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7.	CONFERENCE WITH LABOR NEGOTIATORS

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:00 p.m.

Present: Barton, Burt, Drekmeier, Espinosa arrived at 6:05 p.m.,

Kishimoto, Klein, Morton, Schmid arrived at 6:07 p.m., Yeh

arrived at 6:55 p.m.

#### Absent:

#### **CLOSED SESSION**

1. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL/ANTICIPATED LITIGATION

Subject: Significant Exposure to Litigation against the City of Palo Alto

by United States Department of Transportation

Authority: Government Code § 54956.9(b)(1) & (b)(3)(B)

Council returned from the closed session at 7:10 p.m. and Mayor Drekmeier advised no reportable action.

# SPECIAL ORDERS OF THE DAY

2. Resolution 8997 entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to Susan Thom for Her Outstanding Public Service as a Member of the Library Advisory Commission."

Vice Mayor Morton read the Resolution to Ms. Thom for her dedication to the Library and the community.

Council Member Klein stated Ms. Thom had worked tirelessly to better the community and had strong convictions for what she believed in. She would be a great loss to the Library Advisory Commission.

Vice Mayor Morton stated his sincere regret over the loss of Ms. Thom from the Library Advisory Commission.

**MOTION:** Vice Mayor Morton moved, seconded by Council Member Barton to adopt the Resolution expressing appreciation to Susan Thom for her outstanding public service as a member of the Library Advisory Commission.

**MOTION PASSED**: 9-0

Susan Thom shared her excitement with this new era of rebuilding the library facilities. She expressed her gratitude to Council for asking her to stay but it was time for her to move forward with other community opportunities.

#### CITY MANAGER COMMENTS

City Manager, James Keene noted the College Terrace residential parking permit program was scheduled to be implemented this week. The planning for a Sustainable Development was a series of forums the Planning Department assisted in putting together. He announced Felicity Hartnett was this years' Open Space Employee of the Year and Bonnie Nattrass was this years' Park Ranger of the Year.

#### ORAL COMMUNICATIONS

Timothy Gray, 4173 Park Boulevard, spoke regarding options for the upcoming budget discussions.

Jo Coffaro, 974 Willow Street, spoke regarding participating in the InnVision Raffle.

Wynn Grcich, 30166 Industrial Parkway, Hayward, spoke regarding the chloramines in the drinking water.

## **CONSENT CALENDAR**

Council Member Barton advised he would not be participating in Agenda Item No. 3 as he is on faculty at Stanford University.

Council Member Klein advised he would not be participating in Agenda Item No. 3 as his wife is on faculty at Stanford University.

**MOTION:** Vice Mayor Morton moved, seconded by Council Member Kishimoto to approve Agenda Item No. 3.

3. Approval of an Enterprise Fund Contract for Professional Engineering Services with Camp Dresser and McKee, Inc. in the Amount of \$3,828,680 for the Design and Construction Management Services for the Reservoir, Pump Station, and Well at El Camino Park and Mayfield Pump Station Augmentation Project WS-08002.

MOTION PASSED: 7-0 Barton, Klein not participating

## **ACTION ITEMS**

4. Public Hearing Adopting Resolution 8998 entitled Resolution of the Council of the City of Palo Alto Certifying the adequacy of the Final Environmental Impact Report for 801-841 Alma Street Affordable Project (08PLN-00094) Housing pursuant to the California environmental Quality Act and Adopting the Mitigation Monitoring and Reporting Program and the Statement of Overriding Considerations and Approval of an Architectural Review Application for the Demolition of an Existing 9,740 sq. ft. Building and Construction of a Four-Story 50-Unit Affordable Housing Development in a Single 63,885 sq. ft. Building with One Level of Below Grade Parking and Associated Street Improvements, and Associated Record of Land Use.

Director of Planning and Community Environment, Curtis Williams stated the project provided several opportunities for the City. He noted the 50-unit housing development was identified in the City's Housing Element and was a joint effort with Eden Housing and the Community Housing Alliance. The City had contributed to the project via the donation of the Alma Sub-Station site, the Commercial Housing Fund, the Residential Housing Fund, and was awarded approximately \$1,000,000 in State Grant Funding. He anticipated the project would provide approximately \$190,000 in impact fees, and according to State law the payment of impact fees were acceptable and complete mitigation for school impacts. He confirmed the project complied with SOFA II requirements. He stated Staff recommended Council approval of the project and certification of the EIR.

