



CITY OF PALO ALTO CITY COUNCIL TRANSCRIPT

Regular Meeting
August 15, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:06 P.M.

Present: Berman, Burt, DuBois, Filseth, Holman, Kniss, Scharff, Schmid, Wolbach

Absent:

Agenda Changes, Additions and Deletions

Mayor Burt: Our first item is Agenda Changes, Additions and Deletions. We have none that I'm aware of. We'll go on to our next item, which is the City Manager Comments. Welcome back, Mr. Keene.

City Manager Comments

James Keene, City Manager: Thank you. Council Members, a number of these things will be catching you up on things that some of you were dealing with during the recess. First of all, the Palo Alto Square issue. Many thanks to Council Members who were around over the break, who helped us with the threatened closure of the CineArts Theatre at Palo Alto Square. Just to bring everybody up to speed, the theatre tenant and the building owner have signed an agreement through September 15th, which was a 30-day extension, to give them time necessary to work on negotiating tenant improvements and a longer lease to try to keep the theatre in that location. I think, as the Council is aware, the theatre space is identified in the original Development Plan for Palo Alto Square. An amendment to the Planned Community (PC) zoning for the site would be needed to replace the use. Obviously, that rezoning would be a matter that would have to come before the Council, so you have influence over the use of that site. The theatre is not identified as a public benefit in the Zoning Ordinance. Code enforcement at this time is not an option if the theatre were to close. Our Code Enforcement team has been involved, however, in sending the building owner a notice of violation regarding trees around the property. The notice requests that the building owner take immediate steps to address the health of the trees and also develop and submit a plan to improve the landscape overall. Actually a number of vaguely connected tree items. I did want to

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share that two Palo Alto Fire Department engines and a strike team have been sent to the Clayton Fire. That was at approximately 8:30 P.M. last night. Engine 65 and 66 along with engines from eight other departments in Santa Clara County deployed to the Clayton Fire in the Clearlake area of Lake County. As of this morning, the fire had burned about 3,000 acres and destroyed over 175 structures, many of them homes and in the downtown area of Lower Lake. Unfortunately the fire rapidly grew yesterday afternoon driven by strong winds. Our duty crews covered all Palo Alto and Stanford fire stations, and off-duty personnel and fire engines were called into service. There was no reduction of service to our community in our assistance in fighting that fire. On behalf of our Staff and our folks in Public Works, I'm proud to announce that the Palo Alto Urban Forestry Program has been recognized as an accredited program by the Society of Municipal Arborists, an honor and accomplishment that places our City's forestry program among the elite list of cities in the country that are accredited by the Society of Municipal Arborists. Currently, there are only eight other cities in the United States that share this distinction. The award is a peer review program that formally recognizes urban and community forestry programs for implementing excellent and comprehensive forestry management practices. Accreditation is structured to build on the Arbor Day Foundation's successful Tree City USA designation by incorporating additional professional standards deemed important by the Society for Municipal Arborists for managing municipal trees. It applies to programs internationally, not just in the United States. The accreditation sets a very high bar, offers the highest recognition for notable accomplishments. Meeting all of these really attests to the comprehensive and professional management of Palo Alto's community urban forest. Please congratulate me in congratulating Walter Passmore and his urban forestry team and, obviously, our compatriots and colleagues in Canopy and other groups around our City. As many of you know, on August 5th, we held a groundbreaking for Phase 1 of the long-awaited flood control project along San Francisquito Creek that is designed to provide a 100-year creek flood protection to thousands and thousands of homes and business in Palo Alto, East Palo Alto and Menlo Park. I know our Mayor and long-time representative on the Creek Joint Powers Authority (JPA), Pat Burt, was able to attend that. I was out of town on vacation. I don't know if other Council Members were at that. Obviously, this has been a long, long time coming and is an important milestone for the community. In the work in this Phase 1, which is basically this section downstream of 101, it's expected to take about two years. As part of the project, we expect trail closure signs will be posted in advance of some of the tree removal work that needs to take place along the creek starting this month. I will say we were a bit surprised to learn from the contractor, with the contract being managed by the Santa Clara Valley Water District, that there will be initially some intermittent trail

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closures along both sides of the creek for about two weeks. On the Palo Alto side of the creek, the San Francisquito Creek Trail between Geng Road and the Friendship Bridge at this time, we understand, will be closed for the duration of the two-year construction phase beginning on September 1st. On the East Palo Alto side of the creek, the levee is not a marked trail but is frequently used. Signs will be placed at entrances to that portion of the project when tree removal will occur. I'll keep you posted, and we'll do the best we can working with the District and the project to see how we can route some trail locations for those folks in our community and visitors who love to walk and hike down there. The last Twilight Concert series will be held this Saturday, August 20th, starting at 6:30 P.M. at Rinconada Park and will feature music, the unique genre-crossing vocal and guitar jazz duo of Tuck and Patti, who have been playing together for 36 years. It's free, live music, and there will be delicious fare from local food trucks. We hope folks will come out and celebrate and enjoy the last of these summer concert series. Just a minor point I'd point out to the Council. During break, we did replace that 75-year-old bulletin board that had been behind the Council with something a little more substantial. There will actually be a fabrication. The City Seal will be up there. I think as part of ultimately some of our in-planning upgrades to take our broadcasts to high definition for the Council meeting, that will look that much better for the folks who tune in for six, seven, eight hours every Monday evening. That's all I have to report.

