



CITY OF PALO ALTO CITY COUNCIL TRANSCRIPT

Regular Meeting
October 17, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:07 P.M.

Present: Berman, Burt, DuBois arrived at 6:11 P.M., Filseth arrived at 6:09 P.M., Holman, Kniss arrived at 6:09 P.M., Scharff, Schmid, Wolbach

Absent:

Special Orders of the Day

1. Life Saving Recognition Ceremony to Recognize Police and Fire First Responders for Saving a Young Man.

Mayor Burt: Our first item tonight is a Special Order of the Day, which is a recognition of lifesaving that was performed by members of the community and the Police and Fire Department as first responders. We're recognizing tonight two groups of citizens and Public Safety Staff who worked together to save the lives of community members who suffered sudden cardiac arrest. As most of you know, sudden cardiac arrest is a condition in which the heart suddenly and unexpectedly stops beating. If this happens, blood stops to the brain and other vital organs. Sudden cardiac arrest usually causes death if not treated within minutes. I'd like to introduce Fire Chief Eric Nickel and Police Chief Dennis Burns who will provide some background on the lifesaving calls that we were the beneficiaries of in this community. Welcome, Chiefs.

Eric Nickel, Fire Chief: Thank you and good evening. Fire Chief Eric Nickel. I will be speaking first. The first thing I want to give you is just a little quick background on why this system works. One of the most important, if not the most important, functions of city government is public safety. Those occasions where everything comes together, tonight we're recognizing some rescuers where all four key pieces came together. We call this the links of survival. When somebody is having a cardiac arrest, heart attack, cardiac event where their heart stops, whether it's sudden cardiac arrest or something related to the heart, the first key in that is early access to our City's 911 system. The second key to that is early Cardiopulmonary

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Resuscitation (CPR). The quicker that citizens can initiate compressions only on the chest, the data shows that survival rates go up significantly, whether that's first responders or citizens. If you recall, with the PulsePoint App citizens can actually get alerted if they're within an eighth of a mile to a public location where somebody needs CPR. The next link is early defibrillation, whether it's one of these Automated External Defibrillators (AEDs) that you, through your budget, have supported in the community. I believe we're approaching 100 AEDs out in the community that the City has purchased. In cooperation with Racing Hearts and Stephanie Martinson, we've identified hundreds of other AEDs in the community that are all logged into the community. Not only do we get an alert that CPR is needed but also AEDs. The last link is where our Public Safety folks come in, our paramedics, and that's early advanced cardiac life support. We have two events that we want to share with you this evening where all four of these links saved two lives. The first one I'm going to read to you is on April 22nd, 2016 Engine 62 and Medic 62 and the Palo Alto Police were dispatched to a cardiac arrest at the FedEx store on California Avenue. Upon arrival, they found the patient lying on the floor, unconscious, unresponsive, pulseless and non-breathing. A bystander, Laura Lu, was performing good-quality CPR along with the members of the Palo Alto Police Department, who had arrived before the Fire Department. Engine 62 crew with assistance from the Palo Alto Police Department took over compressions. A defibrillator was used on scene several times, and the firefighter/paramedics also delivered cardiac medications that advanced life support. The patient was transferred via ambulance to Stanford University Hospital. The gentleman who suffered the cardiac arrest, I believe he's either on his way or is here this evening. The first time the patient and the rescuer met, the rescuer didn't even know that the patient had survived. I'm going to introduce the crew and the bystander. See if they've all arrived here. Is Laura Lu here? No Laura. How about Larry Norrington [phonetic]? Is Larry here? We'll bring the crew down. Palo Alto Police Officers, when you come up, would you please stand over to my left. Officer Enberg, Sergeant Afanasiev, Officer George Pons, Officer Erin Goddell, Public Safety Dispatcher Stephanie Haynes, and Public Safety Dispatcher Marissa Vinbibber not here. From the Fire Department, Fire Captain Jesse Aguilar, Apparatus Operator Tami Jasso, Firefighter/Paramedics Nate Heydorff, Aaron Craine and Adam King. Next, I'm going to turn it over to Chief Burns to talk about the second cardiac arrest save. These two occurred less than 1 month apart this year. Chief.

Dennis Burns, Police Chief: Thank you. If you guys could just stand by, we're going to have the Mayor come down and present you with a certificate. We're going to take some photos, and then we'll excuse you all. Good evening, members of the Council. Thanks so much for allowing us to present tonight. I know that AEDs are a big issue for the Council. I know

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that you have been very supportive of ensuring that there have been AEDs in all of our patrol cars. I sincerely appreciate that. This is a great night for us, because we're talking about the collaboration and terrific outcomes from our citizen rescuers, our dispatchers, our Police Officers, our Firefighters and also our partners over at Stanford Emergency Room. The second incident or event occurred on Easter Sunday, March 26, 2016. The patient, Dr. Andrew Milne, experienced a cardiac arrest in his residence. The patient's 12-year-old daughter, Abigail, recognized her father was in distress and that his breathing was not correct. She alerted the mother who was in one of the bedrooms. Mrs. Milne called 911 and spoke to one of our 911 dispatchers. Abigail then went and summoned a couple of the neighbors to assist. Neighbors Amanda and John Tumminaro and Kris and Liz Kristofferson rushed to the house and provided assistance. Amanda instructed Kris how to do CPR compressions. Palo Alto Fire Department engine company was detailed and arrived. Abigail guided them in the house. Sergeant Benitez of the Palo Alto Police Department arrived and assisted with CPR as the Paramedics prepared the AED. Palo Alto Fire Department rendered aid, used the AED and then transported Mr. Milne to the hospital. Officer Melgar and Officer Miceli responded and assisted the family. Unfortunately our friends, the neighbors, the Tumminaros and the Kristoffersons couldn't be here tonight. We are fortunate that the Milne family is. I'm going to ask them to come on up here if they could. Dr. Milne is going to speak for a quick second. First, I'm going to introduce the responders. First we have Sergeant Adrienne Moore who was working dispatch that night. Our two other dispatchers, I don't believe are here tonight, Joe Luttrell and Sean Smith. We have Sergeant Wayne Benitez, who was first on scene. I should mention that Sergeant Benitez is the project manager for the AED program for the Police Department. He's the reason that we've been able to maintain and train our Staff. It's very appropriate that he's recognized tonight. Also present that night was Officer Cecilia Melgar and Officer Matthew Hubbard. Fire personnel included Jesse Wooton, Joe Penko, John Preston, Captain Mike Cameron and Brent White. Thank you for your attention. I'm going to ask Dr. Milne to make a couple of comments, just talk about his experience.

Dr. Andrew Milne: I hope you'll forgive me for reading. I'm not sure I'd get through this otherwise. There's a sound the body makes when it's in cardiac arrest. By the time you hear it, the blood is no longer circulating, bodily functions have started shutting down and brain damage is only a few minutes away. Most of us have never heard this sound and probably wouldn't recognize it. To some people in this room, the sounds are all too familiar. On March 26, the night before Easter Sunday, my daughter Abigail was in her bedroom when she heard this sound. At first she thought it was just Dad snoring on the couch again, but she was really hearing the breath of my body escaping and flapping my lips. When Abigail couldn't wake me,

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she alerted my wife, Suzanne, who was in the back room with our boys. When she saw me, she told Abigail to get the neighbors while she called 911. Thus, together they summoned help. Within minutes, a stream of people, neighbors, 911 dispatchers, firefighters and police officers, converged on our home and literally brought me back to life. In sudden cardiac arrest, seconds matter. Only about six percent of people who suffer out-of-hospital cardiac arrest survive at all. One of my doctors later told me that the chance I would fully recover both physically and neurologically were a fraction of a percent. Yet, I did. My recovery is due to the fact that I got effective help so quickly. I am standing here today and talking coherently because my daughter was alert, because my wife was levelheaded in a crisis, and because an interlocking chain of people were well-trained and in position to give me the life support I needed in a timely fashion. I've seen firsthand the alternative ending to this story. My own father died of a heart attack on Thanksgiving Day in 1989, when he was four years younger than I am today. My sister was 12 years old, like Abigail, and she too was the one to raise the alarm when she saw him fall. Unfortunately, my father did not survive. To this today, we feel the hole he left in my family. The people we're honoring tonight not only saved me, they saved my wife and my children from a life-altering loss. Some of my colleagues in Japan say I'm living my second life. In my Stanford Hospital record, one of the cardiologists called this an "interesting and very fortunate case of aborted sudden death." He added the observation, "He is lucky to be alive." Luck was certainly a factor, but the bigger one was the people here tonight. They gave me my second life. For that, I now consider them to be part of my extended family. It is with the deepest gratitude that I'm pleased to help publicly recognize them and thank them for all they've done for me and my family and that they continue to do for all us every day. We are all lucky to have them. Thank you.

Mr. Nickel: Mayor, if I could bother you to come down and present the certificates to the California Avenue folks. We'll take some pictures as well.

Mayor Burt: While we have everyone still here, I just want to briefly recognize Stephanie Martinson, who I saw in the audience. Stephanie, can you wave? There we go. Stephanie is the founder of Racing Hearts and is the person who has really led the charge and promoted AEDs, not only in our community but now throughout the county, and has had a huge impact on these sorts of opportunities to save lives. Thank you all. Please keep up the good work.

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Agenda Changes, Additions and Deletions

Mayor Burt: Our next item tonight is Agenda Changes, Additions and Deletions. We have none that I'm aware of.

Oral Communications

Mayor Burt: We will move on to Oral Communications. We have a large volume of speakers tonight. Each speaker will have two minutes to speak. Our first speaker is Jasmina Bojic. Welcome.

Jasmina Bojic: Thank you so much. I just would like to once again invite all of you to the United Nations Association Film Festival. This is exactly what I am just now pleading for the people in our community and also the City Council of Palo Alto to join us for the nineteenth United Nations Association Film Festival, which is going to happen from October 20th to October 30th. This is the only film festival in Palo Alto that we have for the last 19 years. We invite also our Mayor to open the film festival on October 20th in Aquarius Theater Palo Alto. Obviously, all the members of the Council as well. This is one of the rare opportunity to see the documentaries from all over the world. We're going to have in our community 60 documentary filmmakers presenting the films from almost 80 countries. Please join us. Particularly that you are going to be just two weeks before the elections, some of the films are dealing also with that. We do have a film, "I Voted," films about Syria, films about Middle East and obviously a lot of films about our country. My name is Jasmina Bojic. I'm the founder and director of the film festival and longtime teacher at Stanford. It's one of the rare bridges between the community Stanford University as well as East Palo Alto. I want to thank the City and all the members of the City Council for giving us this wonderful support for so many years. Thank you, and you're all invited to join us, our audience, our Palo Alto people. Please do join us and talk with the filmmakers from October 20th to October 30th. Thank you so much. Thank you so much also for the Proclamation from the Mayor. Thank you.

Mayor Burt: Thank you.

Council Member Kniss: Mayor?

Mayor Burt: Yes.

Council Member Kniss: Could you ask ...

Mayor Burt: Jasmina?

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Council Member Kniss: How are you? What are the exact dates again?

Ms. Bojic: The dates for the film festival are October 20th, from this Thursday until October 30th, 11 days. There are going to be locations from Aquarius Theater. The opening night is there. For the first time, we are using also Mitchell Park Community Center, which we are so proud of that part of the festival. Also, we'll be in different locations at Stanford University as well. All the details are actually on our website. Liz, thank you so much obviously for your great support for so many years. Thank you.

Mayor Burt: Thank you. Our next speaker is Stan Shore, to be followed by Neva Yarkin. Welcome.

Stan Shore: Good evening. Thank you very much. I live in Palo Alto on Kellogg Avenue. August 22, 2016, I spoke to the City Council regarding opposition to Castilleja's increase of 125 students. Now, I'd like to share with the Council additional information regarding Castilleja's unauthorized enrollment increases. Between 1971 and September 2016, Castilleja had 14 enrollment increases. I submitted a copy every year the enrollment increase took place. I repeat, there was 14 enrollment increases during the past 45 years. That's an average enrollment increase of every three years. I actively participated in the 2000 and 2001 negotiations where the neighbors agreed to let Castilleja increase enrollment from 385 students to 415 students. The City then assured the neighbors that the 415-student enrollment is cast in concrete and the City would not allow any future enrollment increases. I would like to make three suggestions to the City. Suggestion 1. Castilleja has not complied with the current Conditional Use Permit (CUP) for 15 years. It seems to me that Castilleja, by its actions, has nullified the current CUP. The City should void the current CUP and revert to the previously approved CUP, which allows for 385 students. Suggestion 2. Castilleja's 15 years of noncompliance means Castilleja now owes the neighborhood 15 years of compliance. The City should enforce the current 415 CUP for the next 15 years. After 15 years, Castilleja can then apply for a new CUP. Final suggestion.

Mayor Burt: You have to wrap up.

Mr. Shore: A significant number of neighbors would like an underground garage for 125 or more vehicles. It is possible that these same neighbors would agree to 450 students after the underground garage was constructed.

Mayor Burt: Thank you, Mr. Shore.

Mr. Shore: Thank you very much.

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Mayor Burt: Our next speaker is Neva Yarkin, to be followed by Kimberley Wong. Welcome.

Neva Yarkin: Good evening, Mayor and City Council. My name is Neva Yarkin, and I live at 133 Churchill Avenue. Regarding the tree removal in the Castilleja area. For me, it is not one redwood tree removal that is in jeopardy. It is all the 167 trees that Castilleja wants to get rid of. I think that we need a second opinion to go back and really look at all these trees to see if they are diseased. Thank you very much for your time.

Mayor Burt: Thank you. Kimberley Wong to be followed by Rob Levitsky.

Kimberley Wong: Hello. My name is Kimberley Wong; I live at 1260 Emerson in Palo Alto. As a neighbor of Castilleja, I have become concerned with the impacts to the neighborhood in terms of traffic increase, school events, afterschool events, the measures that Castilleja has gone forward to implement their plans despite not being complete a/k/a the 124-foot tree removal. I'll leave that to Rob to comment. Although we have seen more shuttling to the school in the mornings, for the countless night events—we have counted five just this past week—shuttles are also needed for parents to reduce car trips to the neighborhood at night. My question to Castilleja is if they are able to implement this kind of shuttle system at all hours of the day, why do they need a multi-million-dollar garage at all. Aren't the leaders of tomorrow supposed to be working on reducing the carbon footprint of today? The time has come to think outside of the box and come up with creative solutions to mitigate their ever-growing traffic problems. Castilleja needs to follow suit with other private schools such as Pinewood, Harker and International School, which have chosen to expand and split their campuses rather than subject the community and neighbors to extra traffic and years of disruptive construction. I wish that the City Council considers these alternatives when this project comes before you. Thank you.

Mayor Burt: Thank you. Our next speaker is Rob Levitsky, to be followed by Elizabeth Duncan. Welcome.

Rob Levitsky: Hi. Rob Levitsky here. This is my third time in 3 months to discuss Castilleja and their proposal to completely redevelop their property, their six acres, and disrupt the block known as 1200 Emerson completely by destroying a couple of houses and uprooting lots and lots of trees. Some of these ended up upside-down unfortunately. This is the tree in question. No, it's not. I've also been meeting regularly with Dave Dockter, who's the City Arborist, on a weekly basis. It stunned me when all of a sudden last week they came across this plan to cut down this redwood tree. In the Palo Alto

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Charter or the Tree Manual, it says taking any action foreseeably leading to the death of a tree or permanent damage to its health including but not limited to excessive pruning, cutting, girdling, poisoning, over-watering, unauthorized relocation or transportation of a tree or trenching, excavating, altering the grade or paving within the drip line area of a tree. This is what the Castilleja arborist has been doing, doing some trenching. It's upside-down there, but you can see next to those red cones is a deep hole, a trench that they did. They left it uncovered. What that does is it desiccates the roots. Dave Dockter had sort of given tacit approval to go find the roots, but then these guys left the trench open. After a week, I screamed at Dave and Amy, and finally they covered up the dirt after doing some damage to these trees. There's trees in particular that are essential if they want to put in this underground garage. The redwood is Tree Number 1. You're welcome to come out Thursday, tomorrow afternoon, because there's a discussion of this tree tomorrow at 1263 Emerson. Thank you.

Mayor Burt: Thank you. Our next speaker is Elizabeth Duncan, to be followed by Danielle Martell.

Elizabeth Duncan: Good evening. I would like to ask for a resolution to be passed by my City Council supporting Proposition 62, which is on the ballot again, as it was four years ago. This is to abolish the death penalty. For many, many years, I have been working against the death penalty, and I have rather more information than you probably want to hear. Not only is it terribly expensive, to the tune of billions of dollars, much more expensive than putting somebody in prison for life without parole, like 15 times more expensive than that. We have also unfortunately executed innocent people. Recently, there was somebody on the news that you may all have seen, who had been on death row for 20 years, and was found to be innocent. Now, fortunately there's another proposition that would have actually killed him 15 years before that, because the other proposition is to cut short the length of time that people spend. I would really love it if you would pass a resolution for my City, that I'm so proud of, to cut out this barbaric thing that we do. Thank you.

Mayor Burt: Thank you. Danielle Martell to be followed by Scottie Zimmerman.

Danielle Martell: Hello everyone. I'm Danielle Martell. Palo Alto is my home; I've lived my life here. I've always cared deeply about our town, and I've seen Palo Alto go through a lot of changes. Join me in reclaiming Palo Alto as a safe, sophisticated, university town by embracing a smart, studied change that will nurture us as an incubator of the arts and technology innovations to inspire our children. Today City Council hastens to structure

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Palo Alto into a monstrosity, while growing increasingly numb to resident wishes and well-being. As a lifelong residentialist of about 50 years and because what is happening in Palo Alto is affecting me and my community, I'm here as a Palo Alto City Council candidate. When elected, I pledge myself to the following issues. One, stopping Citywide over-development, eliminating all the cranes, stopping our beautiful skylines from being blocked out forever. This includes, of course, maintaining walkable neighborhoods where all residents have easy access to a grocery store. Two, establishing City Codes that are fairer for residents than the Codes that we currently have by creating a much-needed administrative hearing and appeal process that offers due process rights. Every other city in the United States guarantees its citizenry constitutional rights. It's the American way, Palo Alto. I'm Danielle Martell, Palo Alto City Council candidate, and I believe that the well-being of the residents come first. Thank you for your attention, and thank you for your support.

Mayor Burt: Our next speaker is Scottie Zimmerman, to be followed by Palo Alto Free Press.

Scottie Zimmerman: I wanted to just give you—I know how busy you all are, and you can't keep up with all these details. This is information about Pets in Need that I got from their annual report for Fiscal Year 2016, which they observe the same year, July to June, that you guys do. This is about spay and neuter. One of the comments I heard from various community members is that it's not easy to have 10 or 20 spay/neuters done a week, and they don't know if Pets in Need is up to it. In 2016, they performed 1,636 spay/neuter surgeries, which is an average of 30.5 per month. They are doing well on the rate of surgeries. In addition, since 2012 they have been offering all spay and neuter surgeries for free—I don't know how they do it—to any pet owner. The medical team travels since 2012 in a van that's set up as a hospital room. What am I thinking of? Operating theater. They travel to communities that have chronic pet homelessness, well outside of Redwood City. They spend about 3,000 miles a year on that. They partner with other local agencies like Human Society of Silicon Valley (HSSV). With their van, they went down and helped HSSV do a big, free spay/neuter for Chihuahuas. They have a lot of things going for them as far as making sure that we fight the unwanted population of puppies and kittens, the unfortunately unwanted. I just wanted to let you know that. It's the truth about Pets in Need and their spay/neuter.

Mayor Burt: Thank you. Our next speaker is Palo Alto Free Press, to be followed by Lawrence Garwin.

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Palo Alto Free Press: It's great to be here. It's coming out of the jungles of Nicaragua. What I'm here to talk about this evening is transparency. Back in 2011, our City Attorney Molly Stump promised to make improvements to her website. There have been no improvements. She also made the promise that she would make more legal documents available. She has made no legal documents available. I have been following Molly Stump rather closely to really take a look at her record on transparency. There is no record on transparency. She conducts the vast majority of her meetings behind closed doors, information that should be made available to the citizens of Palo Alto. If you look at her website, the last time the City report has been updated was back in 2008. Something is wrong here. Something is wrong with the picture. Maybe you should be put on a Performance Improvement Plan (PIP) plan like I have done with many of my employees, that is a performance in progress. Molly, I don't think you really deserve to be the City Attorney. Actually, your history on transparency really needs to be in that basket that Hillary Clinton talked about, that basket of deplorable. That's where it needs to go. Thank you.

Mayor Burt: Our next speaker is Lawrence Garwin, to be followed by Lynn Krug.

Lawrence Garwin: Mayor Burt, Council Members, residents of Palo Alto, thank you for your attention. I have two items. One is it started raining Friday. I think we're all happy to see the rain. I want everyone to take a few minutes in the next couple of days to go around their yards and pour out the water, so that we don't have mosquitoes hatching out. They can hatch out in as little as a week even in chilly weather. The second item is I am a neighbor of Castilleja and understand they have an emergency removal that's been approved of this 120-foot redwood tree. I question the decision to make an emergency removal, given that this came to their attention during a tree survey in June. The emergency removal gives us much less time to question it, get another arborist in to take a look at the tree and ask if that is really necessary. It supposedly has nothing to do with Castilleja's expansion; although, it stands in the way of their new garage. Information about it is on the website with the expansion. At the meeting tomorrow, which I encourage all the residents and the Council Members of Palo Alto to attend, apparently the Chief Building Officer is going to be there. Apparently, there's enough links between the tree and the construction that there's these crossovers on the website and at the meeting. As well on Palo Alto's website, the City Arborist Report isn't available, nor are the attachments to Castilleja's Arborist Report, showing the diagrams they made of the damage to the root ball. I'd like to ask the Council Members to go ahead and look at the discussion on Nextdoor Palo Alto. I encourage everybody to go in there and check it out, attend the meeting and also

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question the process around which emergency approvals for tree removal are made. I think this is doing a disservice to not give more time for public discussion and second opinions. Thank you very much.

Mayor Burt: Our next speaker is Lynn Krug, to be followed by Town Brady.

Lynn Krug: Good evening, City Council Members, Mayor Burt, Ed Shikada, our Assistant City Manager. I'm Lynn Krug. I'm Chapter Chair of the City of Palo Alto Service Employees International Union (SEIU) Chapter employees. I'm here tonight to ask you to strongly consider keeping the animal shelter as a community animal shelter. I'm here with City of Palo Alto employees, community members and the animal shelter employees themselves. I believe that knowing our SEIU City employees are background checked and fingerprinted ensures our City of Palo Alto community physical safety and document safety. That's not always the case with some contracts the City has. We want to know that our community can celebrate our animal shelter and we have alternatives to contracting out. We believe that only one bidder makes the one bidder in control. We want to please keep the Palo Alto animal shelter within Palo Alto. Knowing that City employees at the animal shelter ensure the quality of care and full service they offer is important to our Palo Alto community. As a longtime Palo Alto resident myself, I wish to preserve our community animal shelter. My own cat, Dusty, was saved by the Palo Alto animal shelter. We adopted Dusty at the animal shelter as a kitten in 2006. We love Dusty. Once a celebrated poster cat for the cat codependency healing center—don't ask—Dusty had to be given up for adoption when after eight years our rent was too much and we couldn't take the cat with us. Dusty had been sick for many years from the time of adoption, but we had kept him healthy and well and footed all the doctor bills. At eight years old, when most centers would not accept a cat this old and sick, Dusty was accepted for adoption by the Palo Alto animal shelter, and he received his needed diet and medical attention. Dusty, with his chronic medical issues, would not have been accepted necessarily by Pets in Need. I am so grateful to know that Dusty is now a member of a new family and celebrating his life here in Palo Alto as are we. Thank you.

Mayor Burt: Thank you. Our next speaker is Town Brady, to be followed by Joan Dixon.

Town Brady: Good evening, Mayor, City Council. I'm a volunteer at the shelter. Pets in Need does a fine job of rescuing cats and small dogs, but that does not mean they have the experience necessary to handle the challenges of managing a full-service, municipal animal shelter. Let me explain. A full-service animal shelter needs to accept animals that are surrendered by their owners. Pets in Need currently does not accept

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surrendered animals. If they duplicated this process in Palo Alto, unwanted animals would be dumped on our streets to be killed in traffic or left to breed indiscriminately. A full-service animal shelter does not restrict its dog rescues almost entirely to small dogs as Pets in Need currently does. When I asked one of the managers at Pets in Need why she did not have a larger selection of large dogs, in a moment of candor she admitted that it was—I quote—out of concern for the sensitivities of our corporate donors. If corporate donors can exert that much control over Pets in Need in Redwood City, they will likely exert the same level of control over a Palo Alto facility as well. Some of us are concerned as to whether Pets in Need has the experience to handle more problematic rescues. Recently, Palo Alto rescued a semi-feral German Shepherd that was fearful and difficult to manage. It was only because of the experience of our current Palo Alto Staff that this dog could be saved. We recently had a change in management at Palo Alto Animal Services. The new manager has both the experience and the talent to turn Palo Alto Animal Services into an outstanding facility. My recommendations are three-fold: maintain local control over the animal shelter; keep the current, experienced management and Staff in place; and finally continue to provide the shelter with the financial support it needs. Thank you.

Mayor Burt: Thank you. Our next speaker is Joan Dixon, to be followed by Jennie Jump.

Joanne Dixon: Hello, Council and Mayor. I'm Joanne Dixon, the Registered Veterinary Technician (RVT) at Palo Alto Animal Services. I am speaking on behalf of the decision to outsource to Pets in Need. I just want to reiterate that Pets in Need's qualifications are questionable. Currently, I'm not sure if you're aware their facility is completely closed until further notice due to undisclosed medical reasons. Training and cross-contamination is highly necessary in a shelter environment to prevent such occurrences from happening. Their spay and neuter department is not 100 percent reliable. According to their website, they offer surgery most Tuesdays and Thursdays, some possible Fridays. To make an appointment over the phone is not even possible. You need to fill out an application online, leave a message and wait for days before you get a response to whether you can even get a surgery appointment. Their mobile van operates only two times a month. Here at Animal Services, we offer spay and neuter Monday through Thursday and every other Friday. Appointments are scheduled immediately when clients call. Pets in Need also has a list on their website of restrictions such as they only do dogs and cats with no health problems. They won't do female dogs over 50 pounds, male dogs over 100. The oldest animal they'll do is seven years old. The youngest is only three months. At Animal Services, we do not have a list of restrictions. Our vet has over 20 years of

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shelter medicine and spay and neuter experience. Pets in Need's vet only has five years experience. Our spay and neuter is not limited to dogs and cats. We offer spay and neuter for rabbits, rats, mice, guinea pigs, senior animals, feral cats, kittens and puppies as young as two months old. We spay—I'm almost finished. We spay many female large-breed dogs such as Rottweilers and Great Danes, weighing up to 100 pounds and males up to 150 pounds. We work with many rescue groups doing German Shepherds as old as 13 years old.

