



## **CITY OF PALO ALTO OFFICE OF THE CITY CLERK**

**February 27, 2017**

**The Honorable City Council  
Attention: Finance Committee  
Palo Alto, California**

### **Approval of Action Minutes for the January 30 and February 6, 2017 Council Meetings**

Staff is requesting Council review and approve the attached Action Minutes.

#### **ATTACHMENTS:**

- Attachment A: 01-30-17 DRAFT Action Minutes (DOCX)
- Attachment B: 02-06-17 DRAFT Action Minutes (DOCX)

Department Head: Beth Minor, City Clerk





# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
January 30, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:07 P.M.

Present: DuBois arrived at 5:15 P.M., Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Absent:

## Closed Session

1. CONFERENCE WITH CITY ATTORNEY-EXISTING LITIGATION  
Subject: Buena Vista MHP Residents Association v. City of Palo Alto, Santa Clara County Superior Court, Case No. 115-CV-284763  
Subject Authority: Government Code Section 54956.9(d)(1).

**MOTION:** Vice Mayor Kniss moved, seconded by Council Member Wolbach to go into Closed Session.

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

Council went into Closed Session at 5:07 P.M.

Council returned from Closed Session at 6:06 P.M.

Mayor Scharff announced no reportable action.

## Special Orders of the Day

2. Selection of Applicants to Interview on February 1, 2017 for the Historic Resources Board, the Parks and Recreation Commission, and the Planning and Transportation Commission.

**MOTION:** Mayor Scharff moved, seconded by Council Member Holman to:

- A. Interview all new applicants for the Parks & Recreation Commission and the Planning & Transportation Commission; and

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- B. Interview all previously interviewed applicants for the Parks & Recreation Commission and the Planning & Transportation Commission if they would like a second interview; and
- C. Limit Planning & Transportation Commission interviews to 10 minutes.

**SUBSTITUTE MOTION:** Vice Mayor Kniss moved, seconded by Council Member XX to interview all new applicants for the Parks & Recreation Commission and the Planning & Transportation Commission.

## **SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND**

**MOTION PASSED:** 9-0

### Agenda Changes, Additions and Deletions

None.

### Consent Calendar

**MOTION:** Vice Mayor Kniss moved, seconded by Mayor Scharff to approve Agenda Item Numbers 3-4.

- 3. Approval of the Acceptance and Expenditure of Citizens Options for Public Safety (COPS) Funds on Various Law Enforcement Equipment and Approval of a Budget Amendment in the Law Enforcement Services Fund.
- 4. Resolution 9664 Entitled, "Resolution of the Council of the City of Palo Alto in Collaboration With the Cities of Redwood City, Menlo Park, and Mountain View Directing Staff to Participate in Sub-regional Planning on Bike Routes."

**MOTION PASSED:** 9-0

### Action Items

- 5. Comprehensive Plan Update: City Council Review & Direction Regarding the Draft Land Use & Community Design Element and the Revised Draft Transportation Element.

**MOTION:** Council Member Wolbach moved, seconded by Mayor Scharff to direct Staff to include in the final Draft of the Comprehensive Plan Update:

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## A. Cumulative Cap:

Policy L-1.10 would maintain a Cumulative Cap of 1.7 million square feet, which is the square footage remaining under the existing cap, focus the Cap on Office/R&D uses and apply it citywide rather than only in "monitored areas." It would also exempt medical office uses in the Stanford University Medical Center (SUMC) area (the current cap does not apply to this geographic area), and require annual monitoring to assess the effectiveness of development requirements and determine whether the cap and the development requirements should be adjusted; and

## B. Annual Limit:

Direct Staff to return with a permanent Ordinance addressing the Annual Limit, separate from the Comprehensive Plan Update; and

## C. Downtown Cap:

Eliminate the Downtown cap found in existing Program L-8 and focus on monitoring development and parking demand.

**AMENDMENT:** Council Member Filseth moved, seconded by Council Member DuBois to replace Part C of the Motion with, "retain the existing Downtown Cap for 45,000 square feet and exempt retail from the Cap."

**INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Amendment, "and hotels" after "exempt retail."

**AMENDMENT RESTATED:** Council Member Filseth moved, seconded by Council Member DuBois to replace Part C of the Motion with, "Program L-1.16.4 would retain a Downtown Cap of about 45,000 square feet for Office/R&D similar to Program L-1.16.2, and would also Cap new hotel development at 50,000 square feet."

**AMENDMENT AS AMENDED FAILED:** 4-5 DuBois, Filseth, Holman, Kou yes

**AMENDMENT:** Council Member Fine moved, seconded by Council Member Tanaka to add to Motion Part A, "with the exception of the Stanford Research Park" after "apply it citywide."

**AMENDMENT FAILED:** 2-7 Fine, Tanaka yes

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**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to replace Part B of the Motion with, "direct Staff to make permanent the Annual Limit Ordinance of 50,000 Square Feet, separate from the Comprehensive Plan Update."

**AMENDMENT:** Council Member Fine moved, seconded by Council Member XX to add to Motion Part C, "and initiate a community driven Specific Area Plan for the Downtown Area."

## **AMENDMENT WITHDRAWN BY THE MAKER**

**AMENDMENT:** Council Member DuBois moved, seconded by Council Member Holman to replace Part B of the Motion with, "Policy L-1.14 would perpetuate the interim annual limit of 50,000 square feet of Office/R&D and expand it to apply citywide, except that an additional 50,000 square footage allocation would be provided for the Stanford Research Park (SRP), and that allocation could be carried forward to future years if unused, up to the existing allowable square footage in the SRP. Stanford University Medical Center (SUMC) would be exempt from the annual limit. This exemption could be clarified to apply only to approved uses only if desired."

**INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Amendment, "establish a baseline traffic measure for the Stanford Research Park."

**AMENDMENT AS AMENDED RESTATED:** Council Member DuBois moved, seconded by Council Member Holman to replace Part B of the Motion with, "Policy L-1.14 would perpetuate the interim annual limit of 50,000 square feet of Office/R&D and expand it to apply citywide, except that an additional 50,000 square footage allocation would be provided for the Stanford Research Park (SRP), and that allocation could be carried forward to future years if unused, up to the existing allowable square footage in the SRP. Stanford University Medical Center (SUMC) would be exempt from the annual limit. This exemption could be clarified to apply only to approved uses only if desired. Establish a baseline traffic measure for the Stanford Research Park."

**AMENDMENT AS AMENDED FAILED:** 3-6 DuBois, Holman, Kou yes

**MOTION AS AMENDED RESTATED:** Council Member Wolbach moved, seconded by Mayor Scharff to direct Staff to include in the final Draft of the Comprehensive Plan Update:

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## A. Cumulative Cap:

Policy L-1.10 would maintain a Cumulative Cap of 1.7 million square feet, which is the square footage remaining under the existing cap, focus the Cap on Office/R&D uses and apply it citywide rather than only in "monitored areas." It would also exempt medical office uses in the Stanford University Medical Center (SUMC) area (the current Cap does not apply to this geographic area), and require annual monitoring to assess the effectiveness of development requirements and determine whether the Cap and the development requirements should be adjusted; and

## B. Annual Limit:

Direct Staff to make permanent the Annual Limit Ordinance of 50,000 Square Feet, separate from the Comprehensive Plan Update; and

## C. Downtown Cap:

Eliminate the Downtown Cap found in existing Program L-8 and focus on monitoring development and parking demand.

**MOTION AS AMENDED PASSED:** 5-4 DuBois, Filseth, Holman, Kou no

**MOTION:** Vice Mayor Kniss moved, seconded by Council Member Wolbach to maintain the current 50 foot height limit separate from the Comprehensive Plan Update, continuing as an Ordinance.

**AMENDMENT:** Council Member Wolbach moved, seconded by Council Member XX to replace in the Motion, "the current 50 foot height limit separate from the Comprehensive Plan Update, continuing as an Ordinance" with "any but only existing language in the 1998 Comprehensive Plan relating to height limits."

