise it.

Council Member Scharff: That's one of the things I'm thinking about, how do we continue to have the discussion. I'm glad we're going to do California Avenue, but then we should start taking some of these areas, doing it. There's also some Citywide discussions we should have. I don't think this covers the whole range of stuff in an emergency Ordinance where we have to get eight votes tonight if we're going to pass this.

Ms. Gitelman: Thank you again, Council Member Scharff. Looking back at the history, when this discussion happened last in 2002, it really was a two-year process that went district by district through all of the commercial areas of the City. I hope it's not going to take us two years. We have California Avenue teed up for you next week. We hope to bring Downtown back to you as soon as we can. Then we'll have to consider how we can bring forward the other commercial districts and give them the attention they deserve.

Council Member Scharff: Again, I want to thank you. Obviously I hope we pass this tonight.

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Council Member Wolbach: I very much agree with the concern that we pass something that's simple and clear this evening, that we don't make extensive modifications to it this evening which raise legal complications and invite challenges to the emergency Ordinance. Our backstop Ordinance, our permanent Ordinance that Staff is also working on, is the right place to have the more substantial discussions. As the seconder of the Motion, if there are recommendations for friendly Amendments for something that Staff has indicated would be very clear, would be very easy to do, would not require additional complex work to write new definitions and which have broad support of the Council, I'd be open to hearing those. My strong inclination is to stick with something very clean and simple this evening, stick with what was drafted by Staff. Then in our permanent Ordinance have the time to work on these. One question is do we maybe want to amend this Motion or would we need to amend this Motion to direct Staff to provide alternatives about some of these other things that have been raised tonight, just procedurally. Have you heard enough already so that when the permanent, backstop Ordinance comes to P&TC and then to us, that you already understand what some of the questions are that need to be addressed? That's actually a question for Staff.

Ms. Stump: I might have oversold that a bit. The intention with the permanent, backstop Ordinance is to start with the identical Ordinance. If there are very minor adjustments, that could occur there more readily than with the extension that will come in 45 days. The Planning Director has indicated that extensive discussions really are better grounded in a district by district permanent zoning process.

Council Member Filseth: First of all, I want to echo what Council Member Scharff said, Staff did a good job of threading its way through a potentially hairy territory with this Ordinance. It's good. It's important we pass a version of it tonight. Given that it's going to be difficult to amend after tonight, we ought to try to carefully add a couple of things. I want to propose a friendly Amendment or two. One is to clarify that the definition of retail and retail-like services is specifically intended for services that are open to the public as opposed to some corporation puts a function like this on their ground floor, but it's really only for them.

Council Member Scharff: I believe that's covered in the Ordinance.

Council Member Filseth: Where?

Council Member Scharff: Where we said you can't have 25 percent ...

Council Member Burt: Cite it.

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Council Member Scharff: I think I saw something that said you can't have more than, the 25 percent thing suspended.

Mayor Holman: I think it's not that, Council Member Scharff. I think it's things like ground floor cafes and cafeterias that are intended only for the employees of a specific business, that are not open to the public.

Council Member Scharff: Oh, is that what you're talking about?

Council Member Filseth: Yeah.

Council Member Scharff: You're talking about that if you couldn't have, for instance, a café that's not open to the public.

Council Member Filseth: Yeah. It seems like a loophole in here.

Council Member Scharff: I'll just ask Staff. Could someone do that under this Ordinance or not? Could you create a food service place? The Palantir site, that's what you're thinking of, right?

Council Member Filseth: For example.

Council Member Scharff: For example.

Ms. Gitelman: I'm not sure how we would interpret a specific situation, but I also don't think there's any harm in the introduction to 18.85.101 clarifying what we mean are public uses. I don't know; I'm looking at Cara.

Council Member Scharff: I assume that's easy enough to draft and still pass this tonight and have it operational. Yes, then that's fine.

Council Member Wolbach: As seconder, I would be fine with that change as well.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add at the end of the Motion, "with the following changes: add to 18.85.101 'To qualify as a retail use, the use shall be open to the public.'"

Council Member Filseth: One of the things that we talk about is the use of lobbies or reception areas serving non-ground-floor uses like elevator shafts and staircases and stuff like that. It'd be good to have some language saying that we're restricting those to the minimum amount practically needed to serve as access to any new upper floor or lower level uses as opposed to somebody builds a giant exposed area. I'm not sure exactly how

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to quantify that. If we said something like the minimum amount practical to use it.

Council Member Scharff: Where in the Ordinance is that? There is that somewhere; I just don't remember. Do you remember?

Council Member Filseth: I don't remember either. Staff?

Council Member Scharff: I know I read it somewhere.

Ms. Gitelman: It's currently in 18.85.104. I should mention there's a numbering problem there. That should be 105. Currently there are two Sections 104. Reconstruction, we say that ground-floor uses can be reconstructed.

Council Member Filseth: The minimum amount needed to provide access.

Ms. Silver: I don't believe that that is currently in the Ordinance, but Staff's practice has been that when there is a office use put on the second floor, that where the entrance or the lobby impacts the first floor, we do permit some limited retail reduction. The purpose of your Amendment is to clarify that that reduction would only be for the minimum amount practicable. We would recommend just adding a clarifier in 18.85.102, add it to Section (d).

Council Member Berman: You would add a Section (d)?

Council Member Scharff: There is no Section (d).

Ms. Cara: Yes, you would add a Section (d).

Council Member Scharff: That would say what?

Ms. Silver: Which would say "in interpreting this Ordinance, the City shall limit entrances, lobbies or reception areas serving non-ground-floor uses to the minimum amount practicably needed to provide access to any new upper floor and/or lower level uses."

Council Member Scharff: How would that square with 18.85.104?

Ms. Silver: That 104 section deals with reconstruction for purposes of fire. Is that correct?

Ms. Gitelman: That's in redevelopment of a site. If you demolish a building and rebuild, you have to have the same amount of ground-floor retail, except you can reduce it to the minimum amount necessary to get parking below and access to the upper floors. Adding something in Section 202, the

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only thing it does is basically tell us in an existing building not allow someone to expand their lobby, I guess. Council Member Filseth, I apologize. If your intention was to limit the amount of space on the ground floor of a building that's used for a lobby, if it's during redevelopment of a site so the building's being modified or demolished and replaced, then that is already captured in the Ordinance.

Council Member Filseth: I just wanted to make sure it's captured under every conceivable likely circumstance. If Staff's opinion is that .104 covers this and there aren't any other circumstances, then we don't need this.

Ms. Gitelman: That's right. I think it is there.

Mayor Holman: Could Staff point to where? We have situations on the ground now where this is not the case.

Ms. Silver: In the current proposed language under 18.85.104, which we relabeled 105 on packet Page 316, we are proposing adding a section that addresses that issue. It's not currently in our Code.

Mayor Holman: What Council Member Filseth is proposing is new and it addresses an issue that's not currently addressed.

Ms. Silver: We believe that the language that Council Member Filseth has introduced is covered in 18.85.104 in the proposed Ordinance.

Ms. Stump: It's not in the current Code, Mayor Holman. Council asked us to do this already, so we've already drafted this.

Council Member Burt: It's not in the current Code, and it is in the Interim Ordinance?

Council Member Filseth: But it is in the Interim Ordinance?

Ms. Stump: Correct.

Council Member Filseth: Under Section .104 which is really 105.

Mayor Holman: It does not address lobby though, and it doesn't address all of it. It does not address ...

Ms. Stump: I think that what is intended by lobby is what's needed to access the upper floor. The entire rest of the ground floor is retail.

Council Member Filseth: Right. .104 doesn't specifically say lobby, but that's presumably the only, actually it could be non-lobby uses too. Hallway.

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Mayor Holman: Say that again.

Council Member Filseth: Staff and the City Attorney's opinion is that Section 104/105 essentially covers the case of any retail space on the first floor, whether it's lobby or hallway or anything else being used to provide access to upper or lower floors already.

Mayor Holman: I read it differently. A lobby isn't just to provide access; it's also to serve a function.

Ms. Stump: I think what the language is intended to say is regardless of what you call it, whatever that space is that's not retail must be the minimum amount needed to get up or to get down.

Council Member Scharff: You're not suggesting we add 102(d), so you can erase that.

Council Member Filseth: I'm going to not suggest 102(d).

Council Member Scharff: Anything else?

Council Member Filseth: I do have one more on Section 18.85.103(a) which has to do with pipelines. The language says the cutoff is for a retail use that was submitted to the City on or before March 2, 2015. I'm going to suggest we replace the words "submitted to the City" with "approved by the Director."

Ms. Gitelman: Thank you, Council Member Filseth. Just to remind the Council, this section was included in the Motion from last time. The Ordinance has been drafted with regard to these discretionary projects just as directed by unanimous vote of the Council at our last meeting on April 6th. I can certainly change that with eight votes.

Council Member Filseth: I defer to the judgment of the Council, but I'm going to suggest we change it to ...

Council Member Scharff: I know I'm supposed to just say yes or no, but if everyone would indulge me. What effect would that actually have from a practical point of view? Who would be in, who would be out?

Ms. Gitelman: I think we talked about this on April 6th. There were three projects that are potentially affected. One is on 429 University, but I believe that has been approved by the Director; although, it's been sent back for more. There's a question about whether that would count. The other two projects were 3877 El Camino, where there'd be a loss of ground-floor retail space of about 2,500 square feet, and then 3045 Park, where there'd be a

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loss of about 12,000 square feet of auto service uses. Both of those applications came, all three of those applications came in 2014. We've been working with them to get through our process. At the Council's last discussion on this, the vote was to allow those to proceed without this Ordinance applying to them.

Council Member Scharff: What was the second one with the 2,500, where was that?

Ms. Gitelman: 3877 El Camino, the Compadre's site.

Council Member Filseth: There are no other applications that would be between whether the application was received or whether it was approved that would be affected by that?

Ms. Gitelman: That's correct. There are no other pending discretionary planning entitlement applications that we believe would be affected by the Ordinance. These are ministerial actions.

Council Member Filseth: These three go forward with both language?

Ms. Gitelman: Pardon me?

Council Member Filseth: These three would go forward with both language, with both versions of the language?

Ms. Gitelman: No. The Amendment that you've suggested, all three of them would be precluded as I understand it.

Council Member Filseth: Oh, really? I thought 429 would go through.

Ms. Gitelman: At least two of them would be precluded. I think there'd be an argument about 429 University. Under the proposed Ordinance, all three of them could go forward without paying attention to this Ordinance.

Council Member Scharff: We haven't included automotive services, so the only one this would affect would be the Compadre's site. Correct?

Council Member Filseth: Unless we come back and put automotive services in.

Ms. Gitelman: That's correct.

Council Member Scharff: If it would just affect retail on El Camino, which is the Compadre's site.

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Mayor Holman: Council Member Scharff, as the maker do you accept that?

Council Member Scharff: I'm actually supportive of that. I'm a little concerned that we could lose people on this stuff. I actually think that I'm going to say no. If you want to make that as a non-friendly Amendment at some point, I'm sure someone may, because I don't want to start losing people. That could be controversial in my view.

Council Member Filseth: Understand.

AMENDMENT: Council Member Filseth moved, seconded by Mayor Holman to add to the Motion, "replace in Municipal Code Section 18.85.103(a) 'submitted to the City' with 'approved by the Director.'"

Mayor Holman: I will say just one thing about it. It's a prudent thing to do. For me, it seems like it's pretty clear that 429 could carry forward. No matter what the status of it is, it did have an approval by the Director. That hasn't been rescinded, so 429 could go forward. I agree that we should protect what retail we can on El Camino. That's the project under this proposed Amendment that would be protected. That's why I support the Amendment.

Council Member Wolbach: First a question on this Amendment that's proposed for the City Attorney. Does changing 18.85.103 from submitted by March 2nd to approved by March 2nd, which would only impact this one site on El Camino Real, does that endanger the legal resilience of this Urgency Ordinance?

Ms. Silver: No, I think that's a policy call for the Council. That's certainly within your purview.

Council Member Wolbach: That was my concern.

Council Member Burt: First I want to say that I agree with Council Member Scharff procedurally on how we ought to go about this tonight since it requires eight votes for passage. Rather than get the primary Motion hung up on an Amendment that may or may not get eight votes, this lets us vote on those individual Amendments. There is another sequencing issue, which is if we can consider changing any definitions tonight on retail services to include, say, automotive services or service stations or daycare, that probably ought to be done before we vote on this Amendment. It would impact the ramifications of this. I don't know procedurally whether we could put this one in abeyance until after we address the definitions. I see the City Attorney wants to wade in.

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Ms. Stump: I would recommend if the maker and the seconder of the Amendment are in favor of holding off, that they withdraw this Amendment, take up other items first and then come back.

Council Member Burt: Then return and put it back on the table?

Ms. Stump: Yes.

Council Member Filseth: So agreed.

Mayor Holman: We can do that.

AMENDMENT WITHDRAWN BY THE MAKER AND SECONDER

Council Member Scharff: Just to clarify, an Amendment needs eight votes to pass, right? Otherwise it makes no sense.

Ms. Stump: As I understand the Council's goal to find out whether you will have eight votes for an Ordinance at the end of the day, that makes a lot of sense.

Vice Mayor Schmid: The definitions 85.101 add as the eighth category auto dealerships. I can see where that's important to protect, but it puts them on an equal plane. Stores on El Camino can turn into auto dealerships. A question is do you think it's an open invitation that might be dangerous.

Mayor Holman: Vice Mayor Schmid, are you trying to address auto services? This is the question.

Vice Mayor Schmid: It says auto dealerships.

