

Special Meeting
April 14, 2003

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

PRESENT: Beecham, Burch, (Freeman arrived at 6:05 p.m.), Kishimoto, Kleinberg, Lytle (arrived at 6:05 p.m.), Morton (arrived at 6:30 p.m.), Mossar, Ojakian

CLOSED SESSION

1. Public Employee Performance Evaluation
Subject: City Auditor Sharon Erickson
Authority: Government Code section 54957

The City Council met in Closed Session to discuss matters involving public employee performance evaluation as described in Agenda Item No. 1.

Mayor Mossar announced that no reportable action was taken on Agenda Item No. 1.

ADJOURNMENT: The meeting adjourned at 7:00 p.m.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:05 p.m.

PRESENT: Beecham, Burch, Freeman, Kishimoto, Kleinberg, Lytle, Morton, Mossar, Ojakian

ORAL COMMUNICATIONS

Stanley R. Smith, 610 Wildwood Lane, spoke regarding flooding study session.

Sophia Dhrymes spoke regarding corruption from City Hall for 22 years.

Ben Holgate (SEIU 715) spoke regarding City/State budgets.

Sally Kiester, Neighbors Abroad, spoke regarding the visitors from Linköping, Sweden.

Lucy Berman, 535 W. Crescent Drive, spoke regarding the Art Center Foundation contribution.

Cornelius Pendleton, 267 Hamilton Avenue, spoke regarding the Art Center Foundation contribution.

Jared Bernstein, 1330 Tasso, spoke regarding the Wong house.

Kevin Fisher, 728 Alester Avenue, spoke regarding San Francisquito Creek flooding.

Carol Mullen, 618 Tennyson Avenue, spoke regarding planning priorities.

Jane Glauz, 152 Ely Place, spoke regarding affordable housing possibilities.

Chris Lundin, 2756 Ross Road, spoke regarding affordable housing possibilities.

Bunny Good, P.O. Box 824, Menlo Park, spoke regarding legal consultants for CA CC47, dancing hamsters, low rider (black), and Apollo creed (fighter).

SPECIAL ORDERS OF THE DAY

1. Resolution 8283 entitled "Resolution of the Council of the City of Palo Alto Honoring Andrew Pierce for Outstanding Public Service as a Member of the Human Relations Commission"

MOTION: Council Member Kleinberg moved, seconded by Morton, to adopt the resolution.

Council Member Ojakian said Andrew Pierce always espoused a point of view that was appropriate for the Commission he was on.

Council Member Freeman said she was impressed with Mr. Pierce's compassion for issues, his vast knowledge, and his consistent diligence when focusing on issues. Mr. Pierce was a pillar of the community whose civic participation was exceptional.

Council Member Kishimoto found Mr. Pierce to be a strong and articulate spokesperson to the City for increasing the budget and helping leverage City services.

Council Member Lytle appreciated Mr. Pierce's strong advocacy on the Housing Element policies.

Council Member Kleinberg said Mr. Pierce represented the best of what the Human Relations Commission (HRC) did for the community and brought more depth and sensitivity to the HRC's deliberations.

Andrew Pierce thanked the Council and said he was proud of the progress with the HRC and Council working more effectively together.

MOTION PASSED 9-0.

2. Selection of the Candidates to be Interviewed for the Public Art Commission

MOTION: Council Member Morton moved to interview all the applicants.

MOTION WITHDRAWN BY MAKER

SUBSTITUTE MOTION: Council Member Ojakian, seconded by Burch, to direct the City Clerk to agendaize the appointment of the three applicants to Public Art Commission.

SUBSTITUTE MOTION PASSED 9-0.

APPROVAL OF MINUTES

Mayor Mossar noted that City Clerk Donna Rogers requested the February 10, 2003, City Council minutes be removed from the agenda.

Council Member Burch noted the minutes of February 10, 2003, had previously been removed and asked the reason for having the minutes removed again.

City Clerk Donna Rogers said in order to allow sufficient time for staff to research any changes from Council Members, she removed the minutes, had research done during the week, and returned the minutes to the Council on the following agenda.

Council Member Morton asked whether the minutes of February 10, 2003, had been removed more than once.

Ms. Rogers responded that the current meeting was the second time the minutes were on an agenda.

Council Member Morton asked whether the minutes could be adopted at the current meeting.

MOTION: Council Member Morton moved to approve all three sets of minutes that evening.

City Attorney Ariel Calonne said the City Council should adopt the minutes if they were an accurate record of the meeting.

Mayor Mossar did not want the Council to spend time at the current meeting on minutes because of the full agenda. She requested the minutes of February 10, 2003, be brought back on the next agenda.

Council Member Lytle said she neglected to turn in her correction the prior week when the minutes were removed the first time. She voted for an ordinance that she did not support and, at the time she made the vote, she asked that the minutes reflect that her reason for making the vote was for efficiency and not to express support for the motion.

Council Member Burch had trouble understanding what Council Member Lytle meant by saying she voted for something she did not support.

Council Member Kishimoto appreciated that writing minutes were complicated, and the Council should not think it unusual that corrections had to be made.

Mr. Calonne recalled Council Member Lytle said she voted in support of the ordinance because she knew that at the next meeting with Council Member Beecham present, the matter would pass. His preference was that the Council allow the minutes of February 10, 2003, be pulled.

MOTION WITHDRAWN BY MAKER

MOTION: Council Member Ojakian moved, seconded by Burch, to approve the minutes of March 3 and 10, 2003, as submitted.

MOTION PASSED 9-0.

CONSENT CALENDAR

MOTION: Council Member Morton moved, seconded by Ojakian, to approve Consent Calendar Item Nos. 3 – 9.

Council Member Kishimoto referred to Item No. 4 and reminded her colleagues and the public that in April 2000, staff estimated the demolition of the Roth Building wings would cost \$250,000. The current amendment was the same, and the City ended up spending \$1.2 million to demolish the wings. Regarding Item No. 8, she expressed concern about the lengthy contract for an outside auditor but was convinced by the City Auditor that the circumstances of the auditor and work that was required justified the length of the contract.

Vice Mayor Beecham registered a “no” vote on Item No. 4 because of the \$440,000 spent on the Roth Building.

Mayor Mossar registered a “no” vote on Item No. 4 and encouraged her colleagues to reconsider their prior vote and do the same.

Council Member Freeman said she asked a question earlier in the day with regarding to Item No. 7, which she did not get an answer to. The question was whether the City actually made \$120,000 off the tennis instruction and, after paying the tennis pro \$103,000, the City received \$17,000 in revenue.

Assistant City Manager Emily Harrison said that was her understanding. There was positive revenue on the contract.

Council Member Freeman registered a “no” vote on Item No. 8. Her philosophical and ethical judgment dictated that having the same set of eyes review the City’s finances for over five years created a scenario of over familiarization. Her preference was for new, fresh eyes, especially in light of the economic situation.