Assistant City Attorney, Don Larkin stated the project opponents had raised a number of legal issues which he was prepared to address. The first was the Density Bonus Law sometimes referred to as SB 1818 found in Government Code Section 65915. The Density Bonus Law required cities to provide an increase in the allowable units per acre for a project that provided a specific percentage of affordable housing. The applicant was entitled to one concession for each 10 percent of the number of housing units provided as affordable housing, with up to 3 concessions. He also spoke to Concessions With-out Bonus as the project opponents. The attorney for the opponents stated the project was not entitled to incentives under the Bonus Density Law, due to the project not seeking a density bonus. He then spoke about Setback Concessions, Easements, and California Environmental Quality Act (CEQA). He went on to speak about the Housing Accountability Act (Govt. Code Sec. 65589.5) issue that was raised by the Applicants, at this time it was not applicable, but may be in the future if the project was challenged on legal grounds.

Architectural Review Board Vice-Chair, Alexander Lew stated the Architectural Review Board (ARB) voted unanimously to support the project.

Associate Director of Real Estate Development for Eden Housing, Kathy Schmidt assured Council the process for the project was not rushed, the project began in 2002 and there had been twelve noticed public meetings, Study Sessions with the Boards and Commissions and Council. Additionally, there had been fourteen meetings with the greater public most of which included the 800 High Street neighbors. She stated Eden Housing had been very responsive with the community concerns regarding parking availability.

President of the Community Housing Alliance, Donald Barr stated the City Council had created an Ad Hoc Committee in 1997 for the purpose of building a sense of community through public involvement in planning processes that provide residents, businesses, and property owners with opportunities to help shape the components of their neighborhoods. He felt the project fit the vision of SOFA II and urged Council's approval.

Project Architect, Rob Quigley stated the project was considerably smaller than originally designed. He noted the project was organized around a corridor which ran the length of the site with seven separate points of light entry from the garden areas.

**MOTION:** Council Member Klein moved, seconded by Council Member Burt to refer this matter to the Planning & Transportation Commission for their review and recommendation.

Council Member Klein stated the project was of significant concern to the community and yet it appeared there were important aspects missing. He stated since this project was the first to have been contemplated since the enactment of the new State law, the Planning & Transportation Commission's (P&TC) input was imperative.

Council Member Burt stated the correct procedural approach was for the project to be reviewed by the P&TC. He stated there were boundaries in the Housing Density Bonus Law that were not completely understood. The SOFA II Plan and zoning had certain limits and the project was allowed a density amount above that limit.

Council Member Espinosa questioned when the public would be heard from.

Mayor Drekmeier stated the Maker of the Motion intended to refer the Item to the P&TC.

Mr. Larkin clarified, under the Brown Act the members of the public had a right to comment on the matter before the Council voted on the Motion.

Vice Mayor Morton asked for clarification on the Housing Accountability Act. It stated the City may not disapprove or place conditions that would render a 100 percent Below Market Rate (BMR) infeasible. If the Motion put the funding in jeopardy by pushing back the timeframe, had the project not violated the Housing Accountability Act.

Mr. Larkin stated the Applicant would need to show cause as to why the Motion would render the project infeasible.

Council Member Klein suggested hearing public comment on the Motion.

Public hearing opened at 8:20 p.m.

Mark Sabin, 533 Alberta, Sunnyvale, stated 76 percent of the working residents fell into the category of low-income which made up 35 percent of the workforce nationwide. He noted the people that made the City function needed housing such as this project.

Winter Dellenbach, La Para, stated this project had the rare opportunity to support so many low-income families. She noted the difficulty in acquiring financing for such housing was high.

Dena Mossar, 1024 Emerson Street, stated she found it ironic that the opposition to the project was 800 High Street; that project required two variances, a Planned Community (PC) process and was ultimately referended. She stated the Council approved the PC Ordinance which included the public benefit easements through the parking garages in order to allow the development of affordable housing along Alma Street. She stated the public voted to support the 800 High Street project, and for this public benefit. She stated from 2006 to 2008 there were enumerable meetings involving the public, and Council where everyone concerned had an opportunity to discuss the project. In 2007 the Council approved an Acquisition and Development Agreement (ADA) with Eden Housing Alliance which included cost estimates and instructed the Developer to prepare a project which was 50 to 53 units of affordable family housing.

Sally Probst stated when the 800 High Street project was approved it was on the basis of an agreement that there would be affordable housing across the alley facing Alma Street. She stated it was ironic that the people who benefited from the agreement were fighting the completion of the Alma project.