Mayor Holman: That's what you're saying it already says.

Vice Mayor Schmid: The Motion says that, yes.

Ms. Gitelman: Thank you, Vice Mayor Schmid. I think your question is could another retail use be converted to an auto dealer if they're both on the list. The answer is yes.

Vice Mayor Schmid: Are we creating incentives to move to something that we don't necessarily want?

Ms. Gitelman: I don't know how to answer that question. I don't know that we do or don't want auto dealerships or how many retail sites might be ripe for conversion based on their size and location. That would require an in-depth analysis that we haven't been able to do.

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Vice Mayor Schmid: I'll just ask the maker of the Motion, do you think that is a danger?

Council Member Scharff: No, I don't.

Council Member Filseth: Just looking at the text on the Motion here, on sub-bullet (a), clarify the definition of retail and retail-like services, include uses open to the public. What you really want to do is limit it to uses open to the public. It should say limited to uses.

Ms. Stump: Just to communicate with the Clerk a little bit here. Cara Silver is making some real time drafting changes to the Ordinance which she has in a Word document. What we would also do in addition to the work that the Clerk is doing is, before there's a final vote tonight, she can go through and read exactly all of the changes that the Council has made. I would propose that we use that as the definitive version.

Council Member Filseth: Very good. I defer to the City Attorney. Since we're talking about this kind stuff, let me propose an unfriendly Amendment that the definition of retail-like uses add automotive services, service stations and daycare.

AMENDMENT: Council Member Filseth moved, seconded by Council Member DuBois, to add to the Motion, "to add automotive services, service stations and daycare facilities to the definition of retail-like uses in Municipal Code Section 18.85.101 (b)."

Council Member Scharff: The only thing I would suggest is that you break it down one at a time. Some people may vote for some of these and not for others. Since you need eight votes, by putting all three together, you're unlikely to get it passed or less likely.

Council Member Filseth: Fair enough.

AMENDMENT SEPARATED FOR THE PURPOSE OF VOTING

Council Member Filseth: Is this the right way to do this, by the way, one at a time?

Mayor Holman: You can do them one at a time, absolutely.

Council Member Filseth: Let me start with daycare.

AMENDMENT: Council Member Filseth moved, seconded by Council Member DuBois to add to the Motion, "to add daycare facilities to the definition of retail-like uses in Municipal Code Section 18.85.101 (b)."

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Council Member DuBois: Again, we've already established for things like auto services, they could happen on University. Daycare is one of those things that would happen in fringe retail locations, but I don't think we should prevent retail if it's able to afford one of those retail locations. I'm not expecting a daycare to pop up on University Avenue, but I don't want to prohibit it on, say, El Camino.

Council Member Scharff: I've got to think a little bit about this in my head. The first thing, if we put daycare in here, that means that in areas where— first of all, this Ordinance doesn't change anything where daycare is currently permitted. We couldn't put daycare on University Avenue, for instance, under our current Ordinance. It doesn't fit. Could you put it on El Camino, for instance?

Ms. Gitelman: Daycare is permitted in most districts of the City.

Council Member Scharff: Just not University Avenue?

Ms. Gitelman: I think it is allowed in the Downtown.

Council Member Scharff: It is allowed.

Ms. Gitelman: Yep. We're looking at the CD District. It's a permitted use.

Council Member Scharff: What this would allow by adding it in is it would allow us to then convert a retail use that's currently allowed to a daycare.

Ms. Gitelman: I'm sorry. It's not allowed in the ground-floor overlay zone in Downtown. It's allowed in the CD, but not in the ground floor.

Council Member Scharff: If we pass this, it still won't be allowed in an overlay?

Ms. Gitelman: That's correct.

Council Member Scharff: What this is going to do, if we pass this, is it's not going to allow anyone to convert a current daycare to anything other than other retail use that we have identified in this Ordinance. Right? It could allow someone in those zones outside of the ground-floor overlay to convert something to a daycare zone. Is that correct?

Ms. Gitelman: That's the intention, yes.

Council Member Scharff: That's what it would do. That's all I needed to know.

TRANSCRIPT

Ms. Gitelman: I should clarify that. Amy and I have been whispering here. If something currently needs a use permit and it's on this list, it's still going to need a use permit. If something is not permitted in a given district and it's on this list, it's still not permitted. This Ordinance is about protecting existing uses.

Council Member Scharff: Right. The other thing that was confusing me is daycare is not open to the public, is it? You can't just walk in and start hanging out with the kids. That's a recipe for a problem. I'm just trying to imagine. I may actually vote for this, but I'm confused as to, maybe I'm too lawyerly, how that's going to affect "A." Daycare is not really retail. It might be a use we want. I'm thinking about this in real-time and I know I'm bumbling around on it. This is not retail, and this is not open to the public. We may want to protect it, and we may want to have a separate daycare Ordinance at some point. Where I'm going is I'm not sure this is retail and I'm not sure it's open to the public.

Council Member Filseth: It should be open to the public. As a customer, you can go and sign up for it, which is different from the Pallantir cafeteria, for example.

Council Member Kniss: There is daycare in Downtown right now. It exists right now in Downtown. It's right near what is now Hana Haus. That's how you enter to go in through the back way, if any of you have gone to that daycare, which is our own daycare center.

Council Member Wolbach: First just to be really clear. The point is we're going through these one at a time so that each of these Amendments can either get the eight votes or not so that we can potentially add a lot of or very few number of additions. Then we'll vote on the Ordinance as a whole. I'll actually support this one. This is worth adding. There are several others that we should have a discussion about. I like this process of going through them one at a time. That's the smart way to do it.

Mayor Holman: I'm going to make just a really brief comment about this. We actually have, going back a number of years that Amy French will probably remember, and I don't know if this is still happening. I know even in my neighborhood we lose daycare centers. If I can get Council Member Scharff's attention. We actually lose daycare centers in Palo Alto. There was a nursery school that closed in a neighborhood, just a block and a half from me. We've lost daycare centers on San Antonio Road. We tend to lose them as opposed to, from my experience, than more opening up. If we can protect them here, we would be smart and serve the public.

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Council Member Scharff: Can I just ask? I don't disagree with you. I'm just trying to think through the unintended consequences on the fly. That's what makes me nervous. I know, for instance, that there's daycare centers in residential neighborhoods. I've actually dropped my kids off when they were really young. I remember that. I know there's a couple of residential houses that do it. We need to exclude those. How can you tell people they can't turn their house back to a house, if they've been using it as a daycare? Or that they can then put another retail use there? An automotive service use.

Mayor Holman: They wouldn't be able to do that, because the zoning wouldn't allow it.

Ms. Gitelman: We're checking, but it sounds like there's a distinction between family daycare, a small operation in a house, and a daycare center, which would be in a commercial district. We're checking.

Council Member Scharff: Then I might not have an issue.

Council Member Berman: I just want to say I might support this, pretty much solely because I know how big a problem it is for daycare in the community and the fact that we're losing this. I'm getting very nervous that this is going to lead to a floodgate of other things that I'm not going to support. This is meant to be a retail protection Ordinance in discussion. We just need not to allow ourselves to open up the floodgate to all sorts of other uses.

Ms. Gitelman: Mayor Holman. Apropos of the earlier comment, I think the Council means to say daycare center, which is the definition in the Code that would apply in commercial districts.

Mayor Holman: The language in the Staff Report is daycare facilities. You want daycare center.

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT FO THE MAKER AND SECONDER to replace in the Amendment, "facilities" with "centers."

Council Member Wolbach: Something I asked about earlier and just want clarification because of something Greg Scharff just said. If somebody turns their house into a daycare facility, would they then be able to convert it back to being a house? They would not be converting it to office space. The original point of all of this was to prevent conversions of retails and services, etc., to offices. I just wanted clarity about that before I vote in favor of this.

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Ms. Gitelman: I believe in residential districts the term is family daycare. That would not be affected if we call this daycare center.

AMENDMENT AS AMENDED PASSED: 9-0

AMENDMENT: Council Member Filseth moved, seconded by Council Member DuBois, to add to the Motion, "to add automotive services to the definition of retail-like uses in Municipal Code Section 18.85.101 (b)."

Council Member Scharff: It's better practice to vote on all these things.

Council Member Filseth: It seems artificial to me to allow an automotive dealership that has a service bay, but not allow an automotive service place by itself that doesn't sell cars. It seems inconsistent to me.

Council Member DuBois: We're also losing a lot of our automotive service locations. They're tending to convert to office. It's worth protecting, so that people don't have to drive out of town, to Mountain View or Redwood City, to service their automobile.

Mayor Holman: I'm going to quickly support what's been said. A reminder to folks, we went through this exercise several years ago about protecting dealerships and automotive services. We have an overlay that supports those uses and yet we're allowing them to disappear. It seems very schizophrenic. We're losing our automotive services pretty regularly, including near Downtown. I will support this.

Council Member Scharff: If I could speak one second. I just want to say if you all get electric cars, we don't need automotive services.

Mayor Holman: That's not coming tomorrow. Did City Attorney decide if we needed eight votes to pass an Amendment or not?

Ms. Stump: If you don't have eight votes, then you won't have eight votes for your final Ordinance.

AMENDMENT FAILED: 7-2 Berman, Scharff no

AMENDMENT: Council Member Filseth moved, seconded by Council Member DuBois, to add to the Motion, "to add service stations to the definition of retail-like uses in Municipal Code Section 18.85.101 (b)."

Council Member Filseth: A gas station seems like a retail thing to me. You pull in, you buy gas, you pay money, you leave.

Council Member Burt: I agree that that is purchasing of goods. We may have some services that also occur there.

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Council Member Wolbach: I was going to point out that at the start of the list under 18.85.101(b), it says retail-like uses including but not limited to. When Staff is considering whether a place that sells, essentially retail, gasoline or tires or anything, there might be some breadth here, even if we don't articulate every conceivable use.

Mayor Holman: Council Member Wolbach, can I point out please that Staff has asked us to specifically weigh in on service stations.

Council Member Wolbach: I will, however, be supporting this Amendment.

Council Member Kniss: In a case like this, which obviously I'll support, our real problem is lack of service stations. There were far more ten to twenty years ago. I'm not even sure I've heard of anyone recently who wanted to open a so-called gas station. Protecting this seems like an obvious move. I wish there were more, so I didn't drive way out to the freeway or down to San Antonio Road frankly.

Mayor Holman: I'm going to make one comment. Service stations are also going to become increasingly sites to get services for EVs. The sites are important too. I'll be supporting this.

AMENDMENT PASSED: 9-0

Mayor Holman: Council Member Filseth, do you have anything else?

Council Member Filseth: No, I'm done.

Mayor Holman: Other Amendments? Does anybody else have any other uses they want added to the list? Council Member Burt, do you have a use that you want to add to the list?

Council Member Burt: No. I'm thinking about procedurally. We basically treated these Amendments as if they're straw votes on how we would vote on the primary Motion. On the one about automotive services, I'm interested in ultimately placing that back on the floor as part of the main Motion, bearing in mind that as a standalone it had seven votes to two against. There will be a decision that colleagues would need to make whether that would be so objectionable that they would vote against the main Motion. I want to ask procedurally would it be permissible to place that back on the floor as an Amendment that would be part of the main Motion.

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Ms. Stump: Your procedures allow you to reconsider an item, a vote, until the next agenda item is called. It should be one of the folks in the prevailing side that would reconsider.

Council Member Burt: This whole notion that an Amendment fails because it got seven votes is not technically correct procedurally. It would only be the primary Motion that would fail if it didn't get eight votes.

Ms. Stump: It's not ...

Council Member Burt: It doesn't determine how somebody would vote on the primary Motion just because they voted against an Amendment. That's a separate decision.

Ms. Stump: This is an Urgency Ordinance. It takes eight votes to pass.

Council Member Burt: I understand that fully. I'm saying that somebody who voted against an Amendment might still vote for the main Motion with that Amendment in there. That's a separate decision for that Council Member to make.

Ms. Stump: I understand what you're saying. It's sensible the way Council is proceeding, requiring eight votes on the straw polls. If the Mayor wishes to make a different ruling, that's a question.

Council Member Burt: I want to treat those as straw polls. I don't think that should preclude them. That may cause a Council Member to not include it in the main Motion or elect not to include it in the main Motion, but it doesn't prohibit someone from saying, "I want to see if I have support to put that in the main Motion." That's a majority to do that.

Mayor Holman: I think it is an interesting procedural question. It's not one that I certainly have ever faced before.

Council Member Filseth: Can I complicate the procedural question even farther? We haven't gone back yet to the original, now deleted, Amendment about changing applications that were submitted versus applications that were approved.

Mayor Holman: The pipeline projects.

Council Member Filseth: The pipeline. There's an interaction between that one and the automotive services item as well.

Mayor Holman: Yes, there is. It presents a complication of how to deal with that if we don't know what's addressed or not.

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Ms. Gitelman: I'm sorry, Mayor Holman. There's one more complication regarding the chart on the screen about the ministerial applications. We have currently an application for the private school, the Altschool, at 930 Emerson. On the chart, it shows as auto service to private school. There was a prior application on that site that converted auto service to office use. It's again going to be a fact-based investigation as to whether that prior conversion was effective. It sounds like actually an auto service building was converted to an office building. It was never occupied as office, and now it's proposing to be occupied as a school. There's a complexity there that we'll have to drill into deeper if the Council moves forward with auto service uses, adding them to the list. As one of the Council Members pointed out, there's also the complexity of the pipeline project that will be implicated if the Council both adds auto service to the list and changes the text that was added to the Ordinance based on your direction on April 6th regarding the three discretionary projects in the pipeline.