Council Member Ojakian registered a “no” vote on Item No. 4.

Council Member Morton said a “no” vote on Item No. 4 meant the Council would put out a Request for Proposal (RFP) for a building that had no second floor access. He encouraged the Council to vote “yes” on Item Nos. 4 and 8.

LEGISLATIVE

3. Resolution 8284 entitled "Resolution of the Council of the City of Palo Alto Expressing Support for the National Affordable Housing Trust Fund Act"



4. Approval of a Budget Amendment Ordinance in the Amount of \$245,000 to Supplement Capital Improvement Program Project 10304 Roth Building Wings Demolition

~~Ordinance of the Council of the City of Palo Alto Amending the Budget for Fiscal Year 2002-03 in the Amount of \$245,000 to Supplement Capital Improvement Program Project 10304 Roth Building Wings Demolition~~

5. Adoption of a Resolution Revising Rate Schedule EDF-1 for Dark Fiber Licensing Services

Resolution 8285 entitled "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedule EDF-1 of the City of Palo Alto Utilities Rates and Charges Pertaining to Dark Fiber Licensing Services"

6. Approval of a Resolution to Provide a Supplemental Military Leave Benefit to Pay for the Differential Between Regular Salary and Military Pay and to Extend Employee Benefits (As Applicable) to Employees called to Active Duty

Resolution 8286 entitled "Resolution of the Council of the City of Palo Alto to Provide a Supplemental Military Leave Benefit to Pay for the Differential Between Regular Salary and Military Pay and to Extend Employee Benefits (As Applicable) to Employees Called to Active Duty to Serve in the Specified Current U.S. Military Action"

ADMINISTRATIVE

7. Amendment No. 1 to Contract No. P3001015 Between the City of Palo Alto and John T. Whitlinger in the Amount of \$40,000 for Additional Classes and Individual Lessons for Youth And Adults
8. Contract Between the City of Palo Alto and Maze and Associates in an Amount Not to Exceed \$280,660 for External Audit Services for Fiscal Years Ending June 30,2003 and June 30, 2004
9. Rejection of Bids Received on March 18, 2003 for Page Mill, Arastradero and Lytton Station Pressure Relief Valve (PRV) Replacements Project

MOTION PASSED 9-0 for Item Nos. 3, 5-7, and 9.

MOTION FAILED 4-5 for Item No. 4, Beecham, Burch, Mossar, Ojakian "no."

Council Member Kleinberg said the Council held a public hearing, heard from the public, had debate, and voted in favor of preservation of the Roth Building spine. Due to the requirement of a budget amendment ordinance (BAO), the item failed because of a two-thirds vote. She was troubled that the Council could not support the original, vote and suggested the Council have a conversation agendized on how to avoid such an action in the future.

Council Member Morton asked whether the Council could vote to have Item No. 4 brought back to the Council.

Mr. Calonne said a motion to reconsider was in order from a member in the prevailing side. One of the four Council Members who voted against the item could reconsider his/her vote and ask that the Council reconsider the ordinance.

Director of Public Works Glenn Roberts said there were two time issues associated with the project. A decision had to be made about the spine in order to enable removal of the wings. The City was contractually obligated to Summerhill, through the development agreement, to remove the wings by summer. There was a less onerous obligation to the Palo Alto Housing Corporation to remove the dirt that was stockpiled on its site.

MOTION PASSED 8-1 for Item No. 8, Freeman "no."

UNFINISHED BUSINESS

10. Public Hearing: The City Council will consider an application by A & P Family Investments for a Comprehensive Plan Amendment and Rezoning of a 1.84-acre parcel located at 2300 East Bayshore Road to the Research/Office Park land use and LM(D)(3) zoning designations. The property is currently zoned Planned Community (restaurant) and designated for service commercial uses in the Comprehensive Plan (This item was continued from March 31, 2003)

Mayor Mossar suggested the Council hear the staff report and public testimony, close public testimony, and continue Council discussion to April 21, 2003.

Chief Planning Official Lisa Grote said the application was a zone change from a Planned Community (PC) to a Limited Industrial Research Park (LM) zoning with a (D) Combining District and a (3) Combining District. The (D) stood for site and design which meant the site itself or adjacent parcels were environmentally sensitive; in the subject case, the adjacent baylands parcels were environmentally sensitive. The (3) Combining Districts limited the floor area ratio (FAR) to 30 percent, which was an additional limitation over a typical LM zone. A land use categorization needed to be changed from Service Commercial to Research/Office Park in order to allow the zoning to be an LM(D)(3) zone. The City Council considered the site to be a PC zone change application in

December 2002 but denied the application and referred the staff recommendation back to the Planning and Transportation Commission (P&TC). The P&TC reviewed the proposal and recommended approval of the proposal for the Comprehensive Plan (Comp Plan) and Land Use zone change. The LM (D)(3) zone allowed a variety of uses such as office, housing and other research and development type of uses. There was no action currently before the City.

Planning and Transportation Commissioner Bonnie Packer said the P&TC approved the request for a zone change for the PC parcel because it made sense. The area east of Bayshore was mostly less intense office use, and changing zoning to SC, which was a more dense use made no sense.

Council Member Morton clarified the P&TC vote was unanimous.

Ms. Packer said that was correct.

Council Member Lytle suggested the Council try to move the item to later in the agenda.

Mayor Mossar said that was possible, but people had to wait until late in the meeting with no certainty of what the Council might do.

Mr. Calonne said if the Council closed the Public Hearing, he asked that it be closed without prejudice to the Council's ability to ask questions of the property owners or others.

Mayor Mossar declared the Public Hearing open.

Jason Peery, Applicant, 1283 Wilson Street, said he had tried since August 2002 to get the project approved. He wanted the LM(D)(3) in order for the site to be consistent throughout. The proposed building was higher than what was originally on the site. The 30 percent coverage was acceptable in order to proceed with the project.

Mayor Mossar clarified the agenda item was for a rezoning and not the processing of an application by the applicant. She asked whether the future applicant had rights of rebuttal.

Mr. Calonne said no, but the Council might ask questions. The Council could reopen the hearing for questions of the applicant.

Mayor Mossar said the Council would leave itself the option of asking questions of the applicant.

Sheri Furman, 3094 Greer Road, understood the P&TC's approval of the change of zoning to LM(D)(3) based on location of FAR designations and urged the Council to think carefully before approving the application. Her concerns were with the ordinances. Regarding the ordinance to amend the land use map from SC to Research Office Park, Section 1 stated, "The Council finds that the public interest, health and welfare of Palo Alto and the region required an amendment to the land use map of the Palo Alto Comprehensive Plan." Neither the public interest nor the health and welfare of Palo Alto were served by more office space. Section 4 stated the new land use would have no significant affect on the environment, which she felt could not be made without an impact study. The staff report (CMR:181:03) stated, "Office and research facilities without sales offices contribute marginally to City resources and its ability to provide services to these facilities." The proposed project would initially yield substantial housing and community facilities fees, but income after that would be minor compared to the cost of services.