**AMENDMENT FAILED DUE TO THE LACK OF A SECOND**

**AMENDMENT:** Council Member Holman moved, seconded by Council Member Kou to add to the Motion, "include Policy L-6.7 and add possible, limited exceptions to the Fry's and Cubberley sites.

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

**MOTION PASSED:** 7-2 DuBois, Holman no

Council took a break at 8:49 P.M. and returned at 9:00 P.M.

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**MOTION:** Council Member Wolbach moved, seconded by Vice Mayor Kniss to direct Staff to exclude from the final draft of the Comprehensive Plan Update "child care" from the list of typical Neighborhood Commercial uses.

**MOTION PASSED:** 6-3 Filseth, Fine, Tanaka no

**MOTION:** Council Member Fine moved, seconded by Council Member DuBois to direct Staff to include in the final draft of the Comprehensive Plan Update:

- A. Pursue multifamily housing at the Stanford Shopping Center, provided adequate parking is maintained, as alluded to in Policy L-4.7 (the language could be strengthened); and
- B. Pursue multifamily housing in the Stanford Research Park, particularly along the El Camino Real frontage as alluded to in Program L-5.4.1 (the language could be strengthened); and
- C. Reinstate the language in previous Policy L-33 (now Policy L-4.12 and Program L-1.12.3) about housing potential in the Town & Country area; and
- D. Include a new program to pursue multifamily housing near Stanford University Medical Center (SUMC) and/or in the western part of the Stanford Research Park.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to replace Part B of the Motion with, "Program L-5.4.1 explore with Stanford University various development options for adding to the Stanford Research Park a diverse mix of uses, including residential, commercial hotel, conference center, commercial space for small businesses and start-ups, retail, transit hub, and other community-supporting services that are compatible with the existing uses, to create a vibrant innovation-oriented community." (New Part E)

**AMENDMENT:** Council Member Holman moved, seconded by Vice Mayor Kniss to add to the Motion Part C, "which would be limited to second floor office conversion."

**AMENDMENT WITHDRAWN BY THE MAKER**

**AMENDMENT:** Mayor Scharff moved, seconded by Council Member Holman to replace Part C of the Motion with, "not support housing in the Town & Country area."

**AMENDMENT PASSED:** 5-4 DuBois, Fine, Tanaka, Wolbach no



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**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to replace in Parts A and D of the Motion, "pursue" with "explore."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to remove from Motion Part D, "and/or in the western part of the Stanford Research Park."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion Part A, "and vibrant retail" after "adequate parking."

**MOTION AS AMENDED RESTATED:** Council Member Fine moved, seconded by Council Member DuBois to direct Staff to include in the final draft of the Comprehensive Plan Update:

- A. Explore multifamily housing at the Stanford Shopping Center, provided adequate parking and vibrant retail is maintained, as alluded to in Policy L-4.7 (the language could be strengthened); and
- B. L-5.4.1 Explore with Stanford University various development options for adding to the Stanford Research Park a diverse mix of uses, including residential, commercial hotel, conference center, commercial space for small businesses and start-ups, retail, transit hub, and other community-supporting services that are compatible with the existing uses, to create a vibrant innovation-oriented community; and
- C. Not support housing in the Town & County area; and
- D. Include a new program to explore multifamily housing near Stanford University Medical Center (SUMC).

**MOTION AS AMENDED PASSED:** 9-0

**MOTION:** Council Member DuBois moved, seconded by Mayor Scharff to direct Staff to include in the final draft of the Comprehensive Plan Update, a new program to eliminate housing sites along San Antonio Road and increase residential densities in Downtown and the California Avenue Area to replace potential units on the sites eliminated.

**MOTION PASSED:** 6-3 Filseth, Kniss, Kou no

**MOTION:** Council Member Fine moved, seconded by Vice Mayor Kniss to direct Staff to eliminate from the final draft of the Comprehensive Plan Update Development Requirements and Community Indicators.

