



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
January 28, 2019

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

Present: Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Absent:

Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS

THIS ITEM WILL NOT BE HEARD THIS EVENING.

Agenda Changes, Additions and Deletions

None.

Minutes Approval

2. Approval of Action Minutes for the January 14, 2019 Council Meeting.

MOTION: Council Member Cormack moved, seconded by Mayor Filseth to approve the Action Minutes for the January 14, 2019 Council Meeting with the following change to the discussion in Agenda Item 7:

AMENDMENT: Council Member Tanaka moved, seconded by Council Member XXX to require glazing on the rear egress windows.

MOTION PASSED: 7-0

Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 3.

MOTION: Council Member Kniss moved, seconded by Vice Mayor Fine to approve Agenda Item Numbers 3-5.

3. Approval of Contract Number C19171177 With Smith Group for a Total Not-to-Exceed Amount of \$2,212,100 to Provide Design and Construction Support Services for the Operations Center (WQ-14002) at the Regional Water Quality Control Plant

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4. Approval of the Acceptance and Appropriation of State of California Citizens Options for Public Safety (COPS) Funds and Approval of a Budget Amendment in the Supplemental Law Enforcement Services Fund
5. Finance Committee Recommends the City Council Approve the Fiscal Year (FY) 2018 Comprehensive Annual Financial Report (CAFR); Approve Amendments to FY 2018 Budget in Various Funds; and Approve a FY 2019 Budget Amendment in the General Fund

MOTION PASSED FOR AGENDA ITEM NUMBER 3: 6-1 Tanaka no

MOTION PASSED FOR AGENDA ITEM NUMBERS 4-5: 7-0

Action Items

6. Request for Approval to: 1) Negotiate Agreements With Midpeninsula Community Media Center (Media Center) to Purchase its Building at 900 San Antonio Road, Using PEG Fees; and 2) Negotiate a new Agreement Between the City of Palo Alto (on Behalf of the Joint Powers Board) and the Media Center for Public, Education, and Government (PEG) Access Channel Support Services; Approval of Amendment Number 2 to Agreement Number C12142180 Between the City of Palo Alto (on Behalf of the Joint Powers Board) and the Media Center to Extend the Existing Agreement to June 30, 2019.

MOTION: Council Member DuBois moved, seconded by Council Member Kniss to:

- A. Direct Staff to negotiate agreements (real estate purchase and building use) to purchase the Media Center's building at 900 San Antonio Road, using cable television public, education and government (PEG) fees;
- B. Direct Staff to negotiate a new agreement between the City of Palo Alto, on behalf of the Joint Powers, and the Media Center for PEG access channel support services that will conform to the terms of the real estate purchase and building use agreements; and
- C. Approve Amendment Number Two to Agreement Number C12142180 between the City of Palo Alto, representing the Joint Powers communities, and the Media Center to extend the existing agreement for six months to June 30, 2019, to allow time to complete the new arrangement for the use of PEG fees.

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INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add that the Media Center shall be provided the first right of refusal should the JPA choose to dispose of the asset.

MOTION AS AMENDED RESTATED: Council Member DuBois moved, seconded by Council Member Kniss to:

- A. Direct Staff to negotiate agreements (real estate purchase and building use) to purchase the Media Center's building at 900 San Antonio Road, using cable television public, education and government (PEG) fees;
- B. Direct Staff to negotiate a new agreement between the City of Palo Alto, on behalf of the Joint Powers, and the Media Center for PEG access channel support services that will conform to the terms of the real estate purchase and building use agreements;
- C. Approve Amendment Number Two to Agreement Number C12142180 between the City of Palo Alto, representing the Joint Powers communities, and the Media Center to extend the existing agreement for six months to June 30, 2019, to allow time to complete the new arrangement for the use of PEG fees; and
- D. The Media Center shall be provided the first right of refusal should the JPA choose to dispose of the asset

