



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
January 30, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:07 P.M.

Present: DuBois arrived at 5:15 P.M., Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Absent:

Closed Session

1. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION
Subject: Buena Vista MHP Residents Association v. City of Palo Alto, Santa Clara County Superior Court, Case No. 115-CV-284763
Subject Authority: Government Code Section 54956.9(d)(1).

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

MOTION PASSED: 8-0 DuBois absent

Council went into Closed Session at 5:07 P.M.

Council returned from Closed Session at 6:06 P.M.

Mayor Scharff announced no reportable action.

Special Orders of the Day

2. Selection of Applicants to Interview on February 1, 2017 for the Historic Resources Board, the Parks and Recreation Commission, and the Planning and Transportation Commission.

MOTION: Mayor Scharff moved, seconded by Council Member Holman to:

- A. Interview all new applicants for the Parks & Recreation Commission and the Planning & Transportation Commission; and

ACTION MINUTES

- B. Interview all previously interviewed applicants for the Parks & Recreation Commission and the Planning & Transportation Commission if they would like a second interview; and
- C. Limit Planning & Transportation Commission interviews to 10 minutes.

SUBSTITUTE MOTION: Vice Mayor Kniss moved, seconded by Council Member XX to interview all new applicants for the Parks & Recreation Commission and the Planning & Transportation Commission.

SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION PASSED: 9-0

Agenda Changes, Additions and Deletions

None.

Consent Calendar

MOTION: Vice Mayor Kniss moved, seconded by Mayor Scharff to approve Agenda Item Numbers 3-4.

- 3. Approval of the Acceptance and Expenditure of Citizens Options for Public Safety (COPS) Funds on Various Law Enforcement Equipment and Approval of a Budget Amendment in the Law Enforcement Services Fund.
- 4. Resolution 9664 Entitled, "Resolution of the Council of the City of Palo Alto in Collaboration With the Cities of Redwood City, Menlo Park, and Mountain View Directing Staff to Participate in Sub-regional Planning on Bike Routes."

MOTION PASSED: 9-0

Action Items

- 5. Comprehensive Plan Update: City Council Review & Direction Regarding the Draft Land Use & Community Design Element and the Revised Draft Transportation Element.

MOTION: Council Member Wolbach moved, seconded by Mayor Scharff to direct Staff to include in the final Draft of the Comprehensive Plan Update:

ACTION MINUTES

A. Cumulative Cap:

Policy L-1.10 would maintain a Cumulative Cap of 1.7 million square feet, which is the square footage remaining under the existing cap, focus the Cap on Office/R&D uses and apply it citywide rather than only in "monitored areas." It would also exempt medical office uses in the Stanford University Medical Center (SUMC) area (the current cap does not apply to this geographic area), and require annual monitoring to assess the effectiveness of development requirements and determine whether the cap and the development requirements should be adjusted; and

B. Annual Limit:

Direct Staff to return with a permanent Ordinance addressing the Annual Limit, separate from the Comprehensive Plan Update; and

C. Downtown Cap:

Eliminate the Downtown cap found in existing Program L-8 and focus on monitoring development and parking demand.

AMENDMENT: Council Member Filseth moved, seconded by Council Member DuBois to replace Part C of the Motion with, "retain the existing Downtown Cap for 45,000 square feet and exempt retail from the Cap."

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Amendment, "and hotels" after "exempt retail."

AMENDMENT RESTATED: Council Member Filseth moved, seconded by Council Member DuBois to replace Part C of the Motion with, "Program L-1.16.4 would retain a Downtown Cap of about 45,000 square feet for Office/R&D similar to Program L-1.16.2, and would also Cap new hotel development at 50,000 square feet."

AMENDMENT AS AMENDED FAILED: 4-5 DuBois, Filseth, Holman, Kou yes

AMENDMENT: Council Member Fine moved, seconded by Council Member Tanaka to add to Motion Part A, "with the exception of the Stanford Research Park" after "apply it citywide."

AMENDMENT FAILED: 2-7 Fine, Tanaka yes

ACTION MINUTES

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace Part B of the Motion with, "direct Staff to make permanent the Annual Limit Ordinance of 50,000 Square Feet, separate from the Comprehensive Plan Update."

AMENDMENT: Council Member Fine moved, seconded by Council Member XX to add to Motion Part C, "and initiate a community driven Specific Area Plan for the Downtown Area."

AMENDMENT WITHDRAWN BY THE MAKER

AMENDMENT: Council Member DuBois moved, seconded by Council Member Holman to replace Part B of the Motion with, "Policy L-1.14 would perpetuate the interim annual limit of 50,000 square feet of Office/R&D and expand it to apply citywide, except that an additional 50,000 square footage allocation would be provided for the Stanford Research Park (SRP), and that allocation could be carried forward to future years if unused, up to the existing allowable square footage in the SRP. Stanford University Medical Center (SUMC) would be exempt from the annual limit. This exemption could be clarified to apply only to approved uses only if desired."

