



# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Regular Meeting  
February 13, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:09 P.M.

Present: DuBois, Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Absent:

## Special Orders of the Day

1. Fire Safety Month Poster Award Recognition to Palo Alto Unified School District Students for Excellence in Design, Art and Messaging (Continued From January 9, 2017).

At this time Council heard Agenda Item Numbers 3 and 4.

3. Proclamation of the Council of the City of Palo Alto Honoring Pastor Paul Bains.
4. Proclamation of the Council of the City of Palo Alto Honoring Clarence B. Jones.

At this time Council heard Agenda Item Number 2.

2. American Construction Inspectors Association (ACIA) Presentation of the 2016 Industry Leadership of the Year Award.
5. Appointment of Three Candidates to the Historic Resources Board (HRB) and Four Candidates to the Parks & Recreation Commission (PRC) for Terms Ending December 15, 2019; and Appointment of one Candidate to the PRC and one Candidate to the Planning & Transportation (PTC) Commission to two Unexpired Terms Ending December 15, 2018.

# ACTION MINUTES

First Round of voting for three positions on the Historic Resources Board with terms ending December 15, 2019:

Voting For David Bower: DuBois, Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Voting For Beth Bunnenberg: DuBois, Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Voting For Brandon Corey: DuBois, Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Voting For Pat DiCicco:

Beth Minor, City Clerk announced that David Bower with 9 votes, Beth Bunnenberg with 9 votes and Brandon Corey with 9 votes were appointed to the Historic Resources Board.

First Round of voting for four positions on the Parks and Recreation Commission with terms ending December 15, 2019:

Voting For Grant Dasher:

Voting For Rebecca Eisenberg:

Voting For Jeff Greenfield: DuBois, Filseth, Holman, Kou, Scharff

Voting For Doug Hagan: Fine, Tanaka, Wolbach

Voting For Jeff LaMere: DuBois, Filseth, Fine, Kniss, Scharff, Tanaka

Voting For Steven Lee:

Voting For Alice Mansell: Wolbach

Voting For Ryan McCauley: DuBois, Filseth, Fine, Holman, Kou, Tanaka

Voting For Don McDougall: Fine, Kniss, Scharff, Tanaka, Wolbach

Voting For Keith Reckdahl: DuBois, Filseth, Holman, Kniss, Kou, Scharff, Wolbach

Voting For Ellen Turbow: Holman, Kniss, Kou

# ACTION MINUTES

Beth Minor, City Clerk announced that Jeff LaMere with 6 votes, Ryan McCauley with 6 votes, and Keith Reckdahl with 7 votes were appointed to the Parks and Recreation Commission. Jeff Greenfield and Don McDougall both received 5 votes. This tie necessitates a second round of voting.

Second Round of voting for one position on the Parks and Recreation Commission with a term ending December 15, 2019:

Voting For Jeff Greenfield: DuBois, Filseth, Holman, Kou

Voting For Don McDougall: Fine, Scharff, Tanaka, Wolbach

Voting For Ellen Turbow: Kniss

Beth Minor, City Clerk announced that no candidate received the required five or more votes and a third round of voting is required.

Third Round of voting for one position on the Parks and Recreation Commission with a term ending December 15, 2019:

Voting For Jeff Greenfield: DuBois, Filseth, Holman, Kou,

Voting For Don McDougall: Fine, Kniss, Scharff, Tanaka, Wolbach

Beth Minor, City Clerk announced that Don McDougall with 5 votes was appointed to the Parks and Recreation Commission.

First Round of voting for one position on the Planning and Transportation Commission with a term ending December 15, 2018:

Voting For Dexter Dawes:

Voting For Claude Ezran:

Voting For Brian Hamachek:

Voting For David Hirsch:

Voting For Natasha Kachenko:

Voting For Gabriel Kralik:

Voting For Susan Monk: DuBois, Filseth, Fine, Kniss, Scharff, Tanaka, Wolbach

Voting For Christian Pease: Kou

# ACTION MINUTES

Voting For Jessica Resmini:

Voting For Reshma Singh:

Voting For Curtis Smolar:

Voting For Greer Stone: Holman

Beth Minor, City Clerk announced that Susan Monk with 7 votes was appointed to the Planning and Transportation Commission.