Council Member Burt: Let me make sure I understand. I'm trying to think through this. The site that you just mentioned that would be auto service to a school, in that area the school is a permitted use, but it's not one of our retail uses then. It would not be allowed to be converted in this case?

Mayor Holman: Can I ask a question too that might help inform that? Can...

Ms. Gitelman: We are getting so deep into this. I apologize. This will teach me not to try and put some analysis like this together the day of a hearing. The auto use is not currently there. The building has been converted to office, but never occupied. Under the terms of this Ordinance, the school still could go forward. The City Attorney, Staff and I have wanted to bring forward a clarification of this section in 18.85.102, the actual moratorium. It states pretty clearly that it's affecting any ground-floor retail use operating or retail-like use operating as of March 2nd, 2015. It's preventing those from converting to non-retail uses. That would come into play in this instance. It's not currently operating as auto service, so it could be converted. Similarly it would come into play for Compadre's. We talked about that earlier this evening. It's not currently in use or it wasn't in use March 2nd as an eating and drinking use. It would be allowed to proceed.

Council Member Burt: This brings up an issue that wasn't discussed at all until now, which is the difference between whether a current facility is in use as retail or that was its last permitted use. That's a big difference. How many properties would be affected by that difference?

Ms. Silver: We don't know how many properties would be affected. The reason why it's drafted the way it is, is that the Council's direction was to

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capture retail uses that may not necessarily be permitted use, but also include actual retail uses that are there existing as perhaps legal non-conforming uses. From a practical standpoint, the easiest, most efficient way to document those uses are if they are existing as of a particular date.

Council Member Burt: Our issue here is that if somebody shut down a retail use but doesn't have authorization for converting it to office, under this language they wouldn't be captured.

Ms. Silver: That's correct. That is the downside that we've identified.

Council Member Burt: Is there any problem if we wanted to change this language to reflect that its current permitted use is what we're looking at and locking that in the Interim Ordinance? Would that be a legal problem?

Ms. Silver: I think you would want to capture both permitted use or actual use. That's the broadest.

Council Member Burt: But that would not be a problem?

Ms. Silver: It might be an enforcement problem.

Ms. Gitelman: If we're tackling this section too, I think we should say March 2nd or thereafter to capture the eventuality that one of you mentioned earlier, where a new retail use comes in, could it then be displaced by another use. Rather than making it that it has to be there on March 2nd, we could say "or thereafter."

Mayor Holman: I'm looking for where this language would be. Council Member Burt?

Council Member Burt: I'm not sure, but the City Attorney can figure out the location. Do we have an Amendment on the floor?

Mayor Holman: We do not. We do not. I heard Council Member Scharff say, without being asked, without seeing the language, that he would accept that. We need to get that language drafted and in place.

Council Member Burt: Let me see if I can capture the language that ...

Mayor Holman: If the City Attorney can help with this, that would be great too.

Ms. Silver: It would be in 18.85.102.

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Council Member Burt: Where it currently says a moratorium on the conversion of any ground-floor retail use permitted or operating as of March 2nd or thereafter.

Mayor Holman: Council Member Scharff, are you good with that?

Council Member Scharff: As long as the City Attorney is good with it, I'm good with it.

Mayor Holman: Our seconder has left the dais.

Ms. Stump: Maybe I can take this opportunity to let us all take a deep breath and orient for a moment on the Council's task this evening, which is to set and establish an Ordinance of general applicability. What I'm hearing the Planning Staff struggle with in real-time here is the complexity of applying planning rules to actual projects. They've attempted to give you a lot of information about how that would work, but that's not what you're actually passing an Ordinance on. I just want to underline to the Council that there may be in fact some further refinement in the examples that they've given you this evening as they apply whatever you pass tonight.

Mayor Holman: I'm afraid we're a tiny bit stalemated, because I have to have the seconder of the Motion to accept. I've sent Vice Mayor Schmid after him. Council Member Wolbach, the Amendment that has been offered by Council Member Burt, accepted by Council Member Scharff, is that 18.85.102 would change "operating as of March 2, 2015" to "permitted or operating as of March 2, 2015 or thereafter." Is that acceptable to you, Cory, Council Member Wolbach? What this is trying to do is to prevent a site that's vacant from changing to, say, an office where previously it was retail.

Council Member Wolbach: Sorry. I'm processing this right now. Give me just one second. I've a question about this. Again, it comes back to this question of if somebody establishes a retail or allows a retail in a place where they're not supposed to have retail, would this then prevent them from changing back to whatever it was really supposed to be there?

Ms. Gitelman: That's correct. That was the Council's direction on April 6th, and it's in this paragraph about nonconforming uses in 18.85.102(c).

Council Member Wolbach: My concern is, although we've already directed that for those existing retail or retail-like services, my concern is that that would actually discourage people from establishing retail facilities in those types of locations because of their fear that they would not be able to change back at some point in the future. However, this is an Interim

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Ordinance, so I'll agree to it. Thanks for bearing with me while I thought about the details.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Municipal Code Section 18.85.102 'operating as of March 2, 2015' with 'permitted or operating as of March 2, 2015 or thereafter.'"

Mayor Holman: Other Amendments? We do have the outstanding issue of 18.85.103(a), changing the language from submitted to the City to approve by Director based on these broadened definitions of retail uses. Then we have the outstanding question also about adding automotive services or not.

Council Member Wolbach: On the procedure, this will probably be for City Attorney. This question came up about the votes we've taken. I would actually disagree with the characterization of them as straw poll votes. They were legitimate votes on individual Amendments. While this Interim Ordinance requires eight votes for passage, do Amendments to this Ordinance require eight votes to be added to the main Motion?

Mayor Holman: That's the issue that Council Member Burt brought up previously.

Council Member Wolbach: I didn't get a clear answer. Do Amendments to the motion require eight votes to be added to the main motion or do they only require a majority to be added to the main Motion? If they only require a majority, then the one that was 7 to 2 was not a failure. That was a success.

Mayor Holman: Correct.

Council Member Wolbach: If they do require eight, then it remains a failure, and I don't see how we're going to get it added back in. It has already failed; I don't think either of those people are going to change their minds. That's going to lead to the failure potentially of the main Motion, but I'll see if we can add it anyway.

Mayor Holman: Does City Attorney want to weigh back in on that, please?

Ms. Stump: I'm sorry, Madam Mayor, say again.

Mayor Holman: This is the question going back to what Council Member Burt had asked previously. Whether the Amendment that currently shows on the screen as failed, because it had a 7-2 vote, does that really qualify it for being added as an Amendment to the main Motion.

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Ms. Stump: As I understood—yes, ma'am.

Mayor Holman: The reason Council Member Burt brought this up is does that then make the Motion distasteful enough for eight Council Members to vote for the Motion or not. Even in that case, if the Motion failed on a, say, 7-2 vote, I'll make that up, on a 7-2 vote, someone on the prevailing side could still offer to have a revisit to that vote, have the vote be reconsidered and the Motion be reconsidered. At that point in time, they could ask for that Amendment to be withdrawn. Correct?

Ms. Stump: As I understood how the Council set up the last two hours of your meeting here, you were taking votes on items to determine whether they'd be in a final Ordinance that requires eight votes for passage. You were making decisions. I did not understand or hear that Council was treating those as parking lot items or straw votes. It makes a great deal of sense to me and seems to me to be the appropriate rule that it requires eight votes. If the Mayor wishes to proceed differently and do them as straw votes, that's somewhat different than how you've been conducting yourself for the last several hours. That would be permissible, but the final Ordinance must be passed by eight votes.

Mayor Holman: Understood that final vote.

Council Member Wolbach: I agree with the City Attorney that I did not perceive them as straw votes. The simple question is the proposed Amendment, which received seven votes, to be added to the main Motion, was that added to that main Motion? Should that have been added to the main Motion because it received seven votes? I understand that the main Motion will require eight votes. The question is was that Amendment properly listed as failed as an Amendment to the main Motion.

Mayor Holman: That's the question we've been struggling with.

Council Member Wolbach: I still haven't gotten a clear answer about that or whether there's a clear answer from the City Attorney or whether it's really up to the Mayor's discretion.

Ms. Stump: Council Member Wolbach, that is not a legal question. It's up to the Council to decide how it wants to proceed. The Chair makes the initial ruling subject to appeal to the Council.

Council Member Wolbach: Thank you. Its up to our discretion. Thank you.

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Mayor Holman: I don't see a Motion from anybody. I would propose a Motion that, Council Member Filseth it was yours. Would you care to make a Motion?

Council Member Filseth: I was going to bring up the issue of the date of effectiveness again. If we're going to reconsider the automotive service issue, it seems like we ought to get everything else out of the way first and into the Motion and then add that.

Council Member Scharff: On the automotive services issue, I thought we'd agreed to operate under that. Yes, I will vote against the main Motion if that gets in there.

Council Member Filseth: Can I make an observation here? It seems at some level like an academic thing anyway. If we put everything in the main Motion including the controversial Amendment, and the main Motion goes down, isn't the next thing we're going to do is pull out the controversial Amendment and vote on it again?

Mayor Holman: Absolutely.

Council Member Filseth: It seems like an academic thing.

Mayor Holman: The reason to do that, speaking of straw votes. Can I see a straw vote of who would support the main Motion with automotive services included in it?

Council Member Filseth: A show of hands?

Mayor Holman: Yes, please. It is at 7-2.

Council Member Burt: Two things. I'll have a separate Amendment. The clarification that we would be able to reconsider the main Motion if it failed as a result of adding this Amendment, it does render moot the approach that I was advocating of including something that passed 7-2. I'm disappointed that two colleagues would vote against the main retail Motion in order to block that, but I see how that tactic would prevail. I want to let that go at this time. There is one other Amendment that I want to bring forward. It's regarding the issue of conversion of basements and mezzanines that have been retail to other uses such as office.

AMENDMENT: Council Member Burt moved, seconded by Mayor Holman to add to the Motion, "add to Municipal Code Section 18.85.102, prohibit the elimination of basement or mezzanine space currently in retail use or in retail supporting use to be converted to another use."

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Mayor Holman: Council Member Scharff, as the maker of the Motion, will you accept that Amendment please?

Council Member Scharff: I'll accept the basement but not the mezzanine without further discussion. I want some further discussion on it.

Mayor Holman: Council Members, it is 10:07. We have another item in front of us. There are people here to speak to that item. I don't know how many mezzanines there are. Council Member Scharff, could I plead with you to please accept basement and mezzanine space? I don't think there are that many mezzanines.

Council Member Scharff: If there aren't that many mezzanines, we don't need mezzanine. We can just go with basement.

Mayor Holman: He's not accepting that, Council Member Burt.

Council Member Wolbach: He said with more discussion.

Mayor Holman: We need a second on the floor, so we can't just go that way. I will second it.

Council Member Burt: I was going to say that I would probably be open to dropping the mezzanine if it didn't have the full support. As long as we've gone this far, I want to hear what the concern is by Council Member Scharff.

Mayor Holman: Council Member Scharff, what is your concern about including mezzanine space?

Council Member Scharff: Mezzanine space seems to be often used as office space. There may be situations where people have allowed retailers to store their stuff up there, so I view it less as a supporting space, but I don't have enough information on this. Whereas, I know on the basement space, that typically has been a support for retail and there has been a lot of conversions of that. The basement makes sense to me. The mezzanine doesn't necessarily without more information.

Council Member Burt: I don't understand what the discussion was you wanted to have. It sounds like you're opposing it.

Council Member Scharff: That's my initial thought. If Staff said to me, "No, there really is issues that retailers need in terms of the mezzanine and that happens a lot," whereas I haven't heard this on the mezzanine issue before. I've only heard it on the basement.

Mayor Holman: We had the mezzanine issue at 240 Hamilton, for instance.

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Council Member Scharff: Was it being a retail-supportive space?

Mayor Holman: It was retail support space.

Council Member Scharff: Does Staff have any thoughts on this? Any knowledge of what people are using mezzanines for and how that's going.

Ms. Gitelman: We've looked at this in some depth, and there isn't good data, because we don't capture in our permit tracking system the conversion of spaces by floor. We haven't been able to piece that together.

Council Member Scharff: I think you're right. I think I would just oppose it. The argument that I would make is that if we're going to redevelop a space, it really affects your second floor to force people to keep retail on a mezzanine when ground-floor retail, you don't want second-story space to be locked in that way. Whereas, a basement is a completely different issue. I don't view that basement as ...

Council Member Burt: Given the hour and I had already said that I would be willing to delete the mezzanine portion, I don't think we need to go into a debate on it.

Mayor Holman: With the Amendment amended to delete mezzanine space, that Amendment is accepted by the maker and ...

Council Member Wolbach: As seconder, I accept it.

Mayor Holman: ...the seconder as well. That is incorporated into the main Motion.

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "add to Municipal Code Section 18.85.102, prohibit the elimination of basement space currently in retail use or in retail supporting use to be converted to another use."

Mayor Holman: Are there any other Amendments? We have not gone back to look at the pipeline. I think that would probably be our last thing. Pipeline projects.

Council Member Scharff: I'll accept that.

Mayor Holman: You'll accept which?

Council Member Wolbach: I'll accept it as well.

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "replace in Municipal Code Section 18.85.103(a), 'submitted to the City' with 'approved by the Director.'"

Council Member Filseth: If we're closing here, I still had a question about my very first Amendment which had to do with the language in things that were open to the public. The City Attorney was going to have some other language. Include uses.

Mayor Holman: Where are you, Council Member Filseth?

