



# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting  
February 6, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:05 P.M.

Present: DuBois, Filseth, Fine, Holman arrived at 5:08 P.M., Kou, Scharff, Tanaka, Wolbach arrived at 5:13 P.M.

Absent: Kniss

## Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS  
This item will not be heard this evening and will be rescheduled.
- 1A. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION  
Significant Exposure to Litigation Under Govt. Code Section 54956.9(d)(2)  
(One Potential Case, as Defendant/Respondent)  
429 University Avenue; Appeal of Director of Planning and Community Environment's Architectural Review Approval of a Development Application.

**MOTION:** Council Member DuBois moved, seconded by Council Member Holman to go into Closed Session.

**MOTION PASSED:** 7-0 Kniss, Wolbach absent

Council went into Closed Session at 5:09 P.M.

Council returned from Closed Session at 6:51 P.M.

## Study Session

2. THIS ITEM HAS BEEN MOVED TO THE END OF THE AGENDA.

# ACTION MINUTES

## Agenda Changes, Additions and Deletions

**MOTION:** Council Member Holman moved, seconded by Council Member Fine to continue Agenda Item Number 12- PUBLIC HEARING: Review and Adoption of an Ordinance Amending Chapter 18 (Zoning)... to March 6, 2017.

**MOTION PASSED:** 8-0 Kniss absent

## Minutes Approval

3. Approval of Action Minutes for the January 23, 2017 Council Meeting.

**MOTION:** Council Member DuBois moved, seconded by Council Member Filseth to approve the Action Minutes for the January 23, 2017 Council Meeting.

**MOTION PASSED:** 8-0 Kniss absent

## Consent Calendar

**MOTION:** Mayor Scharff moved, seconded by Council Member Holman to approve Agenda Item Numbers 4-9 including changes to Agenda Item Number 8- Fiscal Year 2017 Mid-year Budget Review... as outlined in the Staff Memorandum.

4. Review and Acceptance of the Annual Report on Development Impact Fees for Fiscal Year 2016.

5. Adoption of a Budget Amendment Closing the Fiscal Year 2016 Budget and Capital Projects, and Approval of the Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR).

6. Resolution 9665 Entitled, "Resolution of the Council of the City of Palo Alto to Continue the Palo Alto CLEAN Program: (1) for Local Non-solar Resources, at a Price of 8.4 ¢/kWh to 8.5 ¢/kWh With no Capacity Limit; and (2) for Local Solar Resources, at a 16.5 ¢/kWh Price That Drops to Avoided Cost at 3 MW; and Approval of Associated Program Rules and Agreements."

7. 203 Forest Avenue [14PLN-00472]: Appeal of the Planning and Community Environment Director's Denial of an Architectural Review

# ACTION MINUTES

Application for a 4,996 Square Foot Residential Addition Above an Existing 4,626 Square Foot Commercial Building. Environmental Assessment: Not a Project. Pursuant to Section 15270, California Environmental Quality Act (CEQA) Does not Apply to Disapproved Projects. Zoning District: Downtown Commercial (CD-C (GF)(P)) District.

8. Fiscal Year 2017 Mid-year Budget Review, Approval of Budget Amendments in Various Funds and Approval of Amendments to Three Salary Schedules.
9. Approval to Issue a Contract Change Order to Contract Number C16163847 With Wadsworth Golf Construction Company in the Amount of \$198,850 for the Construction of a Prefabricated On-course Restroom at the Palo Alto Municipal Golf Course.

**MOTION PASSED:** 8-0 Kniss absent

## Action Items

10. PUBLIC HEARING: Resolution 9666 Entitled, "Resolution of the Council of the City of Palo Alto Ordering Weed Nuisance Abated."

Public Hearing opened at 8:04 P.M.

Public Hearing closed at 8:07 P.M.

**MOTION:** Mayor Scharff moved, seconded by Council Member Holman to adopt a Resolution ordering the abatement of weed nuisances in the City of Palo Alto.