Oral Communications

Mayor Burt: Thank you. At this time, we'll move on to Oral Communications. We have a number of speakers. We have about a dozen cards. We'll go ahead and continue with the normal of three minutes. Sometimes we reduce it. If people are able to accomplish their message in less time, all the better. Our first speaker is—it just says Nelson. I'm sorry; I don't have a first name. To be followed by Mary Sylvester. Welcome.

Nelson: Welcome back Honorable Mayor, Vice Mayor and Council Member and City official. Thank you for coming back. I hope you guys did have a great rest and ready to tackle some thorny subjects for the City. Before I start, I want to ask a couple of question. Just a quick raise of hand to see who is happy with the current traffic situation in Palo Alto. We can add some more. It's okay to remove 160 full-grown trees. In the last (inaudible), if you have a home, living in a single-family neighborhood, somebody wants to put up an industrial-strength, underground garage with the driveway directly to your front door with over hundreds of cars a day coming to your front door, in your living room. If you raised your hand, I would like to talk with you to understand why. If you didn't, maybe you would be interested in the topic. First of all, I live with my family at 1260

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Emerson, which is a single-family neighborhood for the last 20 years. We are directly across from Castilleja School. We have been supportive of the mission of Castilleja for the last 20 years. We try our best to coexist with their school while enduring the impact to the quality of life for us. However, there is a limit to the price we are willing to pay. The latest Conditional Use Permit (CUP) and Master Plan quest for expansion that they have showed with no regards to the neighborhood's well-being has pushed us way beyond the limit. First, I want to remind you of a couple of facts. One, Castilleja is a private school. It's located in a single-family neighborhood. Second, it's operating under a Conditional Use Permit for a maximum of 415 students, enrollment since year 2000 that was granted to them. However, since then, almost as soon as they got the permits, they start violating it. Over the last ten years, they have violated this 415 enrollment limit. Now, let's go into the rest of the thing. While Castilleja is working to bring their enrollment back down to 415, the neighbors are still complaining about the negative impact to our neighborhood's quality of life. All of a sudden, it got change. They decided to—instead of to be in compliance, they are asking for 30 percent more students to bring total enrollment to 540 plus proposing part of the Master Plan over five years construction projects that basically rebuild the entire campus. Is it done? Thank you.

Mayor Burt: Our next speaker is Mary Sylvester, to be followed by Jacqueline Taylor. Welcome.

Mary Sylvester: Thank you. Welcome back Council. I'm Mary Sylvester. I am a 39-year occupant of 135 Melville Avenue here in Palo Alto, which is located between Alma and Emerson Streets, one-half block from Castilleja School. The subject of my three minutes is what ever happened to obeying the law. I am here tonight to request that the City of Palo Alto enforce a year 2000 Conditional Use Permit on Castilleja School, allowing a total of 415 students to be enrolled per academic year. This represents a majority decision of neighbors surrounding the Castilleja complex. I will let you know when I moved to 135 Melville, historically the quality of life in that neighborhood was really quite high. Castilleja was then a boarding school. There was a feeling of good will between the school and the neighbors; let's let bygones be bygones. We all have shortcomings and strengths, and let's work together for some sense of neighborhood cohesiveness and quality. Since the school in 1995-96 purchased the 100 block of Melville Avenue, that quality of life has consistently gone down for neighbors in the area. The question for neighbors now becomes why has Castilleja School essentially been allowed to be out of compliance with the Conditional Use Permit it was granted since 2002. These are the words of Steve Turner, Advance Planning Manager, in an article in the *San Jose Mercury* in 2013. In 2014, Steve Turner again and then in 2015 Jim Keene, City Manager. Both Steve and

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Jim acknowledged to Castilleja School that they were making progress in reducing the neighborhood traffic. They thought that was a positive. I don't know if any neighbors were asked about this. I certainly wasn't. I know from a classic behavioral conditioning perspective, the City has only reinforced Castilleja's violation of the law. Can I have one minute?

Mayor Burt: Not a minute. You can wrap up your sentence.

Ms. Sylvester: Castilleja has paid a one-time only \$300,000 penalty. In fact, they've been given de facto permission to continue to increase their enrollment, meanwhile making between \$5 to \$10 million in revenue and continuing to burden the neighborhood with significant impairments. Thank you.

Mayor Burt: Thank you. Our next speaker is Jacqueline Taylor, to be followed by Kimberly Wong. Welcome.