Council Member Filseth: I'm at Motion A, clarify the definition of retail and retail-like services to include uses open to the public.

Mayor Holman: I think the word "generally" might be added there. Uses generally open to the public.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "generally" after "shall be."

Council Member Filseth: I was looking at the word "included." Don't you really want to use "exclude uses not open to the public?"

Ms. Silver: What we'd suggest is following the definition of retail-like uses in 18.85.101, add a sentence stating "to qualify as a retail use under this definition, the use shall be generally open to the public." That captures ..

Council Member Filseth: I think that captures it.

Ms. Silver: ... the daycare use which I think Staff would interpret that to be that the public is able to use the daycare.

Council Member Berman: I'd like to get a better understanding of the impact of changing the verbiage from "submitted to the City to approve by the Director." It sounded like that would affect three projects, but we've decided that the project on University has technically been approved by the Director. I guess we're all quasi on record as saying that that one wouldn't be affected, even though it's affected by a whole lot of other stuff right now. Can I get a better understanding of what the two projects are that would be affected? Would it be two? Would it be one? I'm getting conflicting feedback from different people.

Ms. Gitelman: Thank you, Council Member Berman. There were two other projects on the list, but one of them is an auto service use. It's a rental car and automobile, like a body shop. Since the Council hasn't included auto

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service uses, that wouldn't be an issue. The remaining application that would be affected is the site on El Camino where Compadre's restaurant was.

Council Member Berman: Can you give me a little history of what the status of that proposal is? How long it's been going through the process?

Ms. Gitelman: Sure. We received the application in November of 2014. It proposes redevelopment of a site. I think they went through preliminary ARB, got direction from the Architectural Review Board (ARB), came back and filed a formal ARB application in November of 2014. I don't have the full details of the project, but it would result in a loss of about 2,500 square feet of these protected uses. The application would have to be revised.

Council Member Berman: Because they want to build all office space obviously.

Ms. Gitelman: There's a ground-floor retail component, but there's a loss of square footage.

Council Member Berman: If this were a standalone Amendment, I would vote against it. I've been saying this for two and a half years, I have a serious problem with us changing the process on people at the last minute or even after the last minute. That seems to be exactly what we're doing here. I'm stating my opposition to that Amendment, but it will not lead to me voting against the entire Motion.

Council Member Burt: I want to ask the two opponents to the inclusion of automotive services the rationale, because I never did hear that. Automotive services are a really important service in the community. The jeopardy that they face of being taken over by office is real. Once they're gone, we're not going to get them back. We'll be driving to Redwood City for car repairs. I would just briefly, and I know it's a late hour, but this is an important one to me, like to understand where the opposition comes from to that.

Mayor Holman: Council Member Scharff, I believe that's directed to you.

Council Member Scharff: I think we've voted on this. I'm not really interested in rehashing it.

Council Member Berman: I'm happy to talk with Council Member Burt about it afterwards. I don't agree with this back and forth and being forced to be put on the spot on something I voted on. I think that's inappropriate. The

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vote happened, and I think we should move forward with the vote on the Motion.

Mayor Holman: I think it is allowed, because it's trying to flesh out the rationale. I understand your concern, but I think it is appropriate. I don't know what else we can do about that. I will throw out one comment. This is especially for Council Member Scharff, maybe it will be enough to get you to change your position on that. You've been on record a lot of times talking about fake retail. I heard a phrase or a term used the other day called "faux-tail" which is even better and more amusing. Does that get you to change your vote. Introducing the term "faux-tail," will that get you to change your vote for automotive services?

Council Member Scharff: "Faux-tail." I might change my vote on this, but we'd have to grandfather in the site that is on Park Boulevard. The reason we'd have to grandfather that in is they're going through the process of redeveloping that right now, correct? That's a large site at the bottom there. I don't see how you could possibly make that work with that much retail that far down Park. I view that as an economic hardship. I view it as impossible. You'd have to have a huge restaurant for it to even closely work. I'm very concerned about that. I'm not sure this is actually going to protect that many automotive services, because it allows the automotive services to switch to any other type of retail use. I'm not sure you achieve your goal and it could have huge detriments. If that was grandfathered in, you might have beaten me down enough on this to do that.

Mayor Holman: If they were already in the process of redeveloping the site, they would be vested.

Council Member Scharff: Not because of his Motion. I'd have to decide to vote for one or the other.

Male: We already agreed to it.

Council Member Scharff: Right.

Mayor Holman: But we wouldn't be having this discussion if they'd already started construction, because they'd be vested.

Ms. Gitelman: That's right. This is still a pending application.

Council Member Burt: I would take inclusion of automotive services even if it did not allow capturing of that project, but that project isn't vested. The other point that I would make is that where you're talking about other retail down at that site, that's valid but automotive services at that site is a very

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appropriate continued use. We had in the SOFA Plan a real long discussion about, by long like a year or two, about how we retain automotive services in the SOFA area. There are certain areas of town where they've existed. They've been essentially compatible, especially with automotive services having cleaned up their act over what they used to be 20 years ago. They're a more compatible use to surroundings. We're not saying it would have to become a restaurant. We're saying that there are a bunch of retail functions that it could be, and services as well. One of those is automotive.

Council Member Scharff: I don't quite see it as a compatible use. A body shop on a ground floor with an office building above it. I just don't see that as a compatible use.

Council Member Burt: You're saying that they'd redevelop and keep automotive on the ground floor as opposed to keep it as automotive.

Council Member Scharff: What I'm saying is this. They have an application in. They bought the project recently or whenever they bought it. At the point the zoning allowed them to build an office building. We would now be saying that you could only keep it as an automotive service, the way it is. I don't think that's fair.

Council Member Burt: I don't think that's what we would be saying. We'd be saying that any permitted retail use would be allowed there.

Council Member Scharff: Right. When I'm thinking about retail uses that far down, the only thing that I can come up with that would make any sense is a restaurant, and it's way too big.

Council Member Burt: I would think a restaurant would be the last thing that would be there. I think there's a whole bunch of other service uses. Let me ask a question of Staff. Under the assumption that Council Member Scharff will not be receptive to including automotive services if it applied to that site, what language would we be allowed to have that basically, if I read it right, it would have to carve out from the effective date automotive services. Is that correct? Do you follow that and is that doable? That way we wouldn't lose other automotive services going forward. That would be the impact of that. We'd lose the one on Park, but ...

Ms. Gitelman: You're getting to the point that is raised by this most recent Amendment, which is whether the Ordinance applies to applications submitted to the City or approved by that March 2nd date. Am I wrong? I think that's exactly what this ...

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Council Member Burt: That's right. If we wrestle with this, then we might have an outcome.

Council Member Scharff: If Council Member Filseth removes his Motion, the one about approved by the Director, I'll support the automotive services.

Council Member Filseth: In other words, we keep automotive services in, but then the two projects on the pipeline bubble go forward including the Compadre's site.

Council Member Burt: Or conceivably a carve out for automotive services from the effective date. That was the question I was having of the City Attorney's office, whether that would be permissible.

Ms. Silver: I'm not sure if we can do that on the fly here. One alternative approach is perhaps to exempt retail projects over a certain square footage. That is a large square footage of retail. I think it's something like 17,900.

Council Member Burt: I don't think I'd want to do it that way. Let's see what happens then on this issue of what gets captured, the effective date. Your Amendment, let's see what happens.

Council Member Filseth: It was already.

Mayor Holman: What we have added to the Motion is an Amendment offered by Council Member Burt, accepted by Council Member Scharff and I believe accepted by Council Member Wolbach, is that automotive services would be added to the definition of retail but when it came to the last Amendment that's on the screen, we would be exempting from that the, I'm looking for the address, 3045 Park Boulevard project. Is that correct?

Council Member Burt: That's not appropriate. We can't do this by project basis. I'm seeing the City Attorney clarify that.

Mayor Holman: It's what we were brought before, the addresses.

Council Member Burt: No, it's not. We're not supposed to be doing this on a project basis. We'd not be on sound legal footing. Molly, do you want to wade in, or Cara?

Ms. Silver: This is a Citywide Ordinance. We would caution against exempting particular projects.

Council Member Burt: It has to be a rational basis.

Mayor Holman: You're saying greater than X number of square feet.

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Council Member Scharff: I want to know if I can withdraw my consent to the incorporated into the Motion with the consent of the maker to the "approved by the Director" language?

Mayor Holman: I think Attorney Silver had a solution to this which was the square footage. Do you not?

Ms. Stump: I heard some concern about that. I thought that the direction the Council was going is to simply reconsider this new line that you've drawn, which is approved by the Director. If the maker of that Amendment and the seconder wish to withdraw it ...

Council Member Scharff: There was no seconder. I said okay, so I guess I'm the de facto seconder. I would withdraw my consent.

Ms. Stump: I think that's fine.

Mayor Holman: We would need to keep this language though. This is the only way we're saving the El Camino site. I know it's reference to a specific project, but it would apply to that project.

Council Member Scharff: Mayor Holman, they said that that site would stay retail. It would just be 2,500 square feet of less retail, and it's a large site, if you remember going to Compadre's. You'd still have ground-floor retail.

Council Member Kniss: I have an entirely different question. Instead of at this level, I'd like to go way back up again. We potentially are doing this with a two-year timeframe, correct? If in that period of time, one of these sites which is labeled retail cannot find an operator, do we have anything that's built into this that says after six months, after a year, after a year and a half, whatever that might, that this can revert to something that actually makes money for the owner? I've asked that somewhat as a big overall. We're in good times right now, but there were a lot of times when there were many empty spaces Downtown just as recently as five or six years ago. Without anything built into this, that would say that somebody's property could stay vacant for months and months.

Ms. Gitelman: Thank you, Council Member Kniss. There's not currently an automatic provision like if it's vacant for a certain amount of time, that you can fill it with another use. There is this section on economic hardship in 18.85.104(a). An applicant may request that requirements of the Ordinance be adjusted or waived if they can show that requirements would effectuate an unconstitutional taking of property or have an unconstitutional application to the property. The applicant would have to make a case, provide evidence. It would require an action by the City Council.

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Council Member Kniss: They would first, I imagine, appeal to you, since that's what we have talked about as who would decide. You're saying that you would then take it to the Council to make that decision as to whether or not they were an economic hardship.

Ms. Gitelman: That's correct.

Council Member Kniss: This burden is going to be on whomever owns the property to do that.

Ms. Gitelman: That's correct.

Mayor Holman: I think we are ready to vote. Given we've gone down this path, if we could scroll to the top so we could ...

Council Member DuBois: Did we agree to add automotive services back in? I wasn't clear.

Ms. Gitelman: I thought that Council Member Scharff had retracted his agreement to that last item on the screen. It's no longer incorporated into the Motion with the consent of the maker.

Mayor Holman: Council Member Scharff, you retracted the automotive services, but ...

Council Member Scharff: What's your question? I'm willing to put in automotive services, if we get rid of the last one. You'd have to withdraw your second too, since it says seconded by Mayor Holman.

Mayor Holman: I could do that.

Council Member Wolbach: That was accepted by you and me.

Council Member Scharff: Oh, it was?

Council Member Wolbach: The maker, you, and seconder, me. If any of the three of us withdraws it, it's gone.

Council Member Scharff: Then I would withdraw it.

AMENDMENT WITHDRAWN BY THE SECONDER, "to add to the Motion, "replace in Municipal Code Section 18.85.103(a) "submitted to the City" with "approved by the Director."

Council Member Burt: I move that we now put back automotive services as one of the definitions of retail.

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Council Member Scharff: Since we voted on it, what I will do is I will ask that we reconsider it. Isn't that the appropriate way to do it?

Mayor Holman: No, you wouldn't. Somebody on the prevailing side would ask for it to be reconsidered.

Council Member Scharff: I was on the prevailing side. It was a 7-2 vote.

Mayor Holman: Council Member Burt, since you're reintroducing it, would you like to have reconsideration ...

Council Member Scharff: I'm correct, right?

Mayor Holman: ... of automotive services being added?

Council Member Burt: In this case, the prevailing side was two.

Council Member Scharff: That's why I'm asking.

Council Member Burt: Why don't you let Greg ...

Council Member Scharff: It doesn't matter. If you want to be procedurally correct, I will.

Mayor Holman: That's true. In this case, it is.

Council Member Burt: Let's just do it.

Mayor Holman: The Amendment we're going to be voting on, oh, we don't need to vote on it because you're going to accept it. Correct, Council Member Scharff?

Council Member Scharff: Yes. If Council Member Wolbach accepts it, it's fine.

Council Member Wolbach: Hang on, I'm still waiting for the City Clerk to delete the last one and get the language up. Yes, I will support that change.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "to add automotive services to the definition of retail-like uses in Municipal Code Section 18.85.101(b)."

Council Member Kniss: We should go through it.

Mayor Holman: The Motion before us is to adopt the proposed Urgency Interim Ordinance included in the Staff Report to prevent the conversion of ground-floor retail and retail-like uses to other uses Citywide with the

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following changes: 1) to add in 18.85.101 to qualify as a retail use the use shall be generally open to the public; 2) to add daycare center, automotive services and service stations to the uses in 18.85.101; 3) change "operating as of March 2, 2015" to "permitted or operating as of March 2, 2015 or thereafter;" and 4) to add to 18.85.102 to prohibit the elimination of basement space currently in retail use or in retail-supporting use to be converted to another use.

Council Member Kniss: I realize we've gone over this 800 times by now, but automotive services is defined from service stations. One has gasoline or some kind of electronic kind of thing, whatever it might be, and the other one is what?

Council Member Burt: One sales gas and the other doesn't.