MOTION AS AMENDED PASSED: 7-0

7. PUBLIC HEARING: Adoption of an Ordinance Amending Various Sections of Title 18 of the Palo Alto Municipal Code Related to Residential and Mixed-use Development Standards Including, but not Limited to; Minimum and Maximum Unit Density, Unit Size, Floor Area Ratio, Height, and Open Space Including Rooftop Gardens; Parking Requirements Including, but not Limited to; Regulations Related to In-lieu Parking for Downtown Commercial Uses and Retail Parking for Mixed Use Projects; Exclusively Residential Projects in Certain Commercial Zoning Districts; Ground-floor Retail and Retail Preservation Provisions; the Entitlement Approval Process; and Other Regulations Governing Residential, Multi-family Residential and Commercial Zoning Districts, all to Promote Housing Development Opportunities in These Zoning Districts in Furtherance of Implementation of the Comprehensive Plan. CEQA: Determination of Consistency With the Comprehensive Plan Environmental Impact Report (EIR) Certified and Adopted on November 13, 2017 by Council Resolution Number 9720. The Planning and Transportation

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Commission Recommended Approval of the Proposed Ordinance on October 10, 2018 (Continued From December 3, 2018).

Mayor Filseth advised he will not be participating in this part of the Agenda Item due to owning property in an RM-15 zone.

MOTION: Council Member DuBois moved, seconded by Council Member Kniss to exempt 100 percent affordable housing projects from meeting the minimum 1,500 square feet neighborhood serving retail requirement in RM zones, with an average not to exceed 60 percent of the area median income, except for a building manager's unit.

AMENDMENT: Council Member Fine moved, seconded by Council Member Cormack to change the Motion to state "...not to exceed 100 percent of the area median income..."

AMENDMENT FAILED: 3-3 DuBois, Kou, Tanaka no, Filseth recused

INCORPORATED INTO THE WITH THE CONSENT OF THE MAKER AND SECONDER to change the Motion to state "...not to exceed 80 percent of the area median income.

MOTION AS AMENDED RESTATED: Council Member DuBois moved, seconded by Council Member Kniss to exempt 100 percent affordable housing projects from meeting the minimum 1,500 square feet neighborhood serving retail requirement in RM zones, with an average not to exceed 80 percent of the area median income, except for a building manager's unit.

MOTION AS AMENDED PASSED: 6-0 Filseth recused

Council took a break from 8:17 P.M. to 8:25 P.M.

Mayor Filseth returned to the meeting at 8:25 P.M.

Council Member Kniss advised she will not be participating in this part of the Agenda Item due to owning property within 500 feet of the California Avenue CC(2) zoning district.

MOTION: Council Member DuBois moved, seconded by Council Member XX to direct the Planning and Transportation Commission to study interactions between the RPP districts and these Ordinance changes.

MOTION WITHDRAWN BY THE MAKER

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MOTION: Council Member DuBois moved, seconded by Vice Mayor Fine to approve the following modifications to the Ordinance related to the California Avenue CC(2) Zoning District:

- A. Unit Density. Eliminate the unit density requirement restricting the maximum density, which is currently 30 dwelling units per acre;
- B. Residential Only Development. Allow housing-only projects to be constructed, except on properties in the retail shopping (R) combining district or where the retail preservation ordinance applies;
- C. Driveway Approach. Reinforce existing City policy and guidelines to preclude curb cuts on California Avenue, except for City-owned parcels or City-sponsored projects;
- D. Open Space. Allow rooftops to qualify for up to 60 percent of the usable open space requirement for the multi-family residential portion of a project, subject to objective performance standards;
- E. Housing Incentive Program (HIP)
 - i. Increase residential FAR from 0.6 to 2.0;
 - ii. Allow Affordable Housing Overlay development standards (without legislative process);
 - iii. Discretionary review by ARB required; and
- F. Direct Staff to analyze the interaction of housing production in the CC(2) zones in regards to the hotel FAR and methods to match increases in residential FAR with a decrease in commercial FAR for mixed-use projects.

MOTION PASSED: 5-1 Kou no, Kniss recused

Council Member Kniss returned to the meeting at 9:30 P.M.