Paul Goldstein, 1024 Emerson Street, stated he lived three blocks from the proposed site and urged Council to approve the EIR and not forward it for further studies.

Bena Chang, Santa Clara County Housing Action Coalition, stated there was an extreme need for the affordable housing that this project would provide. She understood the high density building was not appropriate for all areas of Palo Alto; although, given the location of the site to CalTrain and the proximity to downtown the site was appropriate for more intense growth.

Judith Wasserman, 751 Southampton, stated this was a good project. The proposed site was the perfect location.

Tom Wasow, 758 Barron Avenue, supported the project and noted having high density housing near public transit reduced pollution and allowed the community to live where they worked.

Litsie Intergand, 336 Ely Place, stated the project served the economic community that Palo Alto needed like school teachers, receptionists, the fire fighters and police officers whose salaries were well below the median income range.

Patricia Saffir, 2719 Bryant Street, requested Council's support for the project and stated the project would be an asset to the neighborhood.

Linda Rhine, Greenbelt Alliance, supported the project which was very transit oriented and would assist in the reduction of Palo Altos' carbon footprint.

Irene Sampson, speaking on behalf of the League of Women Voters, believed the proposal was appropriate for the transit corridor and would enhance the neighborhoods vitality. She stated the City had a responsibility as a major creator of jobs to offer enough affordable workforce housing.

Jo Caffaro, representing InnVision, stated InnVision served over 24,000 unhoused individuals throughout Silicon Valley and this project would assist some of the individuals to be permanently housed.

Michael Leven, 3790 Ross Road, supported the project.

Robert Moss, 4010 Orme Street, stated he supported the project. He felt returning it to the P&TC would ensure the zoning and City Ordinances were followed appropriately.

Jeff Rensch, 741 Chimalus Drive, stated he felt the Motion was being seen as a device to deny the project without actually doing so in an upfront manner.

David Solnick, 227 Webster Street, stated the project was necessary for the growth of the City and it was unfortunate there were residents refusing the project for selfish reasons.

Joseph Mallon, 800 High Street #411, stated the project did not comply with the SOFA RT-50 (Residential Transition – 50 Foot Height) by a wide margin. He did not support the project.

Ray Bacchetti, 850 Webster Street, stated the City had the ability to place a good project in a good location which optimized transportation options, produced environmental and aesthetic gains, and increased the socioeconomic diversity of Palo Alto.

Irvin Dawid, 753 Alma Street, supported the project and the amenities it would bring to the community.

Stans Kleijnen, 800 High #402, stated she did not disapprove of the project; however, she supported returning the project to the P&TC for review.

Denny Chandler, 800 High #161, supported affordable housing with an appropriate amount of parking which this project did not have. He urged the Planning Director not to allow further reduced parking.

Joop Verbaken, 800 High #402, stated he wanted to support the project and hoped the zoning issues could be resolved by the P&TC review.

Kevin Turner, 125 Connemara Way #155, Sunnyvale, supported the project and requested Council approve the project without further delay.

Noah Burbank, 800 High St. #305, supported the project, although; felt there were necessary adjustments in parking. He questioned the negative impact on local schools.

Nagi Chami, 800 High Street, requested a negotiation between the Developer and the residents regarding an easement between High Street and the Alma Street projects.

Tom Stevens, 800 High Street, suggested there be a forum for negotiation between the community and the Developer in an effort to move the project forward without further delay.

Robin Kennedy, 300 Hamilton Avenue, cited Municipal Code section 18.77.070D which stated: following the approval of the Architectural Review Board (ARB) the Director of Planning shall prepare written decision and notice of the decision shall be distributed and mailed to the owners' and residents. Those steps were not taken and she urged the application be remanded to the Planning Director and the foregoing requirement be met thereby triggering the appeals process pursuant to Municipal Code section 18.78.

Stephen Velyvis, 300 Hamilton Avenue, stated the Bonus Density Law was clearly written to state: when an Applicant seeks a density bonus for a housing development the local government shall provide the applicant with incentives or concessions. A City shall grant one density bonus and incentives or concessions. An Applicant may submit to the City a proposal for specific incentives or concessions. The Applicant can not submit plans for incentives or concessions without applying for a density bonus.

Carol Lamont, 618 Kingsley Avenue, stated the project was ideal for family's to be able to live in Palo Alto and she urged the Council to move forward without delay.

Elaine Meyer, 609 Kingsley Avenue, stated there were major concerns with the proposed project that violated the SOFA II plans.