First Round of voting for one position on the Parks and Recreation Commission with a term ending December 15, 2018:

Voting For Jeff Greenfield: DuBois, Filseth, Holman, Kou, Scharff

Voting For Doug Hagan: Fine, Tanaka, Wolbach

Voting For Ellen Turbow: Kniss

Beth Minor, City Clerk announced that Jeff Greenfield with 5 votes was appointed to the Parks and Recreation Commission.

## Study Session

6. Request for a Pre-screening Study Session to Rezone the Vacant Property at 4146 El Camino Real (Near Thain Way) From Low Density Multiple-Family Residence District (RM-15) to Medium Density Multiple-Family Residence District (RM-30).

## Agenda Changes, Additions and Deletions

None.

## Minutes Approval

7. Approval of Action Minutes for the January 28, 2017 Council Meeting.

**MOTION:** Vice Mayor Kniss moved, seconded by Mayor Scharff to approve the Action Minutes for the January 28, 2017 Council Meeting.

**MOTION PASSED:** 9-0

## Consent Calendar

**MOTION:** Council Member Wolbach moved, seconded by Council Member Kou to approve Agenda Item Numbers 8-13.

# ACTION MINUTES

8. Resolution 9667 Entitled, "Resolution of the Council of the City of Palo Alto Establishing Pledge Sources of Revenue for Repayment of State Revolving Fund (SRF) Loans for Planning, Design and Construction of Wastewater Treatment Enterprise Fund Facilities at the Palo Alto Regional Water Quality Control Plant (RWQCP), and Repealing Resolution Number 9631."
9. Policy and Services Committee Recommends That the City Council Accept the Auditor's Office Quarterly Report as of September 30, 2016.
10. Finance Committee Recommends That the City Council Accept Macias Gini & O'Connell's (MGO) Audit of the City of Palo Alto's Financial Statements as of June 30, 2016.
11. Approval of an Amendment to Stewardship Agreement Number S13147834 With Santa Clara County Fire Safe Council for an Additional Amount of \$181,500 Annually for Three Years for a Total Amount Not-to-Exceed \$987,630 to Implement Elements of the Foothills Fire Plan (an Interdepartmental Initiative of Fire, Community Services, and Public Works) and Extend the Term two Years to June 30, 2020.
12. Resolution 9668 Entitled, "Resolution of the Council of the City of Palo Alto Approving the 2017 City of Palo Alto Utilities Legislative Policy Guidelines."
13. Approval of an Amendment of an Existing Funding Agreement With the Palo Alto Transportation Management Association (PATMA) and Silicon Valley Community Foundation Extending the Term of the Agreement for two Years (to December, 31 2018) and Providing \$100,000 per Year.

**MOTION PASSED:** 9-0

## Action Items

14. PUBLIC HEARING: Adoption of an Ordinance Amending Chapter 18 of the Palo Alto Municipal Code Making Permanent Interim Urgency Ordinance 5330 (Limiting the Conversion of Ground Floor Retail and Retail Like Uses), With Some Modifications; Extending the Ground Floor Combining District to Certain Properties Located Downtown; Modifying the Definition of Retail; Adding Regulations to Improve Pedestrian Oriented Design Standards in the Downtown; and Related Changes. The Proposed Ordinance is Exempt From the California Environmental Quality Act (CEQA) per Section 15308. The Planning

# ACTION MINUTES

and Transportation Commission Recommended Approval of the Proposed Ordinance.

Public Hearing opened at 8:42 P.M.

Public Hearing closed at 9:27 P.M.

**MOTION:** Council Member Filseth moved, seconded by Council Member DuBois to adopt the Retail Preservation Ordinance.

**AMENDMENT:** Council Member DuBois moved, seconded by Council Member XX to add to the Motion, "remove from Section 18.30(C).040, 'and use.'"

## **AMENDMENT WITHDRAWN BY THE MAKER**

**AMENDMENT:** Council Member Holman moved, seconded by Vice Mayor Kniss to add to the Motion, "add to Section 18.04.030(114)(B), 'not allowed on University Avenue or California Avenue' after 'cleaning services.'"

