

Special Meeting  
September 11, 2006

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The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:08 p.m.

Present: Barton, Beecham, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Morton, Mossar

### STUDY SESSION

#### 1. Emergency Preparedness Update

Staff presented a presentation on efforts to prepare for a possible pandemic. The City is partnering with the Palo Alto Unified School District, the Palo Alto Medical Foundation, Palo Alto Red Cross and a number of other non-governmental organizations to prepare. Contingency planning, procurement of emergency supplies, educational outreach to City and School District employees and outreach to the public were among the topics discussed.

**No Action Required.**

### ORAL COMMUNICATIONS

Mary Carey Schaefer, 742 De Soto Drive, spoke regarding the Emergency Plan.

ADJOURNMENT: The meeting adjourned at 6:58 p.m.

Regular Meeting  
September 11, 2006

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:12 p.m.

Present: Barton, Beecham, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Morton, Mossar

SPECIAL ORDERS OF THE DAY

1. Proclamation Honoring Peninsula Women's Chorus on its 40<sup>th</sup> Anniversary
2. Proclamation Honoring Officer Marianna Villaescusa

**No action required.**

3. Selection of Applicants to be Interviewed for the Architectural Review Board

**MOTION:** Council Member Morton moved, seconded by Cordell, to interview all four applicants.

**MOTION PASSED** 9-0.

ORAL COMMUNICATIONS

Sarah Rosendahl, 160 Town & Country Village, spoke regarding Senator Simitian's Town Hall Meeting, September 16 from 10:00 a.m. to 12:00 p.m. at City Hall.

Tricia Dolkas, 412 Everett Ave, spoke regarding landscaping of traffic circles.

Sally Probst, 735 Coastland, spoke regarding affordable housing.

Stephanie Munoz, 101 Alma, spoke regarding variances and daylight plane consistency.

APPROVAL OF MINUTES

**MOTION:** Council Member Mossar moved, seconded by Barton, to adopt

the minutes of July 17, July 24 and July 31, 2006, as submitted.

**MOTION PASSED 9-0.**

CONSENT CALENDAR

**MOTION:** Council Member Mossar moved, seconded by Klein, to approve Consent Calendar Items Nos. 4 through 20.

**MOTION:** Council Member Klein moved, seconded by Cordell, to remove Item 13 to become 20A.

Council Member Cordell registered a no vote on Item Nos. 5 and 10.

Council Member Morton registered a no vote on Item Nos. 5 and 10.

Harold C. Hohbach, 29 Lowery Drive, said the Pedestrian Transit-Oriented Development Combining District (PTOD) program was strictly voluntary with the landowner, and questioned why staff was asked to initiate rezoning of 195 Page Mill Road without the consent of the landowner. He asked that Items Nos. 5 and 10 be removed from the Consent Calendar.

Council Member Mossar said she agreed with Mr. Hohbach regarding the PTOD being a voluntary program and asked how the action was determined.

Director of Planning & Community Environment Steve Emslie said the PTOD required a secondary step. The second reading enabled property owners to request rezoning of their property at a separate hearing for the PTOD. The City had its own provisions to initiate a zone change either by a majority vote by the Council or by the Planning and Transportation Commission (P&TC). Staff found the guidelines significant enough to recommend the PTOD be applied to 195 Page Mill Road. The PTOD would enhance the housing opportunity, as well as create transitions to promote a harmonious coexistence with the surrounding area.

Council Member Mossar asked whether the existing project had been reviewed by the Architectural Review Board (ARB).

Mr. Emslie said the application was in process but it did not conform to the current zoning or the proposed PTOD and would be referred to the Council.

Council Member Morton asked whether the PTOD application was non-

voluntary.

Mr. Emslie said it was non-voluntary.