Sandy Sloan, 1100 Alma Street, Ste. 210, Menlo Park, Attorney for Eden Housing and Community Housing Alliance (CHA), expressed her desire to rebut the allegations of: 1) The projects being rushed, 2) The project was setting a bad precedent, and 3) Something was illegal. She stated the project had been under consideration as family affordable housing since 2006 when the City requested Eden and CHA to come forward and show cost estimates and proformas for a 50 to 53 unit housing project; each project was individual to itself and did not set a precedent for any other projects; nothing in the project was being completed unlawfully. She emphasized the project was exactly the type of worthy project the State Density Bonus Law envisioned at 100 percent affordable to very low income and extremely low households with the three incentives. She noted the three incentives made legal and physical sense; the height was the same as 800 High Street, the Floor Area Ratio (FAR) was ten percent more than 800 High Street development, and the set-backs along Alma Street matched the set-backs in the area.

Mr. Barr clarified sending the project to the P&TC would endanger the \$1,000,000 grant intended for the project from the State Affordable Housing Trust Fund. He stated the deadline was steadfast approaching and noted the

ADA deadline passed a year ago. Any further delay would jeopardize the funding. He stated without the funding the viability of the project became questionable.

Public hearing closed at 9:21 p.m.

Council Member Barton stated his opposition to the Motion and clarified he felt additional public review beyond the previous twelve publicly noticed meetings was not needed.

**SUBSTITUTE MOTION:** Council Member Barton moved, seconded by Vice Mayor Morton to: 1) Adopt the Resolution certifying the Final Environmental Impact Report, and 2) Approve the Record of Land Use for architectural review approval of demolition of an existing building and development of a new four-story, 50-unit affordable housing development with one level of below grade parking and associated street improvements at 801 and 841 Alma Street.

Council Member Barton stated the Applicant made an excellent application and the project had innovative incentives and approaches to real estate use to get retail and housing.

Vice Mayor Morton stated it was a disappointment the project was dramatically smaller than originally intended. He clarified he supported the 800 High Street project knowing the design to build the Alma project was built into the agreement. He reminded everyone that the Council requested this project, directed the Developer on the needs and desire of the use for the land.

Council Member Kishimoto stated years of planning and design went into creating the overall vision for the region and as part of the vision was to have an eclectic mix, more housing and affordable housing, with greater density closer to downtown towards Alma Street. She asked whether the ARB was requested to review the project with the SOFA II Plan compatibility requirements.

Mr. Lew stated the project had been reviewed by the Architectural Review Board (ARB) twice. He clarified all of the zoning was reviewed as part of the overall review process.

Council Member Kishimoto asked whether the ARB specifically reviewed the project to the compatibility requirements of the SOFA II.

Mr. Williams stated the ARB review did include findings specific to the policy's relevant to the SOFA II Plan.

Council Member Kishimoto asked whether the elevator provided was easily accessible from the exterior and large enough to support bicycles. She noted concern the project was moving towards a bike friendly environment yet the bike parking was not easily accessible.

Mr. Williams stated Staff would work with the Applicant on establishing more accessibility for the bike parking, bike ramps, and ensure the elevator met the size requirement.

Council Member Kishimoto asked whether the architecture was compatible to the surrounding area.

Mr. Williams stated the architectural design was reviewed, compared, and met the SOFA II compatibility requirements.

Council Member Kishimoto stated the project was designed as a family living area but the play space was neither in site of the homes nor in a lit area.

Mr. Williams stated the ARB had commented on the play area and was informed the open space area was viewable from the office buildings and the community room.

Council Member Kishimoto stated the lack of balcony was still a concern for her. She stated the SOFA II Plan was designed for the family's to have open air access and she asked why the balconies were not designed into the housing proposal.

Mr. Quigley stated the project had floor to ceiling glass with large windows which granted access to fresh air and light to the units. He clarified it was architecturally feasible to add French Balconies.

Ms. Schmidt added, balconies were a maintenance issue and often times residents would store items on the balcony which was why balconies were not being proposed.

Council Member Kishimoto suggested adding French Balconies, the play area being more visible to the homes, and more bike parking as an Amendment to the Motion.

Vice Mayor Morton asked if the Motion stated free Eco-Passes for residents and incorporated the language of making the bike parking as feasible as possible, would that meet your requirements.

Council Member Kishimoto stated yes.

Mr. Barr stated it was our intent to supply free ECOPASS' to those residents who desired the option.

Vice Mayor Morton stated he agreed with Council Member Kishimoto regarding the bike access.

