

# CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting May 4, 2015

The City Council of the City of Palo Alto met on this date in the Community Meeting Room at 5:39 P.M.

Present: Berman arrived at 6:11 P.M., Burt, DuBois, Filseth, Holman,

Kniss, Scharff arrived at 6:11 P.M., Schmid, Wolbach

Absent:

### Special Orders of the Day

1. Interview of Two Candidates for the Human Relations Commission.

The City Council reconvened in the Council Chambers at 6:11 P.M.

2. <u>Resolution 9506</u> and <u>Resolution 9507</u> entitled "Resolution of the Council of the City of Palo Alto Expressing Appreciation to John Melton and Asher Waldfogel Upon Completion of Their Terms as Utilities Advisory Commissioners."

**MOTION:** Council Member Burt moved, seconded by Council Member Kniss to adopt the Resolutions of Appreciation for John Melton and Asher Waldfogel.

### **MOTION PASSED: 9-0**

- 3. Community Partnership Presentation Palo Alto Mediation Program.
- 4. Appointment of Candidates to the Public Art Commission and Utilities Advisory Commission.

<u>First Round</u> of voting for three positions on the Public Art Commission with terms ending April 30, 2018:

Council Member Filseth abstained from voting.

Voting For Eric Beckstrom:

Voting For Loren Gordon: Berman, Burt, DuBois, Holman, Scharff,

Schmid, Wolbach

Voting For Ben Miyaji: Berman, Burt, DuBois, Holman, Kniss,

Scharff, Schmid, Wolbach

Voting For Caroline Mustard: Kniss

Voting For Mila Zelkha: Berman, Burt, DuBois, Holman, Kniss,

Scharff, Schmid, Wolbach

Beth Minor, City Clerk announced that Loren Gordon with 7 votes, Ben Miyaji with 8 votes and Mila Zelkha with 8 votes were each appointed to the Public Art Commission for three years, with terms ending April 30, 2018.

<u>First Round</u> of voting for two positions on the Utilities Advisory Commission with terms ending April 30, 2018:

Council Member Filseth abstained from voting.

Voting For Michael Danaher: Berman, Burt, DuBois, Holman, Kniss,

Scharff, Schmid, Wolbach

Voting For Timothy Gray:

Voting For Natalia Kachenko:

Voting For Judith Schwartz: DuBois, Schmid

Voting For Lisa Van Dusen: Berman, Burt, Holman, Kniss, Scharff,

Wolbach

Ms. Minor announced that Michael Danaher with 8 votes and Lisa Van Dusen with 6 votes were each appointed to the Utilities Advisory Commission for three years, with terms ending April 30, 2018.

<u>First Round</u> of voting for one position on the Utilities Advisory Commission for one unexpired term ending April 30, 2016:

Council Member Filseth abstained from voting.

Voting For Timothy Gray:

Voting For Natalia Kachenko:

Voting For Judith Schwartz: Berman, Burt, DuBois, Holman, Kniss,

Scharff, Schmid, Wolbach

Ms. Minor announced that Judith Schwartz with 8 votes was appointed to the Utilities Advisory Commission for one unexpired term ending April 30, 2016.

Agenda Changes, Additions and Deletions

None.

Minutes Approval

5. March 16, 2015

**MOTION:** Council Member Kniss moved, seconded by Vice Mayor Schmid to approve the minutes of March 16, 2015.

**MOTION PASSED**: 9-0

Consent Calendar

**MOTION:** Council Member Wolbach moved, seconded by Council Member Kniss to approve Agenda Item Numbers 6-9.

6. Approval of the Award of Contract Number C15157200 for \$191,760 to Walker Parking for Design of Parking Access and Revenue Controls (PARCs) and Parking Guidance Systems (PGS), and Approval of a Budget Amendment Ordinance to Transfer \$171,760 From the University Avenue Parking Permit Fund to Capital Improvement Project (CIP) PL-15002, Garage Technologies Project.

- 7. Approval of Purchase Order with Golden Gate Systems, LLC for FY15 City-Wide Computer Refresh in the Amount of \$622,837.
- 8. Approval of a One-year Contract with Bovo-Tighe LLC for Organization and Performance Management Consulting at a Cost Not to Exceed Amount of \$125,000.
- 9. Confirmation of Appointment of Beth Minor as City Clerk and Approval of Employment Agreement.