4. Ordinance 4913 entitled "Ordinance of the Council of the City of Palo Alto Amending Title 2 (Administrative Code), Chapter 2.12 (Emergency Organization and Functions), Section 2.12.090 (Continuity of Government in the Event of a Disaster) of the Palo Alto Municipal Code Relating to the Appointment and Duties of the Emergency Standby Council Members"
5. Ordinance 4914 entitled "Ordinance of the Council of the City of Palo Alto Adding a New Chapter 18.66 to the Palo Alto Municipal Code to Adopt Regulations Establishing a California Avenue Pedestrian Transit-Oriented Development Combining District"
6. Approval of Revision No. 2 to Purchase Order 4504003179 with Altec Industries Inc. for an additional amount of \$3,800 to Enable Payment for Minor Changes to the Second Digger Derrick Truck Currently Under Construction
7. Resolution 8636 entitled "Council of the City of Palo Alto Approves Ratifying the Implementation of the National Incident Management System (NIMS)"
8. Resolution 8637 entitled "Council of the City of Palo Alto Hereby Approves and Authorizes the Execution of the State of California Department of Community Services and Development 2006-2009 Direct Payment Program Agreement No. 06-1316 in conjunction with the Department of Community Services Home Energy Assistance Program"
9. Resolution 8638 entitled "Council of the City of Palo Alto Hereby Appoints the Bay Area Water Supply and Conservation Agency as Authorized Representative of Palo Alto in Discussions/Negotiations with San Francisco for an Agreement to Provide a Reliable Supply of High Quality Water at a Fair Price"
10. Initiation of Rezoning to Pedestrian and Transit Oriented Development (PTOD) District and Comprehensive Plan Amendment for 195 Page Mill Road

11. Approval of a Utilities Enterprise Fund Contract with Underground Construction Company, Inc., in the amount of \$1,290,000 for the 2006–2007 Utility Trench and Substructure Installation
12. Approval of Contract with Ecology Action Inc. in the amount of \$250,000 to Proceed with a Small Commercial Energy Efficiency Program
- ~~13. Approval of a Contract with Group 4 Architecture, Research + Planning, Inc., in the amount of \$257,325 for Architectural and Engineering Design Services for the Mitchell Park Library Space Study – Capital Improvement Program Project PE-07011~~
14. 260 Homer Avenue [06PLN-00207]: Request by Martin Parissenti/BKF Engineers on Behalf of Tall Tree Partners I, LLC for a Final Map for Mixed-Use Development with Commercial Office Use on the Ground and Second Floors, and Four Residential Condominium Units on the Third Floor. An Environmental Impact Report was prepared for the SOFA Cap including this Project
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Approval of a Contract with American Construction and Environmental Services Inc., in the amount of \$1,278,744 for Construction of the Municipal Service Center Fuel Storage Tanks and Fuel Storage Island Replacement and Approval of Contract Amendment No. 3 to Contract C2131552 with Blymyer Engineers, Inc., in the amount of \$67,250 for Construction Administration and Design Services, Capital Improvement Program Project VR-01001

18. Palo Alto Shuttle Program - Approval of Contract Extension No. 11 and



Increase in the Expenditure Limit of the Rail Shuttle Bus Service Administration Agreement with the Peninsula Corridor Joint Powers Board

19. Finance Committee Recommendation to Preliminarily Approve 2005-2006 Reappropriation Requests
20. Finance Committee Recommendation to Accept the Auditor's Office Quarterly Report as of June 30, 2006

**MOTION PASSED** 9-0 for Agenda Items 4, 6-9, 11, 12, 14-20.

**MOTION PASSED** 7-2 for Agenda Item 5, Cordell, Morton no.

**MOTION PASSED** 7-2 for Agenda Item 10, Cordell, Morton no.

AGENDA CHANGES, ADDITIONS, AND DELETIONS

- 20A. (Old Item 13) Approval of a Contract with Group 4 Architecture, Research Planning, Inc., in the amount of \$257,325 for Architectural and Engineering Design Services for the Mitchell Park Library Space Study – Capital Improvement Program Project PE-07011

Council Member Klein asked what the \$257,325 covered and how beneficial would it be to move forward with the project. He said the proposed cost ranged between \$61,000 and \$199,000. The amount being requested for approval was \$234,000 with an additional contingency of \$24,000. He questioned the \$50,000 discrepancy.

