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FINAL ADJOURNMENT: The meeting adjourned at 11:30 p.m.486

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 5:30 p.m.

PRESENT: Beecham, Burch, Freeman, Kishimoto, Kleinberg, Morton
(arrived at 5:40 p.m.), Mossar, Ojakian

ABSENT: Lytle

SPECIAL MEETING

1. Interview of Candidates for the Human Relations Commission

No action required.

ADJOURNMENT: The meeting adjourned at 5:55 p.m.

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, Kishimoto, Kleinberg, Lytle, Morton, Ojakian

ABSENT: Mossar

1. Public Hearing: The City Council will consider at a public scoping meeting the potential impacts to be addressed in the Environmental Impact Report for the Development Agreement between the City of Palo Alto and Stanford University. The Development Agreement would allow an athletic fields complex (3 fields with parking) on the Mayfield site located at the northwest corner of El Camino Real and Page Mill Road. In return, Stanford would receive vesting for 100,000 square feet of new development in the South Research Park. To offset the loss of potential housing on the Mayfield site, Stanford would build a minimum of 250 housing units on six sites in the City (on California Avenue and El Camino Real) currently occupied with 312,000 square feet of R&D/office development. Stanford would receive vested rights to replace 200,000 of that square footage in the South Research Park and to construct the 250 housing units.

Vice Mayor Beecham noted that Mayor Mossar was not participating in the Public Hearing due to a conflict of interest because her husband is employed by Stanford University.

Director of Planning and Environment Steve Emslie gave an overview of the project outlined in Attachment C of the staff report (CMR:459:03). He noted the scoping session was an optional step in the California Environmental Act (CEQA) process. It was used to allow the community to voice their issues and would be taken into account in preparing the environmental document.

Chief Planning Officer Lisa Grote gave a brief overview of the Environmental Impact Report (EIR) process outlined in Attachment B of the staff report. The Notice of Preparation (NOP) was sent out to public agencies on August 25, 2003, giving them an opportunity to comment on the project. Comments were available for public's review and comment during the meeting on areas they felt the environmental document should cover. EIP Associates of San Francisco was hired to draft the EIR. Comments were compiled into a Draft Environmental Impact Report (DEIR), which was circulated for 45 days allowing public agencies and residents to comment. The Planning and Transportation Committee (P&TC) met during the 45-day

period to hear and comment on the draft. Comments were given to staff and the consultant to prepare a response. The final EIR was completed after the public reviewed the response. A Hearing was held by P&TC to review the Final EIR (FEIR) and the Development Agreement. Comments and recommendations were forwarded to Council for final review and action.

Vice Mayor Beecham declared the Public Hearing open.

John K. Abraham, 736 Ellsworth Place, expressed concerned about the noise aspect in the EIR and the inadequate noise mitigation for housing.

Audrey Sullivan Jacobs, 1437 Dana Avenue, Chamber of Commerce, questioned the timeline and urged to expedite process.

Herb Borock, P.O. Box 632, said he was pleased Council Member Kleinberg could now participate in Stanford matters. He appreciated written comments could be submitted for the next ten days, but questioned how the public would be advised of that fact.

Jeanette Marquess, Co-Chair of the Got Space Committee, 806 Los Robles Avenue, spoke regarding the inadequate number of playing fields, which had a minor environmental impact. The public of Palo Alto needed the project to be moved ahead quickly.

John Fredrich, 210 Homer Avenue, #3, stated his concern about the proposed fast track impression, as the project needed to be done carefully. Everything that Stanford did had a cumulative effect in Palo Alto.

Betsy Allyn, 4186 Willmar Drive, stated bypassing standard procedures was not a good idea. The fields would revert to Stanford in 50 years when there was not any available land left. It would be more advisable to look for three sites in various parts of the City and purchase them.

Paul F. Garrett, 890 California Avenue, stated it looked like a good idea for soccer fields and 250 units of housing with 50 below market rate (BMR) units, which was a big deal in Palo Alto.

Kathy Durham, 2039 Dartmouth Street, noted the intent of the meeting was with regard to the EIR. She spoke regarding land use and compatibility with adjacent land. She urged the City to look at access and traffic and level of service on roadways to avoid further use of El Camino Real.

Joy Ogawa, Yale Street, hoped there would be more opportunity to speak on the project and its problems. Regarding the EIR, the traffic impacts would be huge on College Terrace and traffic barriers had not worked for everyone in College Terrace.