Council took a break from 9:19 P.M. to 9:31 P.M.

MOTION: Vice Mayor Fine moved, seconded by Council Member Kniss to approve the following modifications to the Ordinance related to properties adjacent to El Camino Real in the CN and CS Zoning Districts:

- A. Unit Density. Eliminate the unit density requirement restricting the maximum density, which currently ranges from 15 to 30 dwelling units per acre;

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- B. Open Space. Allow rooftops to qualify for up to 60 percent of the usable open space requirement for the multi-family residential portion of a project, subject to objective performance standards;
- C. Residential Only Development. Allow housing-only projects to be constructed except on properties where the retail preservation ordinance applies;
- D. Ground Floor Residential Design Standards. Adopt objective design standards to create an attractive active appearance for residential development on the ground-floor, while also maintaining privacy for residents:
 - i. Individual dwelling units shall not be permitted on the ground-floor fronting El Camino Real. Instead, the ground-floor frontage on El Camino Real may include common areas, such as lobbies, stoops, community rooms, and work-out spaces with windows and architectural detail to create visualize interest. Ground floor residential would be permitted beyond the common areas or if set back away from El Camino Real;
 - ii. Parking shall be located behind buildings or below grade, or, where those options are not feasible, screened by landscaping, low walls, or structured garages with architectural detail;
- E. Housing Incentive Program (HIP).
 - i. Increase residential FAR from 0.5 (CN) and 0.6 (CS) to 1.5;
 - ii. Eliminate 50 percent lot coverage requirement;
 - iii. Allow Affordable Housing Overlay development standards (without legislative process); and
 - iv. Discretionary review by ARB required.

MOTION PASSED 6-1 Kou no

MOTION: Council Member DuBois moved, seconded by Vice Mayor Fine to approve the following modifications to the Ordinance related to city-wide Rooftop Open Space Performance Standards:

- A. Permanent fixtures on the rooftop shall be placed so as not to exceed height limit for the applicable zoning district, except:

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- i. Elevators, stairs and guardrails may exceed the height limit to allow for access to the rooftop useable open space as and to the extent required to comply with the Americans With Disabilities Act (ADA). These fixtures shall be designed to the lowest height and size feasible;
 - ii. Permanent fixtures associated with the useable open space, such as trellises, shade structures, furniture, and furnishings such as planters, lighting and heaters, may exceed the height limit by up to 12 feet;
 - iii. For the height limit exceptions in (i) and (ii) above, all fixtures shall not intersect a plane measured at a forty-five degree angle from the edge of the building starting at the rooftop garden surface sloping upward and inward toward the center of the property;
- B. The rooftop garden may be located on the second or higher story or on a roof deck;
 - C. The rooftop garden shall be accessible to all residents of dwelling units on the parcel, but not to commercial tenants of a residential mixed-use development;
 - D. Structures or fixtures providing a means of access or egress (i.e., stairway, elevator) shall be located away from the building edge to the extent feasible or screened to minimize visibility from the public right-of-way and adjacent buildings and privacy impacts. These access structures or fixtures, when exceeding the height limit, shall be subject to the provisions of subsection (A)(iii) above;
 - E. Any lighting shall have cutoff fixtures that cast downward-facing light or consist of lowlevel string lights. Lights shall be dimmable to control glare and placed on timers to turn off after 10:00 PM. Photometric diagrams must be submitted by the applicant to ensure there are no spillover impacts into windows or openings of adjacent properties;
 - F. At least 15 percent but no more than 25 percent of the rooftop shall be landscaped with raised beds for gardening, C.3 stormwater planters, or other landscaping. All required landscaped areas shall be equipped with automatic irrigation systems and be properly drained;
 - G. Rooftop equipment that emit noise and/or exhaust, including but not limited to vents, flues, generators, pumps, air conditioning

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compressors, and other protrusions through the roof, shall be directed away and screened from the useable open space areas;

- H. Rooftop open space noise levels shall not exceed exterior residential noise level as defined by Section 9.10.030(a) of this code;
- I. The use of sound amplifying equipment shall be prohibited. Signs shall be affixed adjacent to access elevators and stairs within the rooftop garden providing notice of this prohibition;
- J. Change the Ordinance Section 10, B to replace "second" with "third;" and
- K. Change the Ordinance Section D to delete "or screened."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion a new Part L "Include in the Ordinance Citywide up-lighting requirements.