John Baca, 484 Oxford Street, said the Council needed to send a message to developers to think creatively and come up with projects that addressed more than office needs.

Bob Moss, 4010 Orme Street, said Palo Alto led the Bay Area in office vacancy, with 30 percent. More offices were not needed. The best use of the space was CS, because there was not enough CS zoning in the area, and CS allowed automotive uses. High intensity, personnel generating, job generating uses should not be encouraged. The application should be denied and return as a rezoning for CS.

Kerry Yarkin, 135 Churchill Avenue, said she was opposed to rezoning 2300 East Bayshore from PC Restaurant to LM(D) zoning for a research office building. The Council was not responsible to help developers rezone property to their advantage. Traffic congestion would be unbearable. The Council was urged to deny the overscale office building.

Bunny Good, P.O. Box 824, Menlo Park, said the staff report (CMR:181:03) indicated the office building would yield \$6,500 in revenue to the City, whereas the restaurant would yield \$35,000.

Mike Alexander, 710 LaPara Avenue, said Mr. Perry made it clear that his intention was to build a 74,000-square-foot office building. Palo Alto did not need office buildings; it needed sales tax generating commercial and residential. The Council was encouraged to vote "no."

Lynn Chiapella, 631 Colorado Avenue, said jobs could not be added to the City without housing. She suggested adding Landscape (L) zoning that would require the applicant put in landscaping that was compatible with the Baylands.

Joy Ogawa, 2305 Yale Street, said the application was identical to a proposal denied by the Council on December 9, 2002. At that time, the applicants brought an application for a PC rezone to build a 100,000-square-foot office building, and staff presented an alternative proposal. Staff recommended an amendment to the Comp Plan Land Use Designation to Research Office Park and a rezone to LM(D)(3), which allowed a merger of the parcel and adjacent parcel with only staff approval. The Council voted "no" to the PC zone and to staff's alternative proposal. The applicants returned with the same proposal. Nothing changed with regard to the concerns voiced by Council at the December 9, 2002, meeting, such as loss of sales tax revenue and jobs/housing imbalance. The amendment was not in the public interest.

Herb Borock, P.O. Box 632, urged the Council to reject the proposed negative declaration and land use and zoning changes. The negative declaration under the Land Use section referred to potential floor area under different land use designations. Floor area entitlements came from zoning rather than land use designations. The nature of the proposal appeared to have been worked out in advance; the original proposal was not serious and not expected to be approved. Staff, rather than the original applicant, came in with the proposal for rezoning.

Mayor Mossar declared the Public Hearing closed, but left open Council's ability to ask questions.

Mr. Calonne said there was no process for applicants to compel a General Plan amendment. The Council was free to ask questions.

MOTION: Vice Mayor Beecham, seconded by Lytle, to continue Council discussion of the item to April 21, 2003, with public testimony closed.

MOTION PASSED 8-1, Morton, "no."

Council Member Morton said he voted "no" because the item was before the Council twice and should be discussed. The P&TC voted unanimously to conform zoning.

Council Member Freeman clarified the action was initiated by the applicant rather than the City.

Ms. Grote said the applicant applied for the rezoning and Comp Plan amendment. The wording in the Zoning Ordinance and Palo Alto Municipal Code (PAMC) required Council initiation of a Comp Plan amendment.

Mr. Calonne said one person did not have the right to compel the Council to consider a Comp Plan amendment by virtue of application.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

MOTION: Council Member Morton, seconded by Beecham, to change Item No. 13 to Item No. 14A on the agenda.

MOTION PASSED 9-0.

Mayor Mossar announced the Closed Session would be heard during the Council's break.

PUBLIC HEARINGS

Mayor Mossar announced that Item Nos. 11 and 12 would be heard concurrently.



11. Public Hearing: The City Council will consider a recommendation by the Planning and Transportation Commission to permanently adopt interim Ordinances No. 4689 and 4690, which expired on March 2, 2003, and may not be extended. These ordinances modified the Neighborhood Commercial (CN) District regulations for the Midtown Shopping District (portions of the 2600, 2700, and 2800 blocks of Middlefield Road, and 700 blocks of Colorado Avenue, Moreno Avenue, and San Carlos Court) and the Charleston Center (portions of the 3900 block of Middlefield Road) to promote neighborhood-serving uses in those areas.



12. Public Hearing: The City Council will consider the Extension of Ordinance No. 4781, which was passed March 3, 2003 on an interim basis. This ordinance prohibits ground floor office uses in the Midtown Shopping District (portions of the 2600, 2700, and 2800 blocks of Middlefield Road, and 700 blocks of Colorado Avenue, Moreno Avenue, and San Carlos Court) and the Charleston Center (portions of the 3900 block of Middlefield Road). The extension will be for a period of 10 months and 15 days, or until a permanent ordinance for these areas is adopted, whichever is shorter.

Chief Planning Official Lisa Grote reviewed the project descriptions contained in the staff reports (CMR:234:03 and CMR:227:03). She said the recommendation was to introduce the permanent ordinance changes for both the Midtown and Charleston Shopping Centers, which limited office use to a certain percentage in the Charleston Shopping Center and to a certain size in the Midtown Shopping Center. The second action was to continue the interim restrictions on any new office in both the Charleston and Midtown Centers.

Mayor Mossar declared the Public Hearing open.

Annette Ashton, 2747 Bryant Street, said residents were concerned about shopping, traffic, and development. The Council was asked to approve the staff recommendations. The Midtown Residents Association (MRA) worked closely with the business owners to best discover how to work together to promote a more vital center and encouraged members to shop and dine locally.

Sheri Furman, 3094 Greer Road, MRA Traffic Chair, pointed out that parking in Midtown was tight. Office space would result in overflow parking onto the local streets. The Council was urged to pass the ordinances.

Jean Olmsted, 240 W. Charleston, said neighborhood shopping centers were an important part of her vision of a livable Palo Alto. She supported both the permanent ordinances and the temporary ordinance. When the Zoning Ordinance was completed, she wanted to see included an additional incentive to bring useful retail to the shopping centers.

Mayor Mossar declared the Public Hearing closed.