Council Member Kishimoto asked whether the space within the 800 High structure could be accessed for bike parking.

Mr. Williams stated he did not believe that was under the discretion of the Alma project.

Council Member Kishimoto asked whether the City had control over the first floor underground parking area at 800 High Street.

Mr. Williams stated the control was limited and there was a commitment to maintain a certain number of parking stalls which could not be depleted for bike parking.

Council Member Kishimoto asked who the City made the commitment to.

Mr. Williams stated the commitment was part of the PC requirement.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to amend the Substitute Motion to ensure that: 1) Free eco-passes will be provided to residents; and 2) To make the bicycle parking as accessible as feasible.

Council Member Espinosa asked whether the City had control over the concessions offered during projects in regards to the Density Bonus Law.

Mr. Larkin stated it was recommended that Staff bring to Council an Ordinance that would better define how the incentives and concessions worked. In particular an FAR cap would be appropriate to include in such an Ordinance.

Council Member Espinosa asked whether the Ordinance could be retroactively applied to this project.

Mr. Larkin clarified the Density Bonus Law stated the written standards needed to be in-place at the time the project was deemed complete.

Council Member Espinosa asked whether Staff felt complex projects benefited from having the P&TC review them even though it was not required. He asked whether something substantive could be missed without their input.

Mr. Williams recognized the ARB and P&TC had different processes although both were cognizant in their analysis with SOFA requirements, zoning codes, and state laws.

Council Member Espinosa stated it was important to have land use processes in place so when Applicants applied for projects they had a written understanding of how their project would flow from beginning to end.

Council Member Schmid requested Staff to clearly state what was being voted on.

Mr. Williams stated the Council would be certifying an EIR that included not only the original proposed project but also an alternative that was specific to this project. Then there would be approval under the SOFA guidelines, under the zoning criteria, and Architectural Review approval for the 50-unit project.

Council Member Schmid asked whether there would be a discussion of the local statute for the Housing Accountability Act.

Mr. Larkin stated there would be a discussion for the Density Bonus Act not the Housing Accountability Act.

Mayor Drekmeier asked whether Density Bonus Act was SB1818.

Mr. Larkin stated yes.

Council Member Schmid stated a single project could not be applied to the impact on schools, although; it was appropriate to review the overall impact on schools in regards to the growth plan during the planning process. He asked whether that statement was correct.

Mr. Larkin stated yes, generally that was the process.

Council Member Schmid asked when the school impacts were reviewed by Council.

Mr. Williams stated the school impacts were reviewed by Council during the Comprehensive Plan amendment process.

Council Member Burt needed to Clarify, the SOFA Plan was initiated twelve years ago but the project before Council was altered from the original project to the current proposal in April of 2009. He supported a high density affordable project for the site. He stated there were a number of elements to the project that would not meet the SOFA Plan if reviewed by the P&TC. He noted when the P&TC was bypassed the end result was problematic. He supported the proposal being reviewed by the P&TC. He also questioned how the four set-backs for the project were interpreted as one concession.

Council Member Klein clarified, if the Substitute Motion passed the project was not being sent back to the P&TC. He stated the P&TC approval would add a significant credibility to any project. He stated the proposed project was a goof vision for Palo Alto and sending it through the P&TC was a way to verify it would be completed properly with a minor delay.

Council Member Yeh asked whether the Density Bonus Law was focused on case laws and precedents in the interpretation of set-backs.

Mr. Larkin stated there was no case law which addressed set-backs.

Council Member Yeh asked the legal risks the City assumed without case law precedents.

City Attorney, Gary Baum stated the Attorney's office had reviewed the Applicant's legal analysis and was comfortable with the analysis.

Council Member Yeh asked whether there were risks assumed in certifying an EIR that dealt primarily with a different project than what was presented.

Mr. Larkin stated the current project presented was an alternative to the original project which had been analyzed and identified as being environmentally superior.

Council Member Yeh asked whether there had been formal input from the School District regarding the project and the impact.

Mr. Williams stated the estimated impact projection in the EIR was given by the School District.

Council Member Yeh asked the inherent risk of financial resource availability if the project went to the P&TC.

Chief Planning and Transportation Official, Julie Caporgno stated in order to receive funding the Applicant was required to have the full entitlements. Additional funding from the State would need to be provided and the construction needed to be completed by October 2011 for the million dollars to be utilized. Staff felt with a delay of four to five months the completion date would not be feasible therefore the funding would no longer be available.