Vice Mayor Beecham declared the public hearing closed. He said staff was not expected to respond to comments but had the option to respond to process, questions, or timelines.

Mr. Emslie said data collection had started and the traffic information prepared in the citywide transportation model was the backbone of the transit analysis. The DEIR would be released in early 2004 and the document would be brought back to Council with the Development Agreement by the end of spring. The date was critical to coincide with the construction season in order to be ready for the sports season in the fall.

Council Member Kishimoto had suggestions to reduce impacts, mitigations and consideration of alternatives to the project. Stanford and Palo Alto should develop a pedestrian/bicycle network throughout the Research Park. Focus should be on how children would get to the playfields and develop services and transit access to South Park. Transit hubs should be created within the Stanford Research Park.

Council Member Kleinberg asked for the maximum timeline to bring the DEIR and Development Agreement back to Council and to compare the traffic impact change, as well as to explore the possibility of reopening the underground pedestrian tunnel from the eastside of El Camino Real to the old Mayfield site making it seismic and ADA compliant for use as a pedestrian/bicycle tunnel.

Council Member Morton asked what the legal and planning impact would be should Palo Alto surrender rights to review individual projects as they went forward.

Council Member Freeman asked to see a matrix at the end of the project on the answers to questions and comments directed to the Planning Department in the EIR. She said it was important that results be weighed to eliminate delays in the future and to see the short- and long-term equity between the City and Stanford. She questioned how development impact fees would be collected.

Council Member Lytle asked primarily to look at the legally required sections of the EIR, which were in the alternative section. She requested the summarized analysis and impacts were in table format rather than in verbal text description when it went forward to Council. She wanted to know the cumulative growth projection generated from impact fees.

Council Member Ojakian asked that the following categories be reviewed in preparing the EIR: 1) Playfield Study for expansions of athletic field inventory; 2) The Housing Element portion of the Comp Plan regarding housing shortage and categories of air quality, traffic and transportation; 3)

Housing sites in the California Avenue area; 4) Bicycle/pedestrian access; and 5) Usage of artificial turf that could impact utilities and energy areas.

Council Member Morton asked to include a measure in the EIR to explore only feasible and timely alternatives.

Council Member Kishimoto asked that the EIR look at direct potential impact to homes adjacent to Stanford Park, regarding the view from El Camino and Page Mill Road, and to ensure the El Camino/Page Mill Road intersection remains crossable given any traffic changes that may occur.

Vice Mayor Beecham said the EIR should look at creative ways to reduce local traffic in the area due to new buildings and the Research Park.

No action required.

ADJOURNMENT: The meeting adjourned at 7:25 p.m.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 8:00 p.m.

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

ORAL COMMUNICATIONS

Edmund Power, 2254 Dartmouth Street, spoke on good government.

Howell Lovell, 124 Ferne Avenue, presented the Canopy Annual Fiscal Year Report.

Jan C. Gabus, 1913 Newell Road, spoke on community services and the importance of water fluoridation.

Ken Horowitz, 525 Homer Avenue, Supervising Dentist at Foothill College, noted that Palo Alto was the only City up to a couple years prior that had fluoridated water. He distributed an article from doctors in the Palo Alto Medical Foundation (PAMF) on the benefits of fluoridation.

Tricia Ward-Dolkas, 412 Everett Street, spoke on "Unblock" (traffic calming) and recommended a survey of all the neighbors affected by the traffic calming.

Herb Borock, P.O. Box 632, referred to the London Plane Trees (Sycamores) along Newell Avenue just north of the Library and noted they were being trimmed last Sunday. He notified City officials to check on the right-of-way and property lines, but no one had responded as yet.

Karen Anderson, 696 Towle Avenue, member of St. Thomas Aquinas Church, spoke on behalf of Peninsula Interfaith Action (PIA) and affordable housing in Palo Alto.

Bob Roth, 2015 Middlefield Road, spoke on Friends of the Foothills, a volunteer group, and their continuous removal of French Broom from 11 acres of the Foothills.

Brian Schmidt, Committee for Green Foothills, spoke on the October 9, 2003, Environmental Forum.

Vince Larkin, 12250 Stanford, spoke on election coverage.