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Amendment, "establish a baseline traffic measure for the Stanford Research Park."

AMENDMENT AS AMENDED RESTATED: Council Member DuBois moved, seconded by Council Member Holman to replace Part B of the Motion with, "Policy L-1.14 would perpetuate the interim annual limit of 50,000 square feet of Office/R&D and expand it to apply citywide, except that an additional 50,000 square footage allocation would be provided for the Stanford Research Park (SRP), and that allocation could be carried forward to future years if unused, up to the existing allowable square footage in the SRP. Stanford University Medical Center (SUMC) would be exempt from the annual limit. This exemption could be clarified to apply only to approved uses only if desired. Establish a baseline traffic measure for the Stanford Research Park."

AMENDMENT AS AMENDED FAILED: 3-6 DuBois, Holman, Kou yes

MOTION AS AMENDED RESTATED: Council Member Wolbach moved, seconded by Mayor Scharff to direct Staff to include in the final Draft of the Comprehensive Plan Update:

ACTION MINUTES

A. Cumulative Cap:

Policy L-1.10 would maintain a Cumulative Cap of 1.7 million square feet, which is the square footage remaining under the existing cap, focus the Cap on Office/R&D uses and apply it citywide rather than only in "monitored areas." It would also exempt medical office uses in the Stanford University Medical Center (SUMC) area (the current Cap does not apply to this geographic area), and require annual monitoring to assess the effectiveness of development requirements and determine whether the Cap and the development requirements should be adjusted; and

B. Annual Limit:

Direct Staff to make permanent the Annual Limit Ordinance of 50,000 Square Feet, separate from the Comprehensive Plan Update; and

C. Downtown Cap:

Eliminate the Downtown Cap found in existing Program L-8 and focus on monitoring development and parking demand.

MOTION AS AMENDED PASSED: 5-4 DuBois, Filseth, Holman, Kou no

MOTION: Vice Mayor Kniss moved, seconded by Council Member Wolbach to maintain the current 50 foot height limit separate from the Comprehensive Plan Update, continuing as an Ordinance.

AMENDMENT: Council Member Wolbach moved, seconded by Council Member XX to replace in the Motion, "the current 50 foot height limit separate from the Comprehensive Plan Update, continuing as an Ordinance" with "any but only existing language in the 1998 Comprehensive Plan relating to height limits."

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

AMENDMENT: Council Member Holman moved, seconded by Council Member Kou to add to the Motion, "include Policy L-6.7 and add possible, limited exceptions to the Fry's and Cubberley sites.

AMENDMENT FAILED: 3-6 DuBois, Holman, Kou yes

MOTION PASSED: 7-2 DuBois, Holman no

Council took a break at 8:49 P.M. and returned at 9:00 P.M.

ACTION MINUTES

MOTION: Council Member Wolbach moved, seconded by Vice Mayor Kniss to direct Staff to exclude from the final draft of the Comprehensive Plan Update "child care" from the list of typical Neighborhood Commercial uses.

MOTION PASSED: 6-3 Filseth, Fine, Tanaka no

MOTION: Council Member Fine moved, seconded by Council Member DuBois to direct Staff to include in the final draft of the Comprehensive Plan Update:

- A. Pursue multifamily housing at the Stanford Shopping Center, provided adequate parking is maintained, as alluded to in Policy L-4.7 (the language could be strengthened); and
- B. Pursue multifamily housing in the Stanford Research Park, particularly along the El Camino Real frontage as alluded to in Program L-5.4.1 (the language could be strengthened); and
- C. Reinstate the language in previous Policy L-33 (now Policy L-4.12 and Program L-1.12.3) about housing potential in the Town & Country area; and
- D. Include a new program to pursue multifamily housing near Stanford University Medical Center (SUMC) and/or in the western part of the Stanford Research Park.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace Part B of the Motion with, "Program L-5.4.1 explore with Stanford University various development options for adding to the Stanford Research Park a diverse mix of uses, including residential, commercial hotel, conference center, commercial space for small businesses and start-ups, retail, transit hub, and other community-supporting services that are compatible with the existing uses, to create a vibrant innovation-oriented community." (New Part E)

AMENDMENT: Council Member Holman moved, seconded by Vice Mayor Kniss to add to the Motion Part C, "which would be limited to second floor office conversion."

AMENDMENT WITHDRAWN BY THE MAKER

AMENDMENT: Mayor Scharff moved, seconded by Council Member Holman to replace Part C of the Motion with, "not support housing in the Town & Country area."