Council Member Yeh stated he agreed it would be to the benefit of the community for the P&TC to review the project although he felt the risk of losing the funding was too high. He supported the Substitute Motion.

Council Member Kishimoto asked whether the windows in the project were operable.

Mr. Williams stated yes.

Mayor Drekmeier stated Palo Alto had inclusionary zoning which required a certain amount of low-income housing for larger projects. He asked the possibility a party could try to receive a Density Bonus credit, simply by following the City's current guidelines.

Mr. Williams stated yes, it had already been presented to Staff. He stated the process was that once fifteen percent Density was met then one inclusionary concession was available under the law.

Mayor Drekmeier supported the Staff recommendation.

## **SUBSTITUTE MOTION PASSED:** 7-2 Burt, Klein no

Council Member Espinosa asked the timeline for completion of the two remaining Agenda Items.

Mr. Keene stated action needed to be taken on the Oregon Expressway Agenda Item. Although the Public Hearing was noticed for November 9, 2009 it was not imperative it be heard tonight.

City Clerk, Donna Grider requested the Agenda Item be continued to a date certain in an effort to avoid the cost of re-advertising the Public Hearing.

**MOTION:** Council Member Kishimoto moved, seconded by Council Member Barton to continue Agenda Item No. 6 until November 16, 2009.

6. Public Hearing Adoption of an Ordinance Amending the Palo Alto Municipal Code Chapter 18.08.040 (the Zoning Map), Chapter 18.30(C) (the Ground Floor (GF) Combining District), and Chapter 18.18 (the Downtown Commercial Community (CD-C) Zone District) to Modify Restrictions on Ground Floor Uses in the Downtown Area

MOTION PASSED: 7-2 Drekmeier, Espinosa no

5. Approval of the Conceptual Alternatives for the Santa Clara County Roads and Airport Department Oregon Expressway Improvement Project.

Director of Planning and Community Environment, Curtis Williams stated the Oregon Expressway Corridor Improvements Project was a County project which covered 1.6 miles of the Oregon Expressway between Alma Street and the Highway 101 focusing on nine intersections. The project emanated from a 2003 Comprehensive Expressway Planning Study the County performed. He noted the purpose of the project was to upgrade the traffic signal equipment and intersection configuration in order to achieve a smoother traffic flow, improve coordination along the entire corridor, and to provide additional pedestrian and bicycle safety measures.

Santa Clara County Traffic Engineer, Masoud Akbarzadeh stated there had been a lot of input from the public outreach efforts over the past number of years.

Council Member Espinosa asked for clarification on the funding availability for the completion of the entire project.

Mr. Williams stated the expectation was for the County to fund the project, however; until the final design was completed the exact funding necessary was unknown.

Council Member Espinosa asked what plans were in place in regards to the landscaping and foliage.

Mr. Williams stated Staff anticipated the County design plans would incorporate landscaping including what foliage was not to be disturbed. After reviewing the plans Staff would require the designated areas be fenced to ensure their safety.

Lee I. Lippert, AIA, P&TC Representative, stated during the P&TC meetings there had been discussion regarding the Middlefield and Ross Roads crossings. A major reason for the pedestrian and bicycle safety crossing were the two schools were directly impacted by the Expressway traffic.

Council Member Schmid asked the difference in impact of the trees for the Middlefield alternatives.

Transportation Project Engineer, Rafael Rius stated during the peak traffic periods widening the street provided a flexibility for leveling traffic flow for right turns. In widening the road there would be tree removal.

Council Member Schmid asked why the traffic flow chart showed a small amount of pedestrian or bicycle traffic for Middlefield and Ross Roads during peak hours.

Mr. Rius stated the study calculated approximately twenty persons crossing during peak hours at both non-signaled roads.

Council Member Schmid stated the busiest road appeared to be Greer Road.

Mr. Rius stated yes, Greer and Louis Roads were both signalized and heavily used for school routes.

Council Member Schmid asked whether the school hours conflicted with the peak traffic hours.

Mr. Rius stated the pedestrian study was counted during peak traffic hours from 7:00 AM to 9:00 AM.

Council Member Schmid noted the bicycle volumes were heaviest on Louis and Greer Roads rather than Ross Road or Oregon Expressway.

Mr. Williams clarified both Greer and Louis Roads were residential areas with crossing signals opposed to Ross or Middlefield Roads which currently had none and were heavily congested and avoided by pedestrians and bicyclists.

Council Member Schmid asked for clarification that Ross Road ended approximately a block after the Expressway.