Jacqueline Taylor: Thank you. Good evening, Council. Thank you very much for taking our comments. I'm part of the Castilleja protest group this evening. Castilleja filed a CUP application and Master Plan at the end of June. Amy French, at the end of July, sent a letter to the head of school outlining why the application was quite incomplete, including fees not paid. I'm speaking today about the environmental impact of the proposed construction and the increased enrollment at the school. Amy French pointed out in her report that Phase 1 of the Master Plan includes the underground garage, which as Nelson pointed out will be exiting cars directly across from his house on Emerson. To build that garage, the school needs to remove a number of trees which the City Arborist, about whose program we just heard accolades, claims that these trees need to be protected. Without removal of the trees, there can be no underground garage in the way that Castilleja wants. Castilleja also wants to demolish at least two houses that they own on Emerson in order to build a significantly industrialized campus in comparison to what there is today. Amy French also pointed out that Castilleja should think about alternatives to the proposed construction and enrollment expansion including a much smaller project, something along the lines of remodeling and offsite growth alternatives. The neighbors have met with Castilleja numerous times to argue the case that if they want to grow the school with primarily not Palo Alto students, students from—something like 73 percent come from outside Palo Alto—they should find a new campus. We would also like to see a study of the environmental impact proposed, have this paid for by Castilleja for construction over at least a five-year period, just what that amount of trucks, noise, traffic, pollution would do to the quality of life in this single-family neighborhood. Again, we're all for keeping the enrollment at 415. I

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would respectfully ask the Council to look into why repeatedly now, year after year, Castilleja has been receiving a letter allowing their enrollment to remain currently, this year, going up 438. Be easy for them to admit less students next year and get back down to 415. Thank you very much.

Mayor Burt: Thank you. Our next speaker is Kimberly Wong. We have one additional speaker, and we won't be accepting additional cards after this time. Welcome.

Kimberly Wong: Hi. My name is Kimberly Wong at 1260 Emerson Street. My message is almost the same as my husband's. I actually would like him to finish his speech if he could possibly.

Mayor Burt: Sorry. We don't allow that. You're welcome to use your three minutes.

Ms. Wong: Anyways, my name is Kimberly Wong, and I live at 1260. I was very upset to learn that part of the Master Plan was to tear down two homes across the street from us and remove 168 trees. Why was to build an underground garage. This would change the traffic flow of our streets onto Embarcadero and from Embarcadero and cause backups around the neighborhood by the spillover effect. Other streets would be affected also. This is very alarming. It's not just about me or my daughter who walks to school every day. It impacts the children who have to travel along Bryant and Embarcadero and across that intersection to either Jordan or to Addison. There's a lot of traffic going back and forth there on bikes. Close to 75 percent of Castilleja come in outside of our City. Castilleja has reported that 216 on one day in one hour come to the campus. What worries me is that the impact of 30 percent more students coming on top of that to the Castilleja campus, not including the increase in staff to support more students. My biggest fear about this is the increase in traffic and the resulting dangers involved. I'm fearful for the extra traffic on Embarcadero Corridor, which is currently already clogged with cars coming in to Paly, to Stanford University, Stanford Hospital and Town and Country. Who will be at most risk of this traffic? It's students who are riding their bikes to school. Adding more cars turning onto Bryant, our bike boulevard created to provide safe passage for the bicyclists, will endanger students of Addison, Jordan, Paly and students biking and walking to school. This bike/car/pedestrian plus frustration of drivers on this gridlocked Embarcadero Corridor is a dangerous combination which has gotten worse over the years. If Castilleja wants to be serious about traffic mitigation, they need to have more serious and complete studies of the traffic, consider offsite parking and shuttling students and staff into the campus. They cannot propose a plan to add more incoming traffic with an onsite, underground garage. They need to

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respect the neighbors who want to live in a residential community, not an industrial site rife with gridlock where we fear for the safety of our students. Thank you.

Mayor Burt: Thank you. Our next speaker is Linda Jolley, to be followed by Mark Halbert. Welcome.

Linda Jolley: Council Members, I'm Linda Jolley, sometimes known as an activist on behalf of the homeless people in this area. As you know, big corporations now control a great deal of the land. They control restaurants. Sometimes the little guy at their restaurants get stepped on. Sometimes the little guy cannot even get access to the bathroom in their restaurants. I came here tonight because I myself was roughed up at the McDonald's just south of Page Mill Road. The address is 3128. I was handcuffed, arrested, taken to the County Jail, held illegally for five hours without phone calls. This jeopardized my work and my vehicle. I take this as a rather serious matter. My request tonight is that I hope one of you people will launch a Staff investigation of this restaurant, because we do not need abusive restaurants in this area stepping on the little guy. I learned that the manager of this restaurant—his name is Jorge—got into the business of throwing out his customers. I did nothing really offensive in his restaurant. I'm a good McDonald's customer. I buy tons of food there; so do some of the other people that were thrown out. This mad man got in charge of the restaurant, throwing people out, hurting people's feelings, breaking up the friendships that existed there. I don't think this business should be operating if they persist in doing that kind of thing. I believe you have some control over the big corporations that take up land here. I believe that you should protect the little guy that may be kicked around by these people. I'm requesting an investigation. I'm still wearing the jail color. This is the jail color. I'm a normal person. I was handcuffed, arrested, jailed. I don't like it. Please check into it, or I'll be back time after time like a bad penny. Thank you.

