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April 3, 2007

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The City Council of the City of Palo Alto met on this date in the Council Conference Room at 5:35 p.m.

Present: Barton, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Morton

Absent: Beecham, Mossar

SPECIAL MEETING

1. Interviews of Candidates for Three Three-Year Terms to the Library Advisory Commission (LAC)

ORAL COMMUNICATIONS

None.

ADJOURNMENT: The meeting adjourned at 6:00 p.m.

Special Meeting
Council Conference Room
April 3, 2007

The City Council of the City of Palo Alto met on this date in the Council Conference Room at 6:10 p.m.

Present: Barton, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg,
Morton

Absent: Beecham, Mossar

STUDY SESSION

1. Joint Study Session with the Architectural Review Board to Discuss Items Related to Architectural Review

ORAL COMMUNICATIONS

None.

ADJOURNMENT: The meeting adjourned at 7:03 p.m.

Special Meeting
April 3, 2007

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:05 p.m.

Present: Barton, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg,
Morton, Mossar

Absent: Beecham

SPECIAL ORDERS OF THE DAY:

2. Vote and Appointment of Applicants to the Human Relations Commission

MOTION: Council Member Cordell moved, seconded by Barton, to continue the recruitment for the Human Relations Commission.

MOTION PASSED 7-1, Drekmeier no, Beecham absent.

Council Member Barton suggested expanding the recruitment process to encourage more people to apply for Commissioner's positions.

Mayor Kishimoto asked whether Commission members were provided an annual training orientation program.

City Clerk Donna Rogers said position vacancies were published in the Palo Alto Weekly and no orientation program was provided due to lack of participation.

Council Member Morton said there was a lengthy gap between the first and second interviews for candidates and suggested allowing a second presentation to those wanting to come back.

Council Member Cordell said it should be the Council's decision as to whether a second interview should take place and not the applicant's.

Ms. Rogers said based on Council Member Cordell's comment she asked what action should be taken on the previous Human Relations Commission (HRC) applicants.

Mayor Kishimoto said there was not sufficient support from the Council to ask previous applicants to return for interviews.

1. Vote and Appointment of Applicants to the Parks and Recreation Commission

FIRST ROUND OF VOTING FOR PARKS AND RECREATION COMMISSION

VOTING FOR Cottle	Klein, Morton
VOTING FOR Davidson	Barton, Cordell, Drekmeier, Kishimoto, Kleinberg, Morton, Mossar
VOTING FOR Goldman	Morton
VOTING FOR King	Barton, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Mossar
VOTING FOR Larson	Drekmeier
VOTING FOR Lee	Kishimoto, Klein
VOTING FOR Losch	Barton, Cordell, Drekmeier, Kishimoto, Klein, Kleinberg, Morton, Mossar
VOTING FOR Walsh	Barton, Cordell, Kleinberg, Mossar

City Clerk Donna Rogers announced on the 1st ballot, Joel Davidson, Carl King, with seven votes, and Paul Losch with eight votes was appointed to the Parks and Recreation Commission for a three-year term ending December 31, 2009.

SECOND ROUND OF VOTING FOR PARKS AND RECREATION COMMISSION

VOTING FOR Cottle	Morton
VOTING FOR Lee	Drekmeier, Klein
VOTING FOR Walsh	Barton, Cordell, Kishimoto, Kleinberg, Mossar

City Clerk Donna Rogers announced on the 2nd ballot Daria Walsh with five votes was appointed to the Parks and Recreation Commission for a three-year term ending December 31, 2009.

ORAL COMMUNICATIONS

Jean Wilcox, 4005 Sutherland, spoke regarding Mitchell Park and the many dying trees, which are distorting the growth of the new trees.

Frank Altick, 824 Bryant, spoke regarding the 260 Homer Project, which is excavating underneath his property without a permit.

Council Member Kleinberg asked Mr. Altick what information did the City give him regarding his property.

Mr. Altick said the City implied there was not a formal permitting process for the shoring and excavation work of the project.

Mayor Kishimoto requested the City Manager's Office to follow up on Mr. Altick's property situation.

Herb Borock, P.O. Box 632, spoke regarding the Architectural Review Board (ARB) and permit streamlining.

Bob Moss, 4010 Orme Street, spoke regarding large numbers of rental housing in Palo Alto.

APPROVAL OF MINUTES

MOTION: Council Member Morton moved, seconded by Mossar, to approve the minutes of February 12, 2007, February 20, 2007 and February 26, 2007, as submitted.

MOTION PASSED 8-0, Beecham absent.

CONSENT CALENDAR

MOTION: Council Member Barton moved, seconded by Morton, to approve Consent Calendar Item Nos. 3 through 5.