SPECIAL ORDERS OF THE DAY

MOTION: Council Member Morton moved, seconded by Ojakian, to refer Item No. 11, Continuing Discussion of Budget Issues to the Finance Committee and to then return to Council.

MOTION PASSED 8-1, Freeman "no."

APPROVAL OF MINUTES

Assistant City Clerk Deanna Riding requested the minutes of July 28, 2003, be removed from the agenda.

CONSENT CALENDAR

Council Member Kishimoto stated she had brief comments on Item No. 4 regarding the Business Improvement District (BID) Advisory Board and the recommendation to have different fees proportionate to the business size.

MOTION: Council Member Kishimoto moved, seconded by Freeman, to move Item No. 8 after the Consent Calendar so it could be discussed.

MOTION PASSED 9-0.

CONSENT CALENDAR

MOTION: Council Member Ojakian moved, seconded by Morton to approve Consent Calendar Item Nos. 1-7.

LEGISLATIVE

1. Resolution 8340 entitled "Resolution Of The Council Of The City Of Palo Alto Expressing Appreciation to Thu Vo Upon His Retirement From the Regional Water Quality Control Department"
2. Ordinance 4803 entitled "Ordinance of the Council of the City Of Palo Alto Adding Chapter 12.10 to Title 12 [Public Works And Utilities] to Establish Fees to Mitigate Damage Caused by Excavation in Public Rights-Of-Way" (*1ST reading 9/15/03, Passed 8-0, Beecham absent*)
3. Ordinance 4804 entitled "Ordinance of the Council of the City Of Palo Alto Approving and Adopting Plans of Santa Clara Valley Water District for a Flood Control Channel in Byxbee Park for Matadero Creek Remediation Project" (*1st Reading 9/15/03, Passed 9-0*)
4. Recommendation to Adopt a Resolution Amending Resolution No. 8339, to Appoint Three Additional Professional Business Members to

the Business Improvement (Bid) Advisory Board and to Change the Date of the Pubic Hearing on the Establishment of the Downtown Bid from November 17, 2003 to November 24, 2003.

Resolution 8341 entitled "Resolution Of The Council of the City Of Palo Alto Amending Resolution No. 8339, Appointing an Advisory Board, Directing the Preparation Of a Report for Fiscal Year 2003-2004, and Directing that Notice be Given of a Public Meeting and Public Hearing in Connection with the Proposed Establishment of the Downtown Business Improvement District and the Proposed Levy of an Assessment Against Businesses Within Such District"

ADMINISTRATIVE

5. Contract Between the City of Palo Alto and Ranger Pipelines, Incorporated in the Amount of \$2,364,598 for Project 15 Sanitary Sewer Rehabilitation
6. Contract Between the City of Palo Alto and Columbia Electric Inc. in the Amount of \$66,500 for Construction of Palo Alto Municipal Golf Course Parking Lot Solar Lighting Improvements
7. Contract Between the City of Palo Alto and Loral Landscape Inc. in the Amount of \$197,728 For Construction of El Camino Median Island Improvements Phase One

MOTION PASSED 9-0

8. First Cycle of Santa Clara County Local Streets and County Roads Fund Program--Planning Phase

MOTION: Council Member Kishimoto moved, seconded by Freeman, to approve implementation of the Community Design and Transportation (CDT) Program with the addition of the following at the end of Page 2, Section 5 of the Resolution: "Council reaffirms its commitment to the 50-foot height limit and the right to create its own formula for supporting successful transit in the City."

Council Member Kishimoto said Palo Alto had the second most used transit center on the Caltrain Line due to a tremendous feeder system from Stanford and Palo Alto. The City had a huge commitment to a walkable and bikeable community and other cities had different ways of supporting their transit center.

Council Member Burch asked whether the height limitations prevented putting another Alma Place on the transformer site.

Director of Planning and Environment Steve Emslie said no.

Council Morton raised concerns about modifying the report and being at risk of getting the project granted.

City Manager Frank Benest believed it was a risk.

Mayor Mossar said Palo Alto was losing transit service at a rapid pace because it did not conform to Valley Transportation Authority's (VTA) standards for support of transit service. She thought Palo Alto was potentially signing a death warrant for long-term support from the County Transit agency. VTA bus lines 86 and 300 were eliminated because they did not meet VTA ridership standards. Palo Alto did not meet regional service standards for transit.