AMENDMENT PASSED: 5-4 DuBois, Fine, Tanaka, Wolbach no

ACTION MINUTES

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in Parts A and D of the Motion, "pursue" with "explore."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from Motion Part D, "and/or in the western part of the Stanford Research Park."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part A, "and vibrant retail" after "adequate parking."

MOTION AS AMENDED RESTATED: Council Member Fine moved, seconded by Council Member DuBois to direct Staff to include in the final draft of the Comprehensive Plan Update:

- A. Explore multifamily housing at the Stanford Shopping Center, provided adequate parking and vibrant retail is maintained, as alluded to in Policy L-4.7 (the language could be strengthened); and
- B. L-5.4.1 Explore with Stanford University various development options for adding to the Stanford Research Park a diverse mix of uses, including residential, commercial hotel, conference center, commercial space for small businesses and start-ups, retail, transit hub, and other community-supporting services that are compatible with the existing uses, to create a vibrant innovation-oriented community; and
- C. Not support housing in the Town & County area; and
- D. Include a new program to explore multifamily housing near Stanford University Medical Center (SUMC).

MOTION AS AMENDED PASSED: 9-0

MOTION: Council Member DuBois moved, seconded by Mayor Scharff to direct Staff to include in the final draft of the Comprehensive Plan Update, a new program to eliminate housing sites along San Antonio Road and increase residential densities in Downtown and the California Avenue Area to replace potential units on the sites eliminated.

MOTION PASSED: 6-3 Filseth, Kniss, Kou no

MOTION: Council Member Fine moved, seconded by Vice Mayor Kniss to direct Staff to eliminate from the final draft of the Comprehensive Plan Update Development Requirements and Community Indicators.

ACTION MINUTES

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to consider a Community Indicator Program as part of the next iteration of the Annual Performance Report or another on-going monitoring effort." (New Part B)

SUBSTITUTE MOTION: Council Member Holman moved, seconded by Council Member Kou to direct Staff to include in the final draft of the Comprehensive Plan Update: to articulate the purposes and topics for development requirements in the Comprehensive Plan, but develop details later via Comprehensive Plan program and reference tables L-1 and L-2 and include Staff comments regarding these tables and include references to Vehicle Miles Traveled (VMT) wherever Level Of Service (LOS) is included in the Comprehensive Plan.

SUBSTITUTE MOTION FAILED: 4-5 DuBois, Filseth, Holman, Kou yes

SUBSTITUTE MOTION: Council Member Wolbach moved, seconded by Council Member Holman to direct Staff to include in the final draft of the Comprehensive Plan Update to articulate the purposes and topics for development requirements in the Comprehensive Plan, but develop details later via an implementation program excluding Comprehensive Plan Programs.

SECOND WITHDRAWN BY THE SECONDER

SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

MOTION AS AMENDED RESTATED: Council Member Fine moved, seconded by Vice Mayor Kniss to direct Staff to include in the final draft of the Comprehensive Plan Update:

- A. Eliminate Development Requirements and Community Indicators in the Comprehensive Plan; and
- B. Direct Staff to consider a Community Indicator Program as part of the next iteration of the Annual Performance Report or another on-going monitoring effort.

MOTION AS AMENDED PASSED: 8-1 Holman no

MOTION: Vice Mayor Kniss moved, seconded by Council Member Holman to direct Staff to include in the final draft of the Comprehensive Plan Update to create new opportunities for retail/residential mixed use and pursue conversion of some non-retail commercial Floor Area Ratio (FAR) to

ACTION MINUTES

residential FAR as alluded to in Policy L-6.12, this policy will be separated into two Programs, Program L-1.16.5, and Program L-1.12.3.

MOTION PASSED: 8-0-1 Tanaka abstain

MOTION: Council Member Wolbach moved, seconded by Council Member Fine to direct Staff to include in the final draft of the Comprehensive Plan Update, Policy L-2.3 about encouraging a mix of housing types and sizes designed for greater affordability and Policy 3.4 about encouraging a mix of smaller housing types.

MOTION PASSED: 8-0-1 DuBois abstain

MOTION: Council Member Holman moved, seconded by Council Member Fine to direct Staff to include in the final draft of the Comprehensive Plan Update Policy L-3.5 and associated Program L-3.5.1 regarding ways to minimize displacement of existing residents.

MOTION PASSED: 8-0-1 Tanaka abstain

MOTION: Vice Mayor Kniss moved, seconded by Council Member Wolbach to direct Staff to include in the final draft of the Comprehensive Plan Update, policies and programs like Policy L-4.1, Program L-3.2.1, and Program L-6.12.4 about preserving ground floor retail space.