Mayor Burt: Thank you.

Ms. Dixon: I just have an endnote. Can I just please?

Mayor Burt: Very quickly.

Ms. Dixon: We have done pyometra surgeries, leg amputations, eye enucleations, dew claw removals and dentals for rescue groups as well. I just want to reiterate that if you're partnering with someone, you need to make sure you have the experience.

Mayor Burt: Thank you. Our next speaker is Jennie Jump, to be followed by Jeanette Washington.

Jennie Jump: Hello. Mayor and Council Members and the people from Palo Alto, I just wanted to let you know my name is Jennie Jump. Our business has been active in Palo Alto for over 60 years. My father purchased an existing business in 1965. My partner and I took it over in 1992, and we've been active since then. Because we've been in business this long, we care about what happens here. We've actually even done business for some of the people on the Council. The situation with the Palo Alto Animal Services, which is also called PAAS, has been one that the City has been dealing with for a very, very long time. It is no secret that it is old and needs to be renovated. The City's latest idea for solving the problem, however, is to outsource it to Pets in Need, which is a great organization for what it does. In my opinion, however, the difficulty with this as a solution is it doesn't solve the problem. Pets in Need requires a financial commitment from the City before they will even start fundraising efforts. There is no guarantee what the results of those efforts will be, and there is no way that they can guarantee a timeframe. There's also no resolution as to how they're going to house animals and care for the animals in the interim, while there's a renovation done. My understanding is that the current facility would remain open exactly as it is now, if the present proposal is accepted. The volunteers and the operating—I'm going to stop and read. The experienced personnel and the volunteers would most likely be replaced. According to the director of Pets in Need, the operating expenses for the first year are

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expected to come from the adoption fees, program fees and the maintenance fees paid by the City. City money is already going to be spent. If there's an overage, it's going to come out of the City. The incoming Council will be updating and establishing a new Comprehensive Plan in 2017. Am I done? Basically I just want to say you've waited all this time. Let's wait maybe a year, into 2017, and let the new Council maybe get more input from the community as to what might be able to be done to help carry the facility forward and make it be a community facility with community support. Thank you.

Mayor Burt: Jeanette Washington to be followed by Sachi Hwanbo. We will not be accepting more speaker cards after this time. Welcome.

Jeanette Washington: Hi. I'm Jeanette Washington. I've been an Animal Control Officer for 18 years. Currently, Palo Alto Animal Services is an open-door shelter to all animals. The City and Pets in Need—excuse me. I'm not really a good public speaker. The City, Pets in Need and a few others make Palo Alto Animal Services sound like the building is being held together with glue and duct tape. Yes, we need a new shelter. We all agree to that. Outsourcing is not the way to do it. We have a lot of support from the public. People who follow this proposal come to the shelter and are surprised by how wonderful and clean the shelter is, and come to find out that they've been told or read in the paper—it's just not true. We have done spay and neuter for this year 1,359 spay and neuters for just the public versus what someone else recently said this evening for Pets in Need number. That's not including the shelter animals. We do unfortunately euthanize animals, but it is for medical and behavior issues only, which is a widely accepted definition of a no-kill shelter. We unfortunately do euthanize for dog aggression, under-age kittens that have come in that are un-weaned. They have fly eggs on their bodies, fly eggs in their mouth. It's just inhumane to try to keep those animals alive. It's not an easy decision that we make, and we don't take it lightly. We treat all animals at our shelter like they're our own. We do not euthanize for time or space. We've placed many animals in rescue groups. Thank you.

Mayor Burt: Thank you. Sachi Hwanbo to be followed by Bunny Bornstein.

Sachi Hwanbo: Hello. I'm the Administrative Specialist and Volunteer Coordinator at Animal Services. Since my previous comments to you on September 6th meeting regarding the negotiations with Pets in Need, I'd just like to add a couple more concerns. Mayor Burt, you had asked if the contracted level of services are comparable. I assure you they are not. We, Animal Services employees, bring technical and professional expertise to our work. We went through the hiring procedure of Palo Alto Police Department,

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the background checking, fingerprinting. We were required to attend the City's ethics training program and cyber security course. Ken Dueker has trained us in crisis and disaster preparation. Sergeant Benitez has given us all training in the use of AED, which we presently have at Palo Alto Animal Services. We are trained to be stewards of the public trust. An outside provider does not have such accountability and should not handle the sensitive information of the residents of Palo Alto, Los Altos and Los Altos Hills. We, Animal Services employees, are accountable for rabies records and dog license renewals and applications of the three cities. Maintaining accurate records, we protect people and their dogs from rabies, and it is the law. Rabies is spread by the bite of an infected animal. If an unvaccinated pet is bit by a rabid wild animal, the pet can bring rabies into the home. I know for a fact that 10 days ago a live bat was brought in and was picked up about a block away from this spot, City Hall. A bat, which did test positive for rabies. If you don't believe me, you can just ask the County Public Health Department. Yes, Pets in Need is great at what they do, but they have no experience doing what we do. If you're interested in best practices, please maintain what is best for the residents we serve and preserve what we employees were hired to do with accountability and with public safety ...

Mayor Burt: Thank you.

Ms. Hwanbo: ... as a priority.

Mayor Burt: Bunny Bernstein to be followed by Ester Nigenda.

Bunny Bornstein: Good evening, everybody. Nice to see you all. Just to correct, it's Bornstein, but that's okay. You didn't know. I'm just being accurate. I'm here with the community group. You've heard from some of the speakers. You see people standing with their banners and buttons. We're really a combination of people who work for the City. I work for the City; I work in the Library. I love and admire the new buildings that have been renovated, but so does the public. We also have volunteers who work at the shelter as well as other departments in the City. We have employees who go through a thorough screening process. I think one of the things we need to look at is that a shelter in most counties, states are usually municipal city programs where there are regulations. There is training. As people have said, background and fingerprints. I know Pets in Need is a wonderful rescue place, but they're selective in who they take from shelters. They take only small dogs and cats. If you look at the green packet that we created for each of you—I hope you don't mind your picture is on it—we have a fact sheet in there that goes into more detail. We also have some statistics that go into more detail. The Palo Alto animal shelter is historic just like the College Terrace Library where I work. It has been here for over

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a hundred years. This is not something we want the City to let go of. We will work with you. The community will, with fundraising, with any ideas. Please read through the petitions.

Mayor Burt: Thank you.

Ms. Bornstein: Over 1,685 people signed ...

Mayor Burt: Thank you.

Ms. Bornstein: ... online, in other countries as well as ...

Mayor Burt: Thank you.

Ms. Bornstein: ... in this country. Thank you very much. Listen to your hearts as well. We'd appreciate it. Thank you.

Mayor Burt: Our next speaker is Ester Nigenda, to be followed by Lisa Wendl.

Ester Nigenda: Good evening, Council Members and fellow residents. A few weeks ago Save Palo Alto's Groundwater had a table at Midtown's ice cream social. People had questions about all the water they see pouring down our City's storm drains, a few of which I will share with you. One of them is why are we throwing away water if we're in a drought. Why are we asked to water street trees with potable water for which we have to pay? This water is a community resource. Why does the City allow a few people to waste it? There were many other questions and comments, but main takeaways were the sense of outrage at the waste of this community resource and the great concern for the drought and our dying trees. Some residents want to know what Save Palo Alto's Groundwater has accomplished and what the City is doing with regards to this issue. The answer to both is essentially nothing. So far this year, less than two percent of the total groundwater extracted has been used. The rest was shunted to the Bay, where scientists tell us it contributes to sea level rise. East Palo Alto, San Jose and other Bay Area cities are asking for greater water allocation from the San Francisco Public Utilities Commission. Our rivers are dying because of their diversion to farming and cities. The Santa Clara Valley Water District tell us to take the vow value our water. The Sustainability/Climate Action Plan says the City will lead by example. We should either take these slogans seriously or abandon them. Thank you.

Mayor Burt: Thank you. Our next speaker is Lisa Wendl, to be followed by Hongming Jin.

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Lisa Wendl: Good evening, Council Members and local residents. My name's Lisa Wendl. I'm a longtime Palo Alto resident. My son was born and raised in this area. He's already working now. I've been practice Falun Gong for the last 18 years. While I enjoy freedom in this area, my fellow practitioner in China has been persecuted, even get killed by organ harvesting. It's devastating. I had a hard time to face that myself in 2004 when I first heard about that. Tonight I want to let you know about this U.S. House Resolution 343, was just passed this summer on June 13 unanimously and condemn organ harvesting of Falun Gong practitioners in China. Falun Gong also known as Falun Dafa is Asian self-practice based on Buddhism tradition. It teaches practitioner to live by three basic principles: truthfulness, compassion and tolerance. In July 1999, started persecution. I couldn't go back China until now. For the last 18 years, my mother, my brother has been come over to visit me instead. A study by Nobel Peace Prize nominee David Matas and David Kilgour as well as the investigative journalist Ethan Gutmann was released a documentary recently, this summer. Has detailed information about more than one-half million Falun Gong practitioners has been killed in China since 2000 for organ harvesting. Don't think this has nothing to do with us here. Lots of local residents you see here, their family, their relatives. One person I know, he was present in China who was being (inaudible). I really like to ask for help here (inaudible) spread the truth. Thank you.

Mayor Burt: Thank you. Our next speaker is Hongming Jin, to be followed by Daniel Xu.

Hongming Jin: Dear Mayor, dear Council Members, my name is Hongming Jin. I'm a resident of Palo Alto. On June 13, 2016, Congressman Chris Smith gave a speech when House Resolution 343 was passed unanimously. The passage of House Resolution 343 amounts to the most significant legislative confirmation of the reality of the crime of mass organ harvesting of Falun Gong. Chris Smith currently serves as a senior member on the Foreign Affair Committee. The following is a short portion of his speech that night. [Audio recording played.]

Mayor Burt: Thank you.

Ms. Jin: Thank you.

Mayor Burt: Daniel Xu to be followed by Shan Long. Welcome.

Daniel Xu: Good evening, Mr. Mayor and the Council Members. My name is Daniel Xu, and I'm a (inaudible) at Stanford. I'm really lucky to be a resident of Palo Alto and to work in cancer research at Stanford. Considering just a few years ago I was forced to give up my (inaudible) in

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China simply because I was Falun Gong practitioner. I was a graduate student when the Chinese Communist Party started the persecution of Falun Gong in July 1999. From that moment on, my life was shattered. The police would force their way into my home whenever they wanted. They extorted my family and threatened my parents. My whole family lived in horror and had to move again and again to avoid such harassment. Even more unbearably through the firsthand witnesses, I became aware of the (inaudible) crime forced organ harvesting from Falun Gong practitioners. In 2012 while working at the first hospital in (inaudible), I learned from my student friend that the hospital performed four liver transplants when they provide another five livers for a hospital in Beijing. All organs came from non-consenting Falun Gong practitioners. I couldn't tolerate such evil and continue to work at the hospital. I left China and came to the U.S. hoping that I can speak out about this crime that is still taking place in China even today. Thank you.

Mayor Burt: Thank you. Our next speaker is Shan Long, to be followed by Lina Qiu.

Shan Long [speaking through a translator]: Council Members, good evening. My name is Shan Long, and I'm originally from Tianjin, China. I started practicing Falun Gong in January 2010, and within one month my health improved significantly. Moreover, as a Falun Gong practitioner, I learned to follow the three ancient principles of truthfulness, compassion and tolerance and to live my life as an honest, kind and tolerant person. However, such a great cultivation practice is brutally persecuted in China. In June 2014, I was taken by police and National Security agents in China when I visited a fellow practitioner's home after she, herself, was illegally detained to take care of her daughter. At midnight that day, seven or eight policemen forced their way into my home. My mother, who was 72 years old at the time, was the only person home. The police shoved her onto the couch and held her down while they tossed my home. They also confiscated a truckload of our belongings, which they have kept until this day. The men refused to identify themselves and wouldn't tell my mom where I was. After a full day of interrogation, I was handcuffed to the hospital where I was subjected to forced examinations and blood tests. Following the trip to the hospital, I was thrown into the local detention center where I was illegally kept for a month. In June 2015, I filed a lawsuit with the Chinese Supreme Court against the culprit of the persecution China's Former President Jiang Zemin. Because of that, I was abducted again in July 2015. Once again, I was forcefully taken to the hospital for unconsented blood testing.

Mayor Burt: I think we need to ...

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Ms. Long: When I resisted by stating that Falun Dafa is good, five or six policemen held me down and choked me so I couldn't speak.

Mayor Burt: We need to wrap up.

Ms. Long: They even told the doctor to "inject her with something."

Mayor Burt: We need to wrap up.

Ms. Long: I was put under house arrest in late August 2015.

Mayor Burt: Thank you. I've allowed additional time for translation there.
Lina Qiu. Welcome.

Lina Qiu: Good evening, Council Members. My name's Lina Qiu, and I'm a student at Stanford University. Last Wednesday, we had a movie screening on campus of the documentary film "Human Harvest." One of the audience came afterwards and said that the word "shocked" couldn't even capture his feelings after seeing the compelling evidence of forced organ harvesting that's happening in China. People wondered why this could have been going on for 10 years. One of my advisers at Stanford is a medical school professor. He once mentioned that the average waiting time for a liver transplant here in the U.S. is about two to three years. People know that is not the case in China. If you pick up the phone today and call a Chinese hospital, tell them you need a liver transplant, it's possible that you will get an answer like, "Book your flight in two weeks." People vaguely feel that this is a strange picture but just stop there because after all China is such a distant country. There were people who dug into this, and they revealed that large numbers of Falun Gong practitioners became the victims of non-consenting organ harvesting and are being killed for their organs. The reason why a terrible crime like this could have been going on for 10 years is that people in the world didn't know that it's happening or didn't want to know because it's too far away. Now the truth is right in front of our eyes. Sometimes when we look back in time, we would always cheer for those people who had the heart to stand up against a crime even though they themselves were not victims. Now we're actually in such a time, and we are faced with the same choices. No matter how physically far away this is happening, it is a crime against humanity. That's why I think it concerns everyone of us here in Palo Alto, in the U.S. and in every country in the world. Thank you.

Mayor Burt: Thank you. Our next speaker is Cecilia Liu, to be followed by Xi Chen.

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Cecilia Liu: Good evening, Council Members. My name is Cecilia Liu, and I'm a software professional. The stories you just heard may seem like tales from another time, but please believe me when I tell you that they're not. This persecution is still very much ongoing in China, and this is more severe than ever. Right now at this very moment, my father, a 61-year-old Falun Gong practitioner, is illegally imprisoned in China as he has been for over a year for simply adhering to his beliefs. As absurd as it may seem, the Chinese Communist regime's persecution of Falun Gong grew out of Former Chinese President Jiang Zemin's fear and jealousy of Falun Gong's popularity. Since July 1999, the entire state-run propaganda machine was mobilized to smear Falun Gong and incite public hatred toward its practitioners. My father started practicing Falun Gong in 2003. Since then, he has enjoyed tremendously improved physical and mental health. Falun Gong's principles of truthfulness, compassion and tolerance provide him guidance to go through life as a kind and selfless human being. However, on July 20th, 2015, police broke into his home, forcefully removed him from his apartment and confiscated his properties. He was then thrown into local detention center without any legal foundations. For over a year, no family members have been allowed to visit him, so we don't even know what's happening to him in captivity. As his only child, I have been living abroad since 2008. Because of this persecution, I have not been able to return home to visit my aging parents all these years, not even to see my mother for the last time at her deathbed. I'm here today to tell you this difficult story of mine, to tell you about my imprisoned father, with the hope that my story can give voice to millions of Falun Gong practitioners in China still suffering from this persecution. I humbly ask for your help in raising public awareness of this atrocity and sincerely encourage everyone in our communities to join the effort to bring an end to this 17-year-old nightmare. Thank you.

Mayor Burt: Thank you. Xi Chen to be followed by Abraham Thompson.

Xi Chen: Greetings, Council Members. My name is Xi Chen. I'm a relationship banker at JP Morgan Chase in Palo Alto. On the evening of June 17th, 2016, Congressman Eliot Engel delivered a speech when the House Resolution 343 was passed unanimously. Eliot Engel is a ranking member of the House Foreign Relation Committee. I will play a part of speech that night. [Audio recording played.] According to the Amnesty International, the average number of (inaudible) inmates in China is around 1,700 per year, which is (inaudible) in the organ transplant (inaudible). China publicly (inaudible) annual kidney transplant is 5,500 to 10,000. The matching ratio of 6.5 percent indicates the organ pool size is much greater than the number of (inaudible) inmates. You can find more information by simply google organ harvesting in China. Please help us to raise awareness

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of this heinous crime and share with your family and friends and share on the social media. Thank you very much.

Mayor Burt: Thank you. Abraham Thompson to be followed by our final speaker, Alexandria McFarland.

Abraham Thompson: Crimes of this proportion touch all of us. They strike right in our heart, because after all we're one race, the human race. I'd like to point out that Falun Gong practitioners are the world's largest prisoners of conscience. The State Department puts the number at 250,000 while independent reports put that at one million. Honorable Mayor and Council Members, my name's Abraham Thompson. I'm a project manager for Devcon Construction, and I served on the San Jose Human Rights Commission. Like those before me, I volunteer my time to spread awareness in our communities to the ongoing persecution of Falun Dafa practitioners. With the unanimous passing of the House Congress Resolution 434, which condemns the organ harvesting of living Falun Gong practitioners, the validity of these crimes is no longer in question. We must take action because action makes our country great. While we're taking care of our own, we can lend a hand to those in need. We're brave enough to stand up in the face of adversity and still do the right thing, and courageous enough to make decisions based on our moral principles rather than short-term material interests or economic gains. If it were not for the support of our local city government, Congress, Senate and Assembly, the persecution would be much more severe than it is today. I have had the opportunity to speak with many tortured survivors who have escaped to the United States. Several of them told me the same thing. They said that when the United States took a stand, whether it was city level or state level, it lessened the severity of the persecution. I'd like to recognize you all for that. Just because we're here in Palo Alto doesn't mean we can't make a difference. We can. Lastly, we're not anti-China, and we're not anti-Chinese people. We're here because we love China, and we love the Chinese people. We want to work with you to pass a resolution condemning the persecution. I want to thank you for your voluntary service to our communities. You all make a difference in our community, and I thank you for that. I look forward to working together with you.

Mayor Burt: Thank you. Our final speaker is Alexandria McFarland.

Alexandria McFarland: Council Members, I'm Alexandria McFarland. I know I'm between you and your long night of agenda items. I've been a resident since 1987. I'm here about the animal shelter. No doubt you're aware that at the moment we have a shelter that's had little physical upkeep since—I think it was created in 1972. Outdoor space is rented, and there's little in

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the way of landscape. When we compare it to other cities, it does a poor job reflecting a community that has resources and a tendency, I think, towards animal-friendliness, which is apparent to almost anyone at the town shopping centers on a weekend. I'm originally from Carmel, and I go up and down Highway 101. I pass the Gilroy Animal Shelter. Ours looks a lot like that one, which is not a criticism of Gilroy, but more a statement of the investment that we've made over the years and a very different resource space making that same investment. I have no doubt that the current City Staff have done the best they can with the resources they've been provided and the leadership that's been in place over these last years. There's an opportunity to make some changes and improve the situation, despite the fact that change is always hard, and it's difficult particularly for the people that are affected. Animal care practices have evolved since the early days of the City dog catcher, from which the shelter has got its root. Pets in Need, who I'm here to support, has a long history of implementing those practices, and they've really gone the distance to demonstrate their capabilities, their willingness and their enthusiasm for running a shelter. They've shown how they can be fiscally responsible. I think they've found iterations of numbers while providing the services, all services, that are provided today to all our feather, furry and scaled ones that walk through the door, be it at the shelter itself or through partnerships, which is how it's done today. I encourage you not to let this opportunity pass by. First, there aren't any really viable alternatives, and this one's been in the making for at least four years. It's also been heavily vetted by your City Staff. I can't imagine what it'll take to put an alternative together, given that. I'll stop there and hopefully leave you with my point.

Mayor Burt: Thank you. That concludes our Oral Communications.

City Manager Comments

Mayor Burt: We'll now go to City Manager Comments. Mr. Shikada.

Ed Shikada, Assistant City Manager: Thank you, Mayor, members of the Council. On behalf of the City Manager, there are a few items of timely information I'd like to pass along, on behalf of the administration as well. First, today is the 27th anniversary of the 1989 Loma Prieta earthquake. Annually California has the Great Shakeout to remind us to drop, cover and hold if an earthquake occurs. Our community will join millions of others through the state on the Great California Shakeout on Thursday, October 20th, at 10:20 A.M. to practice this drop, cover and hold. Participating is a great way for families and organizations to be prepared to survive and recover quickly from a big earthquake, whether at work or anywhere in your travels. We know the odds of a major quake rise each

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year that we don't have one. Do your part in participating in this Great Shakeout. A number of community activities are planned around town. An RSVP for those who would like to participate in the event can be made to epvolunteers@panneighborhoods.org. Next, the City and Joint Venture Silicon Valley announced today that a regional group of stakeholders has teamed up to win a \$1 million Federal grant for a two year demonstration project to reduce single occupant vehicle driving from 75 percent to 50 percent in the Bay Area using commuter trip reduction software, multimodal trip-planning app and workplace parking rebates. This grant is part of the Mobility on Demand Initiative designed to help communities nationwide incorporate this technology into public transit services, including first and last mile connections and smart congestion management. Third, I'd like to note for the Council's information that the Rinconada Library has received the Leadership in Energy and Environmental Design (LEED) Silver certification. Last week, we were notified of this LEED award. This is above and beyond the target level for the project which, in order to maintain historic features such as its single-pane windows and wood shake roof, had originally been set at a goal of LEED certified. Due to innovative design, the project was awarded for green power, construction demolition recycling, construction waste management, open space and project oversight. The Art Center and Downtown Library projects already received LEED Silver certification. Good news for our project teams and for our facilities Citywide. Finally, Make a Difference Day. Join Youth Community Services (YCS) this week for the annual National Make a Difference Day service event on Saturday, October 22nd, from 9:00 A.M. to 2:00 P.M. YCS is spearheading this event focused on school beautification and book room organizing in the Ravenswood School District. YCS volunteers will help create a more visually appealing campus and more organized books. More information, you can visit the YCS website at youthcommunityservice.org. That completes my report.

Mayor Burt: Thank you. Our next item is approval of—I'm sorry? Go ahead.

Council Member Kniss: Ed, could you say some more about the \$1 million mobility? It's either an application or a grant.

Mr. Shikada: It is a grant through the Federal—I believe it's the Department of Transportation or it may be the present administration. We'll be happy to provide additional information. I believe this information just came out today. I'd be happy to detail it out for the Council.

Council Member Kniss: Could you find out how do we get some of that? It sounds like it's the whole Bay Area.

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Mr. Shikada: We already did; we received it. This is part of the grant. We are part of this team.

Council Member Kniss: We didn't get \$1 million?

Mr. Shikada: We are part of a team, a larger team for the Bay Area.

Council Member Kniss: Any idea how much it is?

Mr. Shikada: That would be coming specifically to the City of Palo Alto?

Council Member Kniss: Exactly.

Mr. Shikada: I'll be happy to get additional information. I think, because it's an app, it will be usable by the entire Bay Area. The \$1 million will be really not specific to individual jurisdictions. Again, we'll provide that.

Minutes Approval

2. Approval of Action Minutes for the September 26 and October 4, 2016 Council Meetings.

Mayor Burt: Our next item is Approval of Minutes from September 26th and October 4th of this year. Do we have a Motion to approve?

Vice Mayor Scharff: So moved.

Mayor Burt: Second?

Council Member Berman: Second.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Berman to approve the Action Minutes for the September 26 and October 4, 2016 Council Meetings.

Mayor Burt: Please vote on the board. That passes unanimously.

MOTION PASSED: 9-0

Consent Calendar

Mayor Burt: Our next item is the Consent Calendar. We have two speakers who wish to speak. Our first is Winter Dellenbach, to be followed by Jessica Lyman. Lyman, excuse me.

Winter Dellenbach, speaking regarding Agenda Item Number 8: Hi. Over the last year I have been—I had kind of an insider's look about Code

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enforcement. I filed some Code Enforcement complaints. Some of them simple, and some of them long-term and pretty complex regarding ground-floor retail protection Zoning Code violations in the Ventura/Barron Park neighborhoods. I'm really glad to speak tonight in support of the audit of Code enforcement. I think there's much of it that works well. I think other parts of it don't work well. The part that I don't know and that I don't think anyone fully knows is the parts that don't work well, why they are not working well. There, hence, comes the need for an audit. I'm very happy to see that it is on the Auditor's schedule. I am glad that you all will, of course, support that. We need Code Enforcement right now to be highly functional. It's going to need to be more functional in the future if, in fact, we should actually approve greatly under-parked projects. If we, in fact, would sometime build more Accessory Dwelling Units (ADUs), we need to ensure that those will be used for housing and not offices or for some other uses. If Airbnb becomes more of a feature in this town, we need to ensure that it's used for housing and not for any number of other things. We need to be in control of that. We need a good, functioning Code Enforcement. Right now, we know that renters are being harmed as offices take over residential spaces. There's a lot of that happening in the Downtown areas, but really all areas around town. Housing taken off market. We know that legitimate retail use is being harmed by illegal uses with paper blinds, mirrored windows obscuring what is within. We need a vital Code enforcement for all of these things. Of course, Code Enforcement can't know all of those things. They can't be on top of all of those things. That's why they need residents to file complaints. The 311 intake app doesn't work well in many ways. It discourages residents from making complaints. It might be good for Staff, but it sure doesn't always work for filing a good complaint. Communications are a problem. Follow-up is sometimes a problem. The reluctance to use fines for intentional recidivism is a real problem. I think there are a lot of areas for Code Enforcement to improve, even though sometimes they do a good job. I'm looking forward to the audit happening. I look forward to a better functioning Code enforcement. I applaud them when they function well. Thank you. I look forward to a Study Session by City Council on Code Enforcement soon.