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**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "direct Staff to consider a Community Indicator Program as part of the next iteration of the Annual Performance Report or another on-going monitoring effort." (New Part B)

**SUBSTITUTE MOTION:** Council Member Holman moved, seconded by Council Member Kou to direct Staff to include in the final draft of the Comprehensive Plan Update: to articulate the purposes and topics for development requirements in the Comprehensive Plan, but develop details later via Comprehensive Plan program and reference tables L-1 and L-2 and include Staff comments regarding these tables and include references to Vehicle Miles Traveled (VMT) wherever Level Of Service (LOS) is included in the Comprehensive Plan.

**SUBSTITUTE MOTION FAILED:** 4-5 DuBois, Filseth, Holman, Kou yes

**SUBSTITUTE MOTION:** Council Member Wolbach moved, seconded by Council Member Holman to direct Staff to include in the final draft of the Comprehensive Plan Update to articulate the purposes and topics for development requirements in the Comprehensive Plan, but develop details later via an implementation program excluding Comprehensive Plan Programs.

**SECOND WITHDRAWN BY THE SECONDER**

**SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND**

**MOTION AS AMENDED RESTATED:** Council Member Fine moved, seconded by Vice Mayor Kniss to direct Staff to include in the final draft of the Comprehensive Plan Update:

- A. Eliminate Development Requirements and Community Indicators in the Comprehensive Plan; and
- B. Direct Staff to consider a Community Indicator Program as part of the next iteration of the Annual Performance Report or another on-going monitoring effort.

**MOTION AS AMENDED PASSED:** 8-1 Holman no

**MOTION:** Vice Mayor Kniss moved, seconded by Council Member Holman to direct Staff to include in the final draft of the Comprehensive Plan Update to create new opportunities for retail/residential mixed use and pursue conversion of some non-retail commercial Floor Area Ratio (FAR) to

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residential FAR as alluded to in Policy L-6.12, this policy will be separated into two Programs, Program L-1.16.5, and Program L-1.12.3.

**MOTION AS AMENDED PASSED:** 8-0-1 Tanaka abstain

**MOTION:** Council Member Wolbach moved, seconded by Council Member Fine to direct Staff to include in the final draft of the Comprehensive Plan Update, Policy L-2.3 about encouraging a mix of housing types and sizes designed for greater affordability and Policy 3.4 about encouraging a mix of smaller housing types.

**MOTION PASSED:** 8-0-1 DuBois abstain

**MOTION:** Council Member Holman moved, seconded by Council Member Fine to direct Staff to include in the final draft of the Comprehensive Plan Update Policy L-3.5 and associated Program L-3.5.1 regarding ways to minimize displacement of existing residents.

**MOTION PASSED:** 8-0-1 Tanaka abstain

**MOTION:** Vice Mayor Kniss moved, seconded by Council Member Wolbach to direct Staff to include in the final draft of the Comprehensive Plan Update, policies and programs like Policy L-4.1, Program L-3.2.1, and Program L-6.12.4 about preserving ground floor retail space.

**MOTION PASSED:** 5-0-4 Filseth, Holman, Kou, Scharff abstain

**MOTION:** Council Member DuBois moved, seconded by Council Member Kou to direct Staff to include in the final draft of the Comprehensive Plan Update, maintain Policy L-3.3 and/or Policy L-3.6 (some repetition can be eliminated) and associated Program L-3.3.1 about preserving existing housing that is affordable, such as small cottage clusters, removing from Program L-3.3.1, "and the replacement of rental housing units with ownership housing units."

**MOTION PASSED:** 6-0-3 Kou, Tanaka, Wolbach abstain

**MOTION:** Council Member Wolbach moved, seconded by Vice Mayor Kniss to direct Staff to include in the final draft of the Comprehensive Plan Update, Program L-1.16.5 (we will fix the numbering problem here) or L-7.12.1 (some repetition can be eliminated) to revise or consider revising the Transferable Development Rights (TDR) Program Downtown to create bonus residential rather than commercial square footage.