MOTION PASSED: 5-0-4 Filseth, Holman, Kou, Scharff abstain

MOTION: Council Member DuBois moved, seconded by Council Member Kou to direct Staff to include in the final draft of the Comprehensive Plan Update, maintain Policy L-3.3 and/or Policy L-3.6 (some repetition can be eliminated) and associated Program L-3.3.1 about preserving existing housing that is affordable, such as small cottage clusters, removing from Program L-3.3.1, "and the replacement of rental housing units with ownership housing units."

MOTION PASSED: 6-0-3 Kou, Tanaka, Wolbach abstain

MOTION: Council Member Wolbach moved, seconded by Vice Mayor Kniss to direct Staff to include in the final draft of the Comprehensive Plan Update, Program L-1.16.5 (we will fix the numbering problem here) or L-7.12.1 (some repetition can be eliminated) to revise or consider revising the Transferable Development Rights (TDR) Program Downtown to create bonus residential rather than commercial square footage.

MOTION PASSED: 7-0-2 Filseth, Tanaka abstain

ACTION MINUTES

MOTION: Mayor Scharff moved, seconded by Council Member Tanaka to direct Staff to include in the final draft of the Comprehensive Plan Update, a program to explore increasing hotel Floor Area Ratio (FAR) from 2.0 to 3.0.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "in areas inside of Downtown and 2.5 in other areas."

MOTION AS AMENDED RESTATED: Mayor Scharff moved, seconded by Council Member Tanaka to direct Staff to include in the final draft of the Comprehensive Plan Update, a program to explore increasing hotel Floor Area Ratio (FAR) from 2.0 to 3.0 in areas inside of Downtown and 2.5 in other areas."

MOTION AS AMENDED PASSED: 5-3-1 DuBois, Holman, Kou no, Filseth abstain

MOTION: Council Member DuBois moved, seconded by Council Member Holman to direct Staff to include in the final draft of the Comprehensive Plan Update, Policy L-4.10 regarding enhancing the pedestrian environment along El Camino Real and Program L-9.4.1 specific to sidewalk widths and building design.

MOTION FAILED: 4-1-4 Fine no, Filseth, Kniss, Scharff, Wolbach abstain

MOTION: Council Member DuBois moved, seconded by Council Member Holman to direct Staff to include in the final draft of the Comprehensive Plan Update converting Policy L-4.10 regarding enhancing the pedestrian environment along El Camino Real to a Program and maintain Program L-9.4.1 specific to sidewalk widths and building design.

MOTION FAILED: 3-5-1 DuBois, Holman, Kou yes, Fine abstain

MOTION: Council Member DuBois moved, seconded by Council Member Filseth to direct Staff to eliminate from the final draft of the Comprehensive Plan Update Program L-4.2.1 regarding preparation of a Coordinated Area Plan for South El Camino (pp. L-48 through L-49).

MOTION PASSED: 6-2-1 Fine, Tanaka no, Filseth abstain

MOTION: Council Member Holman moved, seconded by Council Member Filseth to direct Staff to restore in the final draft of the Comprehensive Plan Update, existing Policy L-6 language about preserving neighborhood character ("avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different

ACTION MINUTES

densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.”) This is in lieu of the new language proposed in Policy L-6.11.

MOTION PASSED: 5-2-2 Scharff, Wolbach no, Fine, Tanaka abstain

MOTION: Council Member Wolbach moved, seconded by Council Member Fine to direct Staff to remove from the final draft of the Comprehensive Plan Update, all Programs from the Land Use Element, not required by State Law to be taken up at future dates as policy discussions and use the implementation section of the Plan to indicate the relative cost and priority of each Program.

MOTION FAILED: 4-2-3 DuBois, Kou, no, Filseth, Holman, Scharff abstain

MOTION: Council Member Wolbach moved, seconded by Council Member Fine to direct Staff to remove from the final draft of the Comprehensive Plan Update, all Programs from the Land Use Element, not required by State Law to be taken up at future dates as policy discussions and use the implementation section of the plan to indicate the relative cost and priority of each Program.

MOTION PASSED: 5-4 DuBois, Filseth, Holman, Kou no

MOTION: Council Member DuBois moved, seconded by Mayor Scharff to remove all Programs from the Transportation Element.

MOTION PASSED: 6-1-2 Holman no, Filseth, Kniss abstain

MOTION: Mayor Scharff moved, seconded by Council Member Filseth to continue the Revised Draft Transportation Element to a date uncertain.

MOTION PASSED: 9-0

MOTION: Council Member Holman moved, seconded by Council Member DuBois to continue the Land Use Element to a date uncertain.

MOTION PASSED: 9-0

Inter-Governmental Legislative Affairs

None.

ACTION MINUTES

Council Member Questions, Comments and Announcements

None.

Adjournment: The meeting was adjourned at 10:59 P.M.