Mayor Burt: Thank you. Jessica Lynam, welcome.

Jessica Lynam, speaking regarding Agenda Item Number 10: Hello, again, Mayors and members of the Council. Jessica Lynam on behalf of the Palo Alto members of the California Restaurant Association. Half of the public comment during the first reading of the Minimum Wage Ordinance was—we're all local restaurateurs sharing the real consequences of a higher minimum wage within this local restaurant community. While it's very upsetting that this testimony has fallen on deaf ears, I am again here on

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their behalf to reiterate the fact that this wage increase, should you pass it tonight, will not go to those who truly need the increase the most. Instead, this increase will go to those who already receive the most per hour, when you take into consideration their total taxable wages, and not those who bring home solely an hourly paycheck. Furthermore, this Council has specifically stated that the goal was to reach regional consistency. Now with this current draft proposal that you'll be voting on tonight, there will be no regional consistency at all. Three cities have voted not to go further on this topic. Two cities have voted to do something more stringent. One city, Los Altos, has passed something with different language yet the same wage rate. The remaining cities either have something on the books for November or December or nothing on the books at all. Therefore, tonight my members ask the Council to really think progressively. Pull this item from the Consent Calendar and try to address the fact that not all businesses are the same, nor are all employees. Please avoid the unintended consequences of a blanket minimum wage increase that we have seen in neighboring cities and use mitigating factors as incentives for local restaurant owners to have the ability to pay all their employees who really need it the most. I'm here to address any questions, and I really again reiterate the fact that this item needs to be pulled. Further discussion needs to be made on the fact that not all businesses are alike. Thank you.

Mayor Burt: Thank you. Council Member Holman.

Council Member Holman: I didn't see a comment from Staff. I just want to make sure people were aware, Council Members and members of the public who might be interested, that there's an at-places memo that is referring to Item 8, which is Code Enforcement. The City Auditor's welcome to speak to this or City Attorney. Basically all it does is just clarifies the timing of the 2018 section of that. Also, I think the City Auditor's planning on coming to the Council with a follow-up to the Policy and Services Study Session concept, if that's correct. Maybe the City Auditor would like to speak to that.

Mayor Burt: Welcome, Ms. Richardson.

Harriet Richardson, City Auditor: Good evening, Mr. Chair, members of the Council. Harriet Richardson, City Auditor. I've had a lot of communication with different people about the Code Enforcement Audit that we do have planned on our schedule. The at-places memo was to clarify the timing of that audit, when we will start it given some other priorities on our agenda right now. Also, in discussing with some people what the concerns were, there was a suggestion made that I do a short study session to get more input about what the general concerns are about Code Enforcement that would help us when we plan our audit to identify areas to focus our efforts

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on. If that is the will of the Council, I can schedule that through the City Clerk's Office when there's an agenda time available.

Mayor Burt: Thank you. We can't act on things without ...

Ms. Richardson: Correct. I'm aware of that.

Mayor Burt: ... that are on Consent. Do we have a Motion to approve the Consent Calendar?

Vice Mayor Scharff: So moved.

Council Member DuBois: Second.

MOTION: Vice Mayor Scharff moved, seconded by Council Member DuBois to approve Agenda Item Numbers 3-10.

3. Resolution 9629 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utility Gas Rate Schedules G-1, G-1-G, G-2, G-2-G, G-3, G-3-G, G-10, and G-10-G, to Include a Separate Transportation Charge as a Discrete Pass-Through Component and to Reduce the Distribution Charge by the Initial Transportation Charge Amount of \$1.1088 per Therm Effective November 1, 2016."
4. Approval of Contract No. C17164199 With Kennedy/Jenks Consultants in the Total Not-to-Exceed Amount of \$466,318 to Provide Design Services for the new Primary Outfall Line at the Regional Water Quality Control Plant - Wastewater Treatment Fund Capital Improvement Program Project WQ-80021.
5. Annual Review of Williamson Act Contract Renewals, Approval of Non-Renewal for APN 351-05-050 and Approval of Exemption Under Section 15317 of the California Environmental Quality Act.
6. Three Resolutions: Resolution 9630 Entitled, "Resolution of the Council of the City of Palo Alto to Execute State Revolving Fund (SRF) Financial Assistance Applications, Designate the Amount of Project Expenditures to be Reimbursed by SRF Proceeds, and Pledge Revenue for Repayment of SRF Loans;" Resolution 9631 Entitled, "Resolution of the Council of the City of Palo Alto Amend the 2009 SRF Assistance Agreement;" and Resolution 9632 Entitled, "Resolution of the Council of the City of Palo Alto Authorize Contract Amendments With RWQCP Partners Cities of Mountain View and Los Altos, East Palo Alto Sanitary District, and the Board of Trustees of the Leland Stanford Junior University for the Funding of the Sludge Dewatering and Load Out

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Facility, the Primary Sedimentation Tank Rehabilitation, the Fixed Film Reactor Rehabilitation, and the Laboratory Environmental Services Building for the Wastewater Treatment Enterprise Fund Facilities at the Palo Alto Regional Water Quality Control Plant (RWQCP)."

7. Policy and Services Committee Recommendation to Accept the Disability Rates and Workers' Compensation Audit.
8. Policy and Services Committee Recommendation to Accept the City Auditor's Office Fiscal Year 2017 Proposed Work Plan.
9. Policy and Services Committee Recommendation to Accept the City Auditor's Office Quarterly Report as of June 30, 2016.
10. Ordinance 5388 Entitled, "Ordinance of the Council of the City of Palo Alto Amending the City's Minimum Wage Ordinance to Align With the Santa Clara Cities Association Recommendation to Increase the Minimum Wage to \$15.00 per Hour in Three Steps: \$12.00 on 1/1/2017; \$13.50 on 1/1/2018; \$15.00 on 1/1/2019; and a CPI Increase After 2019 Indexed to the Bay Area CPI With a 5 Percent Cap and no Exemption (FIRST READING: Sept. 26, 2016 PASSED: 9-0)."

Mayor Burt: Motion by Vice Mayor Scharff, seconded by Council Member DuBois. Please vote on the board. That passes unanimously.

MOTION PASSED: 9-0

Action Items

11. Approval of 2000 Geng Road as the Temporary Location for Fire Station No. 3 During Construction of the Replacement Fire Station No. 3.

Mayor Burt: We will now move on to Item Number 11, which is approval of the site at 2000 Geng Road as the temporary location for the Fire Station Number 3 during construction of the replacement Fire Station Number 3. Chief Nickel.

Eric Nickel, Fire Chief: Good evening, members of Council. Chief Nickel, Fire Chief. We've got a very short presentation here. Before we get into the presentation, let me frame the dialog that we're having here. One of the key important documents within the Fire Department—you see it on a quarterly basis when we report out our quarterly performance—is our Community Risk Analysis and Capability Study, which is also known as a standards of cover. Our performance measure that we have within that

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standard of cover is to be anywhere within the City of Palo Alto and Stanford University within eight minutes 90 percent of the time that someone picks up the phone and dials 9-1-1, and we answer that call. What we're about to present to you are within that constraint, within our performance constraints. Now I'm going to turn it—also in addition for questions, we also have representatives from Public Works and Community Services. I'll turn it over to Deputy Chief Blackshire for the presentation.

Geo Blackshire, Deputy Fire Chief: Good evening, Council. Deputy Chief Blackshire of the Palo Alto Fire Department. Here we go. As you know, we're rebuilding the Fire Station Number 3. Several years ago, there was a study that went on and Infrastructure Blue Ribbon Committee (IBRC) confirmed and made it a priority that we replace the building due to extensive structural, Code and operational deficiencies. It is a priority on the City's infrastructure priorities. This was a collaborative effort between Fire, Public Works, Community Services and Planning. Initially, when we talked about where we were going to put the temporary fire station, there were six locations that were considered. Through collaboration we narrowed it down to three locations. The locations are 2000 Geng Road, 1142 and 1146 Middlefield Road, and the Rinconada Park tennis courts. This is a map showing where the sites are. As you can see, the existing site is on the corner of Newell and Embarcadero. That's our Fire Station 3. Number 1, at the upper right side of the map is the Geng Road site. Number 2, at the bottom is the Middlefield site. Number 3 is the tennis courts, right behind Rinconada Park. This is an aerial photo of 2000 Geng Road. This site is across 101, and this is the site where we would occupy—if the Motion is approved, this is where we would occupy the station in the evening. I'll go into more description later. This right here is the Middlefield Road location. It's between Lincoln and Kingsley. It's two lots that the Fire Station would occupy in the residential neighborhood. Here's the tennis courts, right off of Hopkins and Newell. You see the fire station is right there on the corner off of Middlefield and Newell. Based on the location, there are different impacts. The way it would work is Station 1 would be the primary location for Station 3 during the day. We would have the option to capturing more calls because of the density of population. They would be able to capture more calls there. In the evening, they would relocate to the Geng Road site. Because of the lack of traffic, they would be able to respond more efficiently and again still meet our response time standards, as mentioned by Chief Nickel. The tennis courts have very little impact at all, because it's right by the fire station. Between that would be the Middlefield site, which would have a little but not noticeable difference in fire response. What we're asking is that—Staff is recommending that Council approve the 2000 Geng Road site for the temporary Fire Station Number 3 during the rebuild.

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Mr. Nickel: One of the other points, before I turn it back to Council, in addition to the standard of cover document, Council approved about two years ago a purchase of this product called Code 3 software. What it allows us to do is load up all of our calls for service. It will run simulations on where we move stations, where we move companies. It takes into account traffic patterns during the day and the evening. When we ran all of our calls, it's basically like a SimCity for a Fire Department. All of the sites with the exception of one still kept us within the eight minutes or less 90 percent of the time. The only site that didn't was when we housed Engine Company Number 3 Downtown at Station 1 24 hours a day. I think that's important to know. We've done a very detailed, deep dive into all of our calls for service. It allows us to predict how the system will perform when that apparatus is moved. With that, I'll turn it back over to Council for any questions.

Mayor Burt: Thank you. Council Members, questions? Council Member Berman.

Council Member Berman: Thank you, and thanks to Chief and Assistant Chief—is that the right title? Deputy Chief—for your presentation. I'm excited to see this come back. I'm excited to see the building of two new fire stations or at least here one new fire station starting to move forward. As a member of IBRC, this is exciting. I have a couple of questions. The first one's about the cost. The Staff Report has the cost for the Geng Road temporary fire station at \$141,000. It also later says that there will be a reduction of about \$167,000 in rental revenue from Geng Road. The net cost of housing it there is closer to \$300,000. Is that correct?

Mr. Nickel: That is correct.

Council Member Berman: Is there any loss of revenue with the Rinconada Park tennis courts or anything like that?

Mr. Nickel: I do have Rob de Geus here, if he wants to address that question.

Rob de Geus, Community Services Director: Good evening, Council Members. Rob de Geus, Community Services Department. There will be very little impact in terms of lost revenue from the tennis courts.

Council Member Berman: This might have been mentioned here. How used are those tennis courts?

Mr. de Geus: That's a much bigger impact. They're some of the more popular tennis courts we have in the system. We have 32 courts, and those

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are probably the heaviest used, I'd say, in Rinconada Park. There's so much activity at Rinconada Park already, so people just gravitate to that site.

Council Member Berman: You said we have 32 courts Citywide?

Mr. de Geus: Yep.

Council Member Berman: Where are the closest courts—the next available option, closest to Rinconada?

Mr. de Geus: I'd have to check the map on that. I'm not sure which one would be the closest.

Council Member Berman: Nothing pops to mind as being around the corner?

Mr. de Geus: Not immediate, no.

Council Member Berman: Chief, you'd mentioned this software that we have. Frankly, that's what I'm most curious about as I'm sure we all probably are. Making sure that the response times aren't impacted too much to the point that it's a risk to the community. I was heartened to see that the software indicates that there will only be an increase of 60 seconds. When I was thinking about it and thinking about Palo Alto, how can we only have a 60 second increase if we're housing the engine at the Alma Station, which is pretty far away. I like to drive expeditiously, but I can't make that drive in 60 seconds. Obviously there's coverage from the other stations. Can you explain in a little more depth how exactly that can happen?

Mr. Nickel: It's a great question, Council Member Berman. When we say response times would increase by 60 seconds, that would be within the entire zone. Obviously there would be some response that would be shorter. Ideally, if we had to place a new fire station and there were no constraints on land or streets, ideally you want your fire station to look like it's at the center of a bicycle wheel. All your responses are equidistant out, so it looks like spokes of a wheel. Where the station currently is located is pretty good in terms of making it look like a regular bicycle wheel spoke. When we say it increases 60 seconds, it's the entire system's performance at the 90th percentile. We try to say everything that we do, that 9 times out of 10, that's how it's going to perform. What we can say with this Code 3 software is that nine times out of 10 some parts of that zone are still going to have that 60-second increase. It's still within our 8 minutes, 90 percent of the time. That's the important consideration. Right now that station is performing right around seven minutes 90 percent of the time. Even in this temporary time for 18 months, that will increase by 60 seconds, but it's still

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within the Fire Department and Council-adopted performance of eight minutes or less 90 percent of the time.

Council Member Berman: You've got pretty strong faith in the software and in the results that they're ...

Mr. Nickel: Absolutely. We've been using it very effectively for the last two years.

Council Member Berman: Thanks.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: Actually I think that my questions were covered by those by Council Member Berman. I'll save further questions until ...

Mayor Burt: Vice Mayor Scharff.

Vice Mayor Scharff: Thanks. I had some similar questions, but I wanted to follow up a little more in-depth on them. You had a very moving presentation about saving lives and talked about seconds and minutes counting. I've got to say it's a little ironic that we're now having this discussion. What I'm taking out of this—this is my question. The Rinconada Park Tennis Court is a better location for the Fire Department. Is that correct?

Mr. Nickel: If you look at it from an operational perspective, the closer we can stay to the current station location, that's better operationally. When we worked with our partners in the other departments, we had to balance lots of different factors. You are correct.

Vice Mayor Scharff: It's cheaper. Not by much, like \$20,000, \$30,000. I'm doing that math in my head. Is that roughly true?

Mr. Nickel: I would have to let somebody from Public Works—they did the financial analysis on that piece.

Brad Eggleston, Public Works Assistant Director: Good evening. Brad Eggleston, Assistant Director of Public Works. Yes, if you're just comparing potential lost rent revenue and our estimated cost, it's slightly cheaper. The one thing I would want to point out about the lost revenues at what's now the GreenWaste site is that essentially GreenWaste had already determined and the Council had voted to have them move to the Los Altos treatment plant site. Where we're talking about estimated lost revenue, that's kind of making the assumption that the revenue is lost if our real estate division

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was able to re-lease that area at the GreenWaste site. Just a slight clarification there.

Vice Mayor Scharff: Before you leave, what do you think the reality is? Do you think the reality is we wouldn't be able to lease it for that, so it's not really lost revenue? What's the truth?

Mr. Eggleston: What I've heard in talking to the City's Real Estate Manager is that there is some demand for the types of activities and space. I think, shuttle parking and construction staging. I don't think he was greatly confident that he would necessarily be able to lease out that whole site.

Vice Mayor Scharff: Chief, when you were talking about the 60 seconds and the software, is that an average 60 seconds? Fifty percent could be more than 60 seconds with some outliers of much more minutes and a few that are likely to be slightly under that 60 seconds. On a practical point of view, if I have a medical emergency out there, could it take four or five minutes for some people and 60 seconds for others? That's the first part of the question. The second part of the question is do you feel operationally that people could die because we make this decision. I don't mean to be—we just had this thing about 1 minute. Obviously I want to save the tennis courts.

Mr. Nickel: Let's go with the first question. When we talk about 60 seconds, that's within that station's response zone at the 90th percentile; that's 90 percent. If we were to go average, we're probably adding 30 seconds, 30-40 seconds. I don't calculate anything in averages, because I try to go at the 90th percentile. That is just for that response zone. Now, we have to look at the whole system. Because we use the efficiency technology of automatic vehicle locator, the Computer-Aided Dispatch (CAD) system when that call is put into the dispatch software is going to look for the closest available appropriate apparatus irregardless of where the boundary might be drawn. What will likely occur in that case is Station 4, which is down on Middlefield, will be closer and will be dispatched. We could have a crew driving through there doing inspections. That crew would be dispatched. Likely during this temporary phase, we will have fully implemented our automatic aid agreement with Menlo Park Fire District. They will have companies that will be closer and will be sent. Just for a frame of reference, what that automatic vehicle locator does for us—we've been doing this with the City of Mountain View now for about 2 1/2 years. We have lowered response times in south Palo Alto and north Mountain View by almost a minute. We try to look at, when we ran the Code 3 software, a very static look at the station response boundaries. That's the best estimate that we can come up with at the 90th percentile. I hope that answers your first

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question. The second question, will people die? The question I would ask is what is a minute of response worth. That's what we grapple with all the time in the Fire Department as we're trying to make the system more efficient. What you saw tonight was an integrated system of first responders, early notification, early response by the Police Department. That's not going to go away in this 18 months no matter where the station is located.

Vice Mayor Scharff: Thank you very much, Chief.

Mayor Burt: Council Member Schmid.

Council Member Schmid: I think you make a convincing case that there is substantial disruptions at either the tennis court or the Middlefield site. Geng Road strikes a note for me. At least twice a week, I go through that intersection, Embarcadero, Oregon, 101, during rush hour either morning or evening. It's frankly a nightmare. If you look at our traffic studies that we've gotten over the last couple of years, forecasted future Level of Services (LOS) at intersections, there are eight key intersections in town that rank "F," will rank "F." Many of them are on the Oregon and Embarcadero corridor, between 101 and El Camino. The intersection of Oregon, Embarcadero and 101 is "F" on the County and the State regard. The interstate highway through Palo Alto in that area is ranked "F." Now, you talk about moving the apparatus from Station 1 over there in "the evening." You say 7:00 P.M. Coming back in the morning, what time do you come back in the morning? I can't believe that we would put an emergency response on the far end of the most egregious intersection we have in town. Can you comment on that? Have we done a traffic study? Have you sent people out there just driving back and forth and observing the intersection of traffic at those hours?

Mr. Nickel: Great points, Council Member Schmid. We took a lot of those things into consideration. I won't go into the traffic studies. I believe somebody is here from Planning and Development that could perhaps address that. I can address why we would move Downtown at a part of the day. One of the other side benefits of this is if you look at where our distribution of risk is during the daytime hours, Monday through Friday, the majority of our calls for service are occurring in Station 1's area or in the Downtown corridor. The thought of moving the apparatus up here during the day would give us additional concentration of resources. While we may be 60 seconds longer to fewer calls that occur out in Station 3's area during the day, we're going to be much quicker to the majority of calls that are occurring during the day in the Downtown area. That is a side benefit of that. I completely agree with you. One of my concerns is the traffic access,

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getting down that Embarcadero corridor from the late afternoon into the early evening. What we had proposed as an alternative and when we ran the modeling through here, it actually showed some benefit, as I said, into Station 1's zone Downtown. They would move back there during the evening when the traffic patterns have gotten better. Now, we have the distribution of our resources into the neighborhoods.

Council Member Schmid: I certainly would like to see a serious look at the traffic, count, Level of Service (LOS), future estimates. That would be key to look at. It seems to me that the evening hours should be extended, so maybe the apparatus does not go across the freeway until 8:00 P.M. in the evening and is back in town before 6:00 A.M. I think that would make much more sense for avoiding our extended commute hours. I guess that's the serious qualification I would have about Geng Road.

Mr. Nickel: To keep in mind too, with our current Mutual Aid Agreement with Menlo Park Fire District and with the enhanced Auto Aid Agreement, we will have a company that can access it from that area as well as our Station 4.

Mayor Burt: Just reminding colleagues that this is our period for questions rather than comments. Council Member Kniss.

Council Member Kniss: Chief, you had a terrific indication tonight of how well you are integrated and how well that works. Continuously, you have mentioned that time matters. It's of the essence. It's hard to think we could be discussing anything other than that which is the closest and responds the fastest. I'm certainly sympathetic with tennis players. I'm far more concerned about someone who has had a heart attack, has a fire starting in their house, whatever that might be. I would think for a short period of time, that saving lives might be more important. I'll probably never hear the end of it than playing tennis. That was a comment. I tried to make it a rhetorical question.

Mayor Burt: Rhetorical wouldn't have counted either. Let me take some of those comments and turn them back into a genuine question. Can you go into more depth as to the reasons for not selecting the Rinconada tennis court site?

Mr. Nickel: I can tell you my thought process. I'll let my colleagues in Public Works and Community Services weigh in. We're trying to get the station built as quickly as possible. The station is woefully inadequate. As Assistant City Manager Shikada talked about today, it's the anniversary of the Loma Prieta earthquake. That station scares me. The faster that we can get that station down to the ground and built, the better off we're going to

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be. My concern is we're going to spend 6, 12 months in community outreach that's going to back this project up further, cost the project more money. I want this thing tomorrow if possible. That was a very strong consideration for me. I shared your concern about the traffic and the response time. Running it through the Code 3 software, where everything was still within our performance criteria allayed some of those concerns. Ideally I would love to remain in the immediate area, but I'd get the other constraints and issues that we're dealing with. We have very few choices.

Mayor Burt: Remind me—I know it's in the report—the construction period will be how long from demolition to operation?

Mr. Nickel: What we're estimating right now—I'll let Brad weigh in—is approximately 18 months.

Mayor Burt: I think I understand now better those concerns that the Rinconada tennis court site is surrounded by single-family homes on two sides. It's your thoughts that that would be a much more extensive public process to go through approval for a temporary location?

Mr. Nickel: Yeah. In my 29-year career doing this, the two hardest things to do is get a fire station in a neighborhood and take a fire station out of a neighborhood. You saw the community response. I would love to maybe hire some of those community members across the Middlefield site to do some of our Staff Reports. They did really good Staff work. We haven't even begun outreach to the folks around Rinconada. I would fully expect the same type of response. Again, it gets back to my comment earlier of we're on the clock.

Mayor Burt: Thank you. We'll now go to the public. We have four speaker cards. Each speaker will have up to three minutes to speak. Our first speaker is Stephanie Munoz, to be followed by—is it Sturino family?

Stephanie Munoz: Good evening, Mayor Burt and Council Members. I'd like to urge you not to pass up the opportunity to build housing in conjunction with the new fire station. The one reason is obvious. It's the same reason that you need housing for the teachers, housing for the policeman, housing for the City employees. We taxpayers have to pay their salaries. If they have to have in order to have a house any kind of a home, a decent home, over \$100,000 a year, we're going to pay all 110 of them \$110,000 a year. We're talking millions. You could do that. The second reason is that we already pay for some housing for firemen. They have to be onsite so that they can get that minute response, get that prompt response. They might as well have a home with their families. Firemen are sort of traditional citizens. They tend more to have wives and children than to be happy-go-

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lucky bachelors. It would be nice for them to have dinner with their family once in a while, welcome as the company of their fellows may be. The third thing is the Floor Area Ratio (FAR). The appearance of these buildings in the City is so important to keeping Palo Alto the beautiful City that it is. On that particular fire station, we've all passed it many times. It's surrounded by Rinconada Park. In fact, the other site also. It's appropriate also that a public building be higher than an ordinary building. You could really very easily build a beautiful set of apartments, really first cabin, nice apartments, gorgeous apartments, for all of our firemen. It would save you money in the long run. It really would. Give that some thought. It's an opportunity that you've got. The situation of not affordable housing has been building and building for 50 years. Carpe diem. You've got to take the land where you can get it. Thanks very much.

Mayor Burt: Thank you.

Ms. Munoz: Build those houses.

Mayor Burt: Our next speaker is the Sturino family.

Sturino Family: I actually have a lot less to say than I thought because we got a nice compliment from the Fire Chief for the previous work that the neighborhood had done. We live on Middlefield Road. Thanks for the reinforcement of the effort that went into the research. One of the things I would ask is whether or not the software use also takes into account foot traffic. On Middlefield Road, there is more foot traffic than in the other locations. Our concern is more about the safety, because it is already a very tricky spot to negotiate when you're taking your children across the street to the school. Especially concerning since this guy and his brother got hit one time while crossing the street over to Addison. Putting more of a situation right in that area, which is already congested both with cars and people, didn't seem like a great idea to us. Thanks.

Mayor Burt: Thank you. Our next speaker is Thui Tran, to be followed by our final speaker, Herb Borock.

Thui Tran: Hello. I'm also a neighbor of the Middlefield site and one of the authors of the letter that's included in the Report. Thank you for your kind words. I just wanted to highlight a couple of things from our letter. First, this section of Middlefield is a two-lane road. Whenever there's traffic on 101, traffic spills over onto Middlefield, and that whole section from Lincoln all the way to Embarcadero is stopped. I included a photo of that in the letter. We think that when these traffic incidents happen it actually will be harder for the emergency vehicles to respond to emergencies, trying to leave from that location. Secondly, there's absolutely no buffer around the

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Middlefield location. It is adjacent to houses on all sides. In particular, many of these houses have young children. We have concerns about the effect of loud noises on our children and how will the City minimize that effect. Finally, we are supportive of the recommendation of 2000 Geng Road. We also in our letter suggested two alternate sites, which is the Art Center parking lot and the lawn between the Art Center and Embarcadero road. Both of these sites are very, very near the current Fire Station Number 3, so the response time should be pretty similar. We asked why these two sites were also not more deeply considered. Thank you.

Mayor Burt: Thank you. Our final speaker is Herb Borock.