**AMENDMENT RESTATED:** Council Member Holman moved, seconded by Vice Mayor Kniss to add to the Motion, "precluded laundry and cleaning services on University Avenue and California Avenue." (New Part A)

**AMENDMENT PASSED:** 6-3 Fine, Scharff, Tanaka no

**AMENDMENT:** Council Member Holman moved, seconded by Council Member Kou to add to the Motion, "retain in Section 18.04.030(125), Retail Service examples."

**AMENDMENT FAILED:** 3-6 Filseth, Holman, Kou yes

**AMENDMENT:** Council Member Holman moved, seconded by Council Member XX to add to the Motion, "add to Section 18.30(C).020(c) with 'limited to minimum square footage needed to serve upper floors.'"

**AMENDMENT RESTATED:** Council Member Holman moved, seconded by Council Member DuBois to add to the Motion, "direct Staff to return with revised language to address the size of lobbies." (New Part B)

**AMENDMENT PASSED:** 7-2 Fine, Tanaka no

**AMENDMENT:** Council Member Holman moved, seconded by Vice Mayor Kniss to add to the Motion, "add to Sections 18.30(c).030(1), 18.30(c).030(2), and 18.30(c).030(3), 'except on University Avenue or California Avenue.'"

# ACTION MINUTES

**AMENDMENT FAILED:** 3-6 Holman, Kniss, Kou yes

**AMENDMENT:** Council Member Holman moved, seconded by Council Member Filseth to add to the Motion, "replace the second two sentences of Section 18.04.160(c)(3) with, 'the Planning Director to refer the request to the City Council.'"

**AMENDMENT RESTATED:** Council Member Holman moved, seconded by Council Member Filseth to add to the Motion, "update Section 18.04.160(c)(3) to require the Director's Decision be placed on the Council's Consent Calendar, subject to existing procedures." (New Part C)

**AMENDMENT PASSED:** 6-3 Fine, Kniss, Tanaka no

**AMENDMENT:** Council Member Fine moved, seconded by Council Member Tanaka to add to the Motion, "remove Sections 18.30(A).055 and 18.30(C).035."

**AMENDMENT RESTATED:** Council Member Fine moved, seconded by Council Member Tanaka to add to the Motion, "to exempt Retail and Retail like uses from Sections 18.30(A).055 and 18.30(C).035."

**AMENDMENT RESTATED:** Council Member Fine moved, seconded by Council Member Tanaka to add to the Motion, "direct Staff to prepare Design Standards to promote pedestrian oriented design and require visual access into the ground floor of buildings to a depth of three feet."

**INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Amendment, "for the Ground Floor (GF) and Retail Shopping (R) Combining Districts" after "Design Standards."

**AMENDMENT AS AMENDED RESTATED:** Council Member Fine moved, seconded by Council Member Tanaka to add to the Motion, "direct Staff to prepare Design Standards for the Ground Floor (GF) and Retail Shopping (R) Combining Districts to promote pedestrian oriented design and require visual access into the ground floor of buildings to a depth of three feet." (New Part D)

**AMENDMENT AS AMENDED PASSED:** 6-3 DuBois, Holman, Kou no

**AMENDMENT:** Council Member Fine moved, seconded by Council Member Tanaka to remove Section 12 from the Ordinance.

**AMENDMENT FAILED:** 3-6 Fine, Kniss, Tanaka yes

# ACTION MINUTES

**AMENDMENT:** Council Member Fine moved, seconded by Council Member Wolbach to add to the Motion, "direct Staff to explore exempting Downtown from Section 18.16.040(b)." (New Part E)

**AMENDMENT PASSED:** 6-3 DuBois, Holman, Kou no

**AMENDMENT:** Council Member Tanaka moved, seconded by Council Member Fine to add to the Motion, "remove Section 18.30(C).030(b)."

**AMENDMENT FAILED:** 3-6 Fine, Kniss, Tanaka yes

**AMENDMENT:** Vice Mayor Kniss moved, seconded by Council Member Fine to add to the Motion, "limit application of the Ordinance to Downtown."