Public Works Director Glenn Roberts said the proposed cost was for professional services and was not a bid. The proposals in the \$61,000 to \$80,000 or lower-end range did not have the concept or relationship to the work needed. Group 4 ranked highest in terms of the quality of the proposal, knowledge of the site, and the ability to complete the project within the Council's mandated timeframe. Consequential issues were addressed at the Main and Downtown Libraries to rebuild Mitchell Park Library, which increased the scope above the original proposal. The contingency item was added to cover unforeseen issues, which may arise, and was subject to specific authorization as needed.

Mr. Roberts advised staff is preparing for a bond measure in the future and this work builds towards that ultimate goal. This work goes into more detail

than a conceptual design study and can be expanded into preliminary engineering, future cost estimating, and future environmental review in order to stay on track with a March 2008 bond measure. These three reasons are the key to accepting the Group 4 proposal.

Council Member Barton asked whether the scope of work would be completed within sixty to ninety days.

Mr. Roberts said a kick-off meeting would be scheduled with the consultant on September 12, 2006. The completed project should return to the Council by the end of November or beginning of December 2006.

Council Member Cordell asked whether the Friends of the Library and the Library Advisory Commission (LAC) members were in agreement regarding terms of the current phase of the process and the four work options to be performed under the contract.

Assistant City Manager Harrison said a LAC member was involved in the planning process, but there was no representative from the Friends of the Library. She could not confirm unanimity among the community since there were other groups and interested parties with strong feelings regarding the work to be done at the libraries.

Vice Mayor Kishimoto asked staff to elaborate on how the space study report related to the LAC Master Plan.

Ms. Harrison said the Council's assignment to staff and the LAC was to bring back a series of scalable options for a five-library system with a full service library in South Palo Alto. When the LAC returned to Council with the comprehensive recommendations, Council asked that information regarding Mitchell Park Library be included in the study.

Council Member Beecham was in favor of moving forward with the project.

Mayor Kleinberg raised concerns regarding the possibility of demolishing the Mitchell Park Community Center and the impact it would have on other services. She asked whether a Parks and Recreation Commission (PARC) member was involved in the project.

Ms. Harrison confirmed a PARC member was involved in the study.

**MOTION:** Council Member Klein moved, seconded by Morton, to approve

and authorize the City Manager to execute the attached contract with Group 4 Architecture, Research + Planning, Inc. (Attachment A) in the amount of \$257,325 for Architectural and Engineering design services for the Mitchell Park Library Space Study PE-07011, including \$233,932 for basic services and \$23,393 for additional services.

**MOTION PASSED 9-0.**

### PUBLIC HEARINGS

Council Member Barton stated he has a conflict of interest due to his wife's employment with two of the developers for the projects listed in Agenda Item No. 21.

- 21.a) Public Hearing: To consider a request by Steinberg Architects on behalf of Bridge Urban Infill Land Development (BUILD) for rezoning to a Planned Community (PC) District and of a proposed Planned Community (PC) District Development Plan, which includes the development of 103 units of for-sale town home style residences and 56 senior affordable residences, a parking garage and landscaping improvements at 901 San Antonio Road [06PLN-00031, 06PLN-00050]. The project request includes a Comprehensive Plan Amendment from Light Industrial to Mixed Use, a Tentative Map to subdivide the parcel and create condominium units, and certification of the Final Environmental Impact Report (FEIR). Environmental Assessment: A Final Environmental Impact Report (FEIR) for the BUILD has been prepared. Zone District: GM.
  
- b) Public Hearing: To consider a Request by Steinberg Architects on behalf of the Taube-Koret Campus for Jewish Life (TKCJL) for rezoning to a Planned Community (PC) District and of a proposed Planned Community District Development Plan, which includes the development of an 134,000 square foot community center, including a cultural hall, community meeting rooms, adult activity space, preschool, after school care facilities, fitness center, administration and support areas and 193 senior residential living units at 901 San Antonio Road [05PLN-00295, 06PLN-00114]. The project request includes a Comprehensive Plan amendment from Light Industrial to Mixed Use, a Tentative Map to subdivide the parcel and create senior housing condominium units, a Variance to exceed the 50-foot height limit, a Design Enhancement Exception (DEE) to allow a sculptural tower element to extend to approximately 96 feet above grade and

certification of the Final Environmental Impact Report (FEIR). Environmental Assessment: A Final Environmental Impact Report (FEIR) for the TKCJL has been prepared. Zone District: GM.