Herb Borock: Mayor Burt and Council Members, two months ago you received a Staff Report about GreenWaste moving from the Geng Road site. The Staff Report indicated the Geng Road site would be a possible location for dedicated parkland since it's surrounded on three sides by parkland. There was nothing in that Staff Report about it as a possible temporary site for a fire station. This evening you have a Staff Report about a temporary fire station for Station Number 3 at Geng Road. There's nothing about a temporary station for Fire Station 4, when that is rebuilt. It says that during the evening, the number of calls for service and the traffic congestion are much less. It's hard to believe that calls for service will take longer from Station 1 in the evening than they would during the daytime when Station Number 3 is temporarily located at Station 1. The Staff Report also says that if the site at Geng Road is used, it would be needed for living quarters and a garage facility and also need various service hookups such as electric and backup power, water and sanitary sewer, security alarm and communication linkages. All of those things are already at Station 1. In fact, during the daytime, Station 3 will be located at Station 1. It'll have all those things. At lunch time, when Station 1 is eating lunch, using the kitchen at Station 1, they're not going to send Station 3 to the cafeteria in City Hall or to one of the restaurants in University Avenue. Those living facilities are available for the crew from Station 1. What is it that's needed at Geng Road that isn't there in the evening for Station 3 personnel? Maybe there's not enough room for three more people to sleep at Station 1. Once you move the sleeping quarters to Geng Road, you have to move everything else. You need a garage for the fire trucks. You need all the electrical hookups, all the different utility hookups. It seems to me to be much less expensive. Since the evening, there's less traffic congestion, you'd still be able to meet the response times. If all you're missing in the evening are sleeping quarters for the additional firefighters, you'd have a temporary station 24 hours a day at Station 1. If you think you need a station better in the evening located in the residential area, perhaps Station 4 would be a better temporary location in the evening. Thank you.

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Mayor Burt: Thank you. Let's return to the Council for discussion and a Motion. Who would like to go first? Council Member Wolbach.

Council Member Wolbach: I guess I just want to be clear about what the pros and cons are about picking between Geng Road versus Rinconada. Before I do that, actually I was going to ask if especially the comments from the final speaker, if there's any response from Staff, if it's all right to ask that. Basically, I was thinking the debate was between Rinconada and the tennis courts and Geng Road. It sounds like there—at least the question has been raised about maybe just sticking with Fire Station 1 as a consolidation location throughout the day or splitting it between Station 1 and Station 4. I hadn't really thought about that option prior to that last comment. I know it's just been brought up, but are there any thoughts?

Mr. Nickel: Mayor, do you want me to answer?

Mayor Burt: Sure.

Mr. Nickel: Two things. One, Mr. Borock hit the nail on the head. We do not have sufficient sleeping space at Station 1. We could temporarily relocate a sleeping trailer in there. Having everybody co-located at Station 1 for 24 hours a day was the one model that was slightly above the eight minutes 90 percent of the time. All the other models were below eight minutes 90 percent of the time.

Council Member Wolbach: Did you by any chance look at a model that was half at Station 1 and then switching over to Station 4 in the evening as opposed to switching all the way to Geng Road?

Mr. Nickel: Again, I would go—Station 4 is even more challenged in terms of the site and the sleeping arrangements. It's a much smaller station. As the IBRC noted, it's the next station to be rebuilt. That station could not house effectively another three personnel.

Council Member Wolbach: That addresses that concern at least for me. I appreciate that. Again, for me it does come back to the question of really trying to identify what are the pros and cons each of Geng Road/Station 1, where it's half at station during the day and then at Geng Road in the evening, versus using the tennis courts, which I think is the strong other alternative that was not the Staff recommendation but seems to be indicated by Staff to be the runner up. From an operational standpoint is preferable during its operations, that it would provide better responses, it's better located, you don't have to deal with the traffic over 101, you don't have to deal with the traffic coming out of Downtown. I've done a ride-along with Station 1 crew and know that it can be sometimes tough to get out. We do

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a great job because we've got that diversity of locations. I'm inclined to say we should go with the Rinconada tennis courts but again looking at the pros and cons. Quick math. The numbers on Page 5 of the Staff Report, Packet Page 284, combine the Fiscal Year 2017 and Fiscal Year 2018 rental revenue losses, assuming we could fill the space as a rental facility, assuming our real estate division could fill it. That's \$167,766. Add that to the cost of Geng Road, and then the total cost for Geng Road is \$311,766 estimated. That puts it almost \$22,000 ahead of the cost of Rinconada. Financially, it's \$21,766 cheaper to go with Rinconada, again assuming we can fill the rental space over in Geng. Operationally, it's superior. Financially, it's superior to go with the tennis courts. As the Chief pointed out, there's the question of what it would cause in delay of moving the project forward. I just want to open up the opportunity again for any further Staff thoughts on that. If the Council said, "We just want to move forward with it. We'll do as much community outreach as we can, but we want to expedite it" hypothetically, how much delay would be caused in moving the project forward if we went with Rinconada tennis courts over Geng Road?

Mr. Nickel: Brad or Matt, do you guys want to take on the community outreach piece?

Mr. Eggleston: Sure. Brad Eggleston again. I think that if we had clear direction from the Council that the Rinconada tennis courts were the direction to pursue, we'd move forward with community outreach. Potentially it might be a somewhat easier process. As Chief Nickel said, we have had some correspondence with the citizens near the proposed Middlefield site, but none so far at all with residents that are close to the tennis courts. We would pursue that. Just to give a little perspective. We've reached a point in design of the new Fire Station Number 3 where we intend to take that to that to the Architectural Review Board for its second hearing in November. We think that's likely to move forward. We'll be trying to essentially as quickly, as expeditiously as possible complete the design for Fire Station Number 3. As we said, hopefully begin construction in the spring. It is a bit of a fast track, but I would say we could also jump on the fast track with doing neighborhood outreach.

Council Member Wolbach: Of course, there's the challenge of we lose some tennis courts for a year and a half. It really just seems to come down to a debate between losing the tennis courts for a year and a half, which is going to impact the people who utilize that recreational facility, and the extra financial cost of almost \$22,000, on the other hand, if we go with Geng Road, also the potential additional response time. Even though it would be on average within our target, it still would be slower response times. Those seem to be the tradeoffs. Rob, did you have something?

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Mr. de Geus: If that's okay, Mayor Burt, I just had a response to Council Member Berman's question about where the closest tennis courts. The other tennis courts at another park are not that close, so they didn't come to mind immediately. It'd be Hoover Park or Peers Park, the closest. The other thing to mention is that the tennis courts are on dedicated parkland. That may cause some issue and certainly is, if there are people who don't want to see the fire station there. That could slow things down a little bit.

Council Member Wolbach: Could I ask Staff or City Attorney if there's any—being dedicated parkland, does that prevent us—does that mean it's not even an option after this consideration or could we still use it as a temporary location for 18 months during tear down and reconstruction of Fire Station 3?

Molly Stump, City Attorney: Thank you for the question. Just stepping back one second. Procedurally tonight what's noticed is the Geng Road site. If the Council's direction is not to go full speed ahead and make that approval on Geng Road, we would need to come back to you. There is additional work to be done certainly with respect to neighborhood outreach but also with respect to this question about the use of the site as a temporary fire facility. We would need to do that and come back and advise you of whether there is an issue there. We were focused on the various operational and feasibility issues around the site, and that remains an issue that will need additional work before we can say that the site can be used for this purpose.

Ed Shikada, Assistant City Manager: If I might just reinforce that same point. I think we would take the Council's feedback, again, if there's not a comfort with moving forward with the Geng Road site to take a closer look at the tennis court site. As the City Attorney pointed out, while cost was a factor as was laid out here, it was really the operational feasibility of Geng Road that was driving the recommendation. With additional time, we should take a closer look at the cost associated with the tennis courts. While we did an initial cut at it, I would like to make sure that the costs are all in for restoration of the courts post-temporary station along with the issue that the City Attorney pointed out. I think we would suggest that, if the Council is again not comfortable moving forward with Geng Road, we take it back to Staff and bring it back for further consideration.

Council Member Wolbach: Do you have any estimation of how much additional time that might mean?

Mr. Shikada: I would suggest that we also take the opportunity to do some community outreach. I suspect we will generate some reaction. Take the time to flesh out that reaction before we bring it back to Council.

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Council Member Wolbach: I'm not prepared to make a Motion at this time. I would like to hear from my colleagues but ...

Mayor Burt: We'll all hear from colleagues. We need to get going. Vice Mayor Scharff.

Vice Mayor Scharff: That's actually really interesting information about the tennis court site. I had that question about the parkland as well. I actually didn't think we could, because this came up on some other issue once. There was an issue about using dedicated parkland for storage and stuff. My recollection at the time was that it was a problem. If we were to move forward with the tennis court site, for instance, what process do we have as a City—if we as a Council say, "You've had some neighborhood outreach. People are really upset about it. Let's go do it anyway," what is the process? Does it have to go to other bodies? Does the Council just make the decision and it's done? What happens?

Mr. Nickel: Again, included in the Staff Report is a page of pros and cons of each one of the sites. It does talk about the dedicated parkland needs Council approval/a Park Improvement Ordinance. Obviously, we'd need to dig into that further. I don't know if that answers your question.

Vice Mayor Scharff: My recollection on dedicated parkland is you have to go to a vote of the people to change anything with dedicated parkland. That's just my recollection of it. I see Rob nod his head yes. I guess my concerns about this, Chief, is what you raised. If we don't go forward with the Geng site, we are going to have to come back to Council, where there's going to be a bunch of neighborhood opposition. I know that area really well. There's single-family homes right there. If I actually had a single-family home right there and you were taking away my tennis courts and dedicated parkland and building a temporary fire station, I think I'd be fairly upset, the more I think about this. I think a large group of people would come out from that neighborhood and be very upset. We'd have the chambers filled with these people. Rightfully so. I think they would be really inconvenienced and upset about it. I think we'd spend a lot of time going in that direction, and then change our mind because we'd have 50 people out here yelling and screaming at us, and we wouldn't go forward with that. What I've heard the Chief say—I don't want to put words in your mouth, so if I say (inaudible)—is that it's operationally feasible and that you're comfortable with it, that it's within our parameters of the eight minutes and that speed in this is very important to you. While increasing response times is an issue, this is a very unsafe fire house, and we need to move forward as quickly as possible. That's how I'm sort of framing it in my mind. On that basis, I think we should support the Geng Road site. I think far too often

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things come to this Council, and we don't make a decision and kick the can down the road, and things don't happen. I think it's important that we move forward with this fire station expeditiously. Therefore, I'll move the Staff recommendation.

Council Member DuBois: Second.

MOTION: Vice Mayor Scharff moved, seconded by Council Member DuBois to:

- A. Direct Staff to locate Temporary Fire Station No. 3 at 2000 Geng Road while the permanent replacement Fire Station No. 3 facility is under construction; and
- B. Amend the Fiscal Year 2017 Budget Appropriation Ordinance for the General Fund by decreasing the revenue estimate for rental of the Geng Road site by \$55,922.

Mayor Burt: Do you want to speak further to your Motion?

Vice Mayor Scharff: Just briefly. I've actually, Chief, got to say, and Rob as well, I think Staff has done a good job—at least that's the sense I got—in weighing the pros and cons and thinking this through and coming up with something that works. I think it's important to trust Staff. We have the Fire Chief saying, and the Deputy Fire Chief, this works on an operational basis. I think I know a little bit about Fire, but I really don't. It's not really my job up here to say to you guys, "No, you haven't thought it through properly." That's really your job. You're coming here and telling me this works on an operational basis. That's good enough for me. I'm also thinking about the tennis courts, the neighbors, and all of that. I think we should move forward with this expeditiously and get this fire station built.

Mayor Burt: Council Member DuBois.

Council Member DuBois: I just want to say I really appreciate the quantitative modeling. This software you have sounds very cool. I'm glad we have that. I understand 90 percent of the time you're adding a minute or less. I don't know if you mentioned it, but we're actually decreasing time to our highest response areas in the daytime. I think network effects are not intuitive. This is a case where we have real emergency response data empowering a sophisticated model. I'm not sure why we would second guess that up here. I appreciate the plan. I thought it was a good Staff Report. It really seems like you guys have thought this through. I support the Staff recommendation.

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Mayor Burt: Council Member Schmid.

Council Member Schmid: Just to follow up the discussion on the tennis courts. Across the street is the parking lot for Rinconada Library. I noticed just on your maps it appears to be the same size as the tennis courts. It has only half the number of residences backing up against it. Why would that be a problem area? Why wasn't that one of the chosen sites?

Mr. Eggleston: Brad Eggleston again. It was one site that we briefly discussed. Essentially with the major disruption of the Rinconada Library construction project that was just completed in the last two years there and the serious impacts we would have on the brand new parking lot infrastructure there, we decided it wasn't the best option.

Council Member Schmid: I think you will find out going to the community that it raises a lot less hackles because it's a parking lot. It's not a recreation area, and it backs up on far fewer homes than does the tennis courts. I guess one other question I would have on the Geng Road is would the Fire Chief be comfortable with the hours 8:00 A.M. to 6:00 P.M.

Mr. Nickel: Operationally, that may be a bit of a challenge for us. Our shift change is at 8:00 in the morning. We had originally proposed, when we modeled this out, an 8:00 A.M. to 8:00 P.M. type of configuration, 8:00 A.M. to 8:00 P.M. 6:00 A.M. would be a challenge, because the crews would typically be getting ready for a shift change.

Council Member Schmid: It's a challenge for the crews or a challenge for the response.

Mayor Burt: Council Member Filseth.

Council Member Filseth: Thanks. I think it's really clear that the Chief and the Deputy Chief are all over this thing and did a really thorough job. I think we ought to do whatever they want to do. If they want to do Geng Road, we ought to do Geng Road. If they were here asking us for some way to fast track the Rinconada site, then we ought to do that. If they're asking for Geng Road and that's what they want, I think we ought to do it.

Mayor Burt: Council Member Holman.

Council Member Holman: Very quickly, now that the tennis courts are off the table with dedicated parkland issues, I'll support the recommendation by the City Staff and happy to do so.

Mayor Burt: Council Member Berman.

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Council Member Berman: I'm happy to support this as well. As somebody alluded to, there are pros and cons to all the different sites. There are just far too many unknown, possible pitfalls, I think, with changing course, going back out in the community. We don't fast track community outreach in Palo Alto. That never ends well. We can't do that. We do need a new fire station there as quickly as possible. Is this perfect? No. Has Staff come back and given us their assurances that the modeling that we have indicates that it won't have a detrimental effect on response time? Yes. I think we need to move forward and get this built, so we can get Station 4 built. That'll be great for the community.

Mayor Burt: Council Member Kniss.

Council Member Kniss: Because politics is the art of the compromise, at the same time though I'm aware this is slightly longer. I'm hoping there aren't any lives lost after your presentation tonight, which was so effective. This seems to be the best answer, at least for the circumstances. It may not be the best answer for other reasons. The arguments in favor of not spending a year and a half on public outreach are pretty compelling.

Mayor Burt: One, I just want to have a clarifying question. On the table on Packet Page 290 that talks about the dedicated parkland issue at the tennis courts, it talks about the need for a Park Improvement Ordinance. I don't know if the City Attorney can briefly wade into whether this would qualify as a park improvement item under our City Charter.

Ms. Stump: Again, the Park Improvement Ordinance is appropriate if you comply with the first test under the Charter, which is the dedicated parkland can't be sold or its use discontinued without a vote of the people. We have occasionally authorized limited incidental, non-parks and recreation uses for some dedicated parklands. I think the Staff was initially thinking along those lines. We would need to look at whether this type of use for this duration would fit within that type of exception and, therefore, qualify for a Park Improvement Ordinance. It very well may be that it does not and that we would be looking at a more significant procedure to use it for this purpose.

Mayor Burt: I just want to say also on that Rinconada option, it's not only the time delay for the public outreach, but it's the uncertainty. We could go through that whole process and, as a result of that, then determine that we shouldn't go that site, and that's all delay. Chief, I saw at least one member of the public was questioning why Station 3 is being done ahead of Number 4. Can you clarify the reason for that sequencing?

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Mr. Nickel: Yes. Excellent question, Mayor. Coming out of the IBRC, the number one station priority was Station 3, to be followed immediately in sequence by Station 4. We weren't able to do them both at the same time, just between either the cost issues or the disruption to the Fire Department. Station 3 was identified as the worst facility that we had.

Mayor Burt: It was objectively ranked as the worst condition or most vulnerable.

Mr. Nickel: Correct. I believe Council Member Berman was a part of that, the IBRC.

Mayor Burt: I wanted to get that out there. Finally, this last question is only indirectly related to tonight's item. It's one of our few opportunities to ask for an update on these things. Ms. Munoz raised the question of onsite housing for essential employees. I can understand why the Station 3 site is probably not such a great alternative. Is it being looked at in any way for Station Number 4, whether there could be rental housing probably for younger, essential service employees? It's not going to be their long-term housing, but maybe new hires and things like that, to be able to be in the community, some apartments. I appreciate it wouldn't be a lot.

Mr. Nickel: As constrained as the Station 3 site is, Station 4 has a lot of those same constraints. We have a utilities facility right behind us. We back up to that alleyway and then the church right behind the station. There's not a whole lot of excess space on that site to provide any sort of housing.

Mayor Burt: I was thinking in particular about the substation right behind it. One is we've been consolidating the footprint of a lot of our substations. I have no idea whether that's possible there. The other thing is that when we build, whether residential or commercial buildings, we have setback requirements. Up against a substation, we in all likelihood would not. I'll just leave it there. I'm not saying that it would work, but I want to make sure that we're including that consideration. If you need to return to the Council for whether we want that seriously considered to do it through that process. I don't want to lose an opportunity because either there was an assumption that that was never part, for instance of the IBRC proposal. Therefore, we're just focusing on what's there or, from a financial reason, there was some assumption that it would necessarily be City funds when, in fact, we might be able to have partners. Who knows?

Mr. Nickel: It's a great idea. It's currently been outside the scope of our discussions, but certainly we will consider it for future fire stations.

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Mayor Burt: The Motion is to support the Staff recommendation. Please vote on the board. That passes 8-1 with Council Member Wolbach voting no. Thank you very much.

MOTION PASSED: 8-1 Wolbach no

Mayor Burt: We'll take a brief break.

Council took a break from 8:39 P.M. to 8:46 P.M.

12. Discussion and Direction Regarding Parameters of an Ordinance Strengthening Retail Protections in Downtown and the South of Forest Area (SOFA II).

Mayor Burt: Turning to Item Number 12, which is a discussion and direction regarding parameters of an Ordinance strengthening retail protections in the Downtown and the South of Forest Areas. Jonathan, are you kicking off?

Jonathan Lait, Planning and Community Environment Assistant Director: Thank you, Mayor. Good evening, City Council. I'd like to introduce Jean Eisberg of Lexington Planning. She's our consulting planner working with us. She's taking the lead on this effort. She has a brief presentation for us.

Jean Eisberg, Contract Planner: Good evening, Mayor Burt and members of the Council. Tonight we're talking about Downtown and South of Forest Area (SOFA) II retail protection Ordinance. Based on the City Council's direction on August 22nd, Staff has prepared a framework for an Ordinance for permanent retail protections to replace the interim Ordinance when it expires. Tonight, we're looking for your feedback on that proposed approach before we check in with other stakeholders and community members and prepare a formal Ordinance for your consideration. Taking a step back to look at the interim urgency Ordinance. This prohibits conversion of ground-floor or basement retail and retail-like uses Citywide to any non-retail use. The Ordinance is going to expire at the end of April. It was adopted during a period of time when Downtown was seeing vacant retail spaces replaced with office uses. It was intended to allow time to address permanent retail protections, which is the purpose of this permanent Ordinance. The interim Ordinance defines retail as shown here. This includes the sale of goods, includes personal services such as hair salons, nail salons and commercial recreation. Additionally, the interim urgency Ordinance suspends the ground-floor district's allowance for a 25 percent ground-floor area to be occupied by other uses, otherwise allowed in the underlying district, such as office uses. It also prevents retail uses from being replaced by conditionally permitted uses. In the Downtown, the Ordinance has helped to prevent the conversion of ground-floor retail space to office use since adoption. Just a

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few statistics here. The vacancy rate has remained very low over the last two years, year over year, at less than two percent. Typically five percent is a more healthy vacancy rate which allows some movement within tenant spaces and more options for tenants seeking spaces. As previously disseminated as part of the Downtown Monitoring Report, retail lease rates have remained fairly constant year over year in Downtown, while office rents have increased somewhat. One caveat here. Lease rates are only identified for available properties. We're showing ranges because they're highly dependent on the location, the type, the quality of the building. Since the interim Ordinance was adopted, the City's adopted a series of permanent zoning amendments affecting the Cal. Avenue area and closed the loophole on El Camino. Additionally, several provisions in the interim Ordinance have proved difficult to administer and/or have resulted in requests for a waiver or a Staff determination that the Ordinance does not apply. These are some of the challenges that led to the discussion among the Council on August 22nd. The proposed framework seeks to remove some of these difficulties and provide more clarity about what is required and where in the Downtown. Recapping that August 22nd meeting, the Council discussed priorities for permanent retail protections in Downtown and requested inclusion of the South of Forest Area Phase II in this proposed Ordinance. That discussion is what's guided this framework that's presented here, and some of the key outcomes from your discussion are also shown on the screen. The framework before you tonight addresses primarily Items 1 and 2 regarding window transparency and displays and the extension of the ground-floor overlay boundary. Within Item 3, basements are addressed in the framework but the remaining issues identified in Items 3-6 will be addressed through subsequent ordinances. This allows for more targeted analyses of these different districts and the needs that they have. Protections for remaining retail areas Citywide will be addressed in a subsequent Ordinance or through the Comp Plan Update since they affect much larger areas of the City and will require additional analyses. The definitions of retail uses would also be included in this subsequent Citywide initiative with the intention of broadening the definition of retail to consider the sale of goods rather than an exhaustive list of examples of uses. Hours of operation, public access could also be identified as part of that definition. Regarding amortization of nonconforming uses, this would also be addressed separately and subsequent to the approval of a permanent Ordinance. Amortization ordinances tend to take a lot longer and require more consultation with property owners, so that's not going to be feasible to finish prior to the expiration of the interim Ordinance in April. Lastly, a path for conversion of uses in the balance of the City would also be part of that Citywide effort. This is the outline of the suggested Ordinance framework. The framework seeks to prioritize locations where retail development and the impact from office conversions are the strongest. First, the framework

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proposes to reinforce University Avenue as the Downtown retail core. Two, it proposes to extend the ground-floor overlay boundary to expand the retail environment peripherally around the Downtown core. Three, it proposes to modify permitted and conditionally permitted uses within the greater ground-floor boundary area, and also to include regulations for basements as part of the ground-floor regulations. Lastly, it proposes to add development standards to the ground-floor district as well as to the RT-35 and RT-50 in SOFA II, which comprises the majority of retail properties in the Downtown and SOFA II in order to strengthen regulations that support pedestrian-oriented, active ground-level activity. I'm going to drill down into each of these items a little bit further. First on University Avenue. The Downtown cap study research found that the nature for the market of active uses was really different on University Avenue compared to the rest of Downtown. Drawing on those findings, the framework proposes the most narrow definitions of retail uses on the ground floor for those properties that have frontage on University Avenue. That includes what's shown here, restaurants, hotels, retail services and prohibits personal services, commercial recreation and this proposal. However, whereas the interim Ordinance suspended the 25 percent provision that exists now for office and other uses not fronting onto the street, this framework is proposing to retain that provision at least on properties of a certain size to allow some more flexibility for tenants and owners. On the side streets, acknowledging that there are more varied types of uses, that lower lease rates exist on Hamilton, Emerson, other cross streets, the framework recommends a broader set of retail uses for properties that do not have frontage on University. In these areas, personal services would be allowed, commercial recreation, yoga studios, with an intention to promote active street life. Whereas, office uses would be prohibited with the exception of medical offices. Looking at the greater GF District to entice window shopping, to entice activity at the ground level, the framework proposes to expand district purposes to reflect a desire for these types of active uses and to promote a higher level of transparency in facades. There would, of course, need to be exceptions for certain operations that require privacy, in the case of theaters for example. Staff also recommends including basement regulations to retain these ancillary retail uses in the ground-floor overlay. Additionally, the framework proposes to add development standards to the ground-floor district to require things like first-floor, ground-floor heights be taller, a higher percentage of transparency in the facades, and views into sale areas to see merchandise, to allow pedestrians to see people dining inside, to see that kind of activity. The Council also recommended during the August meeting exploring expanding the GF boundary. Staff identified opportunities for expansion of the GF on Emerson towards the SOFA District. Here, I'm looking at the yellow areas on the screen, the proposed expansion of that area. We looked at a forthcoming report from the Phase II

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Downtown development cap study and identified several criteria for what makes active uses successful. These included buildings with architectural features that support retail storefronts, so storefront windows, awnings, corner locations which are slightly more likely to support active retail uses, and also adjacencies to other existing retail and ground-floor retail uses, so you don't have one-off retail uses, uses that benefit from proximity to other active uses. Also shown in yellow are locations near Alma, University and Hamilton. This is a series of parcels that were removed from the GF boundary in 2009 during the recession. Some satellite parcels closer to Cowper on Lytton and Hamilton, on the eastern side of Downtown. These are current retail, small nodes. In terms of nonconforming uses, in order to encourage transparency from tenant spaces that are fronting on the sidewalk such as financial services, offices, yoga studios, the framework proposes to work with property owners and tenants to open up window coverings during business hours. Where customer privacy requires window coverings, adding display features, artwork, other items of visual interest. In terms of amortization, Staff would pursue a separate Ordinance, as I mentioned earlier, after the expiration of this interim Ordinance. In SOFA II, we're also recommending adding development standards similar to what I described in the ground-floor overlay but perhaps with standards that are more appropriate to this district. You might not see as tall a first-floor story height or the same level of transparency. Something more appropriate to that neighborhood context. Additionally, educational uses would be allowed on the ground floor in the RT-35 under this framework. I know you recently took up schools as part of a conversation on October 4th, and we would fold that into the study there. A couple more slides before my voice gives out. In terms of an outreach program, we want to be comprehensive yet efficient in the months that we have ahead. We're going to draw on previous outreach efforts from the Downtown development cap evaluation. We'll be meeting one-on-one, in small groups with stakeholders. You probably received communications that we received since the Staff Report was published. We'd be reaching out to those individuals and other individuals that have contacted us. We're also going to be setting up a project website, having hearings with the Planning and Transportation Commission as well as the Council to provide opportunities for both public comment and decision-maker review. This slide is showing our timing. As you can see, we're aiming to hold hearings towards the end of this year, the beginning of next year. The next steps, I mentioned we'd be addressing the balance of the City through a subsequent Ordinance and the amortization efforts for nonconforming uses Downtown after the expiration of the urgency Ordinance.

Mr. Lait: I believe that concludes our report. I just wanted to remind the Council. We've got somewhat of an aggressive timeline here, which is why

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we're presenting the data that we're presenting, so that we can get some feedback. We realize we may not have hit everything correctly, but feel free to give us some course correction and point us in the right direction. We're happy to hear the comments that you have. Thank you.