MOTION: Council Member Ojakian moved, seconded by Freeman, to approve the staff and Planning and Transportation Commission recommendation to:

1. Introduce the ordinance (Attachment A of CMR:234:03) making permanent previously adopted interim ordinances promoting neighborhood-serving uses in the Midtown Shopping District;
2. Introduce the ordinance (Attachment B) making permanent previously adopted interim ordinances promoting neighborhood-serving uses in the Midtown Shopping District; and
3. Extend Ordinance No. 4781, which prohibited new ground-floor office uses in the Charleston Center and Midtown Shopping District on an interim basis, by adopting the ordinance (Attachment A of CMR:227:03) by a four-fifths vote.

Ordinance 1st Reading entitled "Ordinance of the Council of the City of Palo Alto Amending Title 18 of the Municipal Code to Add Section 18.41.037 Preserving and Supporting Ground-Floor Neighborhood-Serving Uses in the Neighborhood Commercial (CN) District at Midtown Shopping District (Portions of the 2600, 2700 and 2800 Blocks of Middlefield Road, 700 Blocks of Colorado Avenue, Moreno Avenue, and San Carlos Court)"

Ordinance 1st Reading entitled "Ordinance of the Council of the City of Palo Alto Amending Title 18 of the Municipal Code to Add Section 18.41.035 Preserving and Supporting Neighborhood-Serving Uses

in the Neighborhood Commercial (CN) District at Charleston Center (Portions of the 3900 Block of Middlefield Road)”

Ordinance 4783 entitled “Ordinance of the Council of the City of Palo Prohibiting New Ground Floor Office at Charleston Center (Portions of the 3900 Block of Middlefield Road) and at Midtown Shopping District (Portions of the 2600, 2700, and 2800 Blocks of Middlefield Road, 700 Blocks of Colorado Avenue, Moreno Avenue, and San Carlos Court) on an Extended Interim Basis Pursuant to Government Code Section 65858 by Extending Ordinance No. 4781 to TAKE EFFECT IMMEDIATELY”

MOTION PASSED 9-0.

Mayor Mossar announced that the Closed Session Item No. 15 would be moved forward ahead of Item No. 14.

CLOSED SESSION

The meeting adjourned at 9:03 p.m. to a Closed Session.

15. Conference with City Attorney -- Potential /Anticipated Litigation
Subject: Written communication threatening litigation against the City of Palo Alto by Service Employees International Union
Authority: Government Code sections 54956.9(b)(1) & (b)(3)(C)

The City Council met in Closed Session to discuss matters involving potential/anticipated litigation as described in Agenda Item No. 15.

Mayor Mossar announced that no reportable action was taken on Agenda Item No. 15.

The Closed Session adjourned at 9:15 p.m. and the City Council meeting was reconvened.

14. Approval of an Ordinance Restricting New Development Along Charleston-Arastradero Road Corridor Pending Implementation of Traffic Plan

Director of Planning and Community Environment Steve Emslie said staff proposed restricting approvals on projects within a quarter mile radius of the Charleston-Arastradero Road Corridor. The Corridor Traffic Plan (the Plan) addressed traffic, bicycle, and pedestrian safety concerns. The Plan had a decidedly transportation orientation that addressed vehicular and other modes of transportation. The Corridor contained a number of community facilities such as parks, recreation, playing fields, and a large number of public and private

schools. As a major school commute route, the corridor had special needs to deal with the increased traffic generated. Every opportunity would be taken to integrate amenities such as landscaping and street trees in the Plan. The timeline was aggressive with the Plan proposed to be completed within six to nine months.

Chief Transportation Official Joe Kott said the Plan created capital improvement projects that addressed the current and future traffic situations. The intent of the Plan was to look at east/west movements along Charleston and Arastradero Roads that carried children and others to important public sites, such as schools.

Council Member Morton said if the basic rationale was to examine school commute corridors, the East Meadow/West Meadow Corridor was absolutely central to the flow of schools. He questioned the impact of making the area one third or one half a mile rather than one quarter mile.

Mr. Kott said staff could change the corridor but noted that the Plan was an implementation of the residential arterial mandate in the Comprehensive Plan (Comp Plan).

Council Member Morton clarified that when the Albertson project came before the Council, some of the same questions would be raised, such as impacts on East and West Meadow Roads and the school commute.

Mr. Kott said staff's view was the work undertaken to analyze the project would answer the questions. Staff felt the impact of the Albertson project with regard to school commuting was not significant

Council Member Lytle clarified staff's parameters for the Plan included a look at cumulative impacts of future development in the corridor.

Mr. Kott said that was correct.

Council Member Lytle assumed staff would look at measures to handle traffic along the corridor based on growth assumptions within the corridor.

Mr. Kott said that was correct. In order to plan transportation improvements for the future, staff needed to make assumptions about future traffic growth. Those assumptions were impossible to make without making further assumptions about land use changes in the future that impacted traffic.

Council Member Lytle asked whether the Council should decide the scenarios and assumptions that fed into the corridor analysis.

City Attorney Ariel Calonne said the Council should be turned to as the policy makers. He understood staff's approach was to use the Comp Plan density ranges as the basis for traffic projections. The Council had the prerogative to decide different parameters than what was in the Comp Plan.

Council Member Lytle said the Comp Plan never assumed conversion of East Bayshore to residential. The Council's assumptions for land use in the Comp Plan had to do with an employment district. Comp Plan assumptions were no longer serving the City because the Council saw changes that were different than what was assumed in the Comp Plan.

Mr. Emslie agreed that the change of the Sun Microsystems site from employment to residential was a major change and one of the major reasons for looking at the situation. Staff had no concern with returning to the Council with a discussion of how assumptions were made.

Council Member Lytle asked whether staff was familiar with Exhibit T-9 in the Comp Plan, which showed the commercial growth areas to be evaluated and monitored, when staff looked at the need to make assumptions about the Charleston corridor. Alma Street was included as one of the key commercial monitoring sites for the Charleston Road residential arterial.

Mr. Emslie said the fact that Alma Plaza was not included in the moratorium area did not mean that its impacts would not be studied. Staff's opinion was that it was not necessary to hold up the entire process because a small shopping area would be revitalized and housing would be added.

Mr. Kott said in order to project traffic in the future, staff had to project traffic citywide.

Council Member Freeman clarified there would be design alternatives showing, for example, how to improve the corridor with existing land use, slow growth, and highest density growth.

Mr. Emslie said that was correct. Traffic modeling involved different scenarios that staff wanted to test. Staff was willing to bring those back to get Council direction, especially on the Sun Microsystems site because that was a major land use change that was not anticipated in the Comp Plan.

Council Member Kleinberg asked what the impact was on housing proposed for the Sun Microsystems site and the Campus for Jewish Life (CJL).

Mr. Emslie said he understood from conversations with representatives of Bridge Housing and CJL that the Bridge Housing proposal was approximately 120 days away from making an application. A prescreening was allowed under

the moratorium, which might be a good avenue to discuss land use assumptions and get policy direction from the Council. Staff was confident that the timing worked well with the two proposals.