Mayor Kleinberg said Item Nos. 21.a and 21.b would be heard together because of their co-location on the site. The items were not quasi-judicial but agendized as quasi-judicial and she asked the City Attorney whether she should ask for disclosure comments.

City Attorney Baum said a case indicated the items were not quasi-judicial but legislative. The Council was asked to make quasi-judicial disclosures because they were a specific analysis of a certain property.

Mayor Kleinberg said there were no disclosures.

Project Planner Steven Turner gave an overview and staff recommendations of Items Nos. 21.a and 21.b, as outlined in staff report CMR:346:06, and recommended the project be continued to the City Council Meeting of September 25, 2006.

Public Hearing was opened at 8:28 p.m.

Lydia Tan, Executive Vice President of BRIDGE Housing Corporation, and BRIDGE Urban Infill Land Development (BUILD) spoke regarding the Planned Community (PC) rezoning application and density reduction from 230 to 159 units. One-third of the units were designated for seniors to lessen the impact on traffic and other services, and a \$500,000 mortgage assistance program was proposed to help mitigate the jobs-housing imbalance in Palo Alto. Another proposed public benefit would be a \$480,000 contribution to the Charleston-Arastradero Road permanent program.

Shelly Hebert, Executive Director for Development for the Taube-Koret Campus of Jewish Life (TKCJL), spoke on the public benefits the project would offer to Palo Alto's community through open membership to the Oshman Family Jewish Community Center (JCC) and access to the senior living residents for people of all backgrounds and faiths. The campus would provide public benefits through an arrangement with the City of Palo Alto Department of Community Services for shared use of the new JCC facilities.

Rob Steinberg, Steinberg's Architects, gave an overview of the site and spoke of the architectural design of the buildings as well as mixed use of the project, which included a community center, senior housing, fitness center,

school programs, cafes, retail, activities for all ages, and cultural activities to bring a community together. The project contained the best in land-planning, smart-growth principles, and would be a social addition to the community.

Planning and Transportation Commissioner Lee Lippert said the project would bring definition to the corner of San Antonio and Charleston Roads. The Planning and Transportation Commission (P&TC) unanimously recommended both projects to the Council.

Earl Caustin, 3671 Louis Road, raised concerns regarding insufficient parking for special events. The final Traffic Demand Management (TDM) report did not include provisions for satellite parking or buying shuttles and urged the Council to include those conditions prior to approving the project.

Geraldine Steinberg, 101 Alma Street, said the project would be a landmark of social planning with facilities for all age groups and economic levels.

Peter Oshman, 211 Atherton Avenue, Atherton, said the project was funded by donations and the Oshman Family was a key supporter of the project. The JCC was a resource for the entire City bringing all generations together and a sense of community.

Howard B. Kleckner, M.D., 1875 Guinda Street, was in support of the project and urged the Council to approve the project.

Larry Mitchell, 3888 Grove Avenue, said the project was open and transparent in comparison to other major projects in the area. He urged approval.

Sally Probst, 735 Coastland Drive, said the project would bring continued diversity; i.e economic, religious, and cultural, as well as cooperation and collaboration with groups in the community.

Doris Petersen, 1803 Edgewood, urged the Council to approve the project.

Ellen Bob, 3296 Emerson, spoke of the JCC's recreational and cultural opportunities and urged the Council to approve the project.

Marvin Schwartz, 1220 Eureka, Los Altos, spoke of alternate routes to help lessen the traffic impact and referred to the height of the tower as setting a bad precedent, which would encourage auto dealerships to place massive

signs. He urged Council to approve the project.

Vivian Distler, 3285 South Court, spoke of the JCC's continual contribution to the betterment of the City and asked the Council to approve the project.

Ronald Roth, 30 Jordan Place, spoke of the JCC being an asset to the community and urged the Council to approve the project.

Robert Moss, 4010 Orme Street, was not in favor of Below Market Rate (BMR) unit segregation and stressed TDM enforcement for the project.