Chief Transportation Official Joe Kott said VTA was concerned about walkable/bikeable communities and Palo Alto was the model for the County. VTA understood this and did not expect the same model in Palo Alto as the downtown center of San Jose.

Council Member Morton asked whether VTA would object to modifying the report.

Mr. Kott believed the VTA would not object to modifications.

Mayor Mossar said her concern was in the future when the need arose for VTA transit service, Palo Alto might not meet the performance standards, which could limit future transit opportunities.

Council Member Kleinberg asked what the timing was for the Resolution.

Mr. Benest said it was due at end of last month, but VTA extended the deadline for Council's consideration.

Council Member Kleinberg asked if there was sufficient time for staff to review the implications of the suggested language.

Mr. Benest said no there was not enough time.

Council Member Kleinberg clarified the decision had to be made at that evenings meeting.

Council Member Lytle said she supported the amendment. The language made it clear to the VTA that the City would not give up local authority for land use, nor would the City go over the 50-foot height limit.

Council Member Burch asked if the language was understood or would it be necessary to spell it out.

Interim City Attorney Wynne Furth said the VTA Resolution could not amend the City's Comprehensive Plan (Comp Plan), but she was concerned about singling out a particular provision. One of the ways to manage land use development was debating the 50-foot height limit and giving it a priority. Language could be developed to be consistent with the Comp Plan.

Mayor Mossar asked Council Member Kishimoto if she would consider adding language to reaffirm Council's local control and to uphold City ordinances and the Comprehensive Plan.

Council Member Kishimoto said she was comfortable adding those words.

Mr. Kott said Chris Augenstein, VTA, agreed adding "In conformance with City policies" would be adequate.

Council Member Freeman, as the seconder, said she was comfortable with motion.

Council Member Kishimoto restated the Council reaffirm that local government had final control, and future decisions will be in conformance with City's policies.

Mayor Mossar asked Council Member Kishimoto if that was the language she wanted to use or words suggested by Ms. Furth or Mr. Kott.

Council Member Kishimoto said she was open to staff drafting the language.

Ms. Furth said the language drafted by the VTA recognized all those things as being consistent with City policies.

Mayor Mossar said the motion was to insert the words "consistent with City policy" after the last semicolon in Section 5.

Council Member Kishimoto clarified it would implement the Community Design and Transportation (CDT) program concepts, principles, practices and actions all consistent with City policies.

Council Member Freeman asked whether the wording indicated City ordinances and regulations superceded those in the CDT.

Ms. Furth said yes.

SUBSTITUTE MOTION: Council Member Kishimoto moved, seconded by Beecham, to approve a resolution endorsing the Santa Clara Valley Transportation Authority's Community Design and Transportation Program and its Manual of Best Practices for Integrating Transportation and Land Use, with the addition of the wording "as consistent with City policy" at the end of the "Whereas" clause in Section 5.

SUBSTITUTE MOTION PASSED 8-0, Ojakian absent.

Council Member Kishimoto added another recommendation to the program to change the emphasis from only electronic to encompass multi-modal streets and livable corridors.

Council Member Lytle said it was a good direction if there was leeway for more than just electronics to try and expand the content of the program.

Mr. Emslie said adding electronic components would make the streets more multi-modal

Council Member Kishimoto asked if there was an objection to adding "multi-modal."

Mr. Emslie agreed to the title change.

Council Member Morton said he wanted to present a substitute motion to approve staff's proposed recommendation.

Council Member Kleinberg asked if the title change would have any impact other than descriptive.

Mr. Kott said it would not.

Council Member Ojakian said he supported the Resolution and introduced VTA representatives, Chris Augenstein and Adam Berger.

MOTION: Council Member Kishimoto moved, seconded Lytle, to change the title of Project No. 2 being considered for grant funds to the following: "Travel Smart, Travel Safe Residential Arterials: Deployment of Electronics for Automated Traffic Signal System Operation and multi-modal designs for smart and livable transit corridors."

SUBSTITUTE MOTION: Council Member Morton moved, seconded by Mossar, to approve the staff recommendation to adopt the project list for inclusion in the ten-year Santa Clara Valley Transportation Authority's (VTA) Local Streets and County Roads Fund Program and consideration for grant funds (in priority order):

1. Bike Boulevard Network.
2. Travel Smart, Travel Safe Residential Arterials: Deployment of Electronics for Automated Traffic Signal System Operation, Driver Speed Advisory, and Pedestrian Crossing.