**MOTION PASSED:** 8-0 Kniss absent

11. PUBLIC HEARING: 429 University Avenue [14PLN-00222]: To Consider a Continued Appeal of the Director of Planning and Community Environment's Architectural Review Approval of a 31,407 Square-foot, Four Story, Mixed use Building With Parking Facilities on two Subterranean Levels on an 11,000 Square-foot Site. Environmental Assessment: the Mitigated Negative Declaration was Circulated November 17, 2014 to December 12, 2014. Zoning District: CD-C (GF)(P). The Council Previously Considered This Appeal on November

# ACTION MINUTES

30, 2015 and Remanded it to the Architectural Review Board for Redesign and Further Review Based on Council's Direction.

Public Hearing opened at 8:20 P.M.

Public Hearing closed at 9:53 P.M.

**MOTION:** Mayor Scharff moved, seconded by Council Member Filseth to:

- A. Deny the Appeal; and
- B. Approve the Mitigated Negative Declaration and Mitigation and Monitoring Plan; and
- C. Approve a modified project (Option 1) with conditions included in the Staff Report, Pages 6-8; and
- D. Direct Staff to return with written findings for adoption.

**SUBSTITUTE MOTION:** Council Member Holman moved, seconded by Council Member Kou to deny the Project due to the inability to make Architectural Review Findings as part of the Council's prior review from Staff Report, Pages 4-5 and the Architectural Review Board recommendation to deny the Project.

**SUBSTITUTE MOTION FAILED:** 3-5 DuBois, Holman, Kou yes, Kniss absent

**AMENDMENT:** Council Member Holman moved, seconded by Council Member XX to add to the Motion, "that the height of the prominent First Floor concrete elements be lowered to be consistent with the prevailing street pattern."

**AMENDMENT FAILED DUE TO THE LACK OF A SECOND**

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "this approval is subject to the actual Project matching Option 1 as described by Staff." (New Part E)

# ACTION MINUTES

**MOTION AS AMENDED RESTATED:** Mayor Scharff moved, seconded by Council Member Filseth to:

- A. Deny the Appeal; and
- B. Approve the Mitigated Negative Declaration and Mitigation and Monitoring Plan; and
- C. Approve a modified project (Option 1) with conditions included in the Staff Report, Packet Pages 527-528; and
- D. Direct Staff to return with written findings for adoption; and
- E. This approval is subject to the actual Project matching Option 1 as described by Staff.

**MOTION AS AMENDED PASSED:** 5-3 DuBois, Holman, Kou no, Kniss absent

- 12. ~~PUBLIC HEARING: Review and Adoption of an Ordinance Amending Chapter 18 (Zoning) of the Palo Alto Municipal Code to Update Code Sections Regarding Accessory Dwelling Units.~~

~~STAFF REQUESTS THIS ITEM BE CONTINUED TO MARCH 6, 2017.~~

## Study Session

- 2. ~~Update on Stanford University's General Use Plan (GUP) Application to Santa Clara County.~~

This Agenda Item continued to February 27, 2017.

## Inter-Governmental Legislative Affairs

None.

## Council Member Questions, Comments and Announcements

Council Member Holman requested Council reconsider the placement of Programs within the Comprehensive Plan as part of the Comprehensive Plan Update.

# ACTION MINUTES

Council Member DuBois voiced his support of this reconsideration proposal.

Council Member Holman suggested that her statement be considered a Colleagues Memorandum.

Molly Stump, City Attorney advised that Colleagues Memorandum are typically submitted in writing to allow for Staff review and feedback. She also noted that Staff intends to return to Council for further direction regarding the Comprehensive Plan Update.

Council Member Holman shared her understanding that Staff plans to return with further discussion regarding the Comprehensive Plan Update based on Council's previous direction. She clarified that her request is for reconsideration of the Council's direction pertaining to the placement of Programs in the Comprehensive Plan.

Vice Mayor Scharff advised that this request appears to be a Motion for Reconsideration, which is not an option during Council Member Questions, Comments and Announcements pursuant to the City Council Procedures and Protocols.

Adjournment: The meeting was adjourned at 11:11 P.M.