Susan Fineberg, 3498 Janice Way, asked the Council to add a condition for the BUILD-BRIDGE project to ensure real public benefit. She asked BRIDGE to have the funds for the senior rental units prior to approving the building permit for the 100 market rate townhomes.

Wayne Martin, 3667 Bryant, spoke of the loss of taxes in the project.

Eben Kermit, 3496 Louis Road, urged the Council to approve the plan.

Isaac Winer, 2306 Ross Road, spoke regarding public benefits and urged the Council to approve the project.

Penny Ellson, 513 El Capitan Place, asked whether the Charleston-Arastradero traffic calming trial would be included as a mitigation measure and to ensure aggregate trip analyses be included on major roads in the area.

Jean Wilcox, 4005 Sutherland, spoke regarding traffic, parking, and noise impacts on the surrounding residential neighborhoods.

Skip Law, 128 Atherton Avenue, Atherton, spoke of the thoughtful and professional approach of the project and recommended approval.

Lori Meyers, 3171 Mackall Way, spoke regarding the JCC as a community that reached out and included everyone. She urged the Council to approve the project.

Mayor Kleinberg asked for clarification on voting options that could be taken at this evening's meeting.

Director of Planning & Community Environment Steve Emslie said the

BUILD-BRIDGE project had all the documents to enable the Council to take action at this evening's meeting. The JCC project lacked the final BMR Agreement Letter. One option was to approve both projects and act on the BUILD-BRIDGE project. The second would be to approve the JCC Project and direct staff to return with the first reading for the JCC Project ordinance, subject to execution of the BMR letter. The third option would be for the Council to ask all questions and have discussions and to hold both votes until a date certain. He said staff had planned for the third option and reserved the City Council meeting of September 25, 2006, for the vote.

City Attorney Baum said staff would need to return to the Council with the first readings of the ordinances for Item Nos. 21.a and 21.b.

Council Member Cordell asked what would happen if funds for the BMR units were not secured.

Lydia Tan said funding would be obtained from the Department of Housing and Urban Development (HUD), the Environmental Protection Agency (EPA), Santa Clara County Office of Affordable Housing, and resources from other outside foundations.

Council Member Cordell said on a scale of one to ten, what was the status in obtaining the funds.

Ms. Tan said they were at seven.

Mayor Kleinberg questioned whether the outside commitments were time sensitive.

Ben Metcalf, BRIDGE Housing Project Manager, said commitments were time sensitive, but the agencies were flexible in terms of moving forward with the project. He said the target date for financial closing was the year-end 2007. Staff had indicated extensions were possible.

Council Member Cordell asked if staff had a response to the issue of using the Charleston-Arastradero Corridor as a mitigation measure.

Chief Planning & Transportation Official Curtis Williams said the applicant was providing more funding than they were required to pay for the Charleston-Arastradero Corridor project. It allowed for mitigation on other potential projects in the area.

Public Hearing was closed at 9:30 p.m.

**MOTION:** Council Member Cordell moved, seconded by Beecham, to approve both projects 21.a and 21.b, as recommended below subject to the approval of the Below Market Rate (BMR) agreement for the Taube-Koret Campus for Jewish Life (TKCJL) project, which will be brought back on September 25, 2006.

BUILD Planned Community project:

- 1) That the Final Environmental Impact Report (FEIR) adequately addresses the environmental impacts of the proposed development plan per the requirements of the California Environmental Quality Act (CEQA), and certify the FEIR.
- 2) Grant a Zone Change from the existing General Manufacturing (GM) district to a Planned Community (PC) district and grant a Comprehensive Plan Land Use Map Amendment from Light Industrial to Mixed Use
- 3) Approve the Architectural Review resolution, including the conditions of approval.
- 4) Approve the proposed Below Market Rate (BMR) Housing plan for 56 senior apartment units.
- 5) Approve a Tentative Map that would subdivide the existing four acre site and create one multiple-family residential lot of approximately 0.5 acres containing 56 multi-family senior residential apartment units and one multiple family residential lot containing 103 condominium town home-style units.