Mr. Rius stated yes, although the intended purpose of the bicycle route was to support the local neighborhoods and the school commutes.

Council Member Barton asked for clarification of the jurisdiction lines between the County and the City.

Mr. Williams stated the technical demarcation was where the City's right-of-way began and the County's ended. Middlefield Road had City right-of-ways; although, whether there were City right-of-ways associated with the remaining access roads he was uncertain.

Council Member Barton asked whether the City had to acquiesce or were there negotiation abilities.

Mr. Williams stated the City had to agree with the plans in order for the County to implement the improvements.

Council Member Barton asked where the County funds were being applied and where the City's Stanford Research Park (SRP) funds were being applied.

Mr. Rius stated the SRP funds could be utilized towards the improvements previously identified for Middlefield Road but not the remaining intersections.

Mr. Akbarzadeh stated there were a number of intersection improvements including the City's right-of-ways and Middlefield Road and Louis Road had one block of improvements. Ross Road signalization was not part of the original package. He clarified the County had a sum of funding for the Oregon Expressway improvements and they were trying to maximize the budget usage.

Council Member Barton stated the County had \$3.5 million for improvements to Oregon Expressway exclusive of Ross Road since it was not previously budgeted. He wanted clarification the City needed to pay for the areas of the City's right-of-way improvements.

Mr. Akbarzadeh stated the County funds were not exclusive to the County portions of the project; although, due to the alternatives the available funds may be expended prior to completion.

Council Member Barton asked the cost for the Embarcadero Road signalization and crossing at Palo Alto High School.

Mr. Williams stated the signalization was a few hundred thousand dollars.

Council Member Barton asked whether the Council vote was regarding the design, the funding or both.

Mr. Williams stated the vote was on the recommendation to the County for the conceptual design of the alternatives. He stated the final design would return to Council with funding details.

Council Member Schmid asked whether the County was responsible for the landscape, trees, and medians and were they funded from the same monies.

Mr. Akbarzadeh stated the landscaping on Oregon Expressway was maintained by the City. The funding distribution had not been detailed as of yet.

Vice Mayor Morton requested the Public Art Commission be informed in the event there were available funds remaining for artwork to be displayed along the Expressway.

Council Member Burt asked whether the low number of pedestrians currently crossing at Ross Road was due to there not being a safe crossing and was the expectation for the number to rise with the signalization.

Mr. Rius stated yes, the numbers were expected to increase once the area was rendered safe for crossing.

Council Member Burt stated shrubberies on a number of intersections entering onto Oregon Expressway precluded the entering vehicle from a clear view. He asked whether those types of improvements were included in the plan and would they be ongoing.

Mr. Akbarzadeh stated the project did include some of shoulder improvement including a three-foot wide lane toward the median and a five-foot shoulder for a continuous bicycle path.

Council Member Burt asked whether the Ross Road alterative provided for a signalized pedestrian crossing at Oregon Expressway and a signalized left turn onto Ross Road from either direction of the Expressway.

Mr. Akbarzadeh stated yes, the project allowed signalized left hand traffic turning onto Ross Road from both directions.

Council Member Burt asked whether there was an option to eliminate the left turn signal to ensure there was sufficient funding for safety pedestrian and bicycle crossing.

Mr. Akbarzadeh stated if that movement was going to be signalized it would

be less confusing if both the left and right turns were signalized.

Council Member Burt asked why there was no alternative on Middlefield Road to have a right turn lane only, the center two lanes being straight or left and the left being left only.

Mr. Rius stated part of the main intent of the project was to create protected left turn movements. In order to have a shared lane, which was currently available, it required split phasing which the project was attempting to eliminate.

Mayor Drekmeier clarified the request was for two left turn options.

Council Member Burt stated no.

Mr. Akbarzadeh stated in order to provide flexibility to handle the vehicle traffic and allow for pedestrian and bicycle traffic to flow concurrently through the crosswalks with the signal lights, when the left hand turn light was green for both south and north there would be no pedestrian movement.

Judith Wasserman, 751 Southampton, spoke in favor of the alternative proposal for the ability to have trees, and safety for the children going to and from school.

David Froyberger, 2361 Middlefield Road, spoke in support of the Middlefield Road alternative for not cutting down the trees or widening the roads.

Olap Brandt, 727 Coastland Drive, stated he felt the County outreach had been sufficient and the Ross and Middlefield Road alternatives should be required by the City.

Tony Macklin, 795 Ames Avenue, stated bicycling was currently difficult with younger children but a crossing at Ross Road would open the ability for visiting downtown without danger or using the vehicle.