MOTION: Council Member Tanaka moved, seconded by Council Member XXX to remove Part B from the Motion.

MOTION FAILED DUE TO LACK OF A SECOND

MOTION AS AMENDED RESTATED: Council Member DuBois moved, seconded by Vice Mayor Fine to approve the following modifications to the Ordinance related to city-wide Rooftop Open Space Performance Standards:

- A. Permanent fixtures on the rooftop shall be placed so as not to exceed height limit for the applicable zoning district, except:
 - i. Elevators, stairs and guardrails may exceed the height limit to allow for access to the rooftop useable open space as and to the extent required to comply with the Americans With Disabilities Act (ADA). These fixtures shall be designed to the lowest height and size feasible;
 - ii. Permanent fixtures associated with the useable open space, such as trellises, shade structures, furniture, and furnishings such as planters, lighting and heaters, may exceed the height limit by up to 12 feet;
 - iii. For the height limit exceptions in (i) and (ii) above, all fixtures shall not intersect a plane measured at a forty-five degree angle from the edge of the building starting at the rooftop garden

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surface sloping upward and inward toward the center of the property;

- B. The rooftop garden may be located on the second or higher story or on a roof deck;
- C. The rooftop garden shall be accessible to all residents of dwelling units on the parcel, but not to commercial tenants of a residential mixed-use development;
- D. Structures or fixtures providing a means of access or egress (i.e., stairway, elevator) shall be located away from the building edge to the extent feasible or screened to minimize visibility from the public right-of-way and adjacent buildings and privacy impacts. These access structures or fixtures, when exceeding the height limit, shall be subject to the provisions of subsection (A)(iii) above;
- E. Any lighting shall have cutoff fixtures that cast downward-facing light or consist of lowlevel string lights. Lights shall be dimmable to control glare and placed on timers to turn off after 10:00 PM. Photometric diagrams must be submitted by the applicant to ensure there are no spillover impacts into windows or openings of adjacent properties;
- F. At least 15 percent but no more than 25 percent of the rooftop shall be landscaped with raised beds for gardening, C.3 stormwater planters, or other landscaping. All required landscaped areas shall be equipped with automatic irrigation systems and be properly drained;
- G. Rooftop equipment that emit noise and/or exhaust, including but not limited to vents, flues, generators, pumps, air conditioning compressors, and other protrusions through the roof, shall be directed away and screened from the useable open space areas;
- H. Rooftop open space noise levels shall not exceed exterior residential noise level as defined by Section 9.10.030(a) of this code;
- I. The use of sound amplifying equipment shall be prohibited. Signs shall be affixed adjacent to access elevators and stairs within the rooftop garden providing notice of this prohibition;
- J. Change the Ordinance Section 10, B to replace "second" with "third;"
- K. Change the Ordinance Section D to delete "or screened;" and
- L. Include in the Ordinance Citywide up-lighting requirements.

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MOTION AS AMENDED PASSED: 6-1 Kou no

MOTION: Vice Mayor Fine moved, seconded by Council Member Kniss to approve the proposed modifications to the definition of “usable open space” in Section 18.04.030 of the Ordinance.

MOTION PASSED: 6-1 Kou no

MOTION: Council Member DuBois moved, seconded by Mayor Filseth to approve the following modifications to the Ordinance related to properties adjacent to El Camino Real in the CN and CS Zoning Districts:

- A. Exempt 100 percent affordable housing projects (120 percent AMI and below) from the retail preservation requirement, with an average not to exceed 80 percent of the area median income, except in the building manager’s unit.

MOTION PASSED: 7-0

State/Federal Legislation Update/Action

None.

Adjournment: The meeting was adjourned at 11:10 P.M.