Campus for Jewish Life Project:

- 1) That the Final Environmental Impact Report (FEIR) adequately addresses the environmental impacts of the proposed development plan per the requirements of CEQA and certify the FEIR.
- 2) Grant a Zone Change from the existing General Manufacturing (GM) district to a Planned Community (PC) district and grant a Comprehensive Plan Land Use Map Amendment from Light Industrial to Mixed Use.
- 3) Grant a variance from the Palo Alto Municipal Code, Section 18.68.110(c) to allow portions of the proposed building to extend above 50 feet, based upon the findings as listed in the draft ordinance.
- 4) Approve the Architectural Review resolution, including findings for the Design Enhancement Exception for the height of the



sculptural tower, subject to the conditions of approval as provided.

- 5) Approve the Below Market Rate (BMR) Housing plan, including a total of 24 assisted living and congregate care units with associated housing services provided by the Jewish Senior Residence available to low income seniors, to be provided prior to the September 25 meeting.
- 6) Approve a Tentative Map that would create one mixed-use lot containing 193 senior congregate care and assisted living condominium units.

Council Member Beecham asked for staff's assessment of obtaining the funds for the BUILD affordable housing project.

Mr. Emslie said it was leveraging the number of affordable BMR units the City would get out of the project, which was about three times the number of units the City was entitled to through the regular program. One major factor in securing public monies, which differed from private foundation funds, was project readiness. A project could lose eligibility if it was not ready to obtain permits within a short timeframe. The State would not allow funds to be tied up since the competition was so high for obtaining the tax credit program. BRIDGE had the experience and was legendary in terms of navigating the system in securing public funds.

Council Member Beecham asked what assistance the staff could provide in getting additional funding.

Mr. Emslie said it would be a partnership and there were staff members available and familiar with the process to help augment BRIDGE's resources.

Council Member Beecham asked for staff's assessment on how to minimize the noise issue from campus facilities.

Mr. Williams said a condition was included in the PC Ordinance which allowed for stronger enforcement mechanisms.

Council Member Beecham asked how the enforcement mechanism worked.

Mr. Baum said the noise issue would be a code enforcement matter, viewed as a violation of an ordinance, and handled either as an infraction or a misdemeanor.

Council Member Drekmeier asked whether staff had concerns regarding enforcing the TDM program.

Mr. Williams said the TDM program was part of the PC Ordinance and would be enforced in the same way. An annual review would be required and necessary adjustments made, as necessary.

Vice Mayor Kishimoto requested that regarding Item 21.b, Exhibit B, page 1, Mitigation Measure B.1-1, a mitigation be added which would be a City project to implement bicycle and pedestrian safety improvements on Charleston Corridor

**INCORPORATED INTO THE MOTION WITH APPROVAL OF THE MAKER AND SECONDER TO ADD THE WORDING UNDER "Item 21.b, Exhibit B, page 1, Mitigation Measure B.1-1, a mitigation be added which would be a City project to implement bicycle and pedestrian safety improvements on Charleston Corridor."**

Council Member Morton requested it be worded as a request for mitigation that would require a contribution towards the cost.

Mr. Emslie agreed and said staff would come back with an appropriate condition to link the project to its funding and the ongoing maintenance of the Charleston-Arastradero Corridor.

Vice Mayor Kishimoto asked for clarification on the contribution.

Mr. Emslie said a contribution had been made, but a major contribution was still pending.

Vice Mayor Kishimoto said her intent was that they carry-through with their commitment and mitigations stay in place.

Council Member Mossar said she understood the project would donate a specific amount of money, and should the Charleston-Arastradero trial project not continue, the funds would still be used for the same goals of the Charleston-Arastradero project.

Mr. Emslie said that was correct.

Council Member Klein said he thought this was the first reading but understood Mr. Emslie to say the item would be brought back for the first

reading.

Mr. Baum said the item was not properly agendaized and, therefore, this could not be the first reading.

Council Member Klein requested clarification on what the Council would be voting on at this evening's meeting.

Mr. Baum said the Council was being asked to vote on the direction to approve the project and the item would need to come back for the first reading of the ordinance.