Mayor Burt: Colleagues, are there questions of Staff? Council Member Wolbach.

Council Member Wolbach: Just one real quick question. Are you looking for a Motion from Council or is this closer to a Study Session, where you're just looking for a general sense of where the Council is leaning (crosstalk)?

Mayor Burt: Let me just say we have it right in our title. It's discussion and direction.

Council Member Wolbach: I saw that, and that's why I'm asking. It was not listed as a Study Session. I just wanted to get very explicit clarification about that.

Mayor Burt: We can have direction in Motions. That includes that potential of actually having Motions. It would be a majority direction of the Council. Council Member DuBois.

Council Member DuBois: I was wondering if we have any recent examples from other cities of things they're doing to protect ground-floor retail.

Ms. Eisberg: Two things. One, I'm seeing more incentives for retail. I think a lot of communities want to establish ground-floor retail in a lot of different places. It is really challenging. The ones that seem successful are where it is a little bit more narrow around the most appropriate places, because it's hard to drive the market like that. It tends to be more development standards and incentives as opposed to ...

Council Member DuBois: Have you seen other cities where the pressure to convert to office is so high?

Ms. Eisberg: I think most of that you're seeing is right here in this community and communities adjacent to you.

Council Member DuBois: I was curious about the changes on University. Where did those ideas come from, kind of a need to change any of the uses on University? As retail is changing, why not allow commercial recreation? We have the barbershop on University.

Ms. Eisberg: Some of this came from the discussion on October 22nd. I think there was many different opinions about whether those types of uses

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were appropriate. If you look at them from the standpoint of it can have a large window and it can be inviting and it's somewhere you want to walk into, it can feel like retail as a goods and services type of retail. Some of it is a little bit responsive to what we heard in August around yoga studios, in particular around hair and nail salons, around schools. That's the kind of feedback that we are looking for, if you have a different perspective on what you think is appropriate there.

Council Member DuBois: I didn't remember a lot of discussion about University Avenue itself.

Mayor Burt: I do.

Council Member DuBois: Outside of University, what are the thoughts about insisting on a higher first floor for secondary retail uses, which may not be traditional stores selling goods? It could be all kinds of retail-like uses that may not need a higher ceiling.

Ms. Eisberg: Some of it is setting up the type of architectural design that you associate, that is inviting to pedestrians. Although different retail uses might have different needs, that type of taller ceiling height, that type of window transparency is not as appropriate for office, which is why then you see the window coverings and other things. If we can create that environment, those standards to recommend that at least on the ground floor and something else may be happening on the floors above, that's one way to try to intervene and promote those types of uses.

Council Member DuBois: If you could just go over the map for me, the one that you had in your presentation. What are we talking about? Are we talking about the entire red area?

Ms. Eisberg: What's shown in pink or red, that's the existing ground-floor combining district. Those parcels are currently in the GF zone.

Council Member DuBois: Not the bold red line; the shaded.

Ms. Eisberg: Sorry. The bold red line is one of the definitions for Downtown in the City. This is University Avenue, Downtown Business District. These pink-shaded parcels are the current GF boundaries. What's shown as yellow is what's being proposed. These ones at Alma, University, Hamilton are the sites that have previously been in the ground-floor boundary, up until 2009. They were removed at that time supposedly based on recession conditions. We're recommending adding them back in here. Those sites are retail sites or have the type of architectural features that I was referring to, that they could be retail sites. In 2013, a series of parcels were added on Emerson.

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We're proposing now in this yellow to extend that GF boundary down towards Whole Foods, down towards south.

Council Member DuBois: How does this compare to the boundary of the Urgency Ordinance?

Ms. Eisberg: The Urgency Ordinance did not change the boundary. The Urgency Ordinance is essentially what's in pink. Sorry. The Urgency Ordinance applies Citywide. Any retail use that vacates would be replaced by a retail use, so it didn't affect the GF boundary per se.

Council Member DuBois: Looking at this map, there's really no ground-floor protection on Lytton at all.

Ms. Eisberg: No. The only proposal is up here at Cowper, where you have a series of small retail uses currently. Lytton does have retail uses; they tend to be sort of one-off, ground-floor, primarily ground-floor office uses.

Council Member DuBois: Where is the RT-35?

Ms. Eisberg: The Rt-35 is actually not shown on this map. There's a portion of RT-50 that's closer to Alma. Much of this remaining area inside of the green boundary here—I'm just looking at a zoning map in front of me—is R-2. Between Emerson, High Street is mostly RT-35. This RT-50 zone here. When we look at what's actually on the ground, the retail uses are primarily in those districts within SOFA II.

Council Member DuBois: My last question is—I know we talked about schools at the last meeting. Do we have a definition? What would qualify as a school?

Mr. Lait: I think we do define schools. I could look that up here pretty quickly. You're making the distinction between private schools and such or is there something in particular you're looking for?

Council Member DuBois: Just how broad is it? Is it classes, is it tutoring, PSAT testing centers?

Mr. Lait: We have private educational facility. The definition is a privately owned school including schools owned and operated by religious organizations, offering instruction in the several branches of learning and study required to be taught in public schools by the Education Code of the State of California.

Council Member DuBois: That's what you would consider a school. Would it be like a place you could take painting lessons or something?

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Mr. Lait: That's correct. Something like that we would not characterize as a private educational facility.

Council Member DuBois: What would that be? Personal service?

Mr. Lait: Person service is how we'd categorize that.

Council Member DuBois: Thank you.

Mayor Burt: Council Member Holman.

Council Member Holman: Hi. One quick comment because it's relevant to the conversations. When I started looking at these maps, the map isn't accurate for what was taken out. It's really not accurate.

Mr. Lait: For the ground-floor protection area?

Council Member Holman: Yes. There was much more taken out than what's indicated on the maps. Just FYI. You can look at former reports and find that. Questions. Sequencing. I sort of got confused on what was really intended here. At one place, I think I read where the Staff would come back—help me if I misinterpreted this. I thought I read that the Staff would come back at different times with information like they are right now. As far as implementation and passage, subsequent ordinances would all be passed at once so we don't leave properties out in limbo in the peripheral areas. Help me understand what the sequencing really is.

Ms. Eisberg: The California Avenue retail protection ...

Council Member Holman: No, no.

Ms. Eisberg: Just going forward?

Council Member Holman: I'm just talking about the Downtown. Let's keep it simple, like the Downtown area.

Ms. Eisberg: Just Downtown. Downtown, we're aiming to address now. That's the framework presented today, Downtown and SOFA II, with the intent of adopting a permanent Ordinance prior to April 30 when the interim Ordinance expires. The sequencing that I was referring to is for areas outside of Downtown. The balance of the rest of the City would be addressed through a separate Ordinance or through the Comprehensive Plan Update.

Council Member Holman: I guess I was not making my question clear or I was misreading. Staff's made a recommendation about what you want to

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add in. There's some other areas here that I'm considering, just in talking about this area. There's some other areas here that I would call—maybe peripheral might be one word for them, certainly not in the core. Are we going to sweep those up in another Ordinance at the same time we adopt an Ordinance for the ground-floor protections in the core area? That's my question.

Mr. Lait: If I'm understanding your question correctly—I'm looking at Packet Page 324, Exhibit E of the Report. This is the study area that we're looking at. If there are other areas in here that you think ought to be included, we would like that conversation to take place so that we can identify those tonight, if feasible.

Council Member Holman: There's not identification—some of us who live around here, have lived around here for a long time, are pretty familiar with this. There's not identification of what's currently in retail. Council Member DuBois mentioned Lytton, for instance. There are stretches of Lytton that are currently in retail personal service. Obviously it works, so why wouldn't we protect it?

Mr. Lait: In the course of the Council's deliberation, if the—maybe it's not this blanket of a charge, but maybe it is. If you're seeking to extend the ground-floor protection to all areas within this map that have existing retail, that's certainly something that we could do. I think what we tried to look at is where there was a cluster or opportunity of uses working together. If there was a one-off use, we tried not to include that in the map or we didn't include that in the map. We certainly could explore that if that's the Council's direction.

Council Member Holman: Is Staff aware of—I sometimes get frustrated, so pardon me for that. I sometimes get frustrated because I don't feel like sometimes Staff is very familiar with the SOFA II plan. The SOFA II plan calls for Emerson from Forest to Channing to be retail and on Homer from Ramona to Alma to be retail. That's not what's indicated on this map. Is Staff aware of that?

Mr. Lait: Yes. We do have SOFA II. Got it right here. Those are uses that are permitted. The question is do you want to—because it's not there now, the ground-floor protection isn't drawn on that map now. If you want ...

Council Member Holman: If you read what's on—I think it's Appendix C-1 or C-I, whichever it is. It says protection of specific uses. Number one, this isn't on Page 91. For sites on the Homer/Emerson corridor, it's defined in Appendix C-1. Located in the RT-35 or RT-50 Districts, medical, professional, administrative and general business offices may not be located

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on the ground floor of the building unless such offices ... Then, it talks about preexisting, blah, blah. When you go to C-1, it defines the Emerson/Homer corridor. It says Homer/Emerson corridor means all sites bordering Homer Avenue between Alma and Ramona Street and/or Emerson Street between Forest and Channing.

Mr. Lait: I've got that right here. We have these two documents. Thank you, Council Member. I believe there is more knowledge on the Council on some of these issues related to SOFA II, and we are still getting up to speed on some of those areas. SOFA II does have its own—this is its own set of regulations that applies, as you well know.

Council Member Holman: Yes, it is.

Mr. Lait: It's not in the Zoning Code specifically. We have the requirements for the ground-floor protection in the Zoning Code. That is depicted on the Zoning Map. I think it would be helpful or useful to extend that boundary also, so that we have it on the map, to reflect the language in SOFA II. We see the uses that are permissive in that area. That would also be inclusive of other personal service-type related uses too, I believe. I'd have to take a look at it.

Council Member Holman: You're scaring me a little bit. When you do a coordinated area plan, what's determined is zoning. I guess I'm just not understanding why ...

Mr. Lait: Sure. I apologize if I'm scaring you. I don't mean to do that. There's two documents that we're looking at. One is the coordinated area plan. We also have the Zoning Map too, which is excerpted in the documents that we have before you. Those two items do work together. We always try to create an opportunity where things are working together. If the SOFA II guidelines are written in such a way that they are synonymous with the ground-floor protection requirements of the Code, it would seem worthwhile to have that depicted on the map, which right now it is not.

Council Member Holman: It's not a question, so I'll talk about that later. I'm not sure we're on the same page with that. The Staff Report mentions lobby, but it doesn't talk about lobby size. Lobbies are allowed on the ground floor in the Downtown area, but there are some very large lobbies. Did Staff look at limiting the lobby size?

Mr. Lait: At this stage, no, we haven't. We're again trying to get some preliminary guidance from the Council based on the dialog that we've heard.

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Council Member Holman: Did Staff look at limitation on the number of restaurants in the Downtown area?

Mr. Lait: No, we weren't looking for any kind of cap for any of the land uses.

Council Member Holman: I think most of the rest of mine are probably comments. Let me just double check. The RT-35 area in SOFA II is quite extensive. Is the Staff recommendation or communication to Council to allow private schools in all of RT-35?

Mr. Lait: No is the answer. What we're responding to is the Council's direction to extend private schools to RT-35 zoned properties. I believe it was adjacent to Alma, as previously contemplated by the Council.

Council Member Holman: I saw that in one place but not another. I'll have a comment about that later too. On Packet Page 303, why are Number 4 and 5 to be addressed in a separate, subsequent Ordinance? Why would we not want to have some regulations about how many hours that a retailer would have to be open? Number 5, amortizing, I can see that might be later. Why would we not establish Number 4 in the immediate Ordinance or the next upcoming Ordinance?

Mr. Lait: It is our intent. There's another Ordinance that we're working on right now, which would replace—we have the interim Ordinance that's in place now, that expires in April. What we're working on now is discretely dealing with the Downtown/SOFA II area. Another Ordinance that we're working on would be a Citywide Ordinance that would reflect the interim Ordinance that the Council adopted. Because the definition of retail would extend to not just Downtown/SOFA II but the whole City, we wanted to capture that in that Ordinance, that Citywide Ordinance. That one's occurring within the same timeframe as this one. We're not going to lose any protection relative to the interim Ordinance that's in place.

Council Member Holman: That's good to know.

Mr. Lait: Number 5 is simply time. We just don't have the time to do an amortization Ordinance at this time.

Council Member Holman: I'm almost through. Note that I didn't say much of anything prior to this in the meeting. Medical offices, was there any consideration for limiting the size of medical offices? For instance, we have the 550 Hamilton, that project, and we have all these medical and dental offices on Middlefield Road that I'm very familiar with. They're all small tenants. I think those are the ones that are more community-serving and that people are really concerned about losing. Those owners are also really

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concerned about being pushed out. Did you look at limiting the size of medical office?

Mr. Lait: If you can just give me one second here. Yeah, it looks like medical is already limited to 5,000 square feet, I think.

Mayor Burt: Within SOFA, right?

Mr. Lait: I'm looking at the Zoning Code right now. I'd have to do a separate search for SOFA. I'm sorry, Council Member Holman. Are you specifically speaking to SOFA?

Council Member Holman: Overall.

Mr. Lait: Overall, okay. No, I guess, is the short answer. We thought it may have been accounted for in the Code, but we can take a look at that. If that's an interest in limiting the medical uses in SOFA II and Downtown, we can certainly do that.

Council Member Holman: I think I had one more question from the presentation. Why is Staff considering going back to the 25 percent office that the interim Ordinance didn't provide for?

Ms. Eisberg: That is an existing provision, and it could be used for a retail use that has some ancillary office use or it could be a separate tenant space. It wouldn't be an office fronting onto the sidewalk. It does allow for a little extra flexibility for the tenant or the owner. That's just an existing provision that's proposed to remain. Yes, it's currently suspended under the (crosstalk).

Council Member Holman: Yes, I understand.

Mr. Lait: We would just simply seek Council's direction as to whether or not you want to continue to work with that (crosstalk).

Council Member Holman: My question is why would we continue with that if we haven't had it in the interim Ordinance. We can address that later. Last question is Page 15 of the presentation. I see all these stakeholder meetings, but I don't see anywhere small business owners.

Ms. Eisberg: We are proposing to meet with property owners, business owners. We didn't call out small business owners specifically, but that wasn't intentional. We're hoping to reach out to many different types of business owners.

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Mr. Lait: If there's anybody on that list that's missing, we're happy to include them. Just let us know.

Council Member Holman: Small business owners. Thank you.

Mayor Burt: Council Member Kniss.

Council Member Kniss: I don't have anything as extensive as Karen did. I do want to start on Page 2 and Page 3 where we talked about essentially permitted or operating as of March 2nd and so forth. It defines retail use as including the following, but two things are puzzling. Service stations and automotive services. Is there any place where that's allowed?

Mr. Lait: Are you referring to Page 2 of the Staff Report, Packet Page 302?

Council Member Kniss: In SOFA II, but nothing.

Mr. Lait: What this section of the report is referring to is the interim regulation Ordinance and how the Council defined retail and retail-like uses. What we're talking about is having a more strategic definition particularly along University Avenue, and then modifying that in the ground-floor protection area that I don't believe would include all of these land uses.

Council Member Kniss: I hear that, but I—I hear the BMW, but this seems somewhat unusual. Auto dealerships, I can't imagine an auto dealership that we would consider accepting on the very outside of this zone. It just seems somewhat odd to have it included.

Mr. Lait: Right. Just to be clear, we're not proposing that. That's the existing Code today. That's the interim Ordinance today, that's in place. The urgency Ordinance would allow that.

Council Member Kniss: On the next page, wherever I found nail salons and barbershops, that was also puzzling as well. I walked University Avenue today. There are two barbershops that appear to be doing very nicely. The same with nail salons that somehow have become equated to really undesirable places. The two or three that I went into were doing well and operating nicely. I hope we keep that same mix long term. If we got rid of the barbershop next to the President Hotel, I think there would probably be a recall effort.

Mr. Lait: Just to be clear, no uses are being—first of all we don't have an Ordinance in front of us. It's the concept, I think, what we're interested in. Do you like the idea of reinforcing University Avenue with retail and restaurants and those types of uses? Do you want to continue to allow for

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personal services and recreation uses like yoga? If you do, that's fine. Do we want to have a limitation, maybe one per block or something like that? Those are some avenues that we can explore also. What we're trying to understand are the broader concepts.

Council Member Kniss: I understand totally. At the moment, the mix looks pretty good, to be honest. Having just walked it today, going into a lot of the stores, a lot of the retail, people are very happy on University Avenue at the moment. I realize that can change overnight. Right now, the mix is very good, and the traffic is good. There wasn't one person that we spoke with, that said they weren't happy with that, they weren't happy with the amount of business and so forth. If you haven't all taken a walk down University Avenue lately and just gone in and out of the stores, try it. The barbershop was very busy, by the way.

Mayor Burt: Council Member Berman.

Council Member Berman: Just a quick question before the comments. What is the definition of personal services? What exactly all falls under that?

Mr. Lait: I'll pull that up for you here. Personal service is defined as the use providing services of a personal convenience nature and cleaning, repair or sales incidental thereto, including beauty shops, nail salons, day spas and barbershops.

Council Member Berman: Those are the only four specific uses that get called out.

Mr. Lait: It goes on to talk about self-service laundry and dry-cleaning services. There's also repair and fitting of clothing and shoes.

Council Member Berman: Clothing repair?

Mr. Lait: The precise language is repair and fitting of clothes, shoes and personal accessories.

Council Member Berman: Repair and fitting of clothes, shoes. Got it. Not a clothing store, but an area—as long as a clothing store doesn't do alterations.

Mr. Lait: A clothing store would be retail. There's a couple of other uses, printing and copying services, internet and consumer electronic services, film, data, video processing, art, dance, music studios. We talked about that, I think, earlier.

Council Member Berman: Thank you.

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Mayor Burt: Vice Mayor Scharff.

Vice Mayor Scharff: Thanks. I'm just trying to understand. On the side streets, you've proposed allowing medical office. Is that a change from what exists? Are we just saying leave the side streets with the same definitions they currently have?

Ms. Eisberg: Right now, in the GF District, office uses are not permitted. Things like business services are included and financial services, but medical office is not a permitted use in the GF. Elsewhere in Downtown and other parts of the CD District, offices are permitted, but not in the GF boundary.

Vice Mayor Scharff: Let me just translate a little bit so I understand it. What you're telling me is that on the ground-floor—that's the GF—we don't currently allow medical offices in the Downtown.

Ms. Eisberg: Right.

Vice Mayor Scharff: Are you proposing that we do allow it?

Ms. Eisberg: It is an option. It's something that was discussed at the previous Council hearing. That's what we're looking for your feedback on.

Vice Mayor Scharff: Are there any other changes besides the—that's the one that jumped out at me, that we don't currently allow on the side streets. That is proposed as a possibility in the Staff Report? When I say you, I don't really mean—don't take it that way.

Ms. Eisberg: That's fine. I'm looking at the ground-floor district. Under permitted uses, we've got eating and drinking, hotels. Personal services are a permitted use currently. We're talking about just allowing those on the side streets that we discussed. Travel agencies are listed as a permitted use. We haven't really identified that one way or another. That's maybe something between a retail and an office use.

Vice Mayor Scharff: It's currently allowed, right?

Ms. Eisberg: It's currently permitted in the GF as well as lobby entrances to non-ground-floor uses. There's currently a series of conditionally permitted uses in the GF District. Under the Urgency Ordinance, the conditional uses have been suspended. Right now, they're not permitted. Those include, once that Urgency Ordinance expires, business or trade schools, commercial recreations—the yoga studios—daycares, financial services, general business services.

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Vice Mayor Scharff: You would need a Conditional Use Permit on a side street to put in a yoga studio in the Downtown.

Ms. Eisberg: Once the Urgency Ordinance expires. Right now, those conditionally permitted uses have been suspended under the Urgency Ordinance in the GF.

Vice Mayor Scharff: That's only in the Downtown then, in the GF.

Mr. Lait: Yes.

Vice Mayor Scharff: I'm thinking of the fitness place that went in on California Avenue (Cal. Ave.). That replaced a stationery store, so it must be a different rule for California Avenue.

Mr. Lait: There is a distinction that we've made for yoga studios. If it's like 15 customers at a time, we call that personal service. If it's larger than that, it's considered commercial recreation. The idea is creating a space for small, incidental activities. I don't know what the space on California Avenue is, but we have made that distinction between the size of a yoga studio being personal service ...

Vice Mayor Scharff: It's a gym on California Avenue.

Mr. Lait: That would be commercial recreation.

Vice Mayor Scharff: We allow that on the ground floor?

Mr. Lait: Yeah. Let me take a look at the Zoning. That's CC(2), I believe.

Vice Mayor Scharff: I know we're talking about Downtown. I'm just trying to understand. If it's a different rule completely, then we don't have to talk about it.

Mr. Lait: It's a Conditional Use Permit (CUP). A yoga studio should require—a commercial gym should have required a CUP in the CC(2).

Vice Mayor Scharff: It should have required a CUP.

Mr. Lait: Yep.

Elena Lee, Planning Manager: The other issue with California Avenue is that there is the retail combining district on it, which has similar restrictions as the ground-floor district.

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Vice Mayor Scharff: Maybe offline you could get back to me of how that occurred with the gym on Cal. Ave. I wanted to get back to the map a little bit. Let me get the right map out here. Where on this map, for instance, is the Philz that's down by—is it Forest or where is that? It's Forest and Alma. I didn't see that on here. I'm looking at the place where they're considering putting more retail. I'm looking at Page 324 of the Packet, I guess. Slide 12, yes.

Ms. Eisberg: We're just going to bring it up on Google.

Mr. Lait: I think it's within the SOFA II area. It's on the lower left portion of that green boundary. It would be the building adjacent to—yes, that's the one right there.

Vice Mayor Scharff: I wanted to follow up on Council Member Holman's question. The way I understand the SOFA District then. There is on Homer and—which other street, Karen? It's Homer and ...

Council Member Holman: Emerson.

Vice Mayor Scharff: Homer and Emerson in which you're permitted to do retail, but you're not required. One of the things we could do is change that to say you're required to have retail go in.

Council Member Holman: Can I just correct that? Actually, retail is required. On Homer and Emerson, as I described earlier, it's required unless you're already in business doing something else prior to—I think it was 2001. It's a required use. That's why I was upset that it isn't indicated as such on here.

Vice Mayor Scharff: That's not what I heard from Staff, but I'll take your word for it.

Mr. Lait: The section we were talking about was the protection of specific uses in SOFA II. The section was C-1, I believe, that we were talking about. It said for sites in the Homer/Emerson corridor, located in the RT-35 and RT-50 districts, medical, professional, administrative and general business offices may not be located on the ground floor of a building.

Vice Mayor Scharff: May not be.

Mr. Lait: May not be. There's like six different standards in which that would be allowed to continue.

Vice Mayor Scharff: If we wanted to protect the Philz location, for instance, there's probably other locations in SOFA, in which I've seen retail I think, but

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I can't remember as well. Would we then specifically designate that area in here to include it or not?

Mr. Lait: I guess how we can approach—what we're interested in is the sentiment from the Council. Where retail exists on this map today, do we want to protect all those areas or do we want to find ...

Vice Mayor Scharff: We could give general direction ...

Mr. Lait: Yes, please.

Vice Mayor Scharff: ... to you that says if there is currently retail there, protect it in the Ordinance.

Mr. Lait: Yes.

Vice Mayor Scharff: That's a lot easier to say that. That was that. The North Face, the Anthropologie and the 100 Addison site, that's currently not proposed to become retail on this, as far as I can tell. You're not proposing to protect it?

Ms. Eisberg: Right.

Vice Mayor Scharff: At the end of the Urgency Ordinance, that would just revert to being able to be used for office?

Mr. Lait: I don't know that we've—we have the other Ordinance that we're working on which would address those properties. As I recall, we had discussed—I don't know. A couple of months ago about ...

Vice Mayor Scharff: That's my ...

Mr. Lait: ... the possibility of being allowed—we talked about the waiver. I think we were talking about the waiver for ...

Vice Mayor Scharff: We talked about a limited waiver for schools.

Mr. Lait: Yes.

Vice Mayor Scharff: Putting that aside for the moment, what I'm really trying to understand is this. Those properties are within this area; maybe not the North Face. I'm not quite sure. On the map here, at least 100 Addison is and the Anthropologie site. I don't see them in yellow. I don't see that.

Mr. Lait: That's right.

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Vice Mayor Scharff: To me that meant that no, they wouldn't be protected. You're saying we may do an overarching Citywide Ordinance. That seems a little counterintuitive to me. If we're focused on, say, Cal. Ave. and we then focused on Downtown, we would then have an overarching Ordinance. It seemed easier that those places would be exempted from that Ordinance, because we'd looked at these areas specifically.

Mr. Lait: I was tracking you up to that last sentence. You're right. If we're looking at 100 Addison, that's within the SOFA II boundary. We should be looking at that. We should be talking about that tonight and that broader concept of if there's retail there today, let's protect it. We could talk about the limited waivers later. The Citywide Ordinance that I was referencing would be the areas outside of this boundary.

Vice Mayor Scharff: That's what I was getting at. I would think they would be outside of this boundary and outside of the Cal. Avenue boundary, because we've done Cal. Ave.

Mr. Lait: There will be overlap, I would think, because we've talked about the retail definition. There's going to be some overlap. What we're particularly interested in tonight is what's going on within this boundary. If there's other areas that should be yellow—again there's a few that were identified here to spur conversation—we're happy to chase that down based on Council's direction.

Vice Mayor Scharff: As Council, we also created a new node of retail when we did the SurveyMonkey building. We did that through the Planned Community (PC) process. Now there is a node of retail there. There's the Coupa Café and there's the ice cream store. There was no retail there before. That retail seems fairly successful. The question I have is should we be—because it's a PC and that's part of the conditions of the PC, we should probably—it's nice to know that there's retail there when we discuss that there's retail, because it allows us to look at it all. We don't need to specifically designate that because there's also PC Conditions. The world changes. Can you designate it as a retail overlay if for some reason PC conditions changed or something? Is it just something we shouldn't worry about?

Mr. Lait: For PC-zoned property, the PC zoning language, that Ordinance language, will prevail. We could look at the intersection of how we might modify the GF boundaries and how that relates to the PC zoning. Let me take that as some homework to follow up on.