Mayor Burt: Thank you. Our next speaker is Mark Halbert, to be followed by Richard Brand. Welcome.

Mark Halbert: Greetings, Mayor and Council Members. I'll be, I hope, brief, yet an important message. I'm going to read it into the record, and then provide a copy of this. I'm an historic preservation consultant and architect out of Oakland. Honorable Mayor Burt and Council Members, this matter is brought to you on the recommendation of the Planning and Community Environment Director of whom I had inquired about how to address a circumstance that recently arose at the Historic Resources Board. While this matter relates to a specific property, I do not intend to specifically address a

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project and do not speak for the property owner or as their representative. Rather, I intend to address the Mayor and Council with regard to the Historic Resources Board's (HRB's) treatment of the project sponsor and of myself. To begin with, I am an historic preservation consultant with a professional career that, at this juncture, exceeds 30 years and which includes nearly 20 years of historic project experience in Palo Alto. The hearing in question included a project that I was peripherally engaged in as a consultant to the homeowner. I did not attend that meeting as the invitation to do so came only at the last minute. Nonetheless, in the wake of the May 12th HRB meeting, I reviewed the draft meeting minutes and viewed the meeting online. I subsequently attended the June 9th HRB meeting and addressed the HRB during the public comment period. The points I made were: I have 30-plus years of committed and dedicated professional historical and historic architectural experience; I have authored numerous historical and historic project evaluations. Despite my extensive experience, Board Member Bowers alleged that my work may be outright fraud, about which I noted that by definition such an allegation necessarily carries with it the suggestion of criminal deception. I stated that for their information the Secretary of the Interior Standards for Rehabilitation are not prescriptive. They are interpretive on a site-by-site and project-by-project basis. Additionally, thoughtful and careful interpretations other than those of the members of the HRB are entirely possible as well as legitimate. In this instance, the HRB's interpretation that preservation equals moldings, doors and windows, while admittedly legitimate, is simplistic. Whereas, a more farsighted interpretation is indeed possible. Further, the simplistic interpretation is in my experience the more fictional. As a preservation professional, I do not have the luxury of disregarding the gamut of circumstances and especially so the historic resource record itself. At the hearing in question, the Staff and Board treated the homeowner and their architectural colleagues with disrespect and even insult. Whereas, the homeowner and their representatives are highly intelligent as well as able and willing to have an intelligent debate. One last moment. In sum, the project evaluation I provided on the subject property was not wrong. It was intentional and careful and, yet, a Board Member saw fit to publicly allege fraud. Such a public statement is deeply inaccurate, inappropriate and insulting. I request the Council's attention to this matter with the aim of no less than a public retraction and apology. Thank you for your time. I'm sorry to bring a negative subject to you.

Mayor Burt: Thank you. Our next speaker is Richard Brand, to be followed by Liam McCarty.

Richard Brand: Good evening, Council Members, Staff. Welcome back. It's good to see everybody again. Everybody looks healthy and wealthy

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hopefully and wise, and everything's affordable. What I want to do tonight, I want to make sure that there's credit where credit is due. I live, as some of you remembered, at Palo Alto's first roundabout at the corner of Bryant and Addison. I want to thank the Staff, specifically the Public Works Department, for renovating a roundabout that was put in years ago. It was totally beat up. In fact, with all the construction we have in the area, the concrete was broken. The shrubs were looking terrible. Mike Sartor and his group, Peter Jensen, the architect, replanted the roundabout, and then it got torn up for the sewer work that's ongoing. We all appreciate that too. They came back and redid it. Jim, your folks are doing a good job there. It's really nice. Then, they came back and surprised me, and they redid the concrete that was broken. It looks like new. Also for the Utilities Department, the people that they have selected have done—a lot of my neighbors have told me that they really felt that the workers there start a little early. We fixed that. In fact, they've done a good job. They worked with the neighborhood to make things work. Congratulations, Jim and your Staff.

Mayor Burt: Thank you. Liam McCarty to be followed by Rob Levitsky.