Further, to adopt a Resolution endorsing VTA's Community Design and Transportation Program Best Practices for Integrating Transportation and Land Use (Attachment A of CMR:454:03).

Resolution 8342 entitled "A Resolution of the Council of the City of Palo Alto Endorsing Santa Clara Valley Transportation Authority's Community Design and Transportation Program and its Manual of Best Practices for Integrating Transportation and Land Use"

SUBSTITUTE MOTION PASSED 6-3, Freeman, Kishimoto, Lytle "no."

Council Member Kishimoto stated she supported the motion but voted against it because she preferred her change in wording.

UNFINISHED BUSINESS

- *9. Public Hearing: The City Council will consider 4291 Wilkie Way [03-AP-04]: Appeal by Roger Kohler of the Director of Planning and Community Environment's denial of a Home Improvement Exception application (02-HIE-21) requested by Roger Kohler to allow additional floor area (26.5 square feet) and lot coverage (106.3 square feet) beyond what is allowed in the R-1 Single Family Residential zone district. Environmental Assessment: Exempt from the California Environmental Quality Act per section 15301. (*Continued from 6/23/03*)

Council Member Mossar read into the record Council's Disclosure Policy for quasi-judicial items.

Council Members Burch, Beecham, Freeman, Kleinberg, and Mossar stated they had nothing to disclose. Council Members Ojakian, Morton and Lytle visited the site and Council Member Kishimoto noted she had seen the property in the past.

Chief Planning Official Lisa Grote said the item was an application to appeal the decision of the Director of Planning on a Home Improvement Exception (HIE), which were for small deviations for existing homes from the site development requirements within the zoning district. The three finds necessary to approve a HIE were unusual or exceptional circumstances on or about the site, to maintain a design or architectural style for the house or character of the neighborhood, and not have a detrimental impact on land uses or property as a result of granting the exception. The Director found that two of the three finds were not met. Lisa Grote gave an overview of the finds as outlined in Attachment A of staff report (CMR:456:03). Staff recommended denial of the appeal as the Planning and Transportation Commission (PT&C).

Planning and Transportation Commission Bonnie Packer, agreed with Ms. Grote's summary to uphold the Director's decision on the HIE. She said HIE's should not be given out too liberally and findings should be met prior to granting the HIE.

Mr. Roger Kohler, HIE applicant, gave a summary of his application as outlined in Attachment B and C of staff report (CMR:456:03). He said older homes were designed with little care given to Floor Area Ratio (FAR) and a statement should be made in the Zoning Ordinance to either grant or not grant HIE exceptions to existing older homes.

Bob Moss, 4010 Orme Street, requested the appeal be denied and the P&TC and staff's recommendation be upheld. Exceptions were given to the land and not the property and watercourses should not be counted in FAR's.

Herb Borock, P.O. Box 632, was in agreement with Mr. Moss's statements.

Mayor Mossar declared the Public Hearing closed.

Council Member Morton asked for clarification that an HIE was a Palo Alto policy.

Ms. Grote said it was a law, an ordinance, and part of the Palo Alto Municipal Code (PAMC) and exception process.

Council Member Morton asked whether staff agreed that exceptions had been tightened in the past few years, as described by Mr. Kohler.

Director of Planning and Environment Steve Emslie did not agree. He said the HIE process had been in place for the past 15 years. The findings required in granting an HIE were very strict and close to variance findings. To treat small home HIE's differently, he suggested looking at the findings to make them more liberal. That would be memorializing rather than staff's interpretation on how they were implemented.

Council Member Morton said he did not see why the first condition failed in requesting 26.5 square feet of additional floor area.

Mr. Emslie clarified the PAMC was specific in defining the lot and watercourse easements were excluded.

Council Member Morton asked whether the easement made the property exceptional in the entire community or just along Adobe Creek.

Interim City Attorney Wynne Furth advised when granting more floor area or lot coverage care should be taken that exceptions not be made that swallow the rule. Council directed staff by an ordinance to calculate set backs, floor

areas, and lot coverage excluding the area.

Council Morton felt that was the reason an HIE was needed. He questioned that the second finding, as described in Attachment A of staff report (CMR456:03), was contradictory and the HIE was denied to preserve an existing architectural style or neighborhood character. He was referring to the apartments across the way. He said a 6,000 square-foot house could be built but a one-story house could not be preserved. Denying the 26 square-foot HIE, could force the owner to consider a second-story addition. He asked if an exception could not be granted in that case, what the point of the provision was.