Vice Mayor Scharff: I just wanted to understand the intersection. Thanks a lot.

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Mayor Burt: Council Member Schmid.

Council Member Schmid: One question about an earlier comment. You gave a definition of education facilities. I remember it said in the California Education Code. That is a K-12 Code. Does that mean that it would be schools only for kids under 18? It would not set up a coding school for ...

Mr. Lait: Let me just pull the definition again. I don't believe we're talking about a coding school. These are types of schools that have a curriculum that is similar to public schools as set forth in the Education Code. To the extent that it permits coding as a class perhaps or area of study.

Council Member Schmid: The Education Code, though, is for K-12. It does not go beyond high school.

Mr. Lait: That's the reference that we have in our Code.

Council Member Schmid: Just to clarify. I want to just take a step back. In our Housing Element, we had a recommendation that we look at sites in and near the Downtown—I would think SOFA II would be part of that—where we could have denser housing. We said we would do that while preparing the Comp Plan. It seems to me SOFA II is an area where if we're going to have dense housing, it should be here. Shouldn't we be talking about encouraging, providing incentives, influencing what goes on on the ground floor that would increase the incentives or encourage housing in the area? Wouldn't that have an impact on how we plan and look for ground-floor activities?

Mr. Lait: It may, but we don't have the time for that kind of a study. We've got the interim Ordinance that's going to expire in April. It has to go through the PTC, a hearing before the City Council, a second one for a second reading, and 30 days of adoption.

Council Member Schmid: I appreciate that, but we have a discussion next month on the Land Use Element where the housing, land use for housing and ground floor and mixed uses will be a critical element. We can't say we won't discuss that during the land use. We're looking for help here.

Mr. Lait: I just don't know that this is the—I'll leave it to the Council to give direction on this. I don't know that we can take on the housing component and ways that we might encourage housing in SOFA II with this retail Ordinance.

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Council Member Schmid: Could I ask the consultant? Have you done work in other communities? San Francisco neighborhoods have very vibrant commercial districts. Don't they have mixed use requirements?

Ms. Eisberg: Yes. I think one thing you'll want to think about is what kind of Downtown you want. We've already heard some discussion about personal services being appropriate on University Avenue or not. I do think in this kind of Downtown context, although housing is very important on the ground level, there are some privacy issues. People having windows, even living room windows, facing onto the public sidewalk in high foot traffic areas is not always desirable from the tenant's perspective. University Avenue may not be the appropriate place for a ground-floor residential unit, but away from those sort of less traffic areas, residential uses may be appropriate.

Council Member Schmid: No, I'm not thinking of ground floor but above the ground floor. Should we create incentives on what's going on on the ground that would increase mixed use development with housing as a part of it?

Ms. Eisberg: I think it is something very desirable from communities. When you talk to developers, they often are more challenged by doing actually mixed-use buildings from a financing perspective. Otherwise, it's sort of easier for them to do single use or a commercial office development with ground-floor retail as opposed to residential above retail. I think it's often desirable from a community perspective, but can be actually challenging from implementation.

Council Member Schmid: Although, the implementation might be the other way around. If you can get more value from your square foot of the land, it's easier then to stick housing above and around.

Ms. Eisberg: You're suggesting creating incentives, which may be—if you have the right incentives, then maybe yes. That's a possibility.

Council Member Schmid: Where does that discussion of mixed use housing come in, say, for the SOFA area?

Mr. Lait: That'll be part of your Comp Plan discussion that's coming up. I think you said next month or something.

Ms. Lee: November 28th.

Mr. Lait: November. Council Member Schmid, if I could also—you were asking these questions about education and schooling and coding classes and things of that nature. I did some quick look in the Code. There is a

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definition of business or trade school. I believe that definition would allow for the type of classes or school that you're describing. That is a permitted land use in the CD district. If there are certain types of schools that you're not interesting in promoting, then that would be some good direction for us to get, so that we can look at that too.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: I was just going to say that I know that this might not be a unanimous position on the Council. My view is that yoga studios and gyms are—whether it's less than 15 people or more than 15 people—I actually think add a lot to the vibrancy of retail areas.

Mayor Burt: That sounds like comments.

Council Member Wolbach: Are we still on questions?

Mayor Burt: We are.

Council Member Wolbach: I'm sorry.

Mayor Burt: We haven't heard from the public yet either. I have a few questions. Under the education definition, does it take into account current or evolving education forms of virtual schools? I suspect it was designed around a period when schools meant you had those students onsite, whether they were trade or K-12. Do we make distinctions?

Mr. Lait: You're right. The Code isn't that contemporary with respect to the definition of schools. When those come to us, we would have to make some kind of a determination. Perhaps there's an opportunity to clarify that.

Mayor Burt: On this issue of some of the personal services of salons, gyms, spas, manicure, those kinds of things, do other cities have restrictions on the number per block face or something like that, that prevents being overwhelmed by those sorts of uses?

Mr. Lait: Yeah. In fact, our own Cal. Ave. regulations.

Mayor Burt: We did a little bit there.

Mr. Lait: We recently did that.

Mayor Burt: Is it more common than that?

Mr. Lait: I think it is. I think there are opportunities to limit the number of types of uses that you want. I'm familiar with one that wasn't—it was a

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different issue in Santa Monica. There was a concern about restaurant concentrations, and they limited the number of restaurants in a certain area. That's certainly a common planning tool to limit the concentration of uses.

Mayor Burt: You mentioned something that was new to me. Within gyms and yoga studios and things like that, you're calling below 15 customers at a time a personal service.

Mr. Lait: Yeah. This is again one of these legacy interpretations that we're ...

Mayor Burt: Is that codified anywhere?

Mr. Lait: No. That was again a legacy interpretation that Staff was trying to figure out how do we let small types of—instead of going through a CUP process for a commercial recreation facility, which is a gym, LA Fitness or Equinox or something like that, I guess the question was is there a lower kind of threshold of class that doesn't rise to that same level of concern with traffic and so forth. Over time, Staff had come up with this definition of yoga studios of 15 or so as personal service and, therefore, no CUP required.

Mayor Burt: That could even explain on the Cal. Ave., which is outside this district, we could have a similar circumstance where we're seeing a really critical retail corner that is now a gym or a personal service. Maybe they said there was 14 clients at a time or something. I guess I would be interested in having that definition looked at more carefully.

Mr. Lait: Yes.

Mayor Burt: I wanted to follow up on this question on the—one, the Staff Report talked about having a more refined definition potentially on University. The side streets, anything not fronting University, would not have this new, slightly more restrictive definition of retail. It would in fact, under Slide 10, become even broader to include medical offices and schools. Have you looked at really whether we need, especially in this—from a critical University area, the University side streets which are very vibrant retail, and then these outlying areas to the Downtown, are you at all looking at essentially three different categories?

Ms. Eisberg: Yes. We've focused on University Avenue as the strongest retail Downtown core. We've recommended this framework for the GF District that is more flexible and allows for a greater range of uses. Although, we haven't suggested any changes to the larger CD, the Downtown Commercial District, that is the next layer of uses permitted

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Downtown where offices are. That's something that could be opened up, but we have not ...

Mayor Burt: That begs the question—as we have our moratorium and we have a couple of these parcels that are at the outlying edge on Alma that we were dealing with recently on what to deal with them within this moratorium, those are places that, unless we had a permanent regulation that would essentially put in place the moratorium permanently, would then revert to office rather than something that's in between. It was brought up, I think, by Council Member Holman. Within your definitions, are you looking at where to place certain other things that are viewed as community services, such as local medical? We talk about various other service industries, but we haven't categorized medical historically within that or within certain areas. Is that being considered as to what degree it should be viewed as a service versus an office?

Ms. Eisberg: You mean in the context of other public or quasi-public services?

Mayor Burt: Yeah. When we talk about offices, they're not serving people in the community coming and going and a valued service. Whereas, medical is people coming and going to receive services locally. We've called them medical offices, I think, historically rather than medical services. I think that nomenclature gets us thinking about them in a different way from how the community values them, especially the smaller ones.

Ms. Eisberg: The way you're explaining it, I think that maybe is part of the reason why it resonated with several Council Members at that August meeting, that it is a service that people would use in an office as opposed to—I don't know. Maybe a bank is sort of something similar that—a retail bank at least—you would walk into and use versus an office that you're not permitted to enter without ringing upstairs.

Mayor Burt: Right. Or versus a bank that isn't a retail bank. That's, I think, what we're trying to get at. How do we update our definitions in ways that really capture local services in an updated set of definitions? What are we trying to address? We had this moratorium around loss of retail, but it's really retail and local services, I think, that we're struggling with. One other thing on the height—there are two other things, I should say. On the heights, talking about requiring a taller retail area, have you looked at how that impacts how many floors could be permitted? I'll give the example in the Downtown area, we've heard for a long while that contemporary retail really should have taller ground floor to be effective. With interstitial space, we've seen at different times where that ran up against the 50-foot height

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limit. Trying to do all those things meant that it drove the cost of construction up to just barely fit within that 50-foot. That was the one area that I had been open to relieving the 50-foot by a few feet, but not to add a floor. This is where I want to know—if you're talking about requiring a taller retail, which is good for retail, does the taller ceiling have an impact on eliminating a floor for that site? By doing one good thing, we want to make sure we're not going to have an unintended consequence. Conversely, if we want to require a couple feet taller retail, do we need to adjust any height limits in any of the zones? We may not. It's a question that I have, and I'm not expecting you necessarily to have that answer off the top of your head. The final thing is Council Member Holman had brought up this. It pertains more to University itself. The basement part, I think, pertains mostly to University and the office elsewhere. We have this allowing 25 percent office. This is office outside of office for the retail purpose, right? That's true office space. I recall that discussion in the SOFA II. On University, we have this other issue. I've been waiting—I think Hillary has been saying that the Downtown study was going to give us information on this basement conversion and loss of ground-floor office.

Mr. Lait: We have a draft report of that. I'm not sure if there's any initial conclusions that we have about the basement. I just don't have that with me. I know we have a draft report that's in from our consultant about studying the basement along with some other issues.

Mayor Burt: I've been waiting patiently for a year and a half for this report. It keeps being said when we look at the whole context including this, we would have that. Now we're doing it, and I haven't seen the report. I'm kind of concerned about that. The issue being that we historically had a lot of basements that—there's a couple of issues on it. We had a lot of basements on University, and they were retail storage and offices for the retail space. A number of them have been getting converted into Class A office. It's not only loss of retail, but it was really unclear whether the parking for the site was based upon assuming that's a predominantly unoccupied basement that's now being occupied by office and software companies. Those are other questions I would have. What are we doing on that subject as well as—what happens is the retailer still needs some storage space and office space, and that then reduces the ground-floor retail space for customers. We basically have had a truncating of even the ground floor. This has been talked about for over a year, a year and a half. It's not anywhere in here that I can see that framed as a question for us.

Mr. Lait: I apologize that we haven't produced that report. Allow us to take a look at that and see if we can't get that finalized here.

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Mayor Burt: Thanks. Let's go to the public, our patient public. Our first speaker is Winter Dellenbach, to be followed by Faith Bell. Welcome. You're still here.

Winter Dellenbach: I almost fell asleep, and then I almost dropped everything. I actually want to talk about El Camino and south Palo Alto, which is a little odd. You're talking about this mostly around University, of course. We're all going in that other direction eventually. I like some of what I'm hearing. I'm really concerned about some very specific things. Hours of retail. Situation, south Palo Alto, El Camino, Ventura, Barron Park neighborhood. The City has found that it is a legitimate retail use to have a business that's open two hours a day from 8:30 in the morning to 10:30 in the morning, three days a week. That's a legitimate retail business. There are virtually no customers. There's no retail customers. That's been very well established. This business doesn't exist on retail customers. It's actually a warehouse for a well-known business in north Palo Alto, and it's Stanford. It's just a pretense of a retail business six hours a week. I very much want to see it well defined in set hours of what a retail business actually is, and that that makes sense and that that is something that people can really be seen as a defining thing. This nonsense of this Potemkin sort of village and pretense is just put behind us once and for all. Another thing is the coverings on the windows are a ridiculous thing. There's all kinds of illegal uses hiding behind mirrored windows, paper over windows. The same business has louver blinds that are half open, and you have to peer through the little slits to see in at little, narrow shelves that have a few items, used items, you can buy. They never roll up the blinds, because if they roll up the blinds you could see it's the warehouse right behind it. The window coverings of all sorts have to come off and not any half measures of having blinds that you can kind of see through the slits to a few items a few inches behind. The window coverings really have to be off. We are just shooting ourselves in the foot by having people be able to play this hide and seek game. The other thing is don't make assumptions about south Palo Alto along El Camino, particularly on the Ventura side. There's going to be massive attempts to build all kinds of offices, particularly on the Ventura side, but probably some on the Barron Park side. That is a very oddly vibrant area of mom and pop stores of all varieties. Don't assume that it is just something that should be overlooked and changed around. We'll be back and talk about that more later. Thank you.

Mayor Burt: Thank you. Our next speaker is Faith Bell, to be followed by Stephanie Munoz.

Faith Bell: Thank you, Honorable Council Members and Mayor. Most of you know that we've been doing business for 81 years in Palo Alto, celebrating

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that. We're on Emerson Street. I was here in 2009 when the downturn in the economy allowed landholders on the block behind us, High Street to Alma Street south of University, to push for a leniency in the ground-floor retail. It was a bit of a shock when I found that we were all of a sudden on the edge of town rather than more central in town. We have seen shifts from that. I would very much like to see what's being proposed here in terms of getting that block back into the retail community be enforced. I think that's really important. I think that the entrance to Palo Alto is seen as coming in from El Camino on University Avenue. You should be hitting town when you hit Alma. That should be happening. To have all of that blocked off is not a great thing. Thank you for considering that. I'd really like to see that happen. Interestingly Chop Keenan was one of the people who pushed for that at the time. He claimed hardship, and two weeks later he was cited in the local newspaper as saying that he could rent anything at any time for any price. When you hear people say that it's a hardship to do that, you might just take it with a grain of salt. His current building, his new Mayan temple on the corner of Hamilton and High Street, I noticed had no door directly to the outside. It only goes through a lobby. He's clearly thinking in some other terms. I wanted to thank you, Council Member Kniss, for mentioning the barbershop. It's probably been there 70 years. Before we start legislating against personal services, you might look at what they are and what they serve. Thank you, Council Member Holman, for mentioning small businesses as stakeholders. I get really, really edgy when I hear that specific "stakeholders" are being targeted to give input. All I start thinking is "Right, and we're left out." Think very carefully about that. I think it needs to be a more general outreach. Also, personal services all being pushed to the south of University can be a real problem. We're right next door to a nail salon. Imagine how you'd feel if 20 people at a time for 10 hours a day were getting nail polish remover next to you. It stinks. There needs to be legislation that deals with that. When the wind changes, we have to close our door, which cuts our business by over 60 percent when we do that. That's a consideration too. Thank you for doing this. I'm really excited about getting ground-floor retail happening. I'd like to see it expand. Thanks very much.

Mayor Burt: Thank you. Stephanie Munoz to be followed by Christian Hansen.

Stephanie Munoz: Good evening. There's a very good reason for the legislation against having non-stores on the ground floor. It's because the stores help each other to generate business. They get people in the mood of buying. People walk down the street, and they think, "Isn't it wonderful to be rich enough to own things and acquire things. Aren't they nice looking? Won't it be just spiffy, ginger peachy if I could own." The beauty shop, the

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barbershop, the teach your children to read shop don't do that for you. However, they are different from offices in that they are something that people go Downtown to do and to use. They have a place if you don't have too many of them. I think there's a place within reason for them. I'd like to call your attention to today's *Post*, the *Palo Alto Daily Post*, in which Dave Price says the City has this problem with housing. It's one of the Council's own making. Although, not you, it's long before you. They simply allowed these jobs to be created without housing. Now, they're paying the price. They've got to get the housing back. They could very easily do it by telling the people who wish to develop that if they developed housing, then they could have this other use, other than this actual true store on the ground floor. They could have the real estate firm, the barbershop, if the rest of the structure were housing. That's called leverage. That's a way to get what you want. I think that's not only legitimate, it's to be desired. You need the housing, and you could simply say, "Build the housing, and then you may have this semi-retail use on the ground floor." Thank you.

Mayor Burt: Thank you. Christian Hansen to be followed by Jonathan Satz.

Christian Hansen: Good evening, Council Members. My partner and I own 999 Alma, and that's the Anthropologie building. I just want to share with you our experience in owning that building since we purchased it back in 2014. We bought that building knowing that Anthropologie may extend their lease or they may move. Within a few months of owning it, as you know, they moved to the mall, to a different location, because they had trouble supporting their retail business that far south of the retail corridor. As we've gone through this process of knowing Anthropologie is leaving and putting our space on the market, we were curious to see what type of feedback we'd get. We put this on the market, and we put an undisclosed price, because we wanted all offers to be brought to us. To our surprise we've been marketing it for about 10 months now, and we have not yet received an offer of any amount to lease the entire premises of our building. We have had people interested in leasing a small portion along Alma and the corner of Addison but 10,000 feet, which is the size of our building, is larger than any tenant that we've been able to drum up within the last 10 months. I think that in reading the SOFA II Code, I think that there's some flexibility that would allow us to lease it, if we were allowed to use the current SOFA II zoning. I think a question came up tonight about can everyone in the SOFA II area convert to office once this emergency Ordinance expires. The answer to that is no. We're limited to 5,000 feet. In our particular building, we could have retail on the front, but along the alley we would have the flexibility to put in some other use that's maybe more conducive to being along an alley and off of Alma. I would just urge the Council as you're making these decisions to please take into account that the flexibility in the

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current zoning really allows us the opportunity to fill our space. As a young developer and owner in the beginning of my career, I can tell you that having a vacant building is not a small thing. It has serious consequences for me and my career. I know there's a tendency to think that all owners have deep pockets, and that they can sustain a vacancy while we decide these things. I will tell you it's been an eye-opening process for me, knowing that we bought a building on a certain premise, and now that's changed. I just urge you to keep flexibility in SOFA II. Thank you.

Mayor Burt: Thank you. Jonathan Satz to be followed by Bob Moss.

Jonathan Satz: Council Members, Mayor Burt, thank you for giving us another opportunity to speak on this issue. I work at Alt School. We operate a K-8 educational facility on Emerson, so a private educational facility like the ones you were discussing. We currently serve an enrollment of around 80 families. We've been a proud member of the Downtown community since the fall of 2015. It's a school founded on the philosophy of whole child learning. We really value the opportunity to access the cultural and civic resources of the Downtown area. It took us two years to find our current location as we competed with many office users for the properties that we identified. When we signed our lease, we envisioned opening one more school in the Downtown area. Since the adoption of the Ordinance, we've been unable to do so. Even if we can identify properties not protected by the Ordinance, owners are reticent to lease to us out of fear that they will lose their office designation. For this reason, we continue to support including private educational facilities under the permitted uses of the SOFA II zone as a retail-like use. One tangible and immediate benefit of such a distinction will be that our current location at 930 Emerson would be prevented from converting to office use. We understand concerns with having schools included in the Downtown core. To date, however, the adjacent community has welcomed our use as providing daytime vitality and energy to the neighborhood. Furthermore, the impact we do have is similar to a daycare, which is currently permitted as a retail-like service under the current designation of the Ordinance. Lastly, we know traffic is often associated with schools, and we take great care to minimize our impact through staggered drop-off programs and pick-up times, as well as offering extended day programming. Using these methods, our current school has operated with no traffic issues since its opening. Absent a change in the Ordinance before this April, it is unlikely that we will be able to open up a new school in time for the fall 2018 school year, which is when we anticipate needing more space. Given the rigidity of school timelines, this means we would be delayed another year until fall of 2019 to open a second location. Thank you for your time. We look forward to continuing our relationship

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with the City and being a part of the Downtown community for years to come.

Mayor Burt: Thank you. Robert Moss to be followed by our final speaker, Robert Wheatley.

Robert Moss: Thank you, Mayor Burt and Council Members. I've been a big fan of preserving ground-floor retail for decades. I think doing it is a good idea. About a year and a half ago you did that Citywide. I'm puzzled by the proposal that Staff has before you tonight. Successful ground-floor retail requires a variety of uses, not just retail but also some services and some other types of uses. I'm rather puzzled as to why we have, if this is adopted, three different retail zones. We'd have the Citywide zone, which is what was adopted almost a year and a half ago. We'd have a much narrower zone only on University Avenue, and then we'd have something intermediate in the rest of Downtown. I don't see any rational reason for doing that. Ground-floor retail should be something that you understand no matter where you are in the City. If you're going to do this, I would expand the University to include auto dealers and travel agencies. If you continue to adopt the Staff Report on the side streets, I'd include service stations and auto services. I'm kind of puzzled about where some things would fit that are Downtown, that are quite viable. For example, financial institutions. University Avenue has Fidelity, and it has Union Bank. I use both of them. How will they fit in? Will they be forced to leave? If they are, where do they go? One of the things that you have to bear in mind, when you do these sorts of things, is you can have unintended consequences. If you put restrictions on, how many businesses, how many properties would be nonconforming along University, along Downtown in general and Citywide? How long would they have to leave? If they left, where would they go? Stanford Shopping Center? Mountain View? Something like this has to be looked at very carefully and thought out very thoroughly. Putting on restrictions up to a point is fine. If you exceed that point, you can destroy businesses in the entire area. I'd just say be very, very careful before you adopt these limits.

Mayor Burt: Thank you. Our final speaker is Robert Wheatley. Welcome.

Robert Wheatley: Hello, Council. Thank you for the opportunity to talk to you about it. Could we put the map back up for me? Thank you. I think when you see the map—I look at that, and I've enjoyed Palo Alto all my life. I was born and raised here and got haircuts on University, got every other service up and down there, bought toys there, whatever it is. I totally agree with preserving those retail districts that are vibrant, walking, trafficked, retail districts. What the City has done in recreating University and also

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California Avenue, the improvements that are done there, makes it great. I walk to both those areas for lunch, for other things. It's great to have those areas. What doesn't make as much sense to me is the elongated corridor down Alma. Staff noted that along Lytton things are sparse. If you go down past Homer, past Channing, retail is very sparse. It's mostly other uses, not that. To require the same requirements as along University makes no sense in the SOFA area. I'd urge more flexibility. SOFA was put together with a great deal of thought. It wasn't capricious. It gave flexibility because it's not the core retail area. It allows some other things like education, like partial office. As Christian mentioned, along the backside of an alley is not prime retail space it turns out. Another thing that was brought up by Jonathan Satz when he spoke was the planning cycle for something. It takes a long period of time to get a use in place. He was talking about a period of a year or two years. One suggestion in a prior Study Session I attended on this subject said let's have it be that if you want to change, you have to be vacant for six months or a year. If that's the case, then maybe we'll believe that it should be something else. That is really offensive actually to say you've got to run your business into the ground before you can find some relief. That's a \$400,000 or \$500,000 loss proposition even on a small building, like a 10,000-foot building. The cycle, we need to be able to work with someone far ahead of time, years ahead of time, two or three years ahead, to make sure that we're prepared and we start a school year on time or something like that. We do forward planning, not in arrears, try to catch up and save a business type of planning. I think it's imperative that you take action, that you do something reasonable. Another question was why would we go back to something before the emergency Ordinance. Because the Urgency Ordinance was a blanket, one-size-fits-all. We don't have to think about individual needs or different zones. We're just going to put this down to stop something that we see, that we don't like. Now, we've had the time to see what works, what doesn't. Let's please have a rational discussion, think about what actually works and move forward quickly. Thank you.

Mayor Burt: Thank you. Vice Mayor Scharff.

Vice Mayor Scharff: Thank you. First of all, I'd like to thank Staff for their work on this. I thought the proposed framework—there was a lot of good thought that went into this. I really appreciate that. A couple of observations. First of all, what I'd like to see is that we protect all of the retail that currently exists in the Downtown. I walked Lytton today, and I walked down University. One of the things about Lytton, I think, is there's like the blueprint store. That's sort of that personal service. That's sort of a unique thing. There's a restaurant there, a Japanese restaurant that's not too far. That's like a little retail node. There's also the place where Ike's

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Sandwich is going in. It's funny. Jim Keene, our City Manager, is not here tonight, so I can say anything I want about him. He came up to me all excited three days ago and said, "Ike's Sandwiches is moving in over there." I'd never heard of them, but he says they're like the best sandwiches ever. That's sort of off the beaten path, that little node that's right there on Lytton. I think it's really important to protect those. I understand the concept and why Staff looks at it like if there's a bunch of retail in a particular place and there's some one-offs. You don't necessarily want to protect one-offs because you want to concentrate the retail. That's basic retail theory. I'd actually argue to you that Palo Alto is different, that the demand for retail is so strong here that we have, as you said, less than a two percent vacancy. People will go anywhere they can to do a little retail within the Downtown core as long as it's walking. The only places I actually struggle with in my head on this are actually the Anthropologie site, 100 Addison. I don't know if people walk there. I think you can see it when you look at SurveyMonkey. There was no retail right there. It's right across from the train station. People argued at the time that there's no continuity, but yet that seems to be doing fine. There's Philz all the way down in Forest. I walked by Philz; the place was completely crowded, always. I think we should protect all of the retail that currently exists. The second goal frankly is to expand the retail. I think that whenever a new building is developed in the Downtown area, it should have a ground-floor retail requirement. There's going to be a lot of redevelopment that comes forward in some way, be it housing or office, over the next 10 years or whatever. As that occurs, I think we should have ground-floor retail there. I'd actually like to see basically all those side streets between Cowper and High Street have ground-floor retail on the side streets between Lytton and Hamilton. There are places on Hamilton, which I see that we haven't—which has really become primarily office. I can understand that. I'd really like Staff to look at seeing how we achieve those too. In SOFA, I think I just need to understand a little bit more. I understand Council Member Holman says that you have to have retail along Homer and Emerson. I would be thrilled if that was the case. If that's not the case, I would like to actually require retail along Homer and Emerson when we do that. I do think, as to Mayor Burt's point, there's three buckets here. I'm much more open to the medical office, to more of the personal services down there in that SOFA area than I am in the Downtown core. I think that goes to changing the Downtown core framework. I'm very hesitant to say we have too many nail salons or barbershops or that. When I walked down University, I thought about it. There's obviously the barbershop next to the Presidents Hotel. There's also the Aveda store, which predates me in Palo Alto. I think that's been there before 1988. I remember it there forever it seems. That is a vibrant corner. It feels like retail. I wouldn't want to outlaw that. I don't think we have a problem in the Downtown in terms of the mix of stores, in terms of the

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vibrancy. I think we're basically blessed with a very vibrant retail scene in the Downtown. What I'd like to do is fill in the holes. A lot of times we talked about that we're going to come back and look at the Wells Fargo building, which is the poster child for basically breaking that block. That's sort of what I would like to see on a broader thing. I also do think that—the 25 percent office, I don't think I'm supportive of that. What else would I want to say about this? Those are really my thoughts. I think what I'd like to do is to move the proposed framework as a starting point, and then we can work on it. There's a lot of good things in this proposed framework frankly. I'll move the proposed framework without prohibiting the personal services such as nails and barbershops and without adding the medical use within the Downtown core.