**MOTION PASSED:** 7-0-2 Filseth, Tanaka abstain

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**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Tanaka to direct Staff to include in the final draft of the Comprehensive Plan Update, a program to explore increasing hotel Floor Area Ratio (FAR) from 2.0 to 3.0.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "in areas inside of Downtown and 2.5 in other areas."

**MOTION AS AMENDED RESTATED:** Vice Mayor Scharff moved, seconded by Council Member Tanaka to direct Staff to include in the final draft of the Comprehensive Plan Update, a program to explore increasing hotel Floor Area Ratio (FAR) from 2.0 to 3.0 in areas inside of Downtown and 2.5 in other areas."

**MOTION AS AMENDED PASSED:** 5-3-1 DuBois, Holman, Kou no, Filseth abstain

**MOTION:** Council Member DuBois moved, seconded by Council Member Holman to direct Staff to include in the final draft of the Comprehensive Plan Update, Policy L-4.10 regarding enhancing the pedestrian environment along El Camino Real and Program L-9.4.1 specific to sidewalk widths and building design.

**MOTION FAILED:** 4-1-4 Fine no, Filseth, Kniss, Scharff, Wolbach abstain

**MOTION:** Council Member DuBois moved, seconded by Council Member Holman to direct Staff to include in the final draft of the Comprehensive Plan Update converting Policy L-4.10 regarding enhancing the pedestrian environment along El Camino Real to a Program and maintain Program L-9.4.1 specific to sidewalk widths and building design.

**MOTION FAILED:** 3-5-1 DuBois, Holman, Kou yes, Fine abstain

**MOTION:** Council Member DuBois moved, seconded by Council Member Filseth to direct Staff to eliminate from the final draft of the Comprehensive Plan Update Program L-4.2.1 regarding preparation of a Coordinated Area Plan for South El Camino (pp. L-48 through L-49).

**MOTION PASSED:** 6-2-1 Fine, Tanaka no, Filseth abstain

**MOTION:** Council Member Holman moved, seconded by Council Member Filseth to direct Staff to restore in the final draft of the Comprehensive Plan Update, existing Policy L-6 language about preserving neighborhood character ("avoid abrupt changes in scale and density between residential and non-residential areas and between residential areas of different

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densities. To promote compatibility and gradual transitions between land uses, place zoning district boundaries at mid-block locations rather than along streets wherever possible.”) This is in lieu of the new language proposed in Policy L-6.11.

**MOTION PASSED:** 5-2-2 Scharff, Wolbach no, Fine, Tanaka abstain

**MOTION:** Council Member Wolbach moved, seconded by Council Member Fine to direct Staff to remove from the final draft of the Comprehensive Plan Update, all Programs from the Land Use Element, not required by State Law to be taken up at future dates as policy discussions and use the implementation section of the Plan to indicate the relative cost and priority of each Program.

**MOTION FAILED:** 4-2-3 DuBois, Kou, no, Filseth, Holman, Scharff abstain

**MOTION:** Council Member Wolbach moved, seconded by Council Member Fine to direct Staff to remove from the final draft of the Comprehensive Plan Update, all Programs from the Land Use Element, not required by State Law to be taken up at future dates as policy discussions and use the implementation section of the plan to indicate the relative cost and priority of each Program.

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

**MOTION:** Council Member DuBois moved, seconded by Mayor Scharff to remove all Programs from the Transportation Element.

**MOTION PASSED:** 6-1-2 Holman no, Filseth, Kniss abstain

**MOTION:** Mayor Scharff moved, seconded by Council Member Filseth to continue the Revised Draft Transportation Element to a date uncertain.

**MOTION PASSED:** 9-0

**MOTION:** Council Member Holman moved, seconded by Council Member DuBois to continue the Land Use Element to a date uncertain.

**MOTION PASSED:** 9-0

Inter-Governmental Legislative Affairs

None.

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## Council Member Questions, Comments and Announcements

None.