Liam McCarty: Good evening, Mayor, Vice Mayor, Council and all attendees of today's meeting. My name is Liam McCarty. I'm a Stanford student along with several other Stanford students. We are building a civic tech organization called ePluribus, whose fundamental goal is to connect people and their government. We're looking for your help. What we're trying to do is build an online platform so that people like you can easily access legislation and other political documents, comment on those documents and annotate them and communicate directly with your representatives. On the other side, we'd like to provide representatives with detailed information about what the people think, so that they're better informed and that government is more transparent. We'd love your help in this. We're looking for input and feedback. If you're interested in being involved and learning more and taking a short survey, which would be very helpful to us, please reach out at adm96@stanford.edu. That's adm96@stanford.edu. That should be in the agenda notes. We would really appreciate your help. We'd like to implement this in Palo Alto if possible. If anyone is interested in providing feedback and helping us in any way, we'd love your help. The name of the organization again is ePluribus, a play on words on the United States motto, E. Pluribus Unum, which means out of many one. That represents the fundamental goal of what we're doing, to bring democracy into the 21st century and find compromise among disparate views. Thank you very much.

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Mayor Burt: Thank you. Our next speaker is Rob Levitsky, to be followed by Mark Weiss.

Rob Levitsky: Hello, Council. My name is Rob Levitsky. I have owned the house next to Castilleja, 1215 Emerson, for the last 25 years. Mostly issue free, but this project they've come up with lately is just kind of crazy. I'll give you a little heads up on it. This is the field. This is Embarcadero. Nelson and Kimberly who spoke live here. I have the house here. The two houses they were proposing to tear down would be these here. Now, what we have now is a beautiful street. This is the 1200 block of Emerson, (inaudible), 120-foot redwood, oaks, and then these are the two houses that they're proposing to knock down, R-1 zoned houses. What they're proposing to put in its place is this. This is the entrance to the John Arrillaga underground parking at Wilbur Field at Stanford. This is what it would look like, an industrial cement, all the trees, all the houses gone. We don't want that. We don't want that at all. The proposal itself came to Amy French. I looked at it right away, and there were some serious problems with it. One is they'd done an arborist analysis. There's 168 trees that the arborist says would be impacted including many large oaks, redwoods, etc. They also in their proposal have this map, which you can't see that well, showing the 130 supposedly parking spaces that would be underneath. The trouble is they said there's 130 spaces, and they have this arborist report. They never bother to line the two up. If you do this, you can see that where these houses are, it's surrounded by oaks and redwoods, oaks. They would probably lose half of the spots they're proposing. I've already spoken to Dave Dockter, and he's not going to let them knock these houses down. Whatever they could build would be less because of the oaks and redwoods that are nearby. The sad thing is they sent a proposal to you that was just clearly ridiculous. They hadn't even vetted it amongst themselves, between the arborist and the guy designing the underground parking. We'll be in touch. We have a very strong set of people. Thank you.

Mayor Burt: Thank you. Mark Weiss to be followed by Adrian Fine.

Mark Weiss: Good evening, Council Members and Staff. I wanted to congratulate and give kudos to Staff for the inspired choice of bringing world famous musicians Tuck and Patti to our ongoing Twilight series this Saturday, August 20th, at Rinconada Park as Mr. Keene had mentioned earlier. I wanted to reiterate this. Patti Cathcart and Tuck Andress travel the world and have won many awards. They're world famous. They got their start, in case you didn't know, in Palo Alto. In fact, they used to play quite regularly at the New Varsity, in the courtyard, on the main stage sometimes, and sometimes upstairs. I remember as a high school kid wandering past and not realizing I was watching world class music-to-be.

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They've seldom been here in recent years; although, they do keep an office around here, I believe. I know they played the 1994 centennial event. There's a picture on the Palo Alto Historical Association of that. In fact, the Guy Miller archives at the Palo Alto History Association has a very extensive file from the old *Palo Alto Times* and the *Palo Alto Times Tribune*, roughly 20 articles about the early days of Tuck and Patti here. Tuck and Patti met Will Ackerman of Windham Hill Records, and were one of his first signings that became a world-class cultural contribution to the world from here. I recommend everybody come on out. I think the Staff person's name or consultant is Alison Williams. I know she worked on that in recent years. Over the years, we've had—Suzanne Warren used to book the Tuesdays in the Park series. We have wonderful parks. We have great artists in the community. I want to thank Staff for bringing Tuck and Patti back to Palo Alto.

Mayor Burt: Thank you. Our next speaker is Adrian Fine, to be followed by our final speaker, Roberta Alquist.

Adrian Fine: Good evening, Council Members. Thank you very much for your time. My name is Adrian Fine, and I'm currently Chair of the City's Planning and Transportation Commission. I was born and raised here in Palo Alto. I've lived here my whole life. My fiancé, Jane, and I hope to raise our family here someday. I'm here tonight to let everyone know, especially the public, that last Friday I filed my papers to join the City Council race. I'm really excited about that. I want to thank each and every one of you for your service and all your hard work on this Council. I hope to serve with some of you in 2017. If any of you or the public would like to learn more about my positions, you can go to votefine.com. Once again, thank you for your service and thank you for your time.