Council Member Kniss: One sales gas and the other doesn't?

Ms. Gitelman: They are two different definitions in our Code.

Council Member Filseth: On the service station, should that number be 11. not 10?

MOTION AS AMENDED PASSED: 9-0

14. PUBLIC HEARING: Adoption of the Urban Forest Master Plan and Approval of a Negative Declaration.

Council Member Kniss: Mayor Holman, point of information. About how long would we anticipate this would be? This is a very, very thick document. You still have a number of people to speak.

Mayor Holman: The last item we had figured at about an hour and 10 minutes, and it took a little bit more than that. This item we'd allowed an hour and 15. We have just four speakers. We need our Staff here to make the presentation. We have five members of the public.

Mike Sartor, Public Works Director: Good evening, Mayor Holman and Members of Council. Mark Sartor, Public Works Director. Sorry I'm late getting down here, but just caught up with you. Walter Passmore, our Urban Forester, is here to present to you a few years of very hard work that he and the community have done to prepare the City's first Urban Forest Master Plan. With that, Walter.

Walter Passmore, Urban Forestry Manager: Thank you. Mayor, Council Members. With great pleasure we bring to you Palo Alto's first Urban Forest Master Plan. As Mike said, this has been many years in the making. It was

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first envisioned in the 1998 Comprehensive Plan, and then emphasized by the Tree Task Force. Progress began in earnest about seven years ago. We have been working diligently with the community to synthesize a number of different opinions into the document that you see before you. We went to the Planning and Transportation Commission and Parks and Recreation Commission last year. During that time, we have completed the California Environmental Quality Act (CEQA) review process to bring forth at this time the proposed Negative Declaration of Environmental Impacts as well as a recommendation to adopt the Urban Forest Master Plan. A brief overview about what's in the Plan. First, it's a document that describes and analyzes existing conditions. What do we have now? Where have we come from? How is it functioning? It also has information about trees as an entire ecosystem. Information about challenges that we face and information about roles, not only within the City but also roles of our business community and our private citizens in caring for the urban forest as a whole. Another important component about the Master Plan is that this is a plan compiled from opinions of the community. The City in conjunction with Canopy conducted a survey and received over 600 responses from participants. From there, we described hot topics. We described a lot of the issues and were busy in developing actions to address those issues. We've also made presentations not only to Boards and Commissions, but to groups such as the Canopy Board of Directors, to some of our local conservation groups, to CAL FIRE, and there's been presentation to the Utilities Advisory Commission. We've had a broad array of input into this document. I do want to call to your attention that in a number of the forthcoming slides, there will be yellow sticky notes on some of the graphics symbolizing actual comments from the community surveys that were conducted. The third primary objective of the Master Plan was to provide a roadmap or an action plan of how we move forward. First, we described current conditions. Second, we engaged the community to understand what was important, and then third compiled that into action. It's important to emphasize that even though this Plan represents a broad synthesis of many opinions, without adoption we continue talking about issues. We don't take action to address how to move forward and make progress and improve conditions. That's a really important point to emphasize at this juncture. One of the very important aspects that came out of the description was that there's a number of benefits of the urban forest. Some of them we're able to model and assign monetary value to, but there's some that are extremely valuable to the community that cannot be monetized. We cannot estimate a value. Things such as wildlife habitat are a non-measurable value that a number of residents in our community view as very important. We do identify things associated with wildlife habitat, such as bird watching and mental health, social well-being that are important aspects that cannot necessarily be estimated in monetary terms. The sticky note on this picture of the

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hummingbird says it's living proof of a shared environment. There's a deeper meaning to some of these than just the dollars that we can assign to them. Another is interface with nature; I mentioned the mental health, social well-being aspect. Interface with nature also enhances learning environment. We can see that a number of aspects of what makes Palo Alto a great place to live are directly associated with our urban forest. Likewise, we have some measureable benefits that are very important. The urban forest has been shown to directly influence retail, which you just talked extensively about. Sales tax in particular is influenced by the willingness of people to come to a place and park their car in front of a retail outlet and stay there for a time period. Some studies have shown that retail sales increase on average 11 percent for outlets that have nice trees and landscaping as opposed to those without. Property taxes, likewise, influenced in the amount of 5-25 percent depending on tree canopy. In Palo Alto, we can see that even a 10 percent increase in property values would be a substantial amount of money coming into the City coffers. It's also a factor in attracting and retaining business, plus contributes to higher job satisfaction. There again, strongly relates to our quality of life in Palo Alto. Also, strongly correlated to carbon sequestration, a benefit that we can measure. Carbon is, in current terms, the currency of sustainability. While sustainability encompasses a number of different benefits, carbon seems to be one that many people are paying a lot of attention to. The urban forest is one of the very few and the most substantial part of our green infrastructure that actually sequesters carbon. All of our other sustainability programs seek to minimize impacts, where the urban forest is a net positive. We looked at cost of benefits a number of different ways. We want to make sure that our programs are operating efficiently. We calculated first a benefit to investment ratio or a cost-benefit ratio. \$3.22 or \$3.22 in benefits for every dollar that we spend is our current output. Note this was done for our inventory trees only, which is our street trees and our trees in our urban parks; not the entire urban forest. However, the Master Plan proposes a much broader analysis that would evaluate private trees, that would evaluate our trees in our open space areas. The Master Plan envisions that we will have a much more comprehensive view in the future. Here is the ranking on ratio for 24 cities that conducted a street analysis of cost and benefits the same way that the City of Palo Alto did. These are cities that have comprehensive programs. This is not an exhaustive list of all cities in the country that have an urban forestry program, obviously. You can see at the bottom of the list is San Francisco, which is getting \$1.01 for every dollar that they spend. At the top is Elk Grove. Palo Alto is about the top third of the list. Ratio is greatly influenced by not only the amount of benefits that the forest is generating, but by how much you spend. You can spend a lot less and have a better cost-benefit ratio, but you may not generate the amount of net benefits. We also wanted to calculate a

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differential. You can see, when you calculate differential or subtracting the cost from the benefits and then dividing that by a derived savings per person, Palo Alto ranks very high on that list. We are investing wisely as far as I can tell. Another way of looking at the differential is this is a net benefit per person or an equivalent reduction in taxes. I know everyone is concerned about the amount of taxes that they pay, so I'm sure reducing taxes by \$78 per person is appreciated. We next explored the challenges. Managing a significant piece of infrastructure like our urban forest is not without challenges. Some of the primary ones that we're struggling with now very high on the priority list are water and species composition. Those are strongly related to each other. There are many trees that were planted at a different time when Palo Alto had a lower population. We did not have the water concerns that we have now. Some of those trees take a lot of water to maintain. You can see from the sticky notes that there are differences of opinion on how we should move forward with the challenge of managing our urban forest in consideration of water. Some people have observed that lack of water is a major concern. A number of our trees, in fact the vast majority, belong in another part of the world. We're not disputing that; however, a lot of these decisions were made 50 years ago. There are also people that say, "I do not approve of removing mature trees that are healthy, just because they're not native." There is a disparity of opinions here. The urban forest has tried to synthesize those into reasonable programs that are considerate of both sides of these significant issues. A little bit more on water. There's been a lot of talk about native species and drought tolerance. The Urban Forest Master Plan not only provides a list of drought-tolerant species, but also programs that relate to increasing the amount of native species that we have, being very considerate of drought tolerance and also proposing trees that will be tolerant of water from other sources, such as our recycled water. Any time that we're going to make a change, it's very important that we conduct education and community engagement, because only about 25 percent of our urban forest is controlled by the City on public property. The other 75 percent is in private ownership. If we fail to influence the private owners that own 75 percent, then we're not making tangible progress. In light of that, we are proposing to educate property owners, educate developers. We're proposing to produce new materials, encourage nurseries to make appropriate species available, because oftentimes people are limited by the selection when they visit a nursery. We're proposing programs such as a preferred and restricted species list developed in conjunction with the community and goals for increased representation of our native species in segments of the population, for instance, street trees, park trees and trees in open space, so there's minimum thresholds established that are likewise going to be expounded upon in our Sustainability and Climate Action Plan and our Parks Master Plan. Supportive technology is also being employed.

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An example is this tool that Canopy currently has posted on their website, where people can garner information. There are a number of other tools proposed in the Master Plan that we feel are needed to have the technology available for people to make informed choices about what to plant, where to plant it and how to take care of it. Tools such as an open source inventory for private property, greater accessibility to the public tree inventory, enhanced ecosystem benefits and modeling capabilities. We have started to develop a number of these tools. The Master Plan proposes programs so that we can have available useable tools. Another example is we recognize that solar is an issue, so we have started to work on a tool that is a comprehensive look at the entire City on a site-by-site basis for solar technology potential. Urban Forestry Section and the Utilities Department have done the work on that, and we hope in the near future that that tool will be available during every decision on installing a new solar panel. Smart use of water is another important aspect. The Plan proposes not only using our recycled water, but a number of other sources and doing that in a way that we minimize the amount of change to our established trees and forest. Because older trees do not tolerate change as well as newly planted trees, there are aspects in adapting our urban forest to other water sources and less water. Part of it is nature, what species we select; part of it is nurture, being able to adapt those to other uses slowly and methodically over time so that we minimize the impacts. Another notable issue that came up during the process with the community was development. On one side, people say we ought to do everything to protect our trees. On the other side, it's not a problem to let people build. We struggle with this on a daily basis, so the Urban Forest Master Plan again synthesizes some very diverse opinions into programs that we feel will allow us to move forward in a constructive way, not to prohibit development but to make our development smarter so that we retain our tree canopy and the benefits that it provides and are able to even enhance that canopy with smart development. This particular slide is the new headquarters of SurveyMonkey on Alma Street. As you can see, there's not many trees in sight next to that new building nor across the street. Here is across the street after the development. You can see there's new trees planted there. Development is also an opportunity. In fact, when we did a historic analysis of canopy, one of the major reasons that canopy increased from the time period of 1982 to 2010, about 5 percent net increase across the City, was that new development mandated new trees be planted. Areas that previously did not have an active urban forest because of development, we were able to get trees installed within those construction projects. We can certainly recognize the challenges that development presents, but also view the opportunities there. Something that we have recognized is that the more we're involved with the development process throughout, especially early in the process when we can effect changes in design, the better that goes both for the designer and the owner of the

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property as well as what we're trying to achieve with maintaining a healthy urban forest across the City. Likewise, it's important that we take steps to avoid field changes after plans are reviewed and approved. We are proposing a number of review, evaluation and, I don't want to use the word enforcement, but inspection upgrades, so that we make sure to monitor the process thoroughly throughout. An important guiding principle is the program of no net canopy loss. This is one that can guide a lot of our daily decisions. We have an urban forest that is populated almost to the extent that we want, and if we have a goal of no net canopy loss, we can enhance the benefits through better species diversity and through densifying some of our areas of canopy but not necessarily increasing our tree cover throughout the City and deterring from other goals such as solar power collection. One more quick mention. On this slide, this is a picture of El Camino Real. As you can see, there is a noticeable lack of tree cover along El Camino Real. As we move forward with plans on what we're going to do along El Camino, how that's going to be developed over time, then trees are going to play an important role in our discussions. Talk a little bit more about stocking level or the amount of trees that we have relating to the no net canopy loss. Currently, our street tree population occupies 92.5 percent of our available spaces. Our goal would be that we achieve a 98 percent stocking level, so that we have no vacant spaces other than those due to natural mortality. We've estimated an average 50-year lifespan for street trees. We think 98 percent is an achievable goal over the course of the ten-year implementation for the Plan. This would maximize the City's return on investment and generate a little bit more economy of scale. Without significant increase in costs, we could derive more benefits from our street tree population. Another issue that emerged, particularly in relation to California Avenue, was communication and outreach. That was a tender subject when I arrived in Palo Alto. A lot of that was related to the lack of communication that occurred when trees were removed on California Avenue. We have since made a lot of progress on improving our communication. The Master Plan proposes many more programs to continue that trend, to continue involving the public in making decisions and being informed about what the City is doing. There are a number of programs related to transparency and communication contained in the Master Plan. All of these are achievable. The sticky note on this says that I would love to have California Avenue have the look and feel back before the trees were removed. We are on our way to doing that. The picture shows a partnership project that we did with Canopy and some other people from the community pruning the new trees for the first time that were planted on California Avenue. Another issue that came up was that of canopy equity. If you saw the article in *The Palo Alto Weekly*, they talked a lot about the difference between north and south Palo Alto. There's a number of reasons for that, but I don't think we understand all of them yet, nor do we understand exactly how to correct those. There's

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a number of programs proposed to analyze why that's happening, to pilot new programs to try to increase canopy in south Palo Alto, to monitor our progress over time. We have already started targeting south Palo Alto neighborhoods with our street tree planting. With adoption of the Master Plan, a number of other programs will likewise bolster that effort to correct the disparity between north and south. Coming towards the end of the presentation, we're going to start talking more of the money end. What does this mean if Council adopts the Plan? Obviously we need resources. We need the technology. We need budget. We need Staff who is capable of implementing all these new programs contained in the Master Plan. The capacity must increase if we're going to increase the amount of work that we put on the ground. However, we are not proposing any new full-time Staff. We are proposing increases to contract capacity, to part-time and temporary Staff, and other ways for us to increase capacity without adding FTEs. Quick perspective on the Master Plan in relation to other plans. This is a collaborative effort where there are programs in the City's Comprehensive Plan that direct the Urban Forest Master Plan to create programs, policies, etc. Likewise, the Master Plan will inform the Climate Action Plan, the Parks Master Plan. It will direct redevelopment or review of the Street Tree Management Plan and the Tree Technical Manual, two major policy documents that are underlying the Urban Forest Master Plan. I do want to emphasize that successful implementation of the Urban Forest Master Plan is certainly going to require collaboration between multiple City parts and the community. The community is going to be key to this being a successful Plan, and not something that sits on the shelf, but something that is a living document, that we see tangible progress being made that we can report back to Council. The end of the Plan and about the end of this presentation is the implementation plan. The Plan proposes 97 new programs, 88 of these are one-time for the ten-year implementation period, 9 of them are ongoing. It's a ten-year period that's divided into three phases, but the implementation plan also divides all of the programs into an annual projection. Each program is scheduled. The ones that will require new budget, there's a cost estimate for. The ones that will generate new benefits, there's a benefit estimation for. The total cost estimate over the ten-year time period adjusted for inflation is \$2.1 million. The total new benefits added is projected to be \$5.3 million. The implementation plan is not set in stone. There is certainly flexibility to move programs around to try to generate efficiencies. If there is timing issues where we can piggyback on other programs and garner leverage or if we obtain grants and we're able to produce programs for less money, then obviously we're going to take advantage of those opportunities as they come. This is the last slide. I do want to mention that we did conduct a CEQA process of potential environmental impacts. We've proposed a Negative Declaration based on the findings of our initial study. This was routed through the State

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clearinghouse. There was no comments received related to environmental impacts by implementing the Urban Forest Master Plan. I'm willing to entertain any questions that Council has at this time.