Mayor Burt: Where is that?

Vice Mayor Scharff: The medical stuff I thought I saw that in—where was it? Allow retail uses—yes, here. It's under allow a range of retail and retail-like uses in the greater GF District outside of University Avenue. The third bullet under Number 1. I'm open to other changes in this. I just thought I'd start there frankly.

Council Member Kniss: Do you have a second?

Vice Mayor Scharff: Not yet.

Council Member Kniss: I'll second it.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Kniss to approve the draft framework for an Ordinance strengthening retail protections in the Downtown and South of Forest Area (SOFA II) with the following changes:

- A. Remove Number 1, Bullet 2 and Number 1, Bullet 3; and
- B. Protect all current retail in the Downtown Business District.

Mayor Burt: Would you like to speak further to your Motion?

Vice Mayor Scharff: I would. I do think there are probably some other things we should add to this. One, I think we should add protecting all retail that currently exists within the ground floor. Would that be okay with you as the ...

Council Member Kniss: Yes.

Council Member DuBois: (inaudible) Downtown District?

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Vice Mayor Scharff: In the Downtown District. I'm open to stuff to talk about SOFA, but I'm going to leave that to my colleagues to talk a little bit about, because I'm actually not as familiar with the current rules on SOFA. I thought I'd let Karen weigh in on some of that first. Remove the 25 percent office exemption. Are you good with that or not? Right now we allow 25 to 25 percent office.

Council Member Kniss: Let's leave it for now.

Vice Mayor Scharff: Leave it the way it is.

Mayor Burt: Can I get a clarification? That applies in the Downtown area, not just SOFA, right? Okay.

Vice Mayor Scharff: Let me just speak to it briefly. I think it's really important that we protect the existing retail, and where possible we expand the retail in the Downtown. That's really the goal here for me.

Mayor Burt: Council Member Kniss.

Council Member Kniss: As I mentioned earlier, having walked this today, I'm really kind of amazed at what a good mix it is. That's without, as somebody said, curating it, which is a term I wasn't too familiar with but now understand means sort of dictating what goes in there, which is what Stanford Shopping Center does. They are incredibly successful. If you look at this Downtown at the moment, it is very successful. As Faith Bell said, in '09 and '10, that was kind of a dreary time Downtown. There were a lot of see-through buildings, so called. It was pretty discouraging. To walk down there today, I think yes, expanding this somewhat, Greg, is good. I think overall it's pretty good as it is now. You've suggested the yellow that is on our sheet, which expands it a little. Doesn't expand it a huge amount. Beyond that, I think what Greg just said about Homer and what goes along there is significant. If you'd get back to us with that when it comes back again. Beyond that, I have that same issue out on Alma. I know 100 Addison has had a hard time. We're now hearing that again. I'm surprised we haven't heard somebody come in from North Face and say the same. I don't think North Face is included in our retail Downtown anywhere. Is it? If it is, I couldn't find it. The map runs out when you get that far up on Alma. That's not prohibited at this point, right?

Mr. Lait: I'd have to take a look. I remember looking at this at one point. I think it is outside of the boundary, though.

Council Member Kniss: It appears to be that way from this. Should I be here when it comes back, being that I'm not for sure where we'll all be in

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January. Where it is now, I think, is in a pretty good place. Adding those few areas is probably going to strengthen the whole Downtown.

Mayor Burt: Council Member Holman.

Council Member Holman: A little clarification on the Motion. I think I'm good with it. Vice Mayor, you talked about protecting all existing retail, but I'm not sure I'm seeing that captured here.

Vice Mayor Scharff: No, I wasn't seeing it captured here either (crosstalk).

Council Member Holman: Just wanted to make sure of that. There it is.

Mayor Burt: I'm sorry. You have to use a mike if we're going to have a ...

Vice Mayor Scharff: It says protect all current retail in the Downtown area. That's there. What was not captured correctly was the top part. I'll just work on that.

Council Member Holman: This would be the Downtown Business District?

Vice Mayor Scharff: Correct.

Council Member Holman: I support that certainly. I think Staff's trying to do something that—Council Member Kniss brought up earlier the thing about automobile uses and automobile dealerships. Dealerships we probably won't but I can't swear we won't get. I don't think we want it on University Avenue. What Staff, I think, is trying to do, which is bothering me a lot, is trying to make the SOFA area the same as Downtown. It's not. It's a coordinated area plan that has its own zoning. If Staff needs to, in order to extend the Emerson and Homer, show that as a GF, make it SOFA GF or something like that. They're not the same. They're not the same characteristics either physically or the way they live. That's what's troubling me a lot about what Staff brought forward. I like a lot of what we brought forward. Let's not just do away with the cap. We talk about doing more caps. We just can't blend them. Let's see. Actually I support—if it comes back and we get another chance at this, Vice Mayor, I would support getting rid of the 25 percent office. There are things that—there are drivers. Locations that are on the peripheral areas here, if you want to call them that, just aren't going to demand the higher prices, whether it's office or retail, that you do on University Avenue. What I've just experienced by people that I know who tried to rent some spaces around here and there, including on Addison, the prices that are being asked—I don't know about the Anthropologie building—were higher than actually what's on here for retail space. I just think we need to exert some caution there and do what

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we want to do. If I could add one amendment—let me ask Staff. The 17-foot first-story heights, I appreciate Mayor Burt's questioning along that line. Again, this goes to the SOFA II. It's not a blanket. That would not work in SOFA II area at all. How would you like that captured in the Motion here and also to capture Council Member Burt's concern that he raised, which I think is valid?

Mr. Lait: I think in Jean's presentation we recognized that the taller heights that you might find on University would not translate over to SOFA II. We would need to look to respond to the Mayor's question about the building heights and how that changes. We need to look at that further. It would be informative to know if there was Council interest in exploring that, but perhaps we're not ready to do that relative to the 50-foot height limit. Maybe we should get the information first, and then we can come back to Council. For SOFA II, we're just trying to come up with some other ideas to enhance the pedestrian element of the area. Maybe it's not applicable for SOFA II to require greater retail heights. I think there's a lot of great standards in the document that it could probably rest on its own. We probably don't need to make a change in SOFA II relative to those heights, but it's worth exploring perhaps on University if we can get it within the height limit.

Council Member Holman: You're going to have to convince me that it's even needed on University Avenue. I just look at some of the very successful buildings on—it's not University, but on Ramona, on Hamilton that are in some of the older buildings.

Mr. Lait: That would be helpful if we can get some guidance from Council on that. If we don't need to spend our time exploring that, then that would save us some energy on some other pieces. Again, what we're trying to do—we heard clearly from the Council an interest in wanting to enhance the pedestrian orientation. I think probably most of that was related to existing buildings that have the film or the interior window treatments. Perhaps we can focus our energies on that.

Council Member Holman: I'd offer an amendment to the maker of the Motion to eliminate the 17-foot height consideration for ground-floor retail.

Council Member Holman: Overall.

Mayor Burt: Seventeen feet, is that what was being talked about?

Mr. Lait: Illustrative, to establish a minimum standard.

TRANSCRIPT

Vice Mayor Scharff: I don't know if 17 feet is the right number. I don't know that. I do believe that—everyone tells me you need the larger ground-floor retail. I hear that from everyone. I'd like to see that in the Downtown. I don't see any downside to it.

Council Member Holman: I guess the question for Staff is do we really need—I don't know if we need that in here. You're not accepting it except we don't want to see it in SOFA. You're agreed to that.

Vice Mayor Scharff: I agree to that.

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "eliminate 17 foot first floor height standards."

Council Member Holman: We're not going to change SOFA.

Vice Mayor Scharff: Correct.

Council Member Holman: Eliminate in SOFA. How to best deal with SOFA, maybe we just need to say we're not going to change the design standards that exist in SOFA. It has its own compatibility standards, so we're just ...

Mayor Burt: Before we leave this, do we really mean eliminate a mandated height for retail? Not 17 feet per se. I'm looking at the wording.

Council Member Holman: What probably would be better is if we just made a blanket statement about SOFA that we're not looking to amend the design standards in SOFA. That would cover this and other things as well. Don't alter the design standards in SOFA II.

Mayor Burt: Take out this preceding sentence.

Council Member Holman: Take out "eliminate the 17-foot." Is that okay with you, Vice Mayor?

Vice Mayor Scharff: Yeah.

Council Member Holman: And Liz?

Council Member Kniss: Yes.

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "no alterations to Design Criteria in SOFA II." (New Part C)

TRANSCRIPT

Council Member Holman: The hair and nail salon. I so appreciate the Cardinal barbershop. I don't remember the name of it anymore, but the one that's ...

Vice Mayor Scharff: The Aveda one.

Council Member Holman: You mentioned as well. When the economy does turn south, and it will, what Staff has said and other planners in other communities have said is one of the first things that happens is space gets gobbled up by hair and nail salons. I just don't know that we want to see a proliferation of hair and nail salons on University Avenue. I think we ought to have a limit on the number of hair and nail salons. Staff can come back with a recommendation on ...

Male: Salons?

Council Member Holman: Yeah, those kinds of uses. Staff can come back with a recommendation on what that limit should be. Is that agreeable to Vice Mayor?

Council Member Kniss: No. I ...Do you want to speak to that one?

Mayor Burt: You don't have to speak. You accept or reject. You said no; we got it.

Council Member Kniss: I said no.

Council Member Holman: I'll offer that. Do you want to do separate amendments now or do you want to do just the Main Motion and then we'll come back with separate amendments? How would you like to handle it?

Mayor Burt: We can add amendments.

Council Member Holman: Now?

Mayor Burt: Yeah.

Council Member Holman: I would add an Amendment then that Staff come back with a recommendation on what an appropriate limitation is for hair and nail salons and like personal service on University Avenue.

Mayor Burt: I'll second that.

AMENDMENT: Council Member Holman moved, seconded by Mayor Burt to add to the Motion, "direct Staff to return with potential limits on hair and nail salons, gyms, and other similar personal service uses on University Avenue."

TRANSCRIPT

Council Member Holman: I don't need to speak to it anymore.

Mayor Burt: I would just suggest that the language be more clear. It's not just hair and nail. We're talking about hair and nail and spas and even essentially different forms of gyms. Is that what we're meaning?

Council Member Holman: That's fine with me. Hair and nail salons and spas, gyms.

Vice Mayor Scharff: It's on University Avenue.

Council Member Holman: On University Avenue, yes.

Mayor Burt: We'll let Staff come back with what similar is. Can I speak briefly to it? Are you done?

Council Member Holman: I'm done with it, so go ahead.

Mayor Burt: I just want to say that I fully agree that having some of the historic barbershops there—it's a fine mix. We simply don't want to have it proliferated and have a big portion of those areas become elite little gyms on University or a bunch of spas. We're having more of those. I don't think those add to the vitality at all. We want to protect that key street for having things that are vital. Frankly, a barbershop has a high turnover rate compared to a lot of these other uses that are in this same category. I think we're looking for a right balance and just keeping a balance and not letting it be overwhelmed by those kinds of uses.

Council Member Kniss: Can I speak to that?

Mayor Burt: You can stand in line to speak.

Council Member Kniss: To the Amendment.

Mayor Burt: It's an Amendment. You turned down accepting it. Now, I'll clear the lights, and people can speak to the amendment. Council Member Kniss.

Council Member Kniss: This is getting into apples and oranges. Hair and nail salons, which I looked at carefully today, are unless the rent falls precipitously, you're going to find that those are good hair salons, good nail salons. I don't happen to be in favor of gyms and other personal service uses such as a spa because there isn't much activity there. There's a lot of activity on good hair salons and nail salons. I'm sorry if we get to the point where we're limiting them. I would say look back to '09, '10. Is that what was on University Avenue? Were there tons of nail salons? I don't

TRANSCRIPT

remember them, if they were there. I think two or three of the hair salons have been there as long as I can remember. I wouldn't try, as I mentioned earlier, to do as much curation as this. I think it's difficult.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: I guess I have mixed feelings about this. I'm actually fairly inclined to support the Motion, but coming at it from a slightly different perspective. As I started mentioning earlier, it was before we got into real comments. I actually do think that a lot of these uses do add to the vitality. I disagree that they're bad for the vitality and the vibrancy of the Downtown. I do agree that they're only good if they don't dominate everything else. Again, it has to do with having that right mix. The question is how do we—I do think whether it's a yoga studio or a regular gym or a martial arts studio or a spa or any of these things that people will come to the area; they'll go to that; they'll leave that; and they'll say, "I've been there for a couple of hours. I'm hungry. I'm going to go grab a bite to eat, spend some money somewhere else." I think there's a real compatibility where these kinds of businesses, these services support the larger environment. I do think that on University Avenue itself, limiting the total number does make sense. It's really the question of how we strike that right balance. In concept, I'm okay with this. I think having Staff return with something that's not draconian but provides some guidance—I think that's reasonable.

Mayor Burt: Council Member Filseth.

Council Member Filseth: I too think the mix of what we've got on University Avenue is pretty good right now. I think it's in a very good place right now. I would hate to see barbershops go away and so forth. I can't imagine saying I'd rather have a restaurant where the Cardinal barbershop is.

Mayor Burt: Just to clarify. This is not prohibitions; this is limits.

Council Member Filseth: I understand. I think the mix is a good place. I think in general we ought to have as little regulation as possible but not less, if that makes sense. I think the main problem we're talking about solving is this one of—I think Staff captured it admirably in the rental increases over a year. You're not going to get retail and personal services when people can get \$12 for office space. We're effectively addressing that one. The limits on other kind of stuff, I guess I'm with Council Member Kniss. I think we should try to resist micro-engineering this at this point. Doesn't seem like a huge problem right now. If it becomes one, we'll probably have time to do it. My inclination is sort of not to support the amendment. If things get

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really skewed, then we might have to revisit it. That's not an issue right now.

Mayor Burt: Vice Mayor Scharff.

Vice Mayor Scharff: I'm just going to reiterate. I'm where Council Member Filseth is on this. I don't think there's a problem now. I actually have a hard time imagining that rents will fall enough that that's going to become a problem on University Avenue. I think we'd have enough time. I think it does lead a tendency to want to try and run this as a mall. I don't think we have the skills and the ability to run it as a mall, frankly. I'm going to vote against the Motion.

Mayor Burt: Very quickly.

Council Member Holman: One point. Just remember, folks, that economies do shift, and government moves slowly. I know that Staff has adequate capability to determine what an appropriate limitation is so we don't have to come back at some other time and try to close the barn door after it's already opened.

Mayor Burt: Let's vote on the amendment. That fails on a 6-3 vote with Council Member Wolbach, Burt and Holman voting yes. We'll return to the Main Motion.

AMENDMENT FAILED: 3-6 Burt, Holman, Wolbach yes

Council Member Holman: I had the floor still. Private schools. Obviously we need a definition around education. Staff had mentioned that. I'm not sure if that's captured in the framework. Also, I'm wondering if private schools should require a Conditional Use Permit. The reason I bring that up is something that Mayor Burt and I are very familiar with. Especially in the SOFA area, a lot of those sites have been automotive uses. Without a Conditional Use Permit, we can't even require any kind of environmental analysis, so where are we allowing sensitive receptors to be located? It seems to me that we ought to require a CUP for private schools. Private schools also—we benefit from them, and also they put a little bit of a burden on us because Alt School sounds like is doing a very good job, but private schools also oftentimes create a lot of traffic because the students oftentimes do not come primarily from Palo Alto. The amendment would be to require a Conditional Use Permit for private schools. In SOFA, because that's where the automobile uses are. No, we do not. No, we do not require a CUP, and it's been a health and safety concern.

TRANSCRIPT

Mayor Burt: Can I ask a clarifying question that may lead to whether I want to second this. Absent this, we right now have certain permitted uses. We have these properties along Alma, for instance, but they're currently under the retail interim Ordinance or moratorium. Are you saying that this would become—how would that fit in with—are you assuming that the moratorium would be permanent and that this would be allowed within that or are you assuming that the moratorium would go away and what would remain would be any adjustments to other zoning outside of that?

Council Member Holman: That's a very good point. It's a very good point. Actually, I would withdraw the amendment, because your point is on point.

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "require a Conditional Use Permit (CUP) for private schools in SOFA II.

AMENDMENT WITHDRAWN BY THE MAKER

Mayor Burt: It was an either or, so I don't know which thing was a good point.

Council Member Holman: If we do continue and preserve—I guess though a private school could move into an office location that has the potential hazardous situation. I think we still have the health and safety issue.

Mayor Burt: I'm still trying to understand what's the intention on areas that are not in our ground-floor retail protection, that are in SOFA. What's the intention on what would be allowed to happen there?

Council Member Holman: Like I say, in office areas—Jonathan, maybe you can help with this. In the areas that are allowed ...

Mayor Burt: No, I'm talking about retail. We have properties that were captured in the retail protection Ordinance that are not in this updated retail zone. They're in the SOFA. SOFA, as you say repeatedly, has its own zoning. Under that zoning, they're allowed to do other things than retail in some of those areas. What happens?

Council Member Holman: I guess your point is that we're not addressing other uses now. If we're addressing only the ground-floor retail, this isn't the time to bring up a CUP for private schools, because they wouldn't be able to take the place of retail anyway.

Mayor Burt: It all depends. They would be able to take the place of retail under existing zoning in areas that are outside of the ground-floor retail area

TRANSCRIPT

including what we are expanding that into. For instance, you look at those properties on Alma. They're not in the old ground-floor retail, the darker pink, and they're not in a yellow of a new ground-floor retail.

Council Member Holman: The Motion that Council Member Scharff put on the floor here was to protect all existing retail.

Mayor Burt: Is that right?

Vice Mayor Scharff: I said in the Downtown Business District. I'm happy to put in SOFA, but I didn't say that because I was going to let you and Pat ... Right now it's limited to that.

Council Member Holman: That's what I thought you meant, because you were saying ...

Mayor Burt: No, no. He said Downtown Business District. SOFA isn't addressed currently in the Motion.

Council Member Holman: What's the boundary of the Downtown Business District if the map that's in front of us is ...

Mayor Burt: It's the area with that pink line excluding SOFA.

Council Member Holman: No. The pink line includes SOFA.

Mayor Burt: Are we now saying that SOFA is ...

Council Member Holman: It's on the map.

Mayor Burt: Just a second.

Council Member Kniss: The red line?

Mayor Burt: I'm asking Staff, are you now defining SOFA as being included as part of the Downtown Business District? I see the map has a boundary that suggests that.

Mr. Lait: Sorry, but the battery in my laptop has expired. I believe the—I'd want to double check that. The Comp Plan is where we get guidance on the business district boundaries. As I understood the conversation, it was not extending into SOFA II. That would be helpful to know if the preservation of existing retail is the Downtown Business District and also the SOFA II boundaries. I think we're all familiar with the SOFA II boundaries. If we want to preserve retail in SOFA II ...

TRANSCRIPT

Council Member Holman: I guess that's a question for the Vice Mayor? I want to protect the retail that exists also in SOFA II, but what is your ...

Vice Mayor Scharff: I'm happy ...

Council Member Holman: What was the original Motion?

Vice Mayor Scharff: The original Motion was the entire framework including the SOFA stuff that's on there, but I think we should clarify that let's protect the existing retail in all of SOFA.

Council Member Holman: Say it again.

Vice Mayor Scharff: Let's protect the existing retail in all of SOFA.

Council Member Holman: That clarifies that.

Vice Mayor Scharff: Liz, are you fine with that? That means we shouldn't just say the Downtown Business District. We should say and SOFA.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the end of the Motion Part B, "and SOFA II.

Council Member Kniss: Just to clarify, there isn't a lot of retail in SOFA that I'm seeing on this to protect.

Council Member Holman: There's quite a bit. If you go around there, there's quite a bit on the streets, quite frankly.

Council Member Kniss: It just doesn't show then.

Council Member Holman: They don't show what's in existing. Going back to the CUP, I think we can just leave that out for now.

Mayor Burt: For me, if the Motion now includes all retail including in SOFA, then I would want to allow certain uses under a conditional use.

Council Member DuBois: Which is in the framework.

Mayor Burt: Where is it?

Council Member DuBois: I think Council Member Scharff is including this entire framework, which includes allowing private schools in RT-35.

Mayor Burt: 4B, is that what you're referring to?

TRANSCRIPT

Vice Mayor Scharff: That's correct.

Council Member DuBois: Yeah.

Council Member Holman: Then we would need the CUP.

Mayor Burt: That actually says under this, if you wanted to be more restrictive than the Motion, you would have to add that. As of right now, it's a permitted use under this Motion.

Council Member Holman: The amendment would be to require a CUP for private schools in the RT-35 District.

Vice Mayor Scharff: No.

Council Member Holman: Are you not seconding that? I know you've had issues with this for years.

Mayor Burt: I have concerns though that we're being over-restrictive on some of these outlier uses that are not in our retail core and SOFA.

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "require a Conditional Use Permit (CUP) for private schools in the RT-35 District."

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

Council Member Holman: That's a health and safety one from my perspective. Staff, you wanted some direction on window coverage. Are you confident with what you have already included?

Mr. Lait: Yeah. If we're past the floor heights for SOFA II, what we're going to be looking at is the films and working with the Attorney's Office to find how much leverage we have to address the existing nonconforming uses and requiring some modifications to those window storefronts. We'll come up with some standard about 70 percent clear visual access, that kind of thing.

Council Member Holman: If I could add to that one thing which is reflective glass.

Mr. Lait: No reflective glass.

Council Member Holman: Reflective glass, add to that. That doesn't need to be in the Motion. Sale of goods ...

TRANSCRIPT

Vice Mayor Scharff: I think you should put it in the Motion, Karen, so we don't forget.

Council Member Holman: Put it in the Motion?

Vice Mayor Scharff: Yeah. Everything else is listed out pretty clearly.

Council Member Holman: We'll add window treatments, prohibit reflective glass.

Vice Mayor Scharff: Yes.

Council Member Holman: Liz?

Council Member Kniss: That's fine.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "prohibit window treatments made of reflective glass." (New Part D)

Council Member Holman: Lobby size, that also needs to be addressed. An amendment would be to ask Staff to come back with a recommendation on lobby size. That's accepted by the Vice Mayor with a nod.

Vice Mayor Scharff: Yes.

Council Member Holman: Council Member Kniss? Okay.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to return with a recommendation on lobby size." (New Part E)

Council Member Holman: Basements, I'll leave that for the Mayor to address. Hours of operation, are you looking for recommendations or are you going to come back with recommendations? What's your preference?

Mr. Lait: If you have something now, that could help us move this along. Otherwise, we would come back with some recommendations.

Council Member Holman: If I could propose this, just put it out there, somebody else can change it or not. I would suggest for hours of operation that a minimum of six hours a day and five days a week.

Vice Mayor Scharff: No.

TRANSCRIPT

Council Member Holman: I'm open to other suggestions. I just threw that out there as a starting point. If anybody else has some other thoughts.

Mr. Lait: I'm sorry. If I can also, while you guys are deliberating, suggest that we were going to come back with this on the next Ordinance, not this one. The Citywide Ordinance, we were going to try to address the hours of operation. If you're asking us to do that here, then we can make that happen too. It's just that it's a different focus. That would apply across the entire City versus just this area.

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "require the hours of operation be a minimum of 6 hours a day and 5 days per week for Retail Use."

AMENDMENT WITHDRAWN BY THE MAKER

Council Member Holman: Medical office size limitations. Another amendment would be to—I don't know what the right square footage is here—limit the size of medical office to—I'll throw it out—3,000 square feet.

Vice Mayor Scharff: Why don't you have Staff come back with proposals because it only applies to SOFA II anyway?

Council Member Holman: Staff to come back with a recommendation for limitation on medical office size.

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "direct Staff to return with a recommendation on medical office size."

Council Member Holman: In the Downtown, clarify the Code ...

Mayor Burt: I'm sorry. That needs to be accepted by the maker and seconder.

Council Member Holman: I'm sorry. I thought he did by changing it. Did you accept that?

Vice Mayor Scharff: Let's clarify. Right now, the way the Motion is written in the Downtown core, it doesn't change the rules on medical office. This applies to SOFA. Is medical office a permitted use in SOFA?

Council Member Holman: Yes.

Vice Mayor Scharff: I thought it was. Direct Staff to come back with a medical office size in SOFA, that would be accepted.

TRANSCRIPT

Council Member Holman: In SOFA II.

Vice Mayor Scharff: Right, in SOFA II.

Council Member Holman: Liz, is that okay with you?

Mayor Burt: Liz?

Council Member Kniss: I thought we had a medical office size that we had agreed on. Maybe I've just forgotten. A 5,000 ...

Mayor Burt: I think there are SOFA restrictions on it. I'm not recalling what they are.

Council Member Kniss: I thought that's what it was. That's why I'm hesitating on it.

Council Member Holman: There's an office limitation of 5,000 square feet.

Council Member Kniss: Medical office.

Council Member Holman: That's office generally.

Mayor Burt: Why don't we just leave it open enough for Staff to come back with clarification on existing medical office and recommendations.

Council Member Holman: That's kind of what's up here.

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to return with a recommendation on medical office size in SOFA II." (New Part F)

Council Member Kniss: This is recommendation. That's where I was hesitating.

Mayor Burt: As long as they understand the recommendation could be—they come back with clarification (inaudible) we already got restrictions and we recommend we retain them. They could do that. On the fly right now, we don't have the research on what's there.

Council Member Holman: Exactly. The definition of retail would be the sale of goods. Did Staff want comment on that now or is that the subsequent Ordinance?

TRANSCRIPT

Mr. Lait: I think that may be the subsequent Ordinance. I think we got some good guidance the last time that we came to Council on this issue. Let me just look at the definition of retail. That's the Citywide retail.