Mayor Burt: Thank you. Roberta Alquist.

Roberta Alquist: I've lived here over 40 years. I'm here to speak about the need for housing. I think over the past year alone there have been perhaps thousands of people, at least hundreds, who have written about the need for low-income housing in this City. Even your own Staff is concerned about that, to the extent that one of them left because she couldn't afford to live here. The City keeps talking about addressing this incredible low-income housing need. Every time I come to City Hall—it's usually fairly regularly, once a week or so—I ask somebody who works here do you live here. Not one person, planner, receptionist, clerk, has said they can afford to live here. The City according to an article in the United Kingdom *Guardian* today—I think it was today—quotes the Mayor of Palo Alto as saying the City is working to slow the job growth and to increase the rate of housing

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development. It's really time to do it. Ethically you need to walk the talk. We've heard about all these plans. Instead of 437 Lytton being an office building, we have office buildings going up all around us in the Downtown. We need no more office buildings. We have startups all over the place, and we have people being evicted from housing and rich housing that people aren't even able to live in, that's been bought up by foreign investors around, my neighborhood included. I can give you three or four houses where nobody's living in them. The problem with 437 is it's out of scale. The entrance and garage is problematic. The major question is why more office space. We need low-income housing for the people who live here, who work here, who would like to live here and can't afford to live here. My request is that ethically and morally you address this need now and stop talking about it. Thank you.

Mayor Burt: Thank you. That concludes our Oral Communications for tonight. Just in case members of the public are not familiar, the Council is not permitted to discuss topics that are not on the Agenda. That's why we don't respond to the oral communications.

Minutes Approval

1. Approval of Action Minutes for the June 20, 27 and 28, 2016 Council Meetings.

Mayor Burt: Our next item is Approval of Minutes from the meetings of June 20th, 27th and 28th of this year. Do we have a Motion to approve?

Vice Mayor Scharff: So moved.

Council Member Berman: Second.

Council Member Kniss: Second, third.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Kniss to approve the Action Minutes for the June 20, 27 and 28, 2016 Council Meetings.

Mayor Burt: Motion by Vice Mayor Scharff, second by Council Member Kniss. We have no discussion. Please vote on the board.

Council Member Berman: The lights weren't working at first. (inaudible)

Mayor Burt: All right. We'll vote again, see if it works better this time. That passes unanimously.

MOTION PASSED: 9-0

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Consent Calendar

Mayor Burt: Our next item is the Consent Calendar. We have one speaker, Laura Beaton, who would like to speak on Item Number 11. Three more speakers apparently. Thank you.

Laura Beaton, speaking regarding Agenda Item Number 11: Thank you, Council Members, for your time. My name is Laura Beaton, and I am with Shute Mihaly and Weinberger. I represent Palo Alto resident Neilson Buchanan regarding Palo Alto's implementation of the Downtown Residential Preferential Parking Program (RPP). On behalf of Mr. Buchanan, I strongly urge the Council to remove Agenda Item 11 from the Consent Calendar tonight and to continue it until sometime in the next 30 days for full discussion. We ask the Council to do this so it can give this matter the attention it deserves, to ensure that the Downtown RPP complies with State law, and that Downtown residents are not adversely affected by the program. There are two points I would like to briefly highlight for the Council regarding why full discussion of the status of the RPP is necessary, which are explained in more detail in the letter my firm submitted to the Council on behalf of Mr. Buchanan on August 12th. First, the California Vehicle Code requires that permits to part in RPPs be given only to those who live or work adjacent to the area where they are permitted to park. Under the Hermosa Beach case, this means a city can issue permits for those living or working in an impacted area to park within that area. Here, Phase 2 of the Downtown RPP assigns Downtown employees to park up to nearly a mile away from Downtown, which is by no means adjacent to where they work. This is in areas that do not suffer from Downtown's parking impacts. Permitting Downtown employees to park so far away from where they work does not comport with the Vehicle Code's requirements for an RPP. Second, the Vehicle Code allows a city to issue permits for office employees, like most Downtown workers are, only if their parking in those areas will not adversely affect parking conditions for residents and merchants in that area. We're concerned because the data and the on-the-ground conditions that we have seen so far, including in the Staff Report for this Agenda Item, indicate that Phase 2 is having a negative impact on parking conditions in residential neighborhoods around Downtown. Also the data provided in the status update are too limited to draw an accurate conclusion regarding Phase 2's impacts on the neighborhood parking conditions, especially because the two surveys paint quite different pictures of parking conditions between the two survey dates that the City conducted. We simply need more surveys on different days of the week, not just Thursdays, including when school is back in session and when there is no sewer construction going on that blocks parking on certain residential streets. We need this to determine whether there really is or is not an

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adverse impact on parking conditions. We ask the Council to give Staff this direction. For these reasons, I respectfully request that the City Council remove this item from the Consent Calendar and continue it to sometime within the next 30 days for full discussion. Thank you.

