



# CITY COUNCIL DRAFT SUMMARY MINUTES

Special Meeting  
June 21, 2022

The City Council of the City of Palo Alto met on this date in the Council Chambers and by virtual teleconference at 3:00 P.M.

Present: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Present virtually: None

Absent: None

## Closed Session

AA1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS Authority: Government Code Section 54956.8 Property: 1237 San Antonio Road Negotiating Party: LifeMoves, a California Nonprofit Public Benefit Corporation City Negotiators: Ed Shikada, Kiely Nose, Chantal Cotton Gaines, Sunny Tong, Rachael Tanner, Albert Yang Subject of Potential Negotiations: Lease Terms

## PUBLIC COMMENT

Rebecca Eisenberg requested that items be held in an open forum unless it was absolutely necessary. She encouraged the Council to flexible and reasonable with their decision regarding LifeMoves.

1. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION Subject: Threatened litigation regarding interpretation and application of non-conforming use provisions for 340 Portage and associated addresses, as set forth in September 10, 2021 letter from Sobrato Organization Authority: Potential Exposure to Litigation Under Government Code Section 54956.9(d)(2) One Case, as Defendant

## **CONTINUED FROM June 20, 2022**

**MOTION:** Council Member Cormack moved, seconded by Council Member Stone to go into Closed Session.

**MOTION PASSED/FAILED:** 7-0

Council went into Closed Session at 3:02 P.M.

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Council returned from Closed Session at 4:45 P.M.

Mayor Burt announced reportable action regarding 540 Portage Road authorizing staff to authorize a tolling and process agreement with the Sobrado organization.

## Agenda Changes, Additions and Deletions

The City Council Continued Item 1: Closed Session from June 20, 2022 to July 21, 2022

Item 3 was deferred to a future date.

Item 2 will begin after Item 4.

## PUBLIC COMMENT

Rebecca Eisenberg was grateful for Council's negotiations with the Sobrato Organization. If the Council had proposed the right Business Tax, the City would not have had to negotiate.

Aram James quoted from the 1996 Bradbury vs. Superior Court case which stated that the public must be kept fully informed of the activities of its police officers. He requested the City Council make certain that the City Manager release the names of the candidates for the next Chief of Police.

John Kelley wanted to know if the data collected by the Tree Ordinance would distinguish between protected and non-protected tree removal, how a tree was removed, the annual loss of trees between 15 and 36 inches and would the new standards for protected trees be followed by Urban Forestry and designated arborists.

## Consent Calendar

## PUBLIC COMMENTS

Rebecca Eisenberg supported the City's contract with Canopy. The point of the Tree Ordinance was not to stop housing or stop development. It was implemented to ensure that the City's ordinance complied with State law.

John Kelley did not oppose the contract with Canopy. He commented that the Staff report on the Tree Ordinance and Council's discussion were not in alignment. He asked if any portion of the contract with Canopy was related to the 2022 Tree Ordinance.

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**MOTION:** Vice Mayor Kou moved, seconded by Mayor Burt to approve Agenda Item Numbers 1.

Council Member Tanaka registered a no vote on Agenda Item Number 1.

1. Approval of Amendment Number 2 to Contract #C21180324 with Canopy to Add to the Scope of Services, Extend the Term through June 30, 2024, and Increase the Not-to-Exceed Amount of the Contract by \$742,210, for a New Not to Exceed Amount of \$967,720; and Approval of a Budget Amendment in the General Fund in FY 2023 XX.

**MOTION PASSED:** 6-1, Tanaka no

Council member Tanaka stated in general he supported Canopy but was concerned about the contracting tripling in price.

## Action Items

3. Urgency Ordinance of the Council of the City of Palo Alto Imposing a Temporary Moratorium on the Approval of Development Entitlements or Building Permits that Entail the Storage, Use, or Handling of Hazardous Materials Within the General Manufacturing (GM) District, Research, Office and Limited Manufacturing (ROLM) District, and Research Park (RP) District.

**ACTION: Continued.**

4. 1237 San Antonio Road (22PLN-0114 and 22PLN-00113) Project Homekey: Staff and the Applicant (LifeMoves) Update to City Council on This Project and Request for Consideration of a Third Story Design Option. Zoning District: PF (Public Facilities).