**MOTION PASSED: 9-0** 

### Action Items

10. Finance Committee Recommends Adoption of the 2015-2020 Consolidated Plan, 2015/2016 Action Plan and Associated 2015/2016 Funding Allocations and Adoption of a <u>Resolution 9508</u> entitled "Resolution of the Council of the City of Palo Alto Approving the Use of Community Development Block Grant Funds for Fiscal Year 2015/2016.

**MOTION:** Council Member Scharff moved, seconded by Council Member Kniss to:

- A. Adopt the funding Resolution allocating CDBG funding as recommended in the draft 2016 Action Plan; and
- B. Authorize the City Manager to execute the 2016 CDBG application and 2016 Action Plan for CDBG funds, any other necessary documents concerning the application, and to otherwise bind the City with respect to the applications and commitment of funds; and
- C. Authorize staff to submit the 2016 Action Plan to HUD by the May 15, 2015 deadline; and
- D. Authorize staff to submit the 2015-2020 Consolidated Plan to HUD by the May 15, 2015 deadline.

**MOTION PASSED**: 9-0

11. PUBLIC HEARING: To Consider an Appeal of the Director of Planning and Community Environment's Architectural Review Approval of a 31,407 Square-Foot, Four Story, Mixed Use Building with Parking Facilities on Two Subterranean Levels on an 11,000 Square-Foot Site in the Downtown Commercial (CD-C (GF)(P)) Zone District located at 429 University Avenue; and Approval of a Mitigated Negative Declaration. Environmental Assessment: A Mitigated Negative Declaration has been Prepared.

Public Hearing opened at: 7:12 P.M.

Public Hearing closed at 8:50 P.M.

**MOTION:** Council Member Scharff moved, seconded by Council Member Berman to continue Agenda Item 12- Policy and Services Committee Recommendation Regarding Changes to City Council and Standing Committee Minutes to Wednesday, May 6, 2015.

**MOTION PASSED:** 8-0 Kniss not participating

**MOTION:** Council Member Burt moved, seconded by Council Member DuBois to continue the appeal and request additional studies and redesign that would address the following:

- A. Greater respect for the context-based design criteria, Municipal Code Section 18.18.110, contextual and compatibility criteria. Have the project have a great context, meaning relationships between the site's development to adjacent street types; and
- B. Under (a)(2), compatibility. The project return in a way that the construction shares general characteristics and establishes design linkages with the overall pattern of buildings, so that the visual unity of the streets is maintained; and
- C. Compatibility: specifically readdressing the siting, scale and massing and to study shadow patterns; and
- D. Under (b)(2), street building façades. The building to return with greater reinforcement of the relationship of the street with the building mass. The upper floors need to have setback to fit in with the context of the neighborhood. Specifically, the look and feel from the street

should not be of building with more than one floor greater than adjacent buildings with an additional floor requiring articulation or setbacks; and

- E. Massing and setbacks. The design shall have articulation and setbacks that minimize massing; and
- F. Project shall be reviewed by the Historic Resources Board including as it relates to buildings along Kipling Street.

**SUBSTITUTE MOTION:** Council Member Scharff moved, seconded by Council Member Kniss to return to the Council with a circulation analysis and to the Historic Resources Board for the Historic Resources Board to look at historical issues.

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct the Historic Resources Board to readdress siting, scale and massing within the Kipling District.

**SUBSTITUTE MOTION AS AMENDED FAILED:** 4-5 Berman, Kniss, Scharff, Wolbach yes

# INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER:

- 1. To direct the Applicant to bring the project back to the Historic Resources Board to analyze the following issues:
- A. The Preservation Architecture report focuses on whether there are criteria for a historic district. There is no need for existence of a district for there to be historic considerations. The HRB should determine whether there are other factors that should be considered; and
- B. What is the applicable "area of potential effect" under (California Environmental Quality Act) CEQA analysis?; and
- C. There are a number of historic structures near (e.g. on Kipling Street), one next to the proposed project and several across the street. How will the project impact these structures?; and

- D. Whether the mass, scale, and compatibility of the proposed project has an impact on the existing historic properties should be analyzed; and
- E. Whether the changed setting (CEQA) has an impact on the historic properties should be addressed.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "and request additional studies and redesign that would address the following" with "to the Architectural Review Board and the Historic Resources Board to address the following issues."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** that the applicant redesign the project and that the project be re-submitted to the Architectural Review Board to address the following Council concerns regarding the required findings, the project does not satisfy the following Findings:

- A. The design is not compatible with the immediate environment of the site; and
- B. In areas considered by the Board as having a unified design character or historical character, the design is compatible with such character; and
- C. The design is compatible with approved improvements both on and off the site.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, under Architectural Review Board, after Part C, add Part D "rooflines along University Avenue and on Kipling Street."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, under Architectural Review Board, Part D, "rooflines along University Avenue and on Kipling Street" with "the consistency of roof lines, entries, setbacks, mass, and scale with context based design criteria."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion, "the project does not satisfy the following findings."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion, "that the applicant redesign the project and the project be submitted to the Architectural Review Board."