Adjournment: The meeting was adjourned at 10:59 P.M.



# CITY OF PALO ALTO CITY COUNCIL DRAFT ACTION MINUTES

Special Meeting  
February 6, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:05 P.M.

Present: DuBois, Filseth, Fine, Holman arrived at 5:08 P.M., Kou, Scharff, Tanaka, Wolbach arrived at 5:13 P.M.

Absent: Kniss

## Closed Session

1. CONFERENCE WITH LABOR NEGOTIATORS  
This item will not be heard this evening and will be rescheduled.
- 1A. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION  
Significant Exposure to Litigation Under Govt. Code Section 54956.9(d)(2)  
(One Potential Case, as Defendant/Respondent)  
429 University Avenue; Appeal of Director of Planning and Community Environment's Architectural Review Approval of a Development Application.

**MOTION:** Council Member DuBois moved, seconded by Council Member Holman to go into Closed Session.

**MOTION PASSED:** 7-0 Kniss, Wolbach absent

Council went into Closed Session at 5:09 P.M.

Council returned from Closed Session at 6:51 P.M.

## Study Session

2. THIS ITEM HAS BEEN MOVED TO THE END OF THE AGENDA.

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## Agenda Changes, Additions and Deletions

**MOTION:** Council Member Holman moved, seconded by Council Member Fine to continue Agenda Item Number 12- PUBLIC HEARING: Review and Adoption of an Ordinance Amending Chapter 18 (Zoning)... to March 6, 2017.

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

## Minutes Approval

3. Approval of Action Minutes for the January 23, 2017 Council Meeting.

**MOTION:** Council Member DuBois moved, seconded by Council Member Filseth to approve the Action Minutes for the January 23, 2017 Council Meeting.

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

## Consent Calendar

**MOTION:** Mayor Scharff moved, seconded by Council Member Holman to approve Agenda Item Numbers 4-9 including changes to Agenda Item Number 8- Fiscal Year 2017 Mid-year Budget Review... as outlined in the Staff Memorandum.

4. Review and Acceptance of the Annual Report on Development Impact Fees for Fiscal Year 2016.
5. Adoption of a Budget Amendment Closing the Fiscal Year 2016 Budget and Capital Projects, and Approval of the Fiscal Year 2016 Comprehensive Annual Financial Report (CAFR).
6. Resolution 9665 Entitled, "Resolution of the Council of the City of Palo Alto to Continue the Palo Alto CLEAN Program: (1) for Local Non-solar Resources, at a Price of 8.4 ¢/kWh to 8.5 ¢/kWh With no Capacity Limit; and (2) for Local Solar Resources, at a 16.5 ¢/kWh Price That Drops to Avoided Cost at 3 MW; and Approval of Associated Program Rules and Agreements."
7. 203 Forest Avenue [14PLN-00472]: Appeal of the Planning and Community Environment Director's Denial of an Architectural Review



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Application for a 4,996 Square Foot Residential Addition Above an Existing 4,626 Square Foot Commercial Building. Environmental Assessment: Not a Project. Pursuant to Section 15270, California Environmental Quality Act (CEQA) Does not Apply to Disapproved Projects. Zoning District: Downtown Commercial (CD-C (GF)(P)) District.

8. Fiscal Year 2017 Mid-year Budget Review, Approval of Budget Amendments in Various Funds and Approval of Amendments to Three Salary Schedules.
9. Approval to Issue a Contract Change Order to Contract Number C16163847 With Wadsworth Golf Construction Company in the Amount of \$198,850 for the Construction of a Prefabricated On-course Restroom at the Palo Alto Municipal Golf Course.

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

## Action Items

10. PUBLIC HEARING: Resolution 9666 Entitled, "Resolution of the Council of the City of Palo Alto Ordering Weed Nuisance Abated."

Public Hearing opened at 8:04 P.M.

Public Hearing closed at 8:07 P.M.

**MOTION:** Mayor Scharff moved, seconded by Council Member Holman to adopt a Resolution ordering the abatement of weed nuisances in the City of Palo Alto.