Council Member Kleinberg asked how long the study would be extended if the Council decided to include Alma Plaza and the East Meadow Corridor.

Mr. Emslie said the extension meant adding another whole corridor. Including the East Meadow Corridor doubled the design work and analysis that needed to be done.

Mr. Calonne said when adding either scope of work or exemptions, the process-expanded expedientially. The estimate of doubling the time for East Meadow was conservative.

Council Member Kleinberg asked whether the effect of a moratorium on the two nonprofits trying to raise money from lenders and donors was taken into consideration.

Mr. Emslie said staff was not insensitive to the needs of the nonprofit community. The driving force was to get a handle and do the proper planning for the Charleston-Arastradero Road Corridor.

Vice Mayor Beecham clarified Mr. Emslie said prescreening at the Council level was possible.

Mr. Emslie said that was correct.

Vice Mayor Beecham clarified the wording in Section 2 of the Ordinance talked about projects not being able to be formally considered by the City or any officer or employee. He asked whether that would not prohibit prescreening of a project by the Council.

Mr. Calonne said that was correct. Mr. Emslie asked that staff convey the thought that the Council, Boards and Commissions, or City Staff would not confer final approvals, but that action short of the public process could go forward. The language might need wordsmithing. Staff included a provision in the ordinance that allowed interpretations by the Planning and Community Environment Director and City Attorney. Meadow Road was not a residential arterial. The point of the study was to look at the design improvements that would happen on Charleston Road, which was a designated residential arterial.

Council Member Kishimoto said the Ordinance included wording about minimizing traffic and not diverting traffic onto local neighborhood streets. She imagined one worry was diversion onto Meadow Road.

Mr. Kott said staff would look at the change in traffic volumes on parallel and cross streets with the implementation of any changes in the design of Charleston-Arastradero Road Corridor. Staff would try to predict traffic shift.

Council Member Kishimoto asked what set of assumptions would be fed into the model.

Mr. Emslie said staff wanted to have the land use assumptions flow from the assumptions that were made in the Comp Plan EIR for the site. Staff took the position it would not support a project on the site that exceeded the levels of traffic assumptions that were made.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

MOTION: Vice Mayor Beecham, seconded by Morton, to continue Item No. 14a to the regular April 21, 2003, City Council meeting.

MOTION PASSED 8-1, Freeman "no."

CONTINUED DISCUSSION OF ITEM NO. 14

Shelley Hebert, 3714 Redwood Circle, Executive Director for Campus Development, Campus for Jewish Life (JLC), expressed support of the Council's recommendation to discontinue processing land use approvals in South Palo Alto while a major study of the Charleston Road Corridor was undertaken. The Jewish Community Center (JCC) understood the importance of a comprehensive assessment of development plan for South Palo Alto. The JCC, along with Bridge Housing, would provide a more detailed statement of support, as well as a \$20,000 contribution toward the completion of the Charleston Road Traffic Study. The JCC requested that the City consider important modifications to its proposed action. For the prior four years, the JCC was engaged in a daily struggle for its existence and ability to continue providing services to the children, families, youth, and senior citizens of Palo Alto. Following termination of its lease at Terman Middle School, the JCC went to the Cubberley Community Center. The temporary solution allowed the JCC to continue to provide services, but other essential programs were eliminated due to inadequate facilities. The only hope for the JCC's future and the future of a privately funded community center in South Palo Alto was development of a new and permanent home for the JCC at 901 San Antonio Road. She urged the Council to provide support for the JCC and Bridge Housing by favorably considering two modifications to the moratorium proposal: (1) the Council should allow the JCC and Bridge to proceed with preliminary review of site and building plans, with the understanding that California Environmental Quality Act (CEQA) determinations with respect to traffic could not be finalized until the Charleston Study was

completed; and (2) the City should require completion of the Traffic Study within 6-9 months.

Lydia Tan, Executive Vice President of Bridge Housing Corporation, 1 Hawthorne Street, San Francisco, submitted a letter to the Council. She was interested in seeing a long-range, big picture approach to Charleston Road. She had concerns about the wording in the ordinance that indicated that the 6-9 months mentioned by Mr. Emslie could be expanded to 18-36 months. Bridge Housing looked at providing up to 80 units of affordable housing if it could get the financing. She encouraged the Council to vote to change the ordinance in terms of timing. A check in the amount of \$20,000 to kick-start the process of the Traffic Study was given to the City Clerk.

Mayor Mossar read into the record comments from Grace Pariente, 4013 Ben Lomand, who had to leave the meeting. Ms. Pariente supported delaying approval of large-scale housing projects in South Palo Alto until a more comprehensive understanding was achieved regarding the impact on the Charleston Corridor.

John MacMurray, 4238 Los Palos, encouraged the Council to approve the moratorium, noting that there were two parcels at Arastradero Road and Hetch Hetchy that would come up in the future for high density housing. Traffic created major problems at the current time.

Blake Putney, 263 Whitclem Avenue, supported the study and moratorium, which provided the City with a unique opportunity to solve many overt development and jobs/housing imbalances. Creative ideas that could be implemented included converting commercial sites east of Bayshore Highway into planned communities that could be built on low cost, unused office space.

Tom Vician, Fair Meadow Neighborhood Association President, 3763 Redwood Place, read a letter into the record from the nine neighborhood and community associations of South Palo Alto, all contiguous or adjacent to the corridor. The letter indicated the Hyatt Final Environmental Impact Report (FEIR) did not adequately address the cumulative impacts of pending developments along the Charleston-Arastradero Corridor. The Charleston-Arastradero Corridor formed the busiest school/commute corridor in Palo Alto with unsafe conditions for students who used the roads. The Associations supported the staff recommendation for a full study of the cumulative impacts of planned developments along the Charleston-Arastradero Corridor with a freeze on development pending completion of the study.

Penny Ellson, Civic Affairs Committee for Green Meadow Community Association (GMCA) Co-Chair, 513 El Capitan Place, said GMCA worked with the City for nearly 25 years regarding the safety of the critical South Palo Alto

Corridor, and its activity stepped up during the prior eight years with close involvement on specific projects including development of the Charleston Road Traffic Management and Safety Study. Approximately 40 Green Meadow residents appeared at a City meeting regarding traffic impacts of the Challenger School expansion on the Nelson/Charleston intersection crosswalk. Charleston Road safety mattered to Green Meadow. The Council was urged to approve the proposal.

Myllicent Hamilton, 4014 Ben Lomand, said the Charleston-Arastradero Corridor served more schools than any other streets in Palo Alto. Most accidents along the Corridor occurred during the morning commute when students went to school, with high peaks at 3 p.m. and 6 p.m. The Council was urged to approve the ordinance implementing the Charleston-Arastradero Corridor Traffic Management Safety Plan because many of the safety issues on Charleston Road had not been adequately addressed.