Mayor Burt: Thank you. Our next speaker is Malcolm Beasley, to be followed by Michael Hodos. Welcome.

Malcolm Beasley, speaking regarding Agenda Item Number 11: Good evening all. My name is Mac Beasley, and I'm a longstanding resident of Downtown North. I strongly support removing the Staff Report on RPP from the Consent Calendar. We have come a long way in addressing the present parking crisis, and for that we are very grateful. There are simply too many substantive, unaddressed issues that require resolution before final adoption of the RPP. Here are some issues of particular concern to me. There needs to be a quality standard for the maximum parking density in the residential areas of the City adjacent to the major commercial centers. Only with such explicit quality standards can we assure that the need for balance between development and the quality of our neighborhoods will be addressed in an ongoing way. In my judgment, in the 42 years I've been here, I've watched this several times. The lack of such standards was a major factor contributing to the present parking crisis. Two, the implementation of RPP must ensure roughly equal density of nonresident parking within the various RPP districts. It is a simple matter of fairness. There needs to be some limited growth in the total size of the residential areas available for permit parking. Common sense dictates this as does the spirit and perhaps even the letter of the State Vehicle Code. Finally, Number 4, the parking crisis is fundamentally a problem of supply and demand. So far there has been no explicit assessment of demand in the development of the RPP program. I do not see how Council can make a coherent decision about RPP without an assessment of demand. I urge Council to request such information for the next step RPP brought to the Council. Thank you.

Mayor Burt: Thank you. Michael Hodos to be followed by John Guislin.

Michael Hodos, speaking regarding Agenda Item Number 11: Good evening, Council. My name's Michael Hodos. My family's lived in—sorry—Professorville for nearly 40 years. I'm also one of the original RPP stakeholders representing the residential community that worked with the City Planning Department to develop the current RPP program. On behalf of my Professorville and University South neighbors, I'm here to ask you to remove from the Consent Calendar the Downtown RPP Phase 2 Update document so that we'll have the opportunity at a later date to bring to the Council's attention a number of misleading assertions and omissions from

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the report that's in your hands. For example, the report's assertion on page 5 of the summary that in Phase 2 of the program "vehicles are not clustering on the streets nearest to the Downtown area and South of Forest Coordinated Area (SOFA) with as much frequency," when the May midday parking distribution map that you have in your hands clearly shows this is not the case. In fact, if nonresident parking throughout the Downtown RPP zones were as equitably distributed as the program intended, the entire May 19th 12:00 to 2:00 P.M. RPP map you have in your hands shows that 30 percent of the block faces are red, indicating that the occupancy is between 85 percent and 100 percent. By the way, if the threshold was 80 percent instead of 85 percent, which is more appropriate for a residential neighborhood, then the number of red faces would actually increase to almost 40. Another example I'd like to point out is that the Planning Department's decision to allow Downtown businesses to purchase for their employees blocks of up to ten permits in any one zone only exacerbated the problem, something that is not even mentioned in the summary you have. Finally, I'd like to take this opportunity to point out on behalf of my neighbors the irony of the fact that the very groups of residents who initiated the RPP program several years ago in an effort to restore the quality of life in our over-parked neighborhoods are now the ones suffering the most thanks to the continuing mal-distribution of nonresident parking closest to the Downtown core. Thank you.

Mayor Burt: Thank you. John Guislin to be followed by Richard Brand.

John Guislin, speaking regarding Agenda Item Number 11: Good evening, Council. My name is John Guislin. I live in Crescent Park, and I also served on the RPP stakeholder group. Tonight I'm also asking you to take the RPP program off the Consent Calendar because I also disagree with many of the conclusions from the Staff Report. In particular, I only see RPP as (inaudible) if you consider expanding this parking area into more and more residential streets. If that is the goal, then you've done that. In Crescent Park, we see people park further and further into our neighborhood when they're walking Downtown to work. It's also interesting that in Crescent Park—the way we structured the zones, Crescent Park is part of six different parking zones. It's really hard to understand the impact on our neighborhood by looking at the map or the reports. The latest count, the Staff did not even count Zone 10 which is the biggest zone that includes Crescent Park. That wasn't even counted for the parking. When they count the zones, they also don't go beyond the boundaries. The real impact on Crescent Park is not just the zone, but the people who park just beyond the zone so they don't have to pay for any permits. The parking problem around Downtown and commercial core is one of many impacts from what I see as over-development of business without the necessary infrastructure.

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The two residential arterials that touch my neighborhood, University and Middlefield, are already virtual parking lots at peak travel times each day of the week. This is not a problem that the RPP program can fix. It's also not something Transportation Demand Management Program (TDM) or Transportation Management Association (TMA), which are nascent programs, can really resolve in the nearer term, but the real challenge is today. The smartest short-term action you can take is to halt further commercial development in the Downtown core while you implement a more comprehensive solution to the parking and traffic problems. Thank you.