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

11. PUBLIC HEARING: 429 University Avenue [14PLN-00222]: To Consider a Continued Appeal of the Director of Planning and Community Environment's Architectural Review Approval of a 31,407 Square-foot, Four Story, Mixed use Building With Parking Facilities on two Subterranean Levels on an 11,000 Square-foot Site. Environmental Assessment: the Mitigated Negative Declaration was Circulated November 17, 2014 to December 12, 2014. Zoning District: CD-C (GF)(P). The Council Previously Considered This Appeal on November

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30, 2015 and Remanded it to the Architectural Review Board for Redesign and Further Review Based on Council's Direction.

Public Hearing opened at 8:20 P.M.

Public Hearing closed at 9:53 P.M.

**MOTION:** Mayor Scharff moved, seconded by Council Member Filseth to:

- A. Deny the Appeal; and
- B. Approve the Mitigated Negative Declaration and Mitigation and Monitoring Plan; and
- C. Approve a modified project (Option 1) with conditions included in the Staff Report, Pages 6-8; and
- D. Direct Staff to return with written findings for adoption.

**SUBSTITUTE MOTION:** Council Member Holman moved, seconded by Council Member Kou to deny the Project due to the inability to make Architectural Review Findings as part of the Council's prior review from Staff Report, Pages 4-5 and the Architectural Review Board recommendation to deny the Project.

**SUBSTITUTE MOTION FAILED:** 3-5 DuBois, Holman, Kou yes, Kniss absent

**AMENDMENT:** Council Member Holman moved, seconded by Council Member XX to add to the Motion, "that the height of the prominent First Floor concrete elements be lowered to be consistent with the prevailing street pattern."

**AMENDMENT FAILED DUE TO THE LACK OF A SECOND**

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "this approval is subject to the actual Project matching Option 1 as described by Staff." (New Part E)

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**MOTION AS AMENDED RESTATED:** Mayor Scharff moved, seconded by Council Member Filseth to:

- A. Deny the Appeal; and
- B. Approve the Mitigated Negative Declaration and Mitigation and Monitoring Plan; and
- C. Approve a modified project (Option 1) with conditions included in the Staff Report, Packet Pages 527-528; and
- D. Direct Staff to return with written findings for adoption; and
- E. This approval is subject to the actual Project matching Option 1 as described by Staff.

**MOTION AS AMENDED PASSED:** 5-3 DuBois, Holman, Kou no, Kniss absent

- 12. ~~PUBLIC HEARING: Review and Adoption of an Ordinance Amending Chapter 18 (Zoning) of the Palo Alto Municipal Code to Update Code Sections Regarding Accessory Dwelling Units.~~

~~STAFF REQUESTS THIS ITEM BE CONTINUED TO MARCH 6, 2017.~~

## Study Session

- 2. ~~Update on Stanford University's General Use Plan (GUP) Application to Santa Clara County.~~

This Agenda Item continued to February 27, 2017.

## Inter-Governmental Legislative Affairs

None.

## Council Member Questions, Comments and Announcements

Council Member Holman requested Council reconsider the placement of Programs within the Comprehensive Plan as part of the Comprehensive Plan Update.

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Council Member DuBois voiced his support of this reconsideration proposal.

Council Member Holman suggested that her statement be considered a Colleagues Memorandum.

Molly Stump, City Attorney advised that Colleagues Memorandum are typically submitted in writing to allow for Staff review and feedback. She also noted that Staff intends to return to Council for further direction regarding the Comprehensive Plan Update.

Council Member Holman shared her understanding that Staff plans to return with further discussion regarding the Comprehensive Plan Update based on Council's previous direction. She clarified that her request is for reconsideration of the Council's direction pertaining to the placement of Programs in the Comprehensive Plan.

Vice Mayor Scharff advised that this request appears to be a Motion for Reconsideration, which is not an option during Council Member Questions, Comments and Announcements pursuant to the City Council Procedures and Protocols.

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