Rich Ellson, 513 El Capitan Place, referred to Table 40 on page 402-204 in the Comp Plan, which looked at development levels that were the high end of what was proposed and envisioned in the Comp Plan. Many schools were not anticipated to be moved to the corridor, which represented 1,400 students added in the near future. The proposed future change for the Charleston-Arastradero Corridor, compared to the Comp Plan high end, included an additional 700 dwelling units, 320 hotel rooms, and 1,400 students.

Keri Wagner, 311 Edlee, said people did not feel comfortable walking in the area at the present time. The Council was asked to fully study the cumulative traffic effect of the developments and limit the increase in traffic to keep South Palo Alto and Charleston Road walkable. The study should move ahead as quickly as possible but not hastily because shortcuts in haste could lead to unreliable conclusions.

Deborah Ju, Charleston Meadows Association President, 371 Whitclem Avenue, thanked staff for taking the initiative to study the cumulative impacts of upcoming development along the Charleston Corridor. The Comp Plan projected a 2 percent annual growth rate spread throughout the City. The high growth projection for the Hyatt property was a 100-unit residential suite hotel and 150 housing units. No growth for the Elks Club site was projected. The reopening of Terman School, the opening of Challenger School, and redevelopment of Alma Plaza were not predicted. The Hyatt and Elks Club sites could add approximately 500 housing units. The projects would impact Charleston and Arastradero Roads, which formed the busiest school/commute corridor in the City. The study recommended by staff should move forward as expeditiously as possible. The study focused on ways to improve the flow of traffic without addressing how much more growth the residential arterial and school/commute

corridor could absorb. Growth capacity and cumulative infrastructure impacts could not be ignored.

Bob Gillespie, 384 Whitclem Drive, said the automobile proved to be the largest contributor to air pollution. Major roads such as El Camino Real, Charleston Road, Alma Street, and San Antonio Road surrounded his neighborhood. Increasing traffic on those roads created back ups and increased the amount of pollutants released into the air. Bike travel on Charleston Road at the El Camino Real intersection was hazardous. Gunn High School recently reconfigured its traffic and bike lanes to add a bike lane in front of the school. The lane changes and additions on Arastradero Road at Gunn High School showed that good planning could help traffic problems. The time was now to look at the Charleston Corridor to plan and correct the safety hazards caused by the now and future traffic.

Joe Rolfe, 1360 Emerson Street, said there was a housing crisis in Palo Alto. Few City Police and Fire personnel lived in the Palo Alto. Many people did not want to see more housing built in Palo Alto. The moratorium delayed development.

Diane Rolfe, 1360 Emerson Street, said there was a need for diversified and affordable housing for senior citizens, but houses were also needed. The moratorium should not be supported because it was an anti-housing roadblock. There was an increasing imbalance between jobs and housing in Palo Alto. The moratorium did not have the public notification that was needed in a democracy. Added housing would decrease traffic and congestion and improve the environment and quality of life for the residents.

Arthur Keller, 3881 Corina Way, said hundreds of housing units would be built, and the closest place for people to shop was the Alma Plaza. Alma Plaza should be included in part of the study. The intersection of Alma Street and Charleston Road was impacted during the afternoon commute because traffic backed up to East Meadow Road. There was an impact on schools by adding more students. The Council was encouraged to vote in favor of the moratorium and to include Alma Plaza in the study.

Jean Wilcox, 4005 Sutherland Drive, said her neighborhood, Charleston Gardens, was located in the southeast corner of Palo Alto, bounded by East Charleston, Middlefield Road, and San Antonio Roads. The possible land reduction to East Charleston Road and the increased traffic generated from 380 additional housing units would create an impact to the neighborhood. Staff was asked to consider the effects of cut through traffic into adjacent residential neighborhoods.

Jay Hammer, 3512 Ramona Street, urged the Council to adopt the proposed ordinance establishing a moratorium on new development along the Charleston Corridor pending implementation of a traffic plan. He said it was vital to include Alma Plaza in the list of projects that would be on hold because of the strong linkage between Charleston and East Meadow Roads. The study needed to address the cumulative impacts of all significant developments being presented to the City. The developments of Rickey's Hyatt, the Elks Lodge, and the JCC would have a significant impact on traffic within the Charleston Corridor because of the increased number of people living and working at the sites. Alma Plaza, with its new stores and services, would have an impact. The moratorium should apply to all projects that increased impacts on the corridor.

Wilson Wendt, 1331 N. California Boulevard, Walnut Creek, Attorney for Hyatt Corporation, opposed the moratorium. He questioned whether the Council had the legal authority to adopt the moratorium. Hyatt was the only entity directly impacted by the moratorium. The moratorium was an unusual type of mechanism in land use planning. Hyatt wanted to move ahead and have its project considered. The best way to mitigate the impacts on the Charleston Corridor were through consideration of the Hyatt FEIR and implementation of the mitigation measures through the conditions of approval. There was no new information or evidence in the record showing there was an emergency situation that threatened the public health, safety, and welfare. The Hyatt project had a substantial element of multi-family housing. Government Code Section 65858 was the only way the Council could adopt a moratorium.

Martin Stone, 260 El Verano Avenue, directed the Council to a map showing Charleston Road, Alma Street, and the arbitrary 440-yard boundary. The Council was urged to include Meadow Road. The Meadow and Charleston Caltrain intersections needed to be considered as a single intersection. If the Transportation Department excluded Meadow Road from the analytical model, Alma Street traffic would not ever be successfully improved. The Alma Plaza process included a demand from Albertson's that it get a new traffic light. Based on models, the new traffic light was a difficult integration. Planning Engineer Carl Stoffel indicated that the integration might occur six to twelve months after the Albertson project was completed. Because of flaws in the design process, proposed a cut in the raised median to permit Stanford Villa Apartment alternate forms of access to Alma Street.

Bob Moss, 4010 Orme Street, urged the Council to adopt the moratorium. The Council was legally allowed to adopt a moratorium. A comprehensive view of the entire corridor allowed the City the ability to determine the true capacity of Charleston Road. Looking comprehensively at the potential users could redistribute carrying capacity. The report should include a statement at the end that there would be limits after the improvements were made.

Tom Fischer, 645 Channing Avenue, submitted a letter from John Ellman of Greenacres. He said the ordinance and moratorium came out of the Hyatt project. The current EIR was the tool to use in addressing traffic. Prior to voting for the ordinances, questions needed answers, such as who would pay for the study, what would the study cost, would the cost of the study be a wise use of City funds and staff time, and how could such a study be adequately defined when a definitive project for the Elks Club had not been decided by the property owner. The EIR was the method to address impacts from development. He urged the Council to make a decision against the moratorium.