Public Hearing opened at 11:11 P.M.

Claire Elliott: Hello. I'm Claire Elliott, and I'm a senior ecologist with Acterra. I'm also a resident of Palo Alto. I'm here to support the fact that we have an Urban Master Plan is wonderful. It's wonderful that we've got an Urban Forester and an organization like Canopy that's working to support people loving and taking care of their trees. Acterra is involved also in partnering with the City and with Canopy on educational projects, but also stewarding some of the parks that have trees in them. I was able to make some comments about a year ago, some of which were incorporated, but I didn't have very much opportunity. I didn't get a copy in the interim to look at until I heard about tonight's event. I'm sorry if some of this seems a little late. It's very important that we do a little more to stress the importance of the habitat value of native trees and the hazard by allowing our invasive tree species to proliferate. The native tree species, they incorporated a blurb I asked them to incorporate about how a lot of the trees will have fruit for birds, but that's basically dessert; it's not the protein they need especially when they've got babies and are laying eggs. We need trees that have co-evolved with the local insect populations. There's several books out on that subject including *Bringing Nature Home*. It talks about that chemical warfare that goes on through thousands of years that end up with plants that are edible by our local insects. They're the base of the food chain. If we don't have them moving that food value up into the higher levels, we don't have the bird populations. We can put a number to the bird populations and the bees that are providing pollination services and pest control services. We also have a huge cost. I brought for show and tell three of my least favorite invasive species: tree of heaven, acacia and privet. Privet's one that's got fruit for birds, but it's a laxative, so the seeds just go right through the bird. It doesn't provide very much food value. The leaves have no holes in them; they're not getting eaten. None of these I've ever seen any insect damage. If you look at a native, it'll have lots of little holes and we want that. Another thing is there's a lot more we could do with nature's services for storm water. Not only thinking about how to incorporate trees into green infrastructure projects, but using green infrastructure to support our trees. Things like maybe putting Foothills Park Creek back into a natural channel so it raises the groundwater table back up and supports more tree species that way. In the City, also developing ways to get runoff into tree planting areas to support our trees. There's a lot of good things in here. I'd love to see some items added to Goal 5, so we can incorporate some more of those issues. Thank you.

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Susan Rosenberg: Good evening. I just wanted to start off by saying that it's really appropriate that the Urban Forest Master Plan comes before you tonight, the day after Mother's Day, because there's nothing more important. It's like apple pie and motherhood. It's coincidental, but a good coincidence. I'm Susan Rosenberg. I am a cofounder of Canopy. I was co-chair of the trees for El Camino project, and I'm currently on the Board of Canopy. I'm here with Catherine Martineau, who is Canopy's Executive Director tonight. We're here to encourage you to adopt the Urban Forest Master Plan. As Walter said, it's been in the works for a very long time. I'd like to thank Jim Keene for giving guidance. I'd also like to thank Gloria Humble, who's here tonight, who's retired from the City. She put many, many hours into this. She also is responsible for the terrific slides that we got to see tonight. Thank you, Gloria. I'd also like to thank Walter Passmore. We're very fortunate to have him as our Urban Forester. Not only is he the first Urban Forester in Palo Alto, hired for the City of Palo Alto, but he's also a native of California. He brings many assets to the job. I'd also like to thank the Councils for the last 20 years. I'm not going to name them all by name, every single member. Palo Alto's City Council has for years voted yes when it comes to trees. Whatever the community asked for in trees, pretty much the Councils gave them, including the adoption of Canopy and the support of Canopy that they've given us all of these years. In particular, I'd like to thank Yoriko Kishimoto, Judy Kleinberg, Peter Drekmeier and Larry Klein who asked in 2006 for a Street Tree Management Plan. With the help of Canopy, that has grown into this very comprehensive Urban Forest Master Plan. Canopy is very eager to work with Staff implementing the vision in this Plan. Many, many hours and much thought has gone into it. Palo Alto is a visionary City, has always been a visionary City. This Plan is another example of this. I also promise you, Catherine and I promise you that this is not something that will sit on the shelf. You know Canopy, and you know that we will make sure that we move forward with this Plan. On that, I will end my two-minute time. Thank you very much. There's just one thing that I would like to add. Canopy feels that it's very important that our Urban Forester become a part of and sit on the Sustainability Action Plan leadership team. Without him there on that team, we're missing something. I would encourage you to do that. Thank you very much.

Deidre Crommie: Hi. Thank you very much for having me here tonight. I am Deirdre Crommie. I live in Palo Alto. I've sat on the Palo Alto Parks and Recreation Commission for nearly seven years. I've reviewed this document at least three or four times. Walter Passmore has worked very hard on it. I must say it's not ready to be adopted. This document needs to be redone. We need our Urban Forester to sit on the Sustainability Committee like our last speaker said. We need a budget for this to preserve our trees in Palo

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Alto. It's part of our identity, part of our values. This document is not ready. I've reviewed it numerous times. Walter tried very hard to incorporate our comments; although, most of them show up as footnotes in this document. Many of our comments on the Palo Alto Parks and Recreation Commission had to do with giving value to the habitat sustenance that trees provide, defining that value. Also we asked for a better vision statement. This vision statement falls on its face. I cannot say that so strongly. I tried to understand this vision statement so many times. It's diffuse, contradictory. It doesn't reflect what Palo Altans are saying even in their own survey. In their survey data, 81 percent of Palo Altans in an open-ended question said, "Trees are important to me, because they provide habitat." That's 80 percent. Only 70 percent said it's because of property values; although, that's nothing to be ignored. This document does not get at documenting habitat value that trees provide. It is not ready for implementation until it does that. A central tenet of the vision statement needs to be something to do with the importance of ecological management for our tree system. Unfortunately, despite Walter Passmore and Canopy's best efforts, they are not experts in this. We need a Study Session to bring in someone who understands ecological management. Claire from Acterra was getting at that point. Until that's in this document, this document doesn't go far enough. It does some things very well. It talks about having education about what trees are important. It talks about sustainability issues. It talks about tree equity, tree value, trying to quantitate that trees are important so we can get money for these tree efforts. We need money. We need teeth behind this document. It misses out a whole arm of what trees do. When I wake up in Palo Alto ten years from now, I want to hear birds in my trees. If we don't look at ecological management, we are going to have trees that look pretty, provide shade, provide property value to some extent, but do not get at the heart of our values in this City, which is to value nature. It comes up loud and strong. We've done a lot of surveying for our new Parks and Recreation Master Plan, and we hear loud and clear that people in this City value nature. That did not make it into this Plan. It's not Walter's fault. He's not knowledgeable enough in ecological management to integrate that into this study. This Plan needs a paradigm shift. Goal Number one is very weak. It doesn't deal with native trees. It deals with nonnative trees. There's a tension in this document about trees and our urban environment and trees in our open space. The only time we talk about ecosystem in this document is trees in our open space. Yet, the document says that we're not talking about trees in our open space. Our urban canopy in this document is defined as non-open space trees. Nothing is said about ecosystems for our non-open space trees. That's what needs to come into this document. We've asked over and over on our Commission; we never got it. We ended up focusing on minutiae to make it

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readable. Even though it's now readable, it doesn't have one arm that needs to be a central part of this document. Thank you very much.

Keith Wandry: Hi. Thank you for having me. I'm Keith Wandry, and I work in environmental education for the City of Cupertino. I grew up here in this area. I agree with what Claire said. I agree with some of the things that she just said. The priority on these should be the native trees, because they have an evolutionary bond with the animals, the birds, the plants, the insects, the fungus and the decomposers, all those things in the ecosystem up in the hills. It would be awesome if people could see them in the City and make that connection. The mental health benefits of nature are incredible. There's been big issues in this City with the youth having mental health issues and stuff from the pressures, etc. Imagine if the kids could be exposed to that when they're walking down the street. Whether they see a butterfly, a native pollinator, etc., all the things that they would see up in the hills, they can see every day and learn about them. If they have problems, maybe they'll say, "I'm just going to go outside and I'm going to go see what's going on in nature." It's one of the health benefits. To do that would be a big benefit for the kids when they get older. When they're in high school and they get all these other pressures on them, they have an outlet. They know they can go walk down the street and see all these wonderful things. It takes the pressure off. It puts them in a different mind frame. The priority on native trees would be fantastic. You'll also find benefits because the decomposers that have evolved with the trees, that decompose the leaves and the stuff that falls off the tree, they will break down the native tree stuff. When you bring in exotics, you won't find the diversity and the whole ecosystem. Like you said, you could put plastic trees up that look nice, but you won't get that. You may end up with trees that drop their leaves, and the decomposers don't want to touch them. Now you've got all these extra leaves that you have to deal with, whether they're getting washed down and clogged in, if it ever rains again, they get clogged in the sewers. You've got all these other problems. The big benefit is if you've got the natives, you get the ecosystems. The kids, whether they're walking or whatever, they're going to get nature brought down here. It'll be also a big mental health benefit for what's needed. Anyway, thanks for listening to me. I appreciate it.

Linda Ruthruff: Good evening. I'm Linda Ruthruff. I'm a volunteer with the local chapter of the California Native Plant Society. I'm chair of the Conservation Committee. California has a very unique climate. People come here from all over the country and the world, and they are able to plant the same species of trees and bushes they had in their former homes, add some of our precious water and feel at home in familiar surroundings. When they choose a tree, they can pick from the tidiest, most well behaved

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trees from all over the world, and most of them will grow here. We have palm trees from Florida, magnolia trees from the South, trees from China and Australia. The only problem with this is that in planting so many trees from elsewhere, we are denying the local birds, butterflies, native bees and all the other local critters the trees that they depend on for their survival. The proposed Urban Forest Tree Plan was created with the best of intentions, but it's very people-centric. It values tidiness over providing leaf litter for ground birds to use as they hunt for bugs. It values the pretty flowers of the nonnative magnolia tree over our native oaks, which are arguably the trees with the highest habitat value in the area. According to the California Oak Foundation, California's oaks support 331 wildlife species of birds, mammals, amphibians and reptiles, 5,000 species of insects. They are the host plant for multiple butterfly species. The proposed Urban Forest Plan also relegates the blue elderberry, another very high habitat value tree, to the trash heap of the not recommended list along with the western redbud, which provides flowers for hummingbirds and seeds for song birds. I have taken advantage of many chances to collaborate with the developers of this Plan. There is much to be appreciated in the result. We are asking for a shift in thinking here. With the possible exception of some street trees, the emphasis on tidiness and good behavior needs to shift. We are asking Council to think about their urban forest as part of the ecosystem that we all live in. We ask you to direct Staff to create a Plan that values the habitat usefulness of trees. We've developed so much of our land. If we don't start planting for nature in our streetscapes, at our homes and in our parks, there won't be anything left. In Staff's presentation, you were told that Palo Alto citizens value habitat in their neighborhoods. We think the Urban Tree Plan should do the same. Thank you.

Shani Kleinhaus: Good evening, Mayor Holman, City Council. I'm Shani Kleinhaus. I speak for Santa Clara Valley Audubon Society and also as a resident of Palo Alto. I also participated occasionally and repeatedly in discussions with Walter and others in the Plan. There's a lot of good information, good intentions and good results and good plans, etc., in this Plan. There is a lot of good in it. It comes short, because it essentially comes from the perspective of street trees. It does not really look at habitat trees. When you are going to recommend not only street trees, but also what should people plant in their backyards or front yards, then habitat, native plants and fruit trees should be part of the conversation. Maybe it started with the fact that the questions in the survey did not include those issues, and so they're delegated to all these little sticky notes where people had different perspectives. That became hot topics, but there is no resolution. There's no measure to those hot topics. Palo Alto generally would like to see birds. The selection of trees would have a huge impact. It's really easy to measure some things. It's true that it's hard to measure

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what a bird is worth. To measure what the plant selection according to CO₂, for example, there's very little difference in how much CO₂ and energy benefits there is to an oak versus a magnolia. For migratory birds that come here, either from Alaska or from Argentina, that is a huge difference. One provides food, provides shelter, provides a lot of other services. The other one could be plastic just as well. What do you put in your yard? Do you want a magnolia or an oak? From a CO₂ point of view, this will not change global climate change. It really will not reverse the trend. For a bird, it may mean that Palo Alto is a place to be versus a place not to be or to be only on the open space or also in my backyard, where I really like to see them. What I'm asking you here is to provide the vision to the Plan. Deirdre Crommie talked about the vision, that it's discombobulated in a way and it has mitigation embedded in it and all sorts of other things. Maybe it's your job to provide the vision. Maybe it's your job to provide the prioritization and to tell the Staff to come back soon, really soon, with a Plan that includes the issues of habitat and fruit trees and our City in a comprehensive way that does attract birds to all of our City, not only to the Baylands and the hills. Palo Alto would appreciate that. The residents would like to hear the birds sing in the morning. Thank you for your time and attention.