Vice Mayor Kishimoto referred to TDM Mitigation Measure B1.1-2 and recommended the project "achieve a 20 percent alternative mode-use goal for employees to address local traffic concerns" instead of the 15 percent currently recommended.

**INCORPORATED INTO THE MOTION WITH APPROVAL OF THE MAKER AND SECONDER TO CHANGE THE WORDING TO "achieve a 20 percent alternative mode-use goal for employees to address local traffic concerns."**

Council Member Mossar said the site and the proposal did have provisions for transportation alternatives. She felt the 20 percent goal was extremely high and she would not support the incorporation.

Council Member Kishimoto said the applicants had agreed to the 20 percent and County's average was 26 percent.

Council Member Mossar said the location was a consideration and she asked to separate the TDM measure of 20 percent for a separate vote.

Mayor Kleinberg said it would be bifurcated and voted on separately.

Council Member Beecham said it was his understanding it was the applicant's intent to achieve 20 percent.

Jim Baer said consistent with the City's policy goal, 15 percent was initially targeted for employee trip reduction and was increased to 20 percent based on the neighborhood input. The objective was to strive for 20 percent but it could take some time to achieve. The goal would remain at 20 percent as long as the administrative record states the project would not be penalized if every effort was made to achieve the 20 percent but is unsuccessful until

public transportation becomes more available at the location.

Council Member Morton said the wording would be "achieve a 20 percent goal" but he preferred not to remove the words "designed to achieve a 20 percent goal."

Mayor Kleinberg asked Vice Mayor Kishimoto to clarify her incorporation.

Vice Mayor Kishimoto said she thought staff had intended to put 20 percent instead of the 15 percent goal.

Mayor Kleinberg asked whether it needed to be voted on.

Vice Mayor Kishimoto said she did not think it needed a vote.

Mr. Emslie said the incorporation would be made.

Vice Mayor Kishimoto said her reason for the recommendation was she understood it would take some time to achieve the 20 percent but without enforceable language, for example, when the TDM plan says to determine whether to have a shuttle to Caltrain, they would poll employees as to how many people would use Caltrain. No one would use Caltrain if there were no shuttles. The TDM plan indicated most of the TDM would be achieved by carpooling. She said high density projects were usually located near a transit center and she supported the project because an effort would be made to encourage alternative transportation.

Council Member Klein said the Vice Mayor's proposed incorporation was accepted and was part of the main motion, and now an amendment would be needed to vote on.

**AMENDMENT:** Council Member Klein moved, seconded by Mossar, to add the words "designed to" back into the TDM mitigation measure.

**AMENDMENT PASSED** 5-3 Cordell, Drekmeier, Kishimoto no, Barton not participating.

Vice Mayor Kishimoto raised concern regarding the height limitation of the buildings. She said the plan indicated three or four buildings with heights of 70-feet and asked whether the 70-feet would be all usable space.

Mr. Williams said the maximum height of the buildings was 58 to 59 feet.

Any space beyond that would accommodate equipment. He said the language could be clarified.

Vice Mayor Kishimoto mentioned the security and openness of the campus. She asked whether bicycle access would be at Fabian Way only.

Mr. Williams said it was an open campus but vehicle entrances were gated and bicycle access would be added at Charleston Road.

Mr. Steinberg said the pedestrian and bicycle accesses were located at Charleston Road and Fabian Way. The Early Childhood Area and Residential Courtyards were gated for security reasons, but the rest of the campus would be open to pedestrians at all times. Bicycles would not be permitted on the podium. The garage would be secured and visitors would need a permit to enter and members would have cards to gain entrance without a security review.

Vice Mayor Kishimoto expressed concern regarding special events and asked the staff to clarify that notification and the implementation plan were required to be sent to the Planning Director.

Mr. Emslie said the language would be modified to include that an action be associated with the special events.

Council Member Morton asked whether the one-half acre for senior low income housing could be reserved in the event the financing was delayed for those units.

Mr. Emslie said that was discussed with the applicant and it was possible but the sizeable in lieu fee for this project provides us with the opportunity to develop the housing either onsite or nearby.