Sally Probst, 735 Coastland Drive, said she saw two advantages to the study: (1) it gave the City some facts to answer the neighborhoods who were opposed to any development at Hyatt Richeys; and (2) it helped with mitigation with a nexus background for a substantial transportation impact fee. Questions were raised about timing of the moratorium, the impact on housing, and the Housing Element.

Jeff Richardson, 220 Ventura Avenue, urged the Council to oppose the study because the EIR was the best way to mitigate traffic problems for any of the projects. The City could better use the money for schools or other useful purposes.

Anne Cribbs, 2450 Agnes Way, said the Hyatt project was good and provided needed housing and an updated hotel. She requested the Council consider the ramifications of the proposed ordinance and what another delay meant for Hyatt. Hyatt was not opposed to the traffic study and was interested in the safety of school children. If the Council chose to approve the moratorium, she requested it be approved to a time certain, no later than December 2003. Hyatt looked forward to continuing to work with the City and community to shape a project in which everyone would be proud.

Mark Solit, Hyatt Richeys representative, said Hyatt had been in discussion with City staff and neighbors for the prior several months. The City Planner asked Hyatt approximately one month prior if Hyatt would look into specific improvements to the corner of Charleston Road and El Camino Real. Improvements were looked at and considered, and Hyatt was ready to implement improvements to the corner. Hyatt was ready to have its project reviewed and ready to pay for and implement a number of improvements on the corridor. The FEIR was completed after four years of work and was ready for review. A time certain on the ordinance was requested.

Lee Wieder, 637 Middlefield Road, was concerned about safety of Palo Alto's streets, especially for children who walked or bicycled. He said he read the Charleston Road Corridor Traffic Management and Safety Study, completed by the Project Advisory Group (PAG). The study did not address how many school

children walked or rode bicycles, whether accidents occurred during the peak time when children went to school, or where in the corridor the accidents happened. Of the projects and programs mentioned in the study, he asked whether the following two had been implemented since the study went to the Council on April 9, 2001: (1) increase the enforcement of traffic laws; and (2) develop enhanced adult supervision commuting to school through increased involvement of parent volunteers as well as City crossing guards. Answers to the safety questions would update the study and should be completed within six months. While the scope of work for a new study was suggested by staff to include urban design amenities and landscape, that was not the reason for an emergency growth moratorium that could take up to three years to implement and cost the City \$200,000 during a budget deficit crisis. Education and enforcement was the message rather than a moratorium.

Heather Trossman, 769 Garland, was concerned the ordinance was released late the prior Thursday, and the Government Action Council of the Chamber of Commerce was unable to study it to make a recommendation to the Chamber Board. The Charleston Corridor traffic situation was a large problem that needed to be carefully studied with mitigating measures. An outright moratorium on all development was draconian and unnecessary. The moratorium was a veiled attempt to put a halt to Hyatt Rikeys and implement a no growth situation. She hoped there would be a chance for the Chamber and other members of the business community to provide public testimony the following week. She urged the Council to vote against the moratorium.

Josue Garcia, represented Building Trades Council in Santa Clara County, 2102 Almaden Road, San Jose, said construction workers needed jobs. The ordinance would keep members from working. He urged the Council to speed up the process and to build affordable housing.

MOTION: Vice Mayor Beecham moved, seconded by Burch, to approve the staff recommendation to adopt the ordinance (Attachment A of CMR:237:03) restricting new development along the Charleston-Arastradero Road Corridor for a limited period of time, pending implementation of the Charleston-Arastradero Road Corridor Traffic Management and Safety Plan (Traffic Plan). Furthermore, to add: 1) study to be completed in nine-month timeframe with the ordinance to expire January 31, 2004, with an option that the Council could extend; 2) change section 2, subsection 1 to specify that the study will include projects within one-half mile of the Charleston Corridor along Alma Street 3) clarify section 2 that the Council can do prescreenings on projects within the study area; and 4) to create an Oversight Committee consisting of three Council Members to be appointed by the Mayor.

Ordinance 4784 entitled "Ordinance of the Council of the City of Palo Alto Declaring Council Policy to Implement the Charleston Road Corridor

Traffic Management and Safety Study Before Permitting Additional Traffic Generating Development Projects in the Charleston Road Corridor and Declaring the Urgency Thereof

Council Member Burch said the action by the Council was not an attempt to halt the project at Hyatt Richeys.

Council Member Lytle said she was not predisposed to changing regulatory conditions overnight. She liked to make regulation with long, deliberative, Palo Alto style process, but the regulatory environment had become uncertain and unpredictable. What was before the Council was as much about growth and increased traffic capacity as it was about traffic management and safety. There was a tension between the two objectives, and the residential arterials did not have unlimited traffic capacity for growth. The objectives for affordable housing were in tension with the desire to preserve the safety and livability and drivability of the residential arterial. The Council needed to confront policy level decisions in order to provide certainty in the community and to get the housing objectives that were wanted. A concern was that the Council deferred facing some of the tensions. She did not want to see the Council delegate aspects of the study to a subcommittee when it was the majority of the Council that made the tough tradeoffs. The Council needed to show leadership in the policy making that started to set certainty for all the landowners and residents in the community and not defer or delegate the Council's role as policy makers.

Mr. Calonne said he was not comfortable with an oversight committee.

City Manager Frank Benest said growth assumptions were included in the Comp Plan. Staff was ready to go and did not need Council involvement until the study went forward.

Director of Planning and Community Environment Steve Emslie said there were changes to land uses that were not anticipated and had to go to the Council for policy direction. Staff's view was that could be done through the prescreening process.

Vice Mayor Beecham said the oversight committee's responsibility was to work with staff, and it had the ability to report to Council with recommendations.

Council Member Lytle did not think intensive oversight of the process was necessary. Policy parameters and assumptions needed to be set up front in a study session or decision-making committee of the whole to direct staff. The Comp Plan left room for interpretation. The Council needed to grapple with the issue openly and publicly as parameters for the study were set.

AMENDMENT: Council Member Lytle moved, seconded by Freeman, to change the fourth bullet to direct staff to prepare alternatives for consideration by the Council before the Corridor Study is commenced and the City Council sign off on the land use assumptions and alternatives being used to design the increased capacity for the Corridor.

Council Member Freeman agreed that one of the hardest topics the Council had to come to grips with was the issue of growth. Growth was often clouded with traffic, affordable housing, office, and protocol. The community had different views on growth. The Council needed to set policy on what it thought the community wanted.

Vice Mayor Beecham said as he looked at the Scope of Work in Attachment B of the staff report (CMR:273:03), his colleagues misinterpreted what was being done. He did not see there was a need for staff to make estimates of potential maximum densities nor that staff made gross interpretations of the Comp Plan or other issues.