Council Member Holman: Mayor Burt will want to speak to this. Clarification of the definition of office allowance. I don't remember the exact zoning. Allowing research and development as general office and also limiting office size. We've had instances where we talk about how large offices are taking over and also doing research and development.

Mayor Burt: What do you want to put in the Motion?

Council Member Holman: Staff to come back with a clarification of office definition that differentiates between general office and research and development.

Council Member Kniss: That's not (crosstalk) for me.

Council Member Holman: Apologies. It's getting too late. Apologies. You are right. Thank you.

AMENDMENT: Council Member Holman moved, seconded by Council Member XX to add to the Motion, "direct Staff to return with clarification of Office Use definition that differentiates between general office and research and development."

AMENDMENT WITHDRAWN BY THE MAKER

Council Member Holman: Basement, I said I'd leave that to the Mayor. That may be it. I think that's it.

Mayor Burt: Council Member DuBois.

Council Member DuBois: I have to apologize. I'm actually not feeling very well, so I'd like to make my comments and then I may head out. I had a question. Does Staff have any proposal for changing the appeal process? That was a big part about the discussion in August. I don't really see it in here.

Mr. Lait: Referring to the waiver ...

Council Member DuBois: A hardship case.

Mr. Lait: The constitutional taking standard. That's coming back in the Citywide Ordinance, where we will be looking at that. That's not in this Ordinance here.

TRANSCRIPT

Council Member DuBois: I like the way this Motion is going. I do think we need to think about the type of retail. I think the definition of retail is getting very tricky. As one of the members of the audience, we have kind of a warehouse masquerading as retail. On the other hand, we don't want that kind of retail. I think we want a lot of play space retail. I think it would fall under our personal services categories now. I think we need to think about those definitions. We have things like the 3-D scanning store, the beta store where you go in and try things out, things that you need to do in person. I agree with a lot of the sentiment. I think University is thriving. We don't really want to make a lot of changes necessarily to University. There was some discussion here about amortizing out nonconforming uses. I think we should be clear that I would support that for non-retail-like uses. Again, I think you're hearing we like the barbershop and some of the personal services that are there on University. I think we want the right touch, kind of a light touch. The main focus is we're trying to protect existing retail. I don't think we're trying to create a new retail mix. I don't know if we need to call out—in your presentation you talked about amortization, but I don't really see it here in the framework.

Mr. Lait: We highlighted it because it was a Council direction. What we're saying is that's going to require a separate focus altogether.

Council Member DuBois: I basically would support the Motion. The other concern was really the appeal process, but you answered that as well. Thanks.

Mayor Burt: Council Member Schmid.

Council Member Schmid: I just have one clarification question. The "a" amendment says maintain currently allowed uses in the Downtown District. It also says we want to approve the draft framework, and the framework says very clearly narrow the types of retail uses including prohibit personal services. There are a lot of personal services there, financial services, financial advice.

Vice Mayor Scharff: This supersedes that.

Council Member Schmid: Do you want to drop II under 1? A way of doing that is change prohibit such personal services as, and then list them.

Vice Mayor Scharff: We could go through this and we could wordsmith it and remove all those, if that would be helpful to Staff. I just thought if we said ...

Council Member Schmid: I don't have any ...

TRANSCRIPT

Vice Mayor Scharff: ... they could look at that and get that.

Council Member Schmid: I don't have any problem with what's listed here. I have just a problem that the first three words, prohibit personal services, might refer to things that are doing very well on University.

Vice Mayor Scharff: The plan was not to prohibit personal services. It was to allow the current, existing uses in University, I mean currently in the Downtown Business District to stay. Was that clear to Staff or do we need to ...

Mr. Lait: What I'm understanding is that we're not actually making any changes to the permitted uses, except that where there is retail in place today on the ground floor in the Downtown and SOFA II area, that's going to stay retail.

Council Member DuBois left the meeting at 11:11 P.M.

Vice Mayor Scharff: That's going to become ground floor ...

Mr. Lait: Requirement, right.

Vice Mayor Scharff: ... required retail.

Council Member Schmid: There are some retail services that will be included such as financial services, advice and ...

Vice Mayor Scharff: It's whatever the Downtown currently allows.

Council Member Schmid: Can I ask you to put in under II prohibit such personal services as, and drop the parentheses such as?

Vice Mayor Scharff: We're not prohibiting anything. We're leaving the current law.

Council Member Schmid: Do you want to just drop II?

Vice Mayor Scharff: Yes, they are dropped.

Council Member Schmid: It doesn't say that here.

Mayor Burt: It should be captured, because that was in your initial Motion to drop ...

Vice Mayor Scharff: Correct.

Council Member Schmid: It's not on our Motion.

TRANSCRIPT

Mayor Burt: ... one bullet, II and then also under Bullet 3, I. You want to make sure the Clerk has got that correctly. Council Member Berman.

Council Member Berman: I think everything's been covered ad nauseam tonight. I just want to make two quick comments. I'm really glad to see the window treatments issue. This is actually something that I actually met with Tom Fehrenbach and the folks at Wealth Front a year, a year and a half ago, because it bothered me every time I walked by there, and their blinds were down. It just creates this dead section. They actually moved out before we could really get anything accomplished with them. I think this will be a great improvement to the pedestrian experience across the Downtown area. I think that's great. The barbershop, everyone's mentioned it. I'm really glad that we've removed that. It's actually my barbershop and my dad's barbershop and my brother's barbershop. We've been going there for decades. I'm glad that we've been more flexible tonight with our approach to this. I think that's reflected in the Motion. I'm also curious to hear it; I won't be on Council when it happens. I hope that whoever is on Council is open to the feedback that people get from the outreach meetings to all the different groups that Staff is going to be reaching out to. Oftentimes, we up here think that we know everything. It's the folks on the ground, it's the business owners, the small business owners and others that can really provide a lot of good feedback. I think that'll be a valuable part of the process.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: There are changes being made to the Motion right now. I think they're trying to reflect what was originally stated. I wanted to see if that's finished or is there anything else that's going in there.

Mayor Burt: Just go to whatever your comments are.

Council Member Wolbach: It depends on what the Motion is. Until I can see the Motion (crosstalk).

Mayor Burt: Then I'll go ahead and comment. A couple of other areas that I'd like to include on general Staff direction, which would be to return with recommendations on how to treat existing retail-serving basements in the University core area.

Vice Mayor Scharff: Yes, that's acceptable.

Mayor Burt: Liz? Okay.

TRANSCRIPT

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to return with recommendations on how to treat existing retail basement use in the University Avenue core area." (New Part G)

Mayor Burt: Second, on the outreach, which we actually don't have. It was in the PowerPoint, but it's not in the proposed framework that I'm aware of, unless I'm missing it.

Council Member Berman: (inaudible) on 306, but I don't know what you're referring to.

Mayor Burt: The Motion's this stuff. I would just say that within—one, we need to address what outreach we're asking Staff to do, because that's not touched in the Motion at all. Where was it? What are we envisioning? We have a certain timeframe. Maybe, Jonathan, can you comment a little bit on when this would be coming back to Council and what amount of outreach you were thinking should be done and could reasonably be done without slowing down the process? The thing that I'll want to add is specifically including small, independent retailers within that and not assume that the Chamber or the Business Improvement District will necessarily capture that.

Mr. Lait: We were thinking in order for us to meet all these timelines we would go to the Planning and Transportation Commission in November or December. Our outreach is going to be probably myself and Jean going out to different groups that we've identified in the report here. We already know that the Chamber's calendar is full. I'm not sure we're going to be able to go to one of their standard forums. We're just going to do the best we can to get out in the community. If there's some ...

Mayor Burt: You're thinking before you go to Planning Commission, you would do some of that outreach?

Mr. Lait: We're going to try.

Mayor Burt: I get it.

Mr. Lait: I guess our framework was more broad than where it's going now. The level of outreach may not be as—the extent of it may not be as necessary.

Mayor Burt: That outreach could be after the Planning Commission too. I would just then add an "H" that says direct Staff to conduct informal outreach to stakeholders including independent retailers, plural, so it's not just one.

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Council Member Holman: Do you want independent or do you want small and independent? They aren't necessarily the same thing.

Mayor Burt: Both, small and independent. Not that they have to be necessarily only small, independent. If it's plural, you might get some mixture. Council Member Wolbach.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to conduct informal outreach to stakeholders including both small and independent retailers." (New Part H)

Council Member Wolbach: I just wanted to check. Did maker and seconder okay that last change?

Vice Mayor Scharff: Yes.

Council Member Kniss: Yes.

Council Member Wolbach: Now there's some clarity. It was just added that this Motion would remove Number 1, bullet point 3, which would allow a range of retail and retail-like uses in the greater GF District outside of University Avenue, allow personal services, commercial recreation, medical offices, schools and similar retail-like uses that encourage uses that promote active street life and would also prohibit ground-floor offices except medical office. I would suggest removing that removal, so that "A" here would say remove Number 1 bullet 2 and not remove bullet 3. Unless that was really the intent of the maker and the seconder. I'd offer that as a friendly amendment.

AMENDMENT: Council Member Wolbach moved, seconded by Council Member XX to remove, "and Number 1, Bullet 3" from the Motion Part A.

Vice Mayor Scharff: I was talking to the Mayor, but let me just reiterate. What this currently does is keeps the existing stuff exactly the way it is. That's the goal. How do you want to change it? What this Motion does is keep the Downtown rules exactly the same as they are now.

Council Member Wolbach: Right. Here's my question. What part of Bullet Point 3 concerns the maker and the seconder?

Vice Mayor Scharff: Bullet Point 3.

Council Member Wolbach: Under one.

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Vice Mayor Scharff: Medical offices frankly and adding schools where they're not currently allowed. I believe commercial recreation in the Downtown core might need—does it need a Conditional Use Permit? That would be a change. I actually do think—I had my light on this—that we need to fix the yoga exclusion. I actually think we should allow yoga studios without a Conditional Use Permit. I was going to actually mention that, but I don't want to go to full-scale gyms, which is what the ...

Council Member Wolbach: But not on University itself?

Vice Mayor Scharff: Correct.

Council Member Wolbach: Right now, under the Motion as it would go forward, if somebody wanted to open a small yoga studio, small martial arts gym, something small like that, off of University Avenue, would they be allowed to or would they need a Conditional Use Permit?

Mr. Lait: Today we would allow it if it's 15 or fewer, but I would like the guidance from the Council about how to address that when we come back.

Vice Mayor Scharff: I would support that, Cory.

Council Member Wolbach: I think 15 is too small. ... class of 20 people ...

Vice Mayor Scharff: I would...

Council Member Wolbach: ... that shouldn't be prohibited and shouldn't require a Conditional Use Permit on a side street, like on Hamilton or on Waverley, off of University Avenue. I think it's too restrictive.

Vice Mayor Scharff: Make a Motion, make an amendment. I'll accept it. Do you want me to do it?

Council Member Wolbach: I'm sorry. It's two hours past when we were supposed to wrap this meeting up. My brain is not working as well as it sometimes does.

Vice Mayor Scharff: Outside of University Avenue, in the Downtown business core, we would allow—what's a good term for yoga ...

Mayor Burt: ...GF District.

Council Member Wolbach: It's commercial recreational, right?

Vice Mayor Scharff: No, it's not commercial recreation, because that's a gym. What would you call the ...

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Mr. Lait: I think we'll make a definition. We'll just add a definition, yoga studio or something.

Vice Mayor Scharff: A definition for yoga studios and martial arts and that kind of stuff.

Council Member Wolbach: I've been thinking yoga studio, dance, barre, martial arts, some athletic activities. Sometimes they're called a gym, but it's ...

Mr. Lait: We can come up—rather than try to figure it out now, I think we're hearing the message. Is it not on University or is it not in the GF?

Vice Mayor Scharff: It's in the entire GF ...

Council Member Wolbach: Outside of University.

Vice Mayor Scharff: ... outside of University Avenue.

Mr. Lait: Thank you.

Mayor Burt: It's what you already have in that one bullet 3. It says greater GF District (outside of University).

Mr. Lait: We will come back with some language on that if it's accepted.

Vice Mayor Scharff: It's accepted. Liz, is it accepted?

Council Member Kniss: Yes. I just ...

AMENDMENT RESTATED AND INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "outside of University Avenue, within the Ground Floor District allow yoga studios, dance studios, martial arts studios, and similar uses." (New Part I)

Mayor Burt: If you're the seconder, you've got to live up to that. Pay attention. Did you have something else?

Council Member Kniss: That's true, Pat.

Vice Mayor Scharff: I did, just briefly. I noticed—I just wanted to clarify since we're doing this. At the corner of Ramona and University, for some reason that's not in the GF, ground-floor protection. Is that because that's a PC?

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Mayor Burt: (inaudible) Plaza.

Vice Mayor Scharff: Is that Lytton Plaza? That might be Lytton Plaza. There's another one at the corner of—what is it? There's one at Ramona, Ramona and University. Lytton Plaza's at Emerson, and then Ramona and University, there's not. I was just wondering why that's blank.

Mayor Burt: That's a PC also.

Vice Mayor Scharff: That's a PC.

Mr. Lait: Yes.

Vice Mayor Scharff: That's the issue.

Mayor Burt: May I offer that we had elsewhere, like even SurveyMonkey and things, this question of should we have the requirements under existing PCs be aligned with the district requirements. I think it's best to do it, and then we don't have these two sets of rules.

Mr. Lait: We're happy to look into that. I just want to make sure we're fine.

Vice Mayor Scharff: I'd accept that. That's sort of where I was going.

Mayor Burt: "J" would be direct Staff to evaluate aligning existing PC requirements with the zoning district requirements for these areas.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "direct Staff to evaluate aligning existing Planned Community Zone (PC) requirements with District requirements." (New Part J)

Vice Mayor Scharff: I just wanted to clarify. On the Homer and Emerson as you go into SOFA, that is already—has to be retail in the expanded definition, but retail or not?

Mr. Lait: If there's retail there now ...

Vice Mayor Scharff: Say there's not retail there now.

Mr. Lait: You can do personal service uses or ...

Vice Mayor Scharff: That's the expanded definition. Someone couldn't put office there for instance.

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Mr. Lait: There's limitations on establishing office. On that corridor, I don't think you can do it.

Vice Mayor Scharff: I just wanted to make sure of that.

Mr. Lait: I'd want to research that.

Mayor Burt: I think last light, Council Member Holman.

Council Member Holman: Could you repeat what you just said?

Mr. Lait: I just would have to look at it. Let's see. In the RT-35 zone, offices are permitted. There's a list of restrictions that talk about the 5,000-square-foot limitation.

Council Member Holman: I think what you're looking for is on Page 91, isn't it? For Homer/Emerson, is that what you're looking for?

Mr. Lait: On Page 49 of the SOFA plan, it's got the Homer/Emerson corridor. You're saying Page 91?

Council Member Holman: Yeah.

Mr. Lait: Let me look at that as well.

Council Member Holman: C-1 then tells what the Homer/Emerson corridor is.

Mr. Lait: You want the definition of that corridor?

Council Member Holman: Yeah, because that's where we're talking about.

Mr. Lait: The document that I've got, Page 91 is definitions.

Council Member Holman: It's the definition of the Homer/Emerson corridor, which previously I think you were reading the right place. It talks about retail being required on those two corridors.

Mr. Lait: There's a definition of the corridor, but I was looking on Page 49 at the permitted uses for the corridor.

Council Member Holman: Hang on half a second. I didn't mark down what page this was. Whatever page it's on, it was see protection of specific uses. I'm sorry I didn't identify the page number.

Mr. Lait: No, no. That's Page 49.

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Council Member Holman: "I" for sites on Homer/Emerson corridor located at da, da, da. You're talking about all these things that aren't allowed. Really that pretty much leaves retail and personal service. Maybe that could be clarified.

Mr. Lait: There's a whole table of permitted uses for the RT-35 zone. What Section C is saying is that for office uses in particular, there are a number of restrictions. They can't be on the ground floor unless A through F are satisfied.

Council Member Holman: Basically preexisting.

Mr. Lait: Right, but I wouldn't go so far as to say that only retail could be on Homer and Emerson.

Council Member Holman: I think the other allowed use is—it's too late to get into this, but it's just ...

Mayor Burt: Let's just seek a clarification on that. Vice Mayor Scharff, you had a ...

Council Member Holman: Clarification on that, and then one other thing. For whatever reason, if we're going to do the—just quickly. If we're going to do the clarification that retail or personal service is going to be required, then I don't know why the office building at the corner of Emerson and Forest, the southwest corner, isn't included.

Mr. Lait: Just so I'm clear on the Motion, if I may, Mayor. As I'm understanding it, we're going to take the GF boundary, and we're going to extend it to every place that's got ground-floor retail today in the Downtown and SOFA II boundaries. There will be on our districting map here the GF designation where there's existing ground-floor retail today.

Vice Mayor Scharff: Correct.

Mr. Lait: That's what I'm understanding to be the Motion.

Vice Mayor Scharff: Yes.

Mayor Burt: Subject to the outreach. We may hear arguments ...

Mr. Lait: That will be our starting place.

Council Member Holman: Just one quick clarification on that. There is some talk about having some places amortized out. I know that's future, but do we want to—for instance, if there's—I'll just make this up—four retailers and

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then a gap and then two more retailers, do you want to make that whole strip ground-floor retail? If we're looking at future, do we want to look at that as something we want to look at amortizing?

Mr. Lait: In addition to our base understanding of the Motion, we will look to see if there is a logical connection that the GF boundary should be extended to, to address that gap in coverage. I know one example in SOFA II where that would be, I think, catty-corner possibly to Whole Foods. I think there's an office space there, but then there's retail next to it. We'll look at that.

Council Member Holman: That's the question. Thank you a lot.

Mayor Burt: Vice Mayor Scharff, you had a map question.

Vice Mayor Scharff: I did have a map question. There's two different colors on my map. There's a light green and a yellow. Are they the same or are they supposed to signify something different? They're supposed to signify, I believe, increasing where the proposed ground-floor combining district parcels would go.

Mr. Lait: Upper right of the map, do you see 12 and then there's a number, letter?

Vice Mayor Scharff: 12E.

Mr. Lait: 12E.

Mayor Burt: Good point. The PowerPoint map that I thought was intended to be the same doesn't have those two different colors. It may just be an illustration difference. All yellow. This shows it in all yellow. This has two tones. We're trying to figure out whether the two tones are designating something deliberately.

Ms. Eisberg: This light pink tone?

Mayor Burt: If one of you want to come up. On this map, there's the yellow. Next to it is this pale green. Are they both meant to be the same thing?

Ms. Eisberg: Yes.

Mayor Burt: On this they are. We'll just ignore that hue difference. We just want to make sure we weren't doing something different from what we intended.

Vice Mayor Scharff: Vote on the board.

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MOTION AS AMENDED RESTATED: Vice Mayor Scharff moved, seconded by Council Member Kniss to approve the draft framework for an Ordinance strengthening retail protections in the Downtown and South of Forest Area (SOFA II) with the following changes:

- A. Remove Number 1, Bullet 2 and Number 1, Bullet 3; and
- B. Protect all current retail in the Downtown Business District and SOFA II; and
- C. No alterations to Design Criteria in SOFA II; and
- D. Prohibit window treatments made of reflective glass; and
- E. Direct Staff to return with a recommendation on lobby size; and
- F. Direct Staff to return with a recommendation on medical office size in SOFA II; and
- G. Direct Staff to return with recommendations on how to treat existing retail basement use in the University Avenue core area; and
- H. Direct Staff to conduct informal outreach to stakeholders including both small and independent retailers; and
- I. Outside of University Avenue, within the Ground Floor District allow yoga studios, dance studios, martial arts studios, and similar uses; and
- J. Direct Staff to evaluate aligning existing Planned Community Zone (PC) requirements with district requirements.

Mayor Burt: I think that covers everything. Vote on the board. That passes 8-0 with Council Member DuBois absent. That concludes this item.

MOTION AS AMENDED PASSED: 8-0 DuBois absent

Inter-Governmental Legislative Affairs

- 13. Request for City Council Endorsement of Santa Clara County Measure A, an Affordable Housing Bond Measure.

Mayor Burt: We now go to our final item which is a request for City Council endorsement of Santa Clara County Measure A, an affordable housing bond measure. Given the hour, if we are able to avoid all of us having to comment on it, unless we really are in a debate. Council Member Berman.

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Council Member Berman: I can't remember if there was a Staff recommendation, but I'd like to move that we endorse the Santa Clara County Measure A, affordable housing bond ...

Vice Mayor Scharff: Second.

Council Member Berman: ... that's on the November ballot.

Council Member Kniss: Third.

MOTION: Council Member Berman moved, seconded by Vice Mayor Scharff to endorse Santa Clara County Measure A, an Affordable Housing Bond Measure on the November 8, 2016 ballot.

Mayor Burt: Seconded by Vice Mayor Scharff. Do you want to speak to your Motion?

Council Member Berman: We all know that we have an affordable housing crisis. This is a great way to increase the funds for affordable housing and increase the supply. I think it's kind of self-evident.

Mayor Burt: We do have one member of the public who just submitted a card. Vice Mayor Scharff.

Vice Mayor Scharff: I would just echo what Council Member Berman said. I think this is a great measure, and we should support it.

Mayor Burt: Stephanie Munoz, you're welcome to speak.

Stephanie Munoz: Yes, thank you for that opportunity. I just want to remind you that I get it about capitalism and why it's good. I wouldn't be here and none of you would be either if the people that came 100 years ago hadn't decided they were going to concentrate the money, be a little bit unequal, maybe a lot unequal with the privileges that they gave and the way that they arranged the economy. We'd have a lot more money and we also have University of California and we have Stanford Hospital and we have a lot of great things, but this is the problem when it comes to housing. If you're going to get the capital by making the price of the land go up so that you can get all these good things and the schools and the great things that you're doing and all the people in charge are arranging, that's fine. In the case of housing, as you hope to get the money from having the value of the property go up and have it sell and sell, the things that you want to get keep getting out of your reach. It's the land. You've got to hang onto any land that you have so that you can build these Measure A houses on it any which way you can. When Palo Alto Housing Corporation sold that Maybell

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orchard, I just despaired. You've got to keep the land you've got, so that you can put this housing that you need on it. Do please think about that. Even the pet store, the Animal Shelter, you could have apartments on top of the animal shelter. The people that have dogs and cats and kangaroos would love to live in. Don't pass up these opportunities. Thank you.

Mayor Burt: That's the first kangaroo comment we've had. Council Member Holman.

Council Member Holman: Just a quick question. I had thought that we were going to have opportunity to vote on support or lack of support on a number of the measures. All that's in front of us is Measure A.

Mayor Burt: You can bring that up under Council Member Comments.

Council Member Holman: I have.

Mayor Burt: We have an agenda item right now before us of this. It's still not what's on this agenda item. I will just say I enthusiastically support it, and I better because I'm one of the ballot signers. Please vote on the board. That passes 8-0 with Council Member DuBois absent.

MOTION PASSED: 8-0 DuBois absent

Council Member Questions, Comments and Announcements

Mayor Burt: Council Member Questions and Comments. Council Member Holman.

Council Member Holman: I was hoping and ask that the other measures on the ballot that seem reasonable for us to weigh in on be brought to the Council for action.

Mayor Burt: When you say measures, which ones are you referring to?

Council Member Holman: I don't have a list in front of me.

Mayor Burt: The only other County one is Measure B.

Council Member Kniss: Could I make a suggestion?

Council Member Holman: There are State ones too, like the death penalty.

Mayor Burt: I see. Now we're getting more clear.

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Council Member Kniss: We have a person in Sacramento that, I think, could send us this if we want to debate it some night. It's long and it'll take some time though. We may just want to bring up Measure B.

Mayor Burt: Measure B, I think that the advocates of Measure B had requested individual support from Council Members rather than Councils. That was their position on what they were seeking. Mr. Shikada, on the State ballot measures, is this something that the League has or others have taken positions on? Do we want to try to schedule something in the next week or two that would allow us to? I should say we don't always weigh in on State measures.

Vice Mayor Scharff: It's going to take too long. I would not be in favor.

Council Member Holman: I would certainly hope that we could bring the death penalty to Council for a vote, as we did four years ago. We did, four years ago.

Mayor Burt: Is there a sense of the Council whether they want to try to agendaize that?

Vice Mayor Scharff: I'm fine with just doing the death penalty. I just don't want to do all of them.

Council Member Holman: I just don't have a list in front of me. I wasn't anticipating doing them all. Certainly the death penalty I'd like to see come forward. I think Council Member Kniss does too.

Vice Mayor Scharff: If there's the death penalty one, the only other one is the bond one, which is actually pretty pernicious. It's like 52 or 53 where you'd have to get statewide support for any time you want to do a bond. It's 52.

Mayor Burt: We'll take that under advisement with Staff as to whether we should also look at that measure to bring forward to the Council.

Ed Shikada, Assistant City Manager: I would note. I believe you have two meetings left before the election, the 24th of October and the 7th of November. There's essentially no time left for that Council discussion.

Council Member Holman: Obviously sooner is better.

Mayor Burt: I see we have other lights. Council Member Holman, did you have something else or does that cover it?

Council Member Holman: That's it.

TRANSCRIPT

Mayor Burt: Council Member Kniss?

Council Member Kniss: Nope.

Mayor Burt: Council Member Berman?

Council Member Berman: Just quickly. I don't know if other folks want to do it. A bunch of us attended the Athena Awards last Tuesday, where Palo Alto's very own Karen—I'm aware I'm going to mispronounce your last name—Kienzle, the Director of the Palo Alto Art Center was awarded the Athena Award, very deserving. I just wanted to give her a shout-out.

Mayor Burt: Vice Mayor Scharff, did you have anything else?

Vice Mayor Scharff: I did. I just wanted to report that I've been asked to Chair the BCDC, the Bay Conservation Development Commission's Enforcement Committee.

Council Member Kniss: Which committee?

Vice Mayor Scharff: Enforcement Committee.

Mayor Burt: Interesting. Council Member Holman, you have something else now?

Council Member Holman: Yeah. If we're going to be self-congratulatory, I will bring up that last Friday morning I was given an honor by Project We Hope, a civic award, along with Former Mayor Lisa Gauthier of East Palo Alto.

Mayor Burt: Great. Thank you. Congratulations.

Adjournment: The meeting was adjourned at 11:40 P.M.

Mayor Burt: That concludes our meeting.