Council Member Morton asked whether staff was discouraging this option.

Lydia Tan said they would be happy with the third alternative to transfer fee interest in the land and give back whatever funds were still available.

**AMENDMENT:** Council Member Morton moved, seconded by Klein, to add a condition that one-half acre be reserved for senior low income housing in the event funding for the project is not secured in a timely fashion.

Sandy Sloan, BUILD Housing, said two years ago they had proposed if

BRIDGE could not raise the money, the City could have the land. The City did not accept the condition because the City felt it was too complicated to raise the money.

Mr. Emslie said the City's decision two years ago was if a non-profit housing developer could not get the funding, there had to be some systemic problem that would apply to the City as well. The City felt the in lieu fee provided more flexibility in terms of transferring that to other City projects at that time.

Council Member Klein withdrew his second to the above amendment.

Amendment failed for lack of a second.

**AMENDMENT:** Council Member Morton moved, seconded by Kleinberg, to add a condition that one-half acre be reserved for senior low income housing subject to the conditions of the project.

Council Member Morton said the intent was to ensure the community that the City would do everything possible to preserve the land and he asked whether the condition could be added.

Mr. Emslie said the City would not have the opportunity to take the fee. If the housing were not on the site, there would need to be some monetary contribution to compensate the City for the affordable housing requirement.

Council Member Mossar said the project was an incredible architectural feat. She would like to support the whole campus concept and to take a leap of faith and trust that between staff and BRIDGE it will get funded.

#### **AMENDMENT WITHDRAWN BY MAKER AND SECONDER**

Council Member Morton said part of the public benefit of the project was the shared facilities and the access to the Palo Alto community. He asked whether it was unfair to give preference to applicants who were Palo Alto residents.

Mr. Emslie said part of the process was to maintain a waiting list of qualified individuals. The City could not place exclusive limitations to Palo Alto residents, however, provided all other fair housing requirements had been applied, the City's criteria could include giving preference to Palo Alto residents.

Council Member Morton said regarding enforcement of noise mitigation would it be for the benefit of the immediate neighbors or could the community raise the issue with the City if necessary.

Mr. Emslie said there were no restrictions on who could place a complaint.

Council Member Klein said he interpreted Council Member Cordell's motion to mean she was in agreement with all of the options made in Mr. Turner's opening remarks. The addition of recreational facilities to South Palo Alto was a definite plus for the project. He said the design and artwork of the 70-foot tower was an architectural statement at one of the bleakest areas of the City. He supported the motion.

**MOTION AS AMENDED PASSED** 8-0, Barton not participating.

#### COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Beecham reported he attended a Northern California Power Association (NCPA) meeting in Murphy's with Council Member Mossar and took a tour of the Calaveras Project. He invited his colleagues to attend the upcoming meetings.

Vice Mayor Kishimoto noted she attended the California League of California Cities last week in San Diego with Mayor Kleinberg and Council Member Barton.

Council Member Mossar noted the extraordinary tours at the recent NCPA meeting in Murphy's.

Mayor Kleinberg said she chaired her last Peninsula League of California Cities meeting at the Annual League Conference in San Diego and the new Peninsula League Chair is Carole Groom, San Mateo City Council.

Council Member Drekmeier urged that everyone put on a pedometer to make sure they are walking 10,000 steps a day as a result of the Parks and Recreation Commission challenge. He also referred to the Common Ground flyer and encouraged everyone to attend their 34<sup>th</sup> birthday party event on September 17, 2006.

Vice Mayor Kishimoto requested that Assistant City Manager Harrison express Council's appreciation to the employees in Public Works, Utilities and

the Police Department for their hard work on the Charleston-Arastradero Corridor Project.

Council Member Klein referred to Common Ground speaker John Jeavons, a true unsung hero of the world, who works to improve the yields achieved from the land.

Mayor Kleinberg recommended walking The Dish to get over 10,000 steps a day.

FINAL ADJOURNMENT: The meeting adjourned at 10:48p.m. in the memory of those who lost their lives in the September 11, 2001, attack on the United States, and to those who continue to lose their lives in the effort to deal with terrorism around the world.

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.