Ms. Grote said there were a couple of ways to maintain a single-story on the site. One was removing a 120 square-foot accessory building and using it as living area for the main house. Another option would be for a smaller addition that would meet lot coverage and FAR requirements. A two-story dwelling would not be out of character for the area.

Council Morton said that area was predominantly single-story homes and the current system forced people to look at a second floor.

Council Member Lytle said she agreed with the logic.

MOTION: Council Member Morton moved, seconded by Lytle, to grant the appeal of Roger Kohler for a Home Improvement Exception (HIE) application for 4291 Wilkie Way to allow additional floor area and lot coverage beyond what is allowed in the R-1 Single Family Residential zone district, and to include changes to Finding No. 1, as a basis for reversal of staff's recommendation, that the site is extraordinary because of shape, the trees on the property, and the over-standard lot size.

SUBSTITUTE MOTION: Council Member Kishimoto moved, seconded by Beecham, to accept the staff and Planning and Transportation Commission recommendation to deny the appeal and uphold the Director of Planning and Community Environment's original decision to deny the Home Improvement Exception (HIE) request.

Council Member Kishimoto said Palo Alto was a mature community with a variety of lot sizes. This particular lot was close to the FAR limit and it was not feasible to add a second unit and she agreed with the P&TC recommendations.

Vice Mayor Beecham asked if there was a design enhancement exception and, if so, how did it work and what were the criteria.

Ms Grote said there was a design enhancement exception for commercial properties to allow parking layout, design of parking stalls, landscaping,
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minor encroachments and setbacks. It was an equivalent small exception process.

Vice Mayor Beecham said design enhancement was encouraged. The request was for square footage and not for an exception for design improvement. The basic claim was for an exceptional lot because of the easement running through the property, which made the lot less buildable.

Council Member Burch opposed the substitute motion and supported the main motion.

Mayor Mossar asked if the Santa Clara Valley Water District (SCVWD) paid for easements in the area and what rights did the SCVWD had to build in those easements.

Ms. Grote said there were SCVWD easements but did not know the payment arrangement for the easement areas.

Ms. Furth said they could have been acquired for some kind of consideration or part of the original subdivision in order to protect the water area. They had both the flood control and access maintenance. They were not taxed separately. The value was based on the price at acquisition.

Council Member Freeman asked for clarification on the 100-foot leeway.

Ms. Grote said it was not quantified in the PAMC, but was a P&TC and Council guideline that allowed staff to advise anyone considering extra floor area. Each application was individually evaluated based on the circumstances of the site and its surroundings. The 100 square feet was the limited footage allowed for any incidental space needed for the plan to work.

Council Member Freeman asked for clarification on the requested 26.5 square feet and the 106.3 square feet of space.

Ms. Grote said the 106 square feet was the lot coverage or how much square footage was on the site. The FAR was the floor area to building size. The floor area could be on the first or second floor. The lot coverage could only be on the ground floor covering the lot.

Council Member Freeman asked whether an HIE decision was precedent setting.

Ms. Grote said no. Each HIE was individually considered and decision-based made on its unique circumstances.

Ms. Furth said she was in agreement with Ms. Grote and that it was a matter of law.

SUBSTITUTE MOTION FAILED 5-4, Kishimoto, Beecham, Mossar, Freeman "yes."

MAIN MOTION PASSED 6-3, Kishimoto, Beecham, Mossar "no."

PUBLIC HEARINGS

- *10. Public Hearing: The City Council will consider 610 Los Trancos Road [02-D-05; 02-EIA-10]: Request by Tom Jakway, on behalf of the Bunker Trust, for site and design review of the construction of a new single-family residence and guest cottage within the open space zoning district. Environmental Assessment: a Mitigated Negative Declaration is proposed in accordance with the California Environmental Quality Act (CEQA) guidelines.

Council Member Mossar said this was a quasi-judicial hearing and the same rules applied as for Item No. 9.

Council Member Freeman disclosed she visited the site and spoke to Mr. Lerch. She received two photos of the property that would be included in the official record.

Council Member Kleinberg disclosed she visited the site, talked to Mr. Lerch, and walked the property.