Council Member Kishimoto said the staff report (CMR:273:03) was more ambiguous than the Scope of Work and referred to existing and future land use without specifying what future applications were included. During discussions with staff, it appeared that staff intended to stick with the Comp Plan figures. There was ambiguity as to what would be studied. She suggested staff prepare by the following week what it meant the Comp Plan would allow along the corridor.

Mr. Calonne said to the extent the Council wanted to convert the Charleston Corridor into a land use study, which was something different than what staff proposed. Council Member Lytle was correct that there were land use assumptions and implications. The Council needed to provide direction to staff to check back with the Council at appropriate junctures along the way.

Mr. Benest said the staff proposal was in Exhibit B of the staff report (CMR:273:03) and was not a land use study. He wanted to be concise with the organization, community, and property owners that staff was clear about what type of study and implementation plan were discussed.

Council Member Kishimoto said the question was how much new traffic did the Council try to enable as a goal for the study. Adding turn lanes and increasing road width could increase traffic. One of the overall goals was to increase the safety of children. She wanted to see a table showing the number of expected trips to accommodate on the corridor and a comment added about the issue of the liaison. There was value with a study liaison group that would not have authority but could be the judge of when an issue might be controversial and be brought to the Council.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF MAKER AND SECONDER to delete the Oversight Committee from the motion and replace to specify that staff return the issue to the Council within two months as staff deems appropriate to confirm with Council policy direction.

AMENDMENT WITHDRAWN BY MAKER AND SECONDER

Council Member Kleinberg said responsibility and accountability for joint oversight should not be delegated to any liaison. The open-ended portion of nine months or an extension was concerns. Residents and property owners wanted certainty. Including the East Meadow Corridor was important.

AMENDMENT: Council Member Kleinberg moved, seconded by Morton, to include the East Meadow Corridor.

Mr. Emslie said adding another corridor added time to the project.

Mr. Benest said time and cost were added to the project. Staff talked to the property owners and applicants when the proposal was made.

Council Member Kleinberg said she would like a time certain and time for nonprofits to raise money. She asked whether the project could be phased in a way that made sense.

Mr. Benest suggested a focused study that was time limited and doable.

Council Member Kleinberg clarified the East Meadow Study could dovetail off the Charleston Study.

Mr. Benest said staff would include studying impacts off Meadow Road in terms of the Charleston Corridor wherein they were related. A moratorium on East Meadow Road was not proposed nor was a separate Corridor Study on East Meadow Road.

Mr. Calonne said Charleston Road was a residential arterial, which Mr. Kott said carried twice the volume as Meadow Road. There was no basis in the Comp Plan to return with improvement features to change Meadow Road. The moratorium would result in a changed design for Charleston Road.

Council Member Kleinberg clarified staff reflected the interest of some of the Council Members in including current data and projections as well as cross over traffic and school traffic safety as it might be impacted by East Meadow Road.

Mr. Emslie said that was correct. The traffic data was important to the Charleston Study.

Council Member Kleinberg said there was no disagreement that the Council needed to make sure that East Meadow Road continued to be safe and made safer for pedestrians and bicycle riders.

AMENDMENT WITHDRAWN BY MAKER AND SECONDER

INCORPORATED INTO MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the first bullet to remove words "with option to extend."

Council Member Kleinberg said it was important to send a message of a definitive time frame to the community, residents, and property owners. She wanted to see affordable housing in the community and felt there were important policy questions, which had not been taken up that related to how growth was allocated and distributed in town.

Council Member Burch said the two major entities, Hyatt and JCC, and the neighbors indicated they were willing to go with the moratorium if it were done in a timely fashion.

Council Member Morton said the success of the study was that it had positive impacts on Meadow Road. The Council made it clear to staff that the study had to return and be clear that the whole area was improved. He supported the moratorium with the understanding that East Meadow Road would not be ignored by the study.

Council Member Ojakian said he had questions that needed to be answered. The letter from Mr. Wendt, dated April 14, 2003, suggested legal questions, which he wanted the City Attorney to respond to. Part of the reason for doing the ordinance was there were projects in the process that could come forward and be legally challenged. Traffic transportation information was helpful to have to justify Council action because of the changes. Revenue impacts were needed. The City would not necessarily lose projects, but the projects might move forward slower. He was concerned about projects, such as the JCC and Bridge where there was a chance for affordable housing. The window for affordable housing might close before Council took action. Alma Plaza was a concern because it should go to the Council based on its own facts. Traffic in the Charleston Corridor was a concern that went back to when a hotel overlay zone was proposed for the Hyatt Rikeys site that would have added 600,000 additional square feet. He was opposed to that because he considered Charleston a de facto school/commute corridor.

Mayor Mossar understood the interest and notion of wanting to understand how the Corridor worked and wanted to make sure it was a safe corridor. She felt the Council would be uncertain about where it should go and what was

appropriate. The goal was something everyone could embrace, but the question was what was the vehicle to get to the goal. She believed that in January 2004, the Council at that time would have a hard choice before it. Studies had been done in the corridor, but it was not enough.

Council Member Lytle said a comprehensive study of the corridor would not slow the process. The Council needed to step back and look at the situation as a whole. She was optimistic that the process would allow the Council to finally grapple with the issues and give firm direction and leadership.

Council Member Kleinberg said she was interested in the City Attorney's response to Council Member Ojakian's question about legal arguments made on behalf of one of the property owners.

Mr. Calonne said he respectfully disagreed with Mr. Wendt. The biggest concern was unreasonable process and delay. He was confident the action was lawful.

Council Member Freeman said the Council attempted to get closer to making hard choices, mostly about growth. Some people might see the Corridor Study as a veiled attempt to slow growth or new projects; others might see the study as a veiled attempt to create opportunity for higher density growth. The Council had to weigh property rights of people who owned and wanted to develop their properties, as well as neighborhood rights for people who lived in the area. The Council's job was to provide policy direction to staff. Her concern was that time and money were wasted having staff move forward with what it believed were policy directions. The Council needed to set the policy directions. She wanted to see staff come to the Council for policy direction without staff wasting a lot of time thinking up policy direction that might be challenged.

MOTION PASSED 9-0.

REPORTS OF OFFICIALS

14A. (Old No. 13) Schedule for Phase 2 of the South of Forest Avenue Coordinated Area Plan and Impacts on Other Planning Division Work Items and Related 800 High Street Referendum Issues

ITEM CONTINUED TO APRIL 21, 2003.

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Council Member Freeman noted that Patricia Briggs was named "Woman of the Year" for the 21st District and requested the meeting be adjourned in her honor.

FINAL ADJOURNMENT: The meeting adjourned at 12:27 p.m. in honor of Patricia Briggs, the Director of the Children’s Theatre for the City of Palo Alto, who was awarded the distinction of “Woman of the Year” for the 21st District.

ATTEST:

APPROVED:

City Clerk

Mayor

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.