Mike Ferreira: Good evening, Council, Mayor Holman. My name is Mike Ferreira, and I'm the conservation chair for the Loma Prieta Chapter of the Sierra Club. In the interest of the hour, I will say that I'm here tonight to second the remarks of Audubon and Acterra and the Native Plant Society. This is the kind of Council that can respond to that, probably the best on the whole Peninsula. We do need a commitment to a diverse native species for the future health, given the tests that we now look at in terms of the drought cycles, etc. Thank you very much. I hope you can do that.

Public Hearing closed at 11:33 P.M.

Council Member Burt: First I want to thank both the Staff and all the members of the community, including Canopy and the various groups who have gone into creating our first Urban Forest Master Plan. It's a great accomplishment and moves us toward having a unified vision and set of policies and programs that are going to help sustain that vision as we go forward in supporting and expanding the great canopy that we have in Palo Alto. At the same time, I do share many of the concerns expressed by representatives of our leading environmental groups. I was struck that we had the Sierra Club, Acterra, the Audubon Society and the Native Plant Society all pretty much speaking with one voice. First, I want to say that I want this to go forward tonight, because a great deal of work has gone into it and a great deal of very valuable programs and policies and other work is embodied here. It is in the net a real accomplishment. The Plan for the first

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time has begun to move the dial toward recognizing the importance of natural ecosystems within our urban environment, not just in our natural setting but throughout our urban environment and an expanding urban environment and a declining natural environment. The criticality of us beginning to have a vision where our built environment becomes integrated and a renewal of our natural environment to the degree that it can. We're never going to make our developed environment be the same as our natural. We shouldn't have this sharp segregation between the two. This is, I think, the great opportunity. If we look back on this period in time as a transition toward an understanding that we're moving toward a more knowledgeable and ecologically sound vision of what an urban forest and urban flora environment is about and how that contributes to a vibrant fauna that goes along with it. That's about a natural ecology, and that's a huge opportunity and one that if we move in that direction significantly, we're going to be able to look back on it in 10 and 20 years and say, "This was a really important demarcation." When I look at the goals and the policies and programs, Goal Number 5 is where we've for the time recognized some of these criticalities of the natural environment. We have one long policy. I can't find any programs under Goal Number 5. Walter, am I misreading that in any way? Are there any programs under "5?" Okay. I was looking and I didn't want to misstate. That's not a "got you." I literally wanted to make sure I wasn't—that's on page 476 of the packet, page 149 of the Urban Forest Master Plan. I would like to allow other colleagues to speak but, when it comes time for a Motion, what I'm going to hope to do is have a Motion supporting adoption of the Master Plan and giving direction for a year from now to come back with a revision that will more fully address the issues of how to shift our focus more toward a natural ecology and in that interim to engage with the environmental community whose missions are about our natural ecology as well as our tree canopies in general. This is not a competition between two different visions. It's an evolution of a progressive vision. We're moving from an historic one where we valued trees in and of themselves as this intrinsic value, and that we have this opportunity to continue to embrace that but have a broader vision. I'm looking forward to that discussion.

Council Member Scharff: First of all, I'll just ask the question about having Walter on the sustainability leadership group. Several speakers mentioned that. Maybe the City Manager or somebody could address that issue. Is that in the Plan, first of all, or is that not in the Plan? Is that appropriate for discussion tonight, not appropriate?

Mr. Sartor: Walter has been participating with our Sustainability Manager, Gil Friend. He's not currently a member of the Sustainability Board, but that's something that we can talk to Gil about.

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James Keene, City Manager: Just because somebody's not on the steering committee of the Board, doesn't mean they're not engaged in the work of the Board and the Board's work. It's a good comment for us to receive, and we'll take it under serious advisement. Not every issue involves some of the specialty areas of some of our Staff. We don't want to have a Board of 30 people meeting. We can assure that the role of the Urban Forester and the forest and the flora and the fauna, as Council Member Burt was talking about, are an integral part of our sustainability focus.

Council Member Scharff: I forget exactly how many programs there were in here. Was it 98 or 90?

Mr. Passmore: 97.

Council Member Scharff: Obviously it's a tremendous amount of work putting 97 programs together. I compliment you on it. I read through a lot of them and was impressed with what you came up, that you managed to put a bunch of disparate views in the community together and come up with plans on these things. It's a great first step. There's a budget in here of \$5 million over ten years, roughly, if I recall. Some of those things we're going to spend early on. Is that in the CIP already? I haven't looked. I know I'm supposed to know the answer to that.

Mr. Passmore: No, it's not currently in the budget. We did not want to propose budget before we came before Council to propose adoption of the Plan. If the Plan is adopted, we would come back with a Budget Amendment Ordinance to implement the Year one programs as outlined in the implementation plan.

Council Member Scharff: That makes sense.

Mr. Passmore: The Year one spending is approximately \$120,000 above what we're currently spending.

Council Member Scharff: We ramp that up fairly quickly to get to \$5 million. I forget how the spending goes.

Mr. Passmore: It's not an even expenditure through all the years, because there's some large expenditures. For example, the Comprehensive Conservation Plans that address management of open space and our native ecosystems in the Foothills and Baylands are going to be a very large expense that are projected in Year seven or so.

Council Member Scharff: Lately we haven't been doing this. We've been funding our plans that we pass like this. My concern also would be, I think it

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was Canopy who said this would not be sitting on the shelf and become a paperweight, or something to that effect. It's on us to make sure that we fund it. Year one shouldn't be a problem. That's more of a comment. We need to make sure that we don't not fund this if we're going to pass it. Given our financial forecast and all, whether or not there's going to be a problem.

Mr. Keene: Given the scale of the Year one component, that's easily managed as an Amendment to the budget, whether we want to do it in June or July or whatever. That gives us adequate time for the subsequent years to start building in the spending. One of the things that this Council has shown is once you establish a policy framework, you've yoked that to a strategic focus on putting the money aside and making the investments to do those sorts of things. I can't see that this would be any different.

Council Member Scharff: I also want us to pass this tonight. Ten years in the making, 2006, that really struck me as a long period. You definitely don't want the perfect to be the enemy of the good. This is a very good Plan. Obviously we'd prefer more native species, but I'm not sure what the tradeoffs are on that. One of the things we also heard was that south Palo Alto would prefer to have a broader-leaf canopy. One of the reasons I bought in Old Palo Alto was I like the canopy there. The canopy's fantastic. It was interesting to see the 50-plus percent canopy. I wouldn't want that to change. I didn't go through the native species, and I'm not an expert on native species clearly. One of the things that struck me is there necessarily weren't that many that didn't necessarily grow up along creek beds. The ones that are on creek beds, I assume, need more water than the ones that aren't on creek beds. I'm not sure what kind of policies we need, what that would do to our canopy, what that would look like. Obviously I do not think we should be tearing down mature, beautiful trees that are in the street trees or in the neighborhoods. We're talking about a replacement program in my view, when we replace. That's obviously a complicated issue. I like the idea of maybe coming back and looking at that in a year of where we should be and what kind of Amendments we should make to that.

MOTION: Council Member Scharff moved, seconded by Council Member Kniss to:

- A. Approve the Palo Alto Urban Forest Master Plan; and
- B. Adopt the Negative Declaration of Environmental Impacts.

Council Member Scharff: If people want to make Amendments to that, I'll obviously listen to it.

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Council Member Kniss: I hear the comments that you've made, Greg. There are some concerns for the native species. Thank you all for hanging in there until almost midnight tonight. I also would feel uncomfortable if I didn't give a shout out to two people from the past that had so much to do with this. One is Arnie Soforenko that many of you knew, and there's an award still named after him. Also, which probably many of you don't know, Dick Rosenbaum was very involved in this particular effort for Canopy a long time ago. They made a big difference. They worked hard at this. Arnie was the treasurer for this when it first began as a partnership. Looking at this, I am a little concerned about looking at the difference between the canopy north and south. There must be more of an explanation than the one we have looked at tonight. I would ask Staff if they could come back to us. It's looking to me as though there's far more pavement, as I look at what is probably Redwood Circle or Fair Meadow in this picture. Congratulations to those of you who finished this. It's time to get it started. We may want to look at that balance between the native and the not native. At the same time, we are a City that's known throughout the world for our gorgeous trees, for our wonderful canopy. Even as we go forward, we can still look back and say, "Wow. This has been an incredibly successful venture for all this time." I know in particular those of you from Canopy tonight have kept this going and continue to move it forward. Thank you for doing that.

Council Member Berman: There was some talk tonight about Palo Altans wanting to wake up and hear the birds chirping in the morning. I just have a question for those in the audience and maybe for Walter, is there a tree that attracts birds around 8:00 a.m. or so? Whatever's outside my place attracts the birds a lot earlier.

Council Member Kniss: Those are crows, Marc.

Council Member Berman: They have a blast. There are also some crows. They act like roosters; they serve that purpose. I want to thank Staff and the groups from our community that have been involved in this process and our Parks and Rec Commission that have been involved in this process for many years. It's clearly a remarkably impressive document. I will be the first to admit I'm the furthest thing from an expert on trees that you'll probably find. I'm not going to get into the, no pun intended, weeds of a lot of this. The leaves of a lot of this. We've heard an impassioned commentary from different experts in the community, the five groups that were represented tonight, six groups if you include Parks and Rec. Clearly there's still a bit of a disagreement on whether or not this is a fully baked document or not. I'm very comfortable approving it tonight with the explicit instruction that we have a more robust discussion of the balance and proper attention paid to native versus exotic species, what we can do. I don't have

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a yard, but my parents redid their yard a couple of years ago with a lot of drought-tolerant plants and trees. I'll have to go back and ask them what's native and what isn't. I have noticed a significant uptick in the birds and wildlife that they have in their backyard. It's a neat thing. What we can do to encourage that throughout Palo Alto is something that we should strive for. Thank you for everybody who's given their feedback to us. I'd encourage everybody, as Council Member Scharff mentioned, and this applies to the community also, let's not make the perfect be the enemy of the good. Let's try to improve upon what we have, but let's also probably recognize that there's going to be a lot of times where we have to compromise and try to get the best that we can and move forward. We're lucky to start from such a strong place. One more random anecdote. My parents have some houseguests. We were talking last night. They'd just gotten back from University Avenue. They're from Wisconsin, and they'd just gotten back from University Avenue for the first time. The first thing they said when they walked in the door is, "Are those lights on those trees always up?" It is something that we're lucky to have in Palo Alto all throughout Palo Alto. Thank you to everybody who's working so hard on our treescape, on our canopy. Thanks.

Vice Mayor Schmid: I was particularly struck by the north/south gap. I first noticed it last year when we got our draft existing conditions report. It has a Google map of the City. One side of it is green, and the other side is gray-brown, the north/south divide. The numbers you present are very striking. What's most significant for me is that the gap widened substantially between 1982 and 2010. It's not a matter of just the age of the plantings or the trees. Since the buildings were all there in 1982, it's not the structure of the buildings. What is taking place, that there has been such a dramatic change? In that 28-year period, the canopy in the north grew by 12 percentage points, grew by two percent in the south. I've noticed over time that the number and variety of bird species seems to have changed, shrunk, fewer birds, less species showing up. It comes to the question raised, are we losing native habitat? I've seen pictures of early Palo Alto, and there wasn't much in the south part of town. There was not dense vegetation except along the creeks. I notice you talk about the open spaces. You think of Byxbee Park, which is a garbage dump. There's no native species that grows in garbage dumps. First, how do you think through this issue of what is taking place in our community that with effort on behalf of the City, with guidelines and construction and development? Why is one part of town not responding as effectively as the other part? What are we really thinking in our open spaces? How do we utilize open spaces that have different uses in them? It gets down to the notion of habitat. What is the impact? How do we create and maintain the habitat that is welcoming and flourishing? There are a lot of issues. The report would be better or maybe we could take an

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interim year and come back, but there's some big issues out there of what has taken place over the last 28 years in the City, what are native species not in the Foothills or for all parts of the City that would be effective habitats for insects, birds, attract them. Three, how do we get that information out to the residents who in their back yards and side yards are growing trees or not growing trees? How do we translate that into the street trees, the public street trees, that become the model for what householders do in their properties? How do we get information out to the commercial vendors, so when you walk into a nursery you have the choices effectively laid out for you on native habitat, on drought resistant, on options and choices of fast growing versus long lived? There's so many things that you look for from this report, from how did we get here to where are we going. It would be good to have a version two to take a look at some of those problems.

Council Member DuBois: People have said it, but I'll say it as well. Thank you for all your hard work. It was an impressive document. It's getting very late, so I'll try to keep this very short. When I started to read it, I was expecting to see a lot more concrete actions. I guess implementation plans is the next step. Is that right?

Mr. Passmore: There is a goals, policies and programs chapter and an implementation plan chapter. They're not prescriptive of every action that we're going to take. They're guidelines that direct action.