Council Member Kishimoto disclosed she visited the property and noted the builder had storey poles up, which were not confirmed by Planning staff.

Chief Planning Official Lisa Grote advised staff that storey poles were confirmed. She gave an overview of the project as described in the staff report (CMR:224:03).

Planning and Transportation Commission Bonnie Packer, said the item was reviewed by the P&TC and ten questions were asked that the applicant had to return to P&TC with responses. The ten questions were outlined in Attachment I of the staff report. The project met the Open Space criteria.

Mayor Mossar announced the City Clerk had the photographs, which could be viewed by the public.

Tom Jakway, Architect and applicant, gave a summary of the project outlined in Attachment C of staff report (CMR:224:03). No request was made for any variance, and they were in compliance with every regulation within the Ordinances and received approval from P&TC and support from the Planning Department.

Dorothy Bender spoke for Brian Schmidt, Committee for Green Foothills, and noted there was a completely flat 10-acre parcel in Portola Valley with a 10,121-square-foot residence limit, compared to the 22,000-square-foot limitation at this location. The Committee had reservations regarding the size of the project and recommended modifying the square foot size limits.

Herb Borock, P.O. Box 632, questioned the number of guesthouse plumbing fixtures and liability concerns regarding Los Trancos Road. The City adopted a policy in 1996 in response to liability concerns to require dedication of right of way, which was done at 850 Los Trancos and on the Arillaga subdivision. He said there was nothing in the report or no response to his comment.

Mr. Jakway said there were discussions between the City and his client regarding road easement or dedication of the road. The City wanted an easement and the client ended up owning the entire property except for a small portion along the creek requested by the City.

Council Member Lytle asked what were the cut and fill square footage calculations.

Mr. Jakway said it was a 10,000 cut and 8,000 fill.

Mayor Mossar declared the Public Hearing closed.

MOTION: Council Member Ojakian moved, seconded by Kleinberg, to accept the staff and Planning and Transportation Commission recommendation to approve the Mitigated Negative Declaration (Attachment C of CMR:224:03), with a finding that the project will not result in significant environmental impacts; and approve the Site and Design Review application to construct a new single-family residence and guest cottage on 13.35 acres within the Open Space Zoning District.

Council Member Kleinberg was surprised to learn that Emergency Services could not put out a fire at the site due to lack of provisions. The proposed improvements would have the capability of saving the property and preventing fires.

Council Member Freeman asked if roads would be affected by excessive truck traffic during construction.

Director of Planning and Environment Steve Emslie said the applicant would be asked to document road conditions through a video prior to issuing a grading permit. The videotape would be reviewed after construction and the applicant would be required to make repairs.

Council Member Freeman was pleased to see that fire-retardant roofing would be used and a water reservoir would be incorporated in the lot prior to starting construction.

Council Member Morton asked if the parcel would be considered a permanent single parcel when the two lots were joined and not dividable again without a Council's action.

Ms. Grote said it would become a permanent single parcel and not eligible for being resubdivided because it would not meet the minimum size requirement.

Council Member Morton asked Commissioner Packer to take back to the Commission the time it took to insure preservation of Open Space. Since the guesthouse was not considered a live-in unit because it did not have a kitchen, what would happen if a kitchen were added.

Ms. Grote said a kitchen would make it a live-in unit. Effective, July 1, 2003, second-dwellings no longer required a use permit. As long as the exterior was not significantly altered, the added kitchen would be considered a minor change and would not require a conditional use permit.

Council Member Morton asked if it was a safe assumption the excavation for the underground gymnasium would not interfere with the water table and there would be no permanent water pumping.

Ms. Grote said it was a safe assumption. It would be confirmed when final construction drawings were submitted and the building permit reviewed.

Council Member Morton said there were no guidelines prohibiting excavation into the water table.

Ms. Grote said she thought some pumping was allowed but would confirm this with the project planner and Public Works.

Council Member Morton asked if the driveway could be repaved without a permit or was it part of the conditioning process.

Ms. Grote said it was part of the approved plans and could not be altered unless there was a subsequent review.

Council Member Burch stated the allowable hours for construction, as noted in the Mitigated Negative Declaration, were not in compliance with the Palo Alto Municipal Code (PAMC).

Ms. Grote stated the wrong template was used and there was also a typo. The Mitigated Negative Declaration would be corrected.