Mark Lawrence, 446 Marion Avenue, encouraged the Council to support the County's option. He stated maintaining narrow streets caused restrictive traffic flow and reduced safety.

Priya Satia, 2491 Middlefield Road, supported the Middlefield Road alternative and urged Council to not accept anything less.

Ann Crichton, 1062 Cardinal Way, commended the County and City Staff for

the level of community building and supported the County proposed project.

Penny Ellison, 563 El Capitan Place, supported the City Staff recommendation. She stated the changes to Oregon Expressway benefited the safety for all non-vehicular traffic.

Mike Aberg, 757 Moreno Avenue, supported the Ross Road alternative.

Pam Radin, 877 Ames, supported the alternative on Ross Road.

Christopher Sine, 2332 Middlefield Road, stated there were environmental issues with removing or moving trees and that was why he supported the Middlefield Road alternative.

Miriam Sedman, 715 Elsinor Drive, stated the original proposal was intended for completion in 2010 but now the alternative proposal was slated for completion in 2011. She requested the completion sooner than later to prevent further unsafe environments for children.

Lee I. Lippert, P&TC Representative, stated the trees on Middlefield Road were discussed as traffic calming rather than for aesthetics.

**MOTION:** Vice Mayor Morton moved, seconded by Council Member Kishimoto to: 1) Take the following actions at the nine intersections included as part of the Oregon Expressway Improvement Project:

- Support the preferred conceptual improvements as recommended by the Santa Clara County Roads and Airports Department (County) for implementation as part of the Oregon Expressway Improvement Project at the following intersections:
- West Bayshore Road
- Indian Drive
- Greer Road
- Louis Road
- Cowper Street
- Waverly Street
- Bryant Street
- 2. Support PTC's recommended conceptual improvement for Middlefield Road which includes no widening of Middlefield Road and limits the northbound approach to one through lane only.

- Support the secondary alternative improvement for Ross Road which would include signalization of the intersection to provide a protected pedestrian and bicycle crossing of Oregon Expressway and facilitate the implementation of a bicycle boulevard along Ross Road.
- 4. Direct Staff to work with the County, the neighborhood stakeholder groups, and the Palo Alto Bicycle Advisory Committee (PABAC) to develop detailed design plans and return to the Council with a report on the final design plans.
- 5. Direct Staff to continue monitoring traffic conditions on Oregon Expressway after implementation of the improvements and to provide an update to the City Council six months after implementation.

Council Member Kishimoto asked whether signal timing was a part of the plan.

Mr. Rius stated yes, signal timing was in the current Motion as part of the physical changes.

Council Member Kishimoto asked whether there was a uniformed landscaping plan for Oregon Expressway.

Mr. Williams stated the recommendation was to return with design plans including landscape. He noted it did not include all of Oregon Expressway, just the improvement areas.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add "including landscaping" into No. 4 above.

Council Member Kishimoto asked the expected completion time for the implementation of the project.

Mr. Akbarzadeh stated the design would begin once Council approved the alternative. He stated there was a process with CalTrans for securing funding and the timeframe for that was uncertain.

Council Member Kishimoto clarified the bid process would begin at the end of 2010.

Mr. Akbarzadeh stated probably not until 2011. He noted the CalTrans process for securing funding was cumbersome.

**MOTION PASSED**: 9-0

## COUNCIL MEMBER QUESTIONS, COMMENTS, AND ANNOUNCEMENTS

Mayor Drekmeier spoke regarding the gift from the City of Mountain View for the dedication of the recycled water pipeline project.

Council convened into Closed Session at 12:02 a.m.

## CLOSED SESSION

#### 7. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiator: City Manager and his designees pursuant to the Merit System Rules and Regulations (James Keene, Kelly Morariu, Russ Carlsen, Sandra Blanch, Darrell Murray, Lalo Perez, Joe Saccio, Marcie Scott)

Employee Organization: Unrepresented Employee Group Management and Professional Personnel and Council Appointees Authority: Government Code section 54957.6(a)

Mayor Drekmeier advised no reportable action.

ADJOURNMENT: The meeting adjourned at 12:30 a.m.

ATTEST:	APPROVED:	
City Clerk	Mayor	

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing Committee meeting tapes are made solely for the purpose of facilitating the preparation of the minutes of the meetings. City Council and Standing Committee meeting tapes are recycled 90 days from the date of the meeting. The tapes are available for members of the public to listen to during regular office hours.