3. Ordinance 4938 entitled "Ordinance of the Council of the City of Palo Alto Amending Section 2.23.050 of Chapter 2.23 of Title 2 of the Palo

Alto Municipal Code to Add the Subject of Recycled Water to the Purposes and Duties of the Utilities Advisory Commission"

4. Ordinance 4939 entitled "Ordinance of the Council of the City of Palo Alto Amending Section 18.10.070(a) of the Palo Alto Municipal Code Prohibiting Second Dwelling Units, Including Airspace Rights Thereto, Under Different Ownership from the Initial Dwelling Unit, in the RMD and R-2 Zoning Districts
5. Approval of Amendment Number 1 to Add \$14,484 to the Contract with Osmose Utilities Services, Inc. for Additional Inspection, Testing, Maintenance and Reinforcing of Wood Power Poles, for a Total Contract Amount of \$92,871

MOTION PASSED 8-0, Beecham absent.

Ms. Rogers read into the record approved Ordinances 4938 and 4939.

PUBLIC HEARINGS

6. Public Hearing: Approval of a Negative Declaration, pursuant to CEQA for Each of the Sites (*By Council Motion, item continued from 03/12/07*)

Director of Planning and Community Environment Steve Emslie said the Council directed staff to rezone the four sites in August 2006. Staff was asked to investigate sites that were zoned commercial with underlying residential zoning not listed in the City's Housing Element Inventory. Four sites were found: 4329 El Camino Real (Palo Alto Bowl), 3981 El Camino Real May Flower Motel), 725 San Antonio Avenue (Summerwinds Nursery) and 4151 Middlefield Road (Office Building). The sites were taken through the required Planning & Transportation Commission (P&TC) process for recommendations.

Planning Manager Julie Caporgno said the item consisted of land use changes and rezoning of four sites which include the Palo Alto Bowl, the Mayflower Motel, the Summerwinds Nursery, and an office building adjacent to the Summerwinds Nursery fronting Middlefield Road. On October 26, 2006, a community meeting was held with area residents and property owners to discuss future uses of the sites under service commercial (CS) or neighborhood commercial (CN) zoning. Staff prepared a Negative Declaration for each site since there were no significant impacts from the proposed use change. A traffic analysis was completed to evaluate the potential traffic impact from each site and the conclusion was the change in use from the exciting development would not result in significant additional trips. The PT&C held two meetings, December 6, 2006 and on January 10, 2007 to discuss rezoning. Each site was analyzed and evaluated for

rezoning and land use changes which included configuration access, size and quarter frontage, viewed individual patterns and surrounding land uses and developed prototypes for each site to evaluate massing scale. The results were three options for each site: service commercial (CS), neighborhood commercial (CN), or retail only use. CS or CN zoning allowed neighborhood flexibility but insured commercial or mix use and prohibited stand-alone housing. Large mix use developments were required to go through a Site and Design process to insure the Council's discretionary review. CS or CN zoning enabled the sites to remain consistent with the Comprehensive Plan commercial designation which allowed mix use and the City's future Housing Element for mix use. Zoning details were outlined in CMR:167:07.

P&TC Commissioner Karen Holman said P&TC decided to retain the 4151 Middlefield Road site as housing because it was redeveloped property. 725 San Antonio Avenue was changed to CN to not run the risk of incentivizing redevelopment and to not lose the entire Summerwinds Nursery site since it was entirely retail.

Public Hearing was opened at 7:40 p.m.

Elisa Noonan, 725 San Antonio Avenue, urged the Council to retain the property as an RN-15, multiple family residential zone to preserve the potential for future housing.

Ellen Fletcher, 777 San Antonio #108, said it was inappropriate to zone 4151 Middlefield Road as CS because it was in the midst of R-1 Housing and preferred keeping 725 San Antonio Avenue as multi-family and have a few retails such as a café and/or a store for the residents to use.

Donna Simonides, 474 Monroe Drive, said rezoning 4329 El Camino Real would have an impact on the children's safe route to school and would create noise, pollution, and traffic in the neighborhood. She asked the Council to consider a commitment to smart planning, to allow a buffer between residential and commercial zones, and traffic calming.

Mary Pat O'Connell, 449 Monroe Drive, said at the P&TC meeting of January 10, 2007, thirty neighborhood members were present to advocate for CN rather than CS zoning for 4329 ECR with the exception of the RM-15 at the rear of the lot. The P&TC recommended CS zoning with the exception of RM-15 at the rear of the lot. The citizens had a stake in the financial future of the community and were willing to support the P&TC recommendation with the preservation of the RM-15 buffer between CS and adjacent R-1 lots. The neighborhood opposed big retail in the area because of trips, noise, and the pollution it would create. The hotel and senior living facility envisioned by the developer would be good revenue for the City.

Council Member Morton asked Ms. O'Connell to clarify her support.