Council Member Burch commended the great effort made in using and reusing materials from the two existing homes. He suggested considering a photovoltaic solar system for the home.

Council Member Lytle said paved driveways were always considered part of lot coverage in the past. Permeable surfaces were not excluded and now staff allowed that exclusion. It increased the ability to develop larger houses in the Foothills that were never anticipated since the adoption of the original Open Space (OS) district. She suggested reexamining the maximum house sizes in the Foothills. She also raised the issue of the market forces driving lot consolidation. There was a Housing Element policy at one time that limited consolidation of lots and homes under discretionary approval. It was lost. She supported Council Member Burch's suggestion on the photovoltaic system.

Council Member Morton asked for clarification on heating systems used for swimming pools. He understood a solar system was required as opposed to gas or electricity.

Ms. Grote said solar was not required for heating swimming pools.

AMENDMENT: Council Member Morton moved to amend the motion to require that the underground gymnasium be constructed with the understanding that there is no permanent water pumping due to excavation into the water table.

AMENDMENT FAILED FOR LACK OF A SECOND.

MOTION PASSED 9-0.

COUNCIL MATTERS

11. Continuing Discussion of Budget Issues (*Continued from 6/16/03*)

Referred to the Finance Committee.

Council Member Kleinberg moved to defer Item Nos. 12 through 14 and move into the Closed Session, Item No. 15.

Mayor Mossar said Item No. 12, Letter to Valley Transportation Authority (VTA), was time sensitive.

Council Member Kleinberg agreed to exclude Item No. 12 from deferment. She restated her proposed motion to defer Item Nos. 13 and 14 and take up Item Nos. 12 and 15.

Council Member Freeman said Item No. 13 was also time sensitive in order to get on a Policy and Services Committee calendar and a Resolution by January. The item needed to be vetted now or at the next meeting at a time certain.

Mayor Mossar said she did not know how full the agenda was for the following week.

Council Member Freeman requested discussing Item No. 13.

Mayor Mossar suggested no action be taken on Item Nos. 12, 13, and 14 and withdrew her comments on time sensitivity for Item No. 12.

12. Mayor Dena Mossar and Council Member Kishimoto Regarding a Letter to the Valley Transportation Authority (VTA) Board Requesting Balanced Board Representation

Council Member Lytle said she would not participate in the item due to two conflicting roles in her employment with the City of San Jose.

MOTION: Council Member Morton moved, seconded by Ojakian, to join other cities by asking the Mayor to send a letter to the Valley Transportation Authority (VTA) in support of requesting the VTA Board of Directors to seriously consider alternative-governing structures that would provide balanced individual city representation and meaningful participation for small- and medium-sized cities in the County.

MOTION PASSED 8-0, Lytle "not participating."

~~13. Council Members Hillary Freeman and Yoriko Kishimoto Regarding City of Palo Alto Mayoral and Vice Mayoral Elections~~

~~14. Council Members Hillary Freeman and Yoriko Kishimoto Regarding an Environmental Advisory Commission~~

MOTION: Council Member Kleinberg moved, Mossar seconded, to continue Item Nos. 13 and 14 to the earliest possible date.

AMENDMENT: Council Member Freeman moved to amend the motion to state that Item No. 13 be included on the next Council agenda, as it was time sensitive.

AMENDMENT FAILED FOR LACK OF A SECOND.

MOTION PASSED 9-0.

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Council Member Freeman reported the next three days were "Walk to School Days" and she urged that everyone be extremely careful with driving habits and look out for children using alternative means of transportation.

Council Member Burch stated on Saturday, October 11, 2003, there was an outstanding solar presentation in the Chambers and then a three-hour tour of 15 residences.

CLOSED SESSION

The meeting adjourned to a Closed Session at 11:00 p.m.

15. Conference with Labor Negotiator
Agency Negotiator: City Council Ad Hoc Personnel Committee (Judy Kleinberg, Dena Mossar, Nancy Lytle, Vic Ojakian)
Unrepresented Employees: Interim City Attorney Wynne Furth, City Auditor Sharon Erickson, City Clerk Donna Rogers, City Manager Frank Benest
Authority: Government Code section 54957.6

The City Council met in Closed Session to discuss matters involving labor negotiations as described in Agenda Item Nos. 15.

Mayor Mossar reported there was no reportable action.

FINAL ADJOURNMENT: The meeting adjourned at 11:30 p.m.

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.