**AMENDMENT FAILED:** 3-6 Fine, Kniss, Tanaka yes

**AMENDMENT:** Mayor Scharff moved, seconded by Council Member Filseth to add to the Motion, "remove Section 18.04.030(125.1)(K)." (New Part F)

**AMENDMENT PASSED:** 8-1 Holman no

**AMENDMENT:** Mayor Scharff moved, seconded by Vice Mayor Kniss to add to the Motion, "remove Section 18.04.030(125.1)(J)." (New Part G)

**AMENDMENT PASSED:** 5-4 DuBois, Filseth, Holman, Kou no

**AMENDMENT:** Mayor Scharff moved, seconded by Council Member Fine to add to the Motion, "remove from Section 18.040.030(114)(H), 'intended for an individual or small group of 15 or fewer students/customers at one time (see "commercial recreation" for other activities).'"

**AMENDMENT RESTATED:** Mayor Scharff moved, seconded by Council Member Fine to add to the Motion, "replace Section 18.040.030(114)(H) with, 'fitness and exercise studios or similar uses of 5,000 square feet or less.'"

**AMENDMENT RESTATED:** Mayor Scharff moved, seconded by Council Member Fine to add to the Motion, "replace Section 18.040.030(114)(H) with, 'fitness and exercise studios or similar uses of 2,500 square feet or less.'"

**AMENDMENT RESTATED:** Mayor Scharff moved, seconded by Council Member Fine to add to the Motion, "replace Section 18.040.030(114)(H) with, 'fitness and exercise studios or similar uses of 1,800 square feet or less.'" (New Part H)



# ACTION MINUTES

**AMENDMENT AS AMENDED PASSED:** 7-2 Holman, Kou no

**AMENDMENT:** Council Member Wolbach moved, seconded by Vice Mayor Kniss to add to the Motion, "direct Staff to bring this Ordinance back to Council for review on a biennial basis."

**AMENDMENT FAILED:** 4-5 Fine, Kniss, Tanaka, Wolbach yes

**AMENDMENT:** Mayor Scharff moved, seconded by Vice Mayor Kniss to add to the Motion, "direct Staff to allow in the RT-35 District on properties with frontage on Alma Street between Channing Avenue and Lincoln Avenue to be replaced by a private education facility. Property owners would be prohibited from converting a discontinued retail use to a private school and then to office." (New Part I)

**AMENDMENT PASSED:** 5-4 DuBois, Filseth, Holman, Kou no

**MOTION AS AMENDED RESTATED:** Council Member Filseth moved, seconded by Council Member DuBois to adopt the Retail Preservation Ordinance including the following changes:

- A. Precluded laundry and cleaning services on University Avenue and California Avenue; and
- B. Direct Staff to return with revised language to address the size of lobbies; and
- C. Update Section 18.04.160(c)(3) to require the Director's Decision be placed on the Council's Consent Calendar, subject to existing procedures; and
- D. Direct Staff to prepare Design Standards for the Ground Floor (GF) and Retail Shopping (R) Combining Districts to promote pedestrian oriented design and require visual access into the ground floor of buildings to a depth of three feet; and
- E. Direct Staff to explore exempting Downtown from Section 18.16.040(b); and
- F. Remove Section 18.04.030(125.1)(K); and
- G. Remove Section 18.04.030(125.1)(J); and
- H. Replace Section 18.040.030(114)(H) with, "fitness and exercise studios or similar uses of 1,800 square feet or less;" and

# ACTION MINUTES

- I. Direct Staff to allow in the RT-35 District on properties with frontage on Alma Street between Channing Avenue and Lincoln Avenue to be replaced by a private education facility. Property owners would be prohibited from converting a discontinued retail use to a private school and then to office.

**MOTION AS AMENDED PASSED:** 6-3 Fine, Kniss, Tanaka no

15. Adoption of a Resolution Amending Resolutions 9473 and 9577 to Continue the Downtown Residential Preferential Parking (RPP) Program With Minor Modifications and Finding the Action Exempt From the California Environmental Quality Act (CEQA).

Mayor Scharff advised he will not participate in this Agenda Item because he owns real property in the Downtown Residential Preferential Parking (RPP) District. He left the meeting at 12:20 A.M.

**MOTION:** Vice Mayor Kniss moved, seconded by Council Member Filseth to continue this Agenda Item to February 27, 2017.

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

## Inter-Governmental Legislative Affairs

None.

## Council Member Questions, Comments and Announcements

Council Member DuBois reported his attendance and the attendance of several other Council Members at the Chinese New Year event this past Sunday.

Adjournment: The meeting was adjourned at 12:25 A.M.