Ms. O'Connell said initially the support was for a CN zoning but after hearing the P&TC's reasons for a CS zone with the exception of RM-15 for the rear of the lot, she along with her neighborhood were willing to go forward and support the P&TC's recommendations.

Harry Chang, 4354 Silva Court, said with the new commercial development, the Monroe Park Neighborhood Association (MPNA) would like the City to commit to a safer route for children getting to school.

Peter Pollock, 360 Monroe Drive, spoke regarding of the two dangerous Miller-Monroe intersection where traffic cut through to avoid the El Camino/San Antonio light and meet foot traffic to the park and bike traffic from the Adobe Creek foot bridge. Monroe Park wants the Council to commit to achieving traffic calming within the neighborhood for safety reasons.

Peter Maresca, 450 Monroe Drive, said the MPNA was looking for a safe, walkable and bikeable city, traffic mitigation, buffering between commercial and existing R-1 zones and cooperative work between neighborhoods, the City and the developer.

Libby Glass, 777 North 1st Street, San Jose, Project Manager for Barry Swenson Builder said her company was commitment to work with the MPNA to mitigate their concerns regarding the zone changes and to make sure that the project was appropriate for the neighborhood, the City, and her agency.

Joan Larrabee, 777 San Antonio #16, urged the City to retain the RM-15 zoning for the Summerwinds property and the adjacent office building

Public Hearing closed at 8:04 p.m.

Council Member Mossar asked whether the changes impact City compliance with the Housing Element.

Mr. Emslie said the sites were not in the Housing Element Inventory and did not put the City out of compliance.

Council Member Mossar said if the site was not developed along with the Motel 6 site what would need to happen to assure access to the RM-15 parcel.

Assistant Director Planning and Community Environment Curtis Williams said it was not a separate legal parcel and the developer would need to request a lot split.

Council Member Mossar said there was extensive discussion as to why not rezone 751 San Antonio the same as 4151 Middlefield. The last P&TC

explanation was that it would incentivize redevelopment of 4151 Middlefield and she asked for clarification.

Ms. Holman said if both parcels were rezoned the same it would incentivize redevelopment of both parcels in common ownership and would eliminate the Summerwind's use which was total retail use only.

Council Member Mossar said she thought CN allowed housing.

Ms. Holman said CN allowed housing but did not require as much retail as what the site had at the current time.

Mr. Emslie said the P&TC's view was if the sites were combined and had different site controls for the office site and nursery site, the existing improvements would be valued over the total acreage and there would be more value in the office building than the nursery. The overall return on developing both sites together could exceed the current economic value of the office and the low intensity nursery use.

MOTION: Council Member Mossar moved, seconded by Barton, to adopt the following:

1. Negative Declaration for 4329 El Camino Real, redesignate and rezone the site to Service Commercial on 1.67 acres, retaining the Multiple Family Residential/RM-15 land use designation and zoning on 0.5 acres and initiate traffic calming studies for the Monroe Street/El Camino Real intersection.
2. Negative Declaration for 3981 El Camino Real and redesignate and rezone the site to Service Commercial/CS.
3. Retain designation and zoning of Multiple Family Residential/RM-15 for 4151 Middlefield Road.
4. Negative Declaration for 725 San Antonio Avenue and redesignate and rezone the site to Neighborhood Commercial/CN.

Resolution 8698 entitled "Resolution of the Council of the City of Palo Alto Adopting an Amendment to the Comprehensive Plan Land Use Map by Changing the Land Use Designation for 4329 El Camino Real from Multiple Family to Service Commercial"

1st Reading - Adoption of an **Ordinance Amending the Zoning Map to Change the Zone Designation for 4329 El Camino Real from RM-30 Zone Designation to the Service Commercial Zone Designation**

Resolution 8699 entitled "Resolution of the Council of the City of Palo Alto Adopting an Amendment to the Comprehensive Plan Land Use Map by Changing the Land Use Designation for 3981 El Camino Real from Multiple Family to Service Commercial"

1st Reading - Adoption of an Ordinance Amending the Zoning Map to Change the Zone Designation for 3981 El Camino Real from RM-30 and RM-40 Zone Designation to the Service Commercial Zone Designation

Resolution 8700 entitled "Resolution of the Council of the City of Palo Alto to retain designation and zoning of Multiple Family Residential/RM-15 for 4151 Middlefield Road."

Resolution 8701 entitled "Resolution of the Council of the City of Palo Alto Adopting an Amendment to the Comprehensive Plan Land Use Map by Changing the Land Use Designation for 725 San Antonio Avenue from Multiple Family to Neighborhood Commercial"

1st Reading - Adoption of an Ordinance Amending the Zoning Map to Change the Zone Designation for 725 San Antonio Avenue from RM-15 Zone Designation to the Neighborhood Commercial (CN) Zone Designation

Council Member Drekmeier asked how many housing units were allowed on the nursery site if it were rezoned CN.