Deputy City Manager Chantal Cotton Gaines reported in late 2021 the Council voted to pursue a Homekey Grant. Staff presented options for a 3-story project with over 100 units and a 2-story project with 88 units. Council directed Staff to move forward with the 2-story project. Staff, in partnership with LifeMoves, applied for the Homekey Grant and expected to hear back after July of 2022 on whether the City was granted funding. Staff completed Phase 1 and Phase 2 for the former Los Altos Treatment Plant site. Staff continued to work with LifeMoves on the lease and the design for a 3-story project.

LifeMoves Aubrey Merriman expressed his appreciation to the Council and the Staff for their support and work for affordable housing. Palo Alto was one of the first on the peninsula to adopt policies to address the housing demand.

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LifeMoves Jo Price echoed Mr. Merriman's comments. Staff and LifeMove acknowledged that both the GreenWaste site and the Homekey site were congested. The group revised the plan to mitigate the congestion.

Ms. Cotton Gaines concurred that the revised site plan was for a 3-story design. The plan retained the unit count of 88 units. The 3-story design eliminated the shared driveway between GreenWaste and Homekey, increased the height of the project from 27 feet to 38 feet, decreased parking from 35 parking spaces to 27 parking spaces and increased the livable space.

Ms. Price commented that the 3-story proposal provided greater flexibility and created an improved footprint to facilitate and optimize GreenWaste's operations. The site design mitigated massing by stepping down the buildings near San Antonio Road will maintain privacy and safety for clients who resided on the site. The project used different materials and textures as well as recessed windows, a recessed fence, a two-tone color palette and deeper roof overhangs. The design blended in with the Baylands to protect the sensitive area.

Ms. Cotton Gaines shared the next step was to present the design to the Architectural Review Board (ARB) on July 21, 2022. Staff would continue to work on the lease and would bring the lease and final design to the Council in August of 2022. Staff recommended the Council authorize Staff to finalize the design based on 3-stories.

## PUBLIC COMMENT

Scott O'Neil with Palo Alto Forward spoke on behalf of himself. He expressed his strong support for the project and encouraged the Council to support the 3-story proposal.

Claudine Sipili acknowledged that housing options were limited in the City and fully supported the project. She supported a layout that provided the most housing units with the most liveable space.

Rebecca Eisenberg was very grateful to the Staff and LifeMoves for moving forward with an amazing project.

Council Member Cormack looked forward to hearing if the City will receive the funding. She asked if San Antonio Road was proposed to be widened.

Ms. Price remarked that the proposal did not widen the road but changed the alignment.

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Life Moves Chuck Bloszies confirmed that the road was slightly wider due to the City of Mountain View's request that the sidewalk be extended with a median.

Council Member Cormack noticed there was additional open space and landscaping in the 3-story proposal.

Ms. Price confirmed that is correct.

**MOTION:** Council Member Cormack moved, seconded by Council Member DuBois to direct staff to pursue the three-story plan design.

Council Member DuBois encouraged Staff to be clear with the ARB about items that may increase the cost. He encouraged LifeMoves and Staff to ask Council Members for help to find donors who may want to help fund operation costs.

Council Member Stone wanted to understand the reduction in units if Council moved forward with the 2-story design.

Ms. Price clarified the 3-story design retained the 88 units proposed for the 2-story design.

Council Member Stone clarified that the Staff report had discussed the possibility of a reduction to the unit count due to the fire lane for the 2-story proposal.

Ms. Cotton Gaines answered that the intention was to maintain the unit count because the grant amount was linked to the number of units.

Council Member Stone inquired why the unit count was not increased.

Ms. Cotton Gaines explained the proposal tried to balance the concerns about height while still respecting the natural environment.

Ms. Price emphasized that if one additional unit was proposed on the Homekey application. That would have fundamentally changed the application and the City would have had to resubmit the application.

Council Member Stone wanted to know if the 35 parking spaces for the 2-story configuration was before the potential loss of 50 percent in parking.

Ms. Cotton Gaines noted there had to be enough room on the fire access road and any adjustments to that would impact the parking spaces.