Council took a break from 11:09 P.M. to 11:13 P.M.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion under Historic Resources Board, Part E, "whether the changed setting (CEQA) has an impact on the historic properties should be addressed" with "that the proposed building would change the setting under CEQA in relation to the historic properties on Kipling Street or University Avenue."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, under Architectural Review Board, Part E, "with the option of three story building as compared to a four-story building."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, under Architectural Review Board, Part E, "with the option of a three-story building as compared to a four-story building with an additional floor" with "with the option of a third or fourth floor provided they are visually compatible from the street level."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove in the Motion, under Architectural Review Board, Part A, "massing and setbacks" and restate in the Motion under Architectural Review Board, Part A, "the design shall be compatible with the immediate environment of the site— the building will be designed with articulation and set backs that minimize massing."

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion under Architectural Review Board, "to study shadow patterns."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion under Architectural Review Board, "study circulation analysis including on Lane 30."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to replace in the Motion, "and to the Architectural Review Board to address the following issues" with "and request the Applicant design the project and return to the Architectural Review Board and the Historic Resources Board to address the following issues."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove from the Motion under Architectural Review Board, "that the Applicant redesign the project."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER replace in the Motion under Architectural Review Board, Part A, "is not" with "the design shall be compatible."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to remove Section H from the Motion.

MOTION RESTATED FOR THE PURPOSE OF VOTING: Council Member Burt moved, seconded by Council Member DuBois to continue the appeal and request the applicant redesign the project and return to the Architectural Review Board and the Historic Resources Board to address the following issues:

#### **Historic Resources Board**

- A. The Preservation Architecture report focuses on whether there are criteria for a historic district. There is no need for existence of a district for there to be historic considerations. The HRB should determine whether there are other factors that should be considered.
- B. What is the applicable "area of potential effect" under CEQA analysis?
- C. There are a number of historic structures near (e.g. on Kipling), one next to the proposed project and several across the street. How will the project impact these structures?
- D. Whether the mass, scale, and compatibility of the proposed project has an impact on the existing historic properties should be analyzed.

E. Whether the proposed building would change the setting of the historic properties on Kipling Street or University Avenue and have an impact under CEQA.

### **Architectural Review Board**

- A. The design shall be compatible with the immediate environment of the site— the building will be designed with articulation and set backs that minimize massing.
- B. In areas considered by the board as having a unified design character or historical character, the design is compatible with such character
- C. The design is compatible with approved improvements both on and off the site
- D. The consistency of roof lines, entries, setbacks, mass and scale with context based criteria.
- E. Street building facades building to return with greater reinforcement of the relationship of the street with building mass. The upper floors need to have set backs to fit in with the context of the neighborhood. Specifically, the look and feel from the street should be of a look and feel compatible with adjacent buildings, with the option of a third or fourth floor provided they are visually compatible from the streets, requiring articulation or set-backs
- F. To study shadow patterns
- G. Study circulation analysis including on Lane 30.
- H. Direction that the project shall share design linkages with the overall pattern of buildings so that the visual unity of the streets are maintained.

MOTION AS AMENDED PASSED: 5-4 Berman, Kniss, Scharff, Wolbach no

12. Policy and Services Committee Recommendation Regarding Changes to City Council and Standing Committee Minutes.

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Council Member Filseth reported his attendance at the Downtown Business Improvement District Advisory Board meeting last week. He reported that the Advisory Board sent a letter to the City in April noting increased panhandling and people living in public parking garages. They inquired when they will receive a response from the City.

Council Member Burt reported his attendance at the San Francisquito Creek Joint Powers Authority (Board) meeting. The Board received a permit from the Regional Water Quality Control Board which contained additional measures, including removal of two gas lines at the Board's significant expense.

Adjournment: The meeting was adjourned at 12:19 A.M.