Council Member DuBois: I was expecting to see a goal for the number of new trees planted. Do you end up with that kind of plan?

Mr. Passmore: We do have that. It's not explicitly stated in the Master Plan. Our current tree planting is around 200 trees a year. To reach the 98 percent stocking level in ten years, we're going to have to increase to 400 trees a year.

Council Member DuBois: That's the kind of information I was looking for. Council Member Schmid talked about the north/south. I'd be interested to hear at a future date your plans for addressing that. A couple of things I don't think people have touched on yet. In terms of trees versus solar, there was some discussion of that. A lot of our Ordinances currently say trees trump solar. I support that. We shouldn't be chopping down trees to put in solar. That's the way a lot of our Ordinances are currently written, that you don't do that. Right?

Mr. Passmore: The California Solar Shade Act sets the bar for what gets the solar rights. It was amended in 2009 to exempt trees from the solar access. In other words, whichever is there first has the solar rights. In the case of street trees, that's a historic tree planting site. Even if the site is vacant at

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the time that someone is proposing to put in solar panels, it's as if a tree is still there.

Council Member DuBois: There was a mention that there were some issues with speeding up the permitting process, that you do inspections first and that's no longer occurring. If you think that's something that should be reversed, please propose that, bring it back to us. I did read that correctly, Right? There were issues with trees being removed.

Mr. Passmore: Yes. There's always a fine balance between different sides of an issue. Expediting the development review process has the risk that we don't inspect trees for protection as closely as we otherwise would. We're still evaluating data from that change. We will propose a change if it's resulting in the number of trees being impacted.

Council Member DuBois: The last thing I'd say is I'd like to see more emphasis on landscaping plans in general. If Council starts to get into specific plans, the landscaping environment should be a big part of that. That's just a general comment. Thank you.

Council Member Wolbach: I don't know that there's a whole lot that I can add. I'll just start with a procedural question for Staff and also for Colleagues. Staff, you've heard a lot of comments from my Colleagues and from the public including from Acterra, Native Plants, from Audubon, Sierra Club, about things they'd like to see improved in this. It's definitely possible to pass this tonight as recommended. I'll be supporting the Motion. It's possible to do that and consider this to be iterative, with more versions to follow, more conversations to follow and improvements to follow. Again, we don't want the perfect to be the enemy of the good. Do we need to have an Amendment to this Motion in order to proceed with that going forward or has the feedback been clear enough?

Mr. Keene: Council Member and Members of the Council, we need an Amendment. I don't want to say that, because I would love to just leave the meeting tonight. The intent of the Council is clear enough. We are supportive of that drive. I commend the Council for recognizing that progress is what we need right now. Coming back and editing from a foundation is much more expeditious and effective than holding everything in abeyance.

Council Member Wolbach: I'm going to take a stab at a friendly Amendment for Council Members Scharff and Kniss to consider supporting. Council directs Staff to return in early 2016 with a second iteration of the Urban Forest Master Plan with greater discussion and emphasis on native plant

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species or native tree species, also greater development of Goal Number five, and options for changing the vision statement.

Council Member Scharff: How about if they came back with a Study Session? I'd rather be able to give direction than have them come up with a ...

Council Member Wolbach: I'm fine with that. That's okay.

Council Member Kniss: I would suggest that it doesn't have—that's just six months. This is a long term. I would say within a year come back.

Council Member Wolbach: Would you guys say "with Staff to return to Council for a Study Session within six months"?

Mayor Holman: Council Member Scharff, why a Study Session? We cannot give direction in a Study Session.

Council Member Scharff: We tend to do Study Sessions and Staff tends to get enough out of that. That's the way we typically do it. We typically do it with a Study Session.

Mr. Keene: You don't have to over design it right now. The idea is we're having an intermediate session with the Council along the way. I'm sure that this is going to be an involved enough process. If you don't like the effectiveness of the Study Session, you can direct us to accelerate our schedule or whatever it is.

Mayor Holman: Right now the Amendment says to direct Staff to return with a Study Session within six months, but it doesn't have any meat on it.

Council Member Scharff: I didn't mean to get rid of those things we talked about.

Mayor Holman: I didn't think you did.

Council Member Scharff: Should include but not be limited.

Council Member Wolbach: ...Study Session to discuss, and then all the other things.

Council Member Scharff: You should just say "include but not be limited to," if Staff has other things they want to bring up.

Council Member Wolbach: To discuss issues such as ... There was one I did forget to include. Of issues to discuss further is ...

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Mayor Holman: Council Member Wolbach, could I suggest something if you don't mind?

Council Member Wolbach: Please.

Mayor Holman: I think what you're trying to address, I don't want to put words in your mouth, but I think what you're trying to address is the comments and suggestions and concerns that were expressed by members of the public this evening and that many of them were expressed in the letter that was received from the Santa Clara Valley Audubon Society and Native Plant Society. If you just made this to address the issues raised in this, that might get to where you're trying to go. If that's what you're trying to do.

Council Member Wolbach: I figured I'd just articulate a couple of the specific items in the record. One other to add would be to discuss progress towards improving canopy cover in south Palo Alto.

Council Member Scharff: That's a good one. I'm good with that. The only question is, is six months too short for Staff. Is six months fine?

Council Member Kniss: It's 12:05. We've been going late for every meeting. You've got to give Staff a little more leeway than that. Canopy's been underway since the early '90s. Probably come back in winter or spring would work well.

Council Member Scharff: Can we just say six to nine months and be done with it?

Council Member Kniss: Say six to nine months. Actually you could say six weeks, if you want to at this point.

Council Member Wolbach: These timelines are slightly arbitrary, so I'm fine with six to nine months.

Council Member Scharff: Okay. I accept it. Council Member Kniss?

Council Member Kniss: At 12:05 I'll accept about anything.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion:

- C. To direct Staff to schedule a Study Session in six to nine months including, but not limited to the following issues with a second iteration of the Urban Forest Master Plan with greater discussion and emphasis on:

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- i. Native tree plant species; and
- ii. Greater development of Goal Number 5; and
- iii. Options for changing the Vision Statement; and
- iv. Expanding canopy cover in South Palo Alto.

Council Member Filseth: I was just looking at the numbers here. If I'm looking at this correctly, you folks are looking at about \$440,000 in the first year. Did I get that right? I'm on Page 479.

Mr. Passmore: Right. That includes Development Services actions that we're currently having Staff perform. We envision in the future those would be absorbed by fees for services. That's not new funding for Year one, but we included it because there's going to be a transfer from General Fund to those being covered by fees.

Council Member Filseth: The question I'm wondering is, we're going through a budgeting cycle right now. I understand we can do this as an Amendment to the budget in six months. It seems it would be really nice to get it into this cycle. I'm wondering if there's any way to get it in the next couple of weeks.

Mr. Keene: I apologize. I didn't meant to say that we couldn't do the Amendment as part of the budget. Assuming that it's in this \$140,000 incremental difference is what I heard you were talking about. The other was just reporting on what we already have within the budget, in the base.

Council Member Filseth: We're looking at \$140,000, not a half million?

Mr. Keene: That's what I understood. It would be pretty easy for us to bring this up at Finance.

Council Member Filseth: That would be great if we could do it now. \$140,000 is a lot less than half a million. Is that a yes, we can get it on the agenda in the next couple of weeks?

Mr. Keene: Yes. I'm sorry.

Council Member Burt: I agree with the direction of this. I'd like to offer a couple of additional brief guidelines for the areas that we'd like to discuss upon return. First, let me give a little description. One of the other visions that's been emerging in this region is also to look at not only our rich history around essentially trees as agriculture and how that integrates with a sustainable food supply. Without trying to stipulate the degree to which that

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would be part of this program, I'd like to add simply that as a category of exploration of the role of agricultural landscaping. If that's acceptable.

Council Member Scharff: It's acceptable.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "exploration of the role of agricultural landscaping."

Council Member Burt: The other thing is the Master Plan as written rightfully has a very strong collaboration with Canopy embedded in the plan. I would also like to see in particular as part of Goal Number five an expansion of the role of local environmental groups in our Urban Forest Plan.

Council Member Scharff: No. They're already very much involved in the Plan from what I gather. I'm not sure what expansion means.

Council Member Burt: I will offer that as an Amendment then.

Mayor Holman: I'll second.

AMENDMENT: Council Member Burt moved, seconded by Mayor Holman to add to the Motion, "expansion of the role of local environmental groups in the Urban Forest Master Plan."

Council Member Burt: I'll just briefly speak to it. They really aren't fully acknowledged as vital players in this vision. It's right and appropriate that Canopy is recognized that way and deeply embedded in the Plan. We need to expand that.

Mayor Holman: Just briefly, I agree with that. We have advantage of several other organizations that can only enrich an outcome here. That's why I support this.

AMENDMENT PASSED: 7-2 Filseth, Scharff no

Council Member Burt: Just a final comment. I don't think it needs to be listed separately, because it's somewhat embedded in these other elements. The way in which we move our urban forest into one that is integrated with a sustainable water supply will be increasingly important. To be able to sustain that forest in the future and to do so within the limits of our supply. I don't think these are going to be ultimately in conflict. The greater emphasis on native tree species will help further that. When we think about native tree species, this is species that are indigenous to this part of our region. We have wonderful redwood trees. I probably love redwood forests as much as anyone here, but redwood trees grow where we have 40 inches of rain a year and hundreds of days of fog per year. With the exception of

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one tree, they don't grow here naturally. They are incredible assets, but we need to be looking at what are the canopies that work best here. We're not talking about removing trees. We're talking about what we plant in the future and how we have that as an integrated system with our water supply and with an ecosystem.

Mayor Holman: A couple or three things here. It's a good body of work. It's a lot of effort, and much appreciated for that, including former Staff. Gloria Humble has been recognized already. And all our nonprofits who have been a part of this Plan too, as well as members of the community and Parks and Rec Commission, Planning and Transportation Commission. A couple of Amendments. One is on Number III. Council Member Wolbach, you said changing the vision statement. I think strengthening. Changing gives no direction whatsoever. If Council Member Scharff would accept that.

Council Member Scharff: Strengthening is good.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion Part C, Subsection iii, "changing" with "strengthening."

Mayor Holman: Adding a Number VI to emphasize support for habitat, which is one of the bigger issues that's been brought to our attention tonight. Council Member Scharff?

Council Member Scharff: I'm happy to talk about it at the—when you say emphasize support for habitat, so "discuss support for habitat."

Mayor Holman: Add "additional support for habitat."

Council Member Scharff: No. How about "discuss support for habitat?" Otherwise, I'd have to say no. It's a list of things we're going to discuss. I just want it to be a discussion topic, not a predetermined outcome.

Mayor Holman: Okay then, "discuss support for habitat."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "discuss support for habitat."

Mayor Holman: One other thing that I just don't think is addressed in here. As much as I think there's a lot of good work here, I did have an impression from reading a good lot of this. There's been a lot of input, and a lot of input from different directions. That's highly appropriate. In reading a good amount of this, I did have a feeling that we didn't want to step on toes. I felt like the document was diluted, maybe directed towards those concerns.

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I can't say that that's the case, but that's where I was left feeling. I felt that way most especially, you could say, in the development section, which starts on whatever page it starts on. It starts on Page 99. It doesn't say much about protection of trees. It doesn't say anything about, I shouldn't say that. It doesn't say anything about encroachment on tree canopy. It talks about, under a footnote, under a figure it talks about this century old valley oak died in 2004 as a result of some entrenching that happened in the '90s, but we don't address what we're going to do to further protect trees from that kind of activity. There's another section that talks about how recent changes intended to expedite the permitting process allow permits to be issued first, meaning before the site of the trees has even been analyzed. There's nothing that follows through with that, to say what we're going to do about it. That's what I mean. We're identifying some issues but we're not following through to say here's how we're going to rectify that, improve the situation for our trees and ensure that we're going to continue and enhance our canopy. There's any number of comments I could make about a couple of sections like this. The Number VII that I would like to add is address development impacts. Council Member Scharff:

Council Member Scharff: What are we doing now? I was being distracted by my colleagues.

Mayor Holman: Adding a Number VII to address development impacts on trees. In that discussion.

Council Member Scharff: If we're just going to discuss it, that's fine.

Council Member Kniss: ...long time ago.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "address development impacts on trees."

Mayor Holman: We are ready to vote on this. We are voting to approve the Palo Alto Urban Master Plan and adopt the Negative Declaration of Environmental Impacts; to direct Staff to schedule a Study Session within six to nine months including but not limited to the following issues with a second iteration of the Urban Forest Master Plan with greater discussion and emphasis on native plant species, greater development of Goal Number five, options for strengthening the vision statement, expanding canopy cover in south Palo Alto, exploration of the role of agricultural landscaping, discuss support for habitat, and address development impacts on trees. Also incorporated into the Motion is expansion of the role of local environmental groups in the Urban Forest Master Plan.

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MOTION AS AMENDED PASSED: 9-0

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Council Member Burt: I just wanted to share that Council Member Wolbach and I attended the drought summit on Saturday. It was a very significant regional most-of-the-day conference. Frankly, this last discussion intertwines with this. The messages were not only what we have to do as cities and can do as cities to do our share in addressing the short-term drought, but it was also what we need to do in long-term strategies to have sustainable water systems and water supplies. What did become apparent through a lot of the comments were that Palo Alto has a lot more that we've been doing in policies and programs concretely to address our water usage. There's a lot more that we can and need to do. Compared to other cities, we're doing quite a lot. It gives us a great foundation to achieving our goals.

Adjournment: The meeting was adjourned at 12:21 A.M.