Mr. Emslie said 27 units were allowed whether it was RM-15 or CN because CN allowed RM-15 underlying residential density.

Council Member Morton said if the RM-15, which backed on to the Palo Alto Bowl site, was developed along with the Motel 6 site the access would be from Monroe Drive. He asked whether the City could request the developer to add an RN-15 build out provision to the rear of the Motel 6 site creating a continual piece of low density, non-commercial building to abut onto the single-family homes.

Mr. Williams stated the request could be made during the Site and Design Review.

Council Member Morton asked whether the City could voluntarily initiate a traffic study at this time to ensure future traffic mitigation be included in the project.

Mr. Emslie said we would need to wait for the project to begin.

Council Member Morton advised the developer there would be traffic concerns and mitigations and blending of development between the single family areas and the commercial areas.

Council Member Kleinberg supported the motion and said safety should be top priority for the developments and throughout the City.

Vice Mayor Klein said with the CS and CN zoning there would be a site and design review on any housing that comes forth. Commercial use would be retained with better housing rather than stand-alone housing which would not be subjected to that type of review. He supported the motion.

Mayor Kishimoto asked for clarification on the school route.

Mr. Emslie said it was along the frontage and throughout the neighborhood on Monroe Drive.

Mayor Kishimoto asked whether the sidewalks along ECR were up to standards.

Mr. Emslie said future development would require the appropriate width of the sidewalks and would be considered in the traffic calming analysis.

Mayor Kishimoto asked whether the South El Camino guidelines for sidewalks were still in place.

Mr. Williams said yes but new commercial zoning districts required 8 to 12 foot sidewalks and El Camino Real required 12 feet.

Mayor Kishimoto asked whether the landscape would continue on the new zoning.

Mr. Emslie said yes.

Mayor Kishimoto asked if there was a Conditional Use Permit (CUP) on evening noise.

Mr. Williams said if noise went beyond 10 P.M. it would require a CUP which included performance criteria to address noise. The site and design review would ensure minimization of noise.

MOTION PASSED 8-0, Beecham absent.

COUNCIL COMMENTS, ANNOUNCEMENTS, AND REPORTS FROM CONFERENCES

Council Member Morton reported the Park and Recreation Commissioners encouraged Council Members to walk, walk, walk.

Council Member Barton attended the California League of Cities Policy Committee meeting in Ontario last week regarding a policy on climate change. The policy was approved on a vote of two to one.

Council Member Cordell referred to a letter received from 180 Connect and noted her concern that the company is facing a racial discrimination claim and has not hired a neutral investigator.

Council Member Mossar commented elected representatives are very concerned about growth in the Bay Area and have developed priority growth areas, which will be the recipients of the bond money recently approved by the voters. She noted her concern that Palo Alto would not receive any funds for backfilling the infrastructure deficit and over the inconsistency between thoughts and actions regarding public policy and land use decisions.

Council Member Kleinberg reported the Santa Clara County Cities Selection Committee voted to appoint two members to the County Airport Commission, but the vote was invalidated due to faulty instructions from the County Counsel and another vote would be taken. One member must be appointed from a city that contains or is contiguous to an airport, which means that Jack Morton would have an advantage to be appointed to this Commission.

Mayor Kishimoto reported an extremely important vote would be taken at the April 9, 2007, Council Meeting, on the potential bond financing measures. She urged Council Members to send in questions to staff as soon as possible. She also reported on her trip to Washington, D.C. and visits with Senators Feinstein and Boxer and Assemblywoman Eshoo. She noted the following events: 1) Study session April 5 on the Stanford Transportation Demand Management (TDM) Plan; 2) April 11 at 2 p.m. in Council Chambers there would be a visit from Lt. Gov. John Garamendi; 3) April 25 at 4 p.m. Council Member Barton is preparing a study session; and 4) April 14 at 1 p.m. at Mitchell Park there would be a big step-it-up Earth Week event to put climate change on the National agenda.

CLOSED SESSION

Council adjourned to closed session at 8:40 p.m.

7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Authority: Government Code Section 54956.8

Property: Los Altos Treatment Plant located at 1237 and 1275 N. San Antonio Avenue, City of Los Altos, County of Santa Clara, CA 94303-4312;

Parcel Number 116-01-013

Potential Negotiating Party: City of Los Altos, Robert Cole and Ron D. Packard

City Negotiator: Frank Benest, City Manager; Gary M. Baum, City Attorney; and Carl Yeats, Director of Administrative Services

Subject of Potential Negotiations: Price and Terms of Payment

Mayor Kishimoto stated no reportable action was taken.

FINAL ADJOURNMENT: The meeting adjourned at 10:05 p.m.