Ms. Price shared the facility in the City of Mountain View had 100 units, with 19 onsite parking spaces and an agreement to use several parking spaces at

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the parking lot on Shoreline Boulevard. The Staff working at the site used the onsite parking during the day while residents used the onsite parking at night.

Council Member Stone mentioned his only concern was the potential reduction in parking but still supported the 3-story proposal. He loved having more open space, landscaping, better design and not having a shared driveway.

Vice mayor Kou appreciated that there was more space between the units and more open space. She wanted to know the original square footage for the project.

Ms. Cotton Gaines confirmed the square footage was roughly the same for both proposals.

Vice Mayor Kou remarked that the configuration was done very well.

Assistant Public Works Director Karin North concurred that the new configuration would enhance GreenWaste's site.

Vice Mayor Kou shared she was apprehensive about placing a 3-story project so close to the Baylands. She encouraged the ARB to explore designs that were harmonious with the natural environment. Also, that Staff engage with Canopy to ensure that the right tree species was placed in the right location.

Council Member Filseth supported the project.

Mayor Burt believed the 3-story design was lower in height than the Council was accustomed to reviewing. He supported the more efficient and livable space the proposal provided.

## **MOTION PASSED: 7-0**

2. Adoption of a Temporary Emergency Ordinance Requiring a Conditional Use Permit to Establish a Firearms Dealer Retail Use. Environmental Assessment: Exempt under CEQA Guidelines 15061(c)(3).

Planning and Development Director Jon Lait reported Staff recommended that the Council adopt the Emergency Ordinance. The ordinance required a Conditional Use Permit (CUP) for a firearms dealership within the City. The ordinance required a 4/5 vote of the Council and would be effective for 45-days. The proposed ordinance was a modest adjustment to the City's existing standard and aligned the City's Municipal Code with neighboring jurisdiction.

## PUBLIC COMMENT

Rebecca Eisenberg encouraged Council to adopt the Emergency Ordinance.

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Council Member Cormack expressed her deepest gratitude to the Staff for bringing forward the item.

**MOTION:** Council Member Cormack moved, seconded by Vice Mayor Kou to adopt a **temporary emergency ordinance 5559** to require a conditional use permit to establish a firearms dealership.

Vice mayor Kou appreciated Staff bringing forward the Emergency Ordinance.

Council Member Stone inquired if there were any firearm dealerships in Palo Alto.

Mr. Lait answered no.

Council Member Stone believed that Santa Clara County banned gun shows.

Mr. Lait was not familiar with Santa Clara County's regulations.

**MOTION PASSED:** 7-0

5. Colleagues Memo: Adopt A Resolution Regarding Reproductive Rights for Palo Alto Residents.

Council Member Stone was appalled to hear the Supreme Court's decision to overturn a half-century precedent of Roe Vs. Wade. Many legal scholars believed the ruling threatened a person's right to secure safe access to abortion and that it threatened many reproductive rights. The resolution intended to reaffirm the community's commitment to protecting reproductive rights and women's right to control their bodies. Over half of all United States of America states had indicated their intention to enact legislation that ranged from severely restricting access to abortion to criminalizing a women's right to control her own body.

Vice Mayor Kou appreciated and supported the resolution. Palo Alto is a sanctuary City and it was only right that the City be a sanctuary City for women and their rights.

Council Member Cormack stated reproductive freedom in Palo Alto was not an empty phrase. High-risk pregnancies happened often at Stanford University Medical Center and it was vitally important that option in healthcare be allowed. She was very interested in exploring more ways to protect women who need this type of healthcare.

Mayor Burt fully supported the resolution and the initiative.

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**MOTION:** Council Member Stone moved, seconded by Council Member Cormack to adopt **Resolution 10059** affirming the City's belief in a woman's right to bodily autonomy and to welcome all who seek reproductive freedom within our City's boundaries.

**MOTION PASSED:** 7-0

## Council Member Questions, Comments and Announcements

Council Member Tanaka asked why the meeting was not held at its normal time.

Mayor Burt answered the early start time was to accommodate additional items held over from the June 20, 2022 Council meeting.

Adjournment: The meeting was adjourned at 6:12 P.M.