Mayor Burt: Thank you. We won't be accepting more cards on this item. Our next speaker is Richard Brand, and our final speaker is Nielson Buchanan.

Richard Brand, speaking regarding Agenda Item Number 11: Yes, good evening again. Richard Brand, 281 Addison, RPP stakeholder emeritus. It looks like we're having a reunion tonight with some of us. I too urge you to remove this from Consent Calendar. A 178-page report on a Consent Calendar, I think, is a bit much. You've heard a lot of the issues already discussed. I do urge you to—three of you to vote to remove it. Part of the issue is within the 178 pages there's a lot of data that's lacking. In fact, one of the points that's not in there, but I have found, is that the number of nonresident permits issued within the zones—remember, there's ten zones. There was an allocation; a number of nonresident permits to be issued within those zones has exceeded the number. This was in May of this year, so a couple of months ago. This is not being managed. You need to get into the details, and this is why I highly recommend within the next 30 days we schedule this with a full report. As you said in March when we had the meeting for Phase 2, we need an interim study of what's going on. There's a lot of good things. I want to let you know things have relieved in some areas. I now see that citations are—thanks to Chief Burns and some help from Jim and others, Hillary, we've now got automatic machines for the enforcement officers to issue tickets. We're making it more efficient. I think this is a good reason why the Council needs to see the data. After all, this whole thing was put together—Mayor Burt, I know you talked about this. RPP starts with R for residents, and it's really a quality of life issue. I think we all are willing to help, especially my fellow stakeholders, to get into this and look at the data. Thank you.

Mayor Burt: Thank you. Our final speaker is Neilson Buchanan.

Nielson Buchanan, speaking regarding Agenda Item Number 11: Welcome back, Council. We made a deliberate effort not to ask hundreds of people or dozens of people to show up here tonight. I would like to ask the people in

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the audience that are here to support pulling the Consent Calendar off to please stand up so we have an idea of who did come. We didn't make a full court press, but these are the people that came out tonight and have chosen to be silent. I had my computer with me, and I said, "I wonder how long I've been working on this program." I typed in Curtis Williams on my email and then had a search for Curtis. You remember him. The first email traffic I can find was May 2012. There were a couple of entries. Right below it is a whole flurry of email activity exactly to the day four years ago. Just on Curtis Williams email traffic, there's just pages and pages of stuff I've never deleted. It gives you some idea how long we've been working on it. I would like to acknowledge that we had two summit meetings with Jim Keene early in this process. It happened just after Curtis left, and we came to a real agreement that we just can't work on it; we have to wait a while. We've got to recruit—Aaron Akin was here. We had another summit meeting, where we agreed again until someone got hired as Planning Director, Hillary, that we couldn't do an awful lot. Furthermore, we did acknowledge that we needed to have a transportation person to help work on this. A lot of this delay has not been confronted. We agreed that it's just no way to get there from here without hiring the people. It's no sense looking back four years. I look ahead to when we've got to have a new program operational on April Fool's Day of 2017. There's exactly 100 working days before we really start selling permits all over again. A month before that, we've got to have all the details ironed out. Let me just quickly summarize with three things that have really got to happen. We've got to agree on a quality standard. What's the maximum load a residential street ought to carry? For Downtown North, I'll suggest 80 percent. I don't think that's appropriate for all of the neighborhoods, but that needs to be worked out. The 2,000 limit on sales of nonresident permits is probably excessive. The Planning Director estimated 2,000, but only about 1,400 have been sold. I doubt if the limit should be at 2,000 when we start again next year. The reduction needs to be very specifically stated. If we can handle those three things, I think we could begin to have a solid program for 2017. Thank you very much. I urge you to remove it from the Consent Calendar so we can discuss it in-depth within a month. Thank you.

Mayor Burt: Thank you. Let's return to Council. Council Member Wolbach.

Council Member Wolbach: I'd like to move removal of Item 11 from the Consent Calendar.

Council Member DuBois: Second.

MOTION: Council Member Wolbach moved, seconded by Council Member DuBois, third by Council Member Holman to pull Agenda Item Number 11 -

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Acceptance of the Downtown Residential Preferential Parking (RPP) ... to be heard on September 6, 2016.

Mayor Burt: We have Council Members Wolbach, DuBois and Holman amongst others perhaps who have requested Item Number 11 to be removed. We will vote on the Consent Calendar absent Item Number 11, which will be agendized for a date to be determined. Do we have a date tentatively?

James Keene, City Manager: Mr. Mayor, we'd seen some traffic in advance of the meeting tonight on this. We've got a meeting on August 22nd, a Special Meeting on August 29th, and then your first meeting in September, September 6th. The Agendas are packed for the next couple of weeks. We would recommend that September 6th be the target date for Item 11 being put on the Council's Action Agenda.

Mayor Burt: The public can look for that as a tentative date. Please look at our Agendas on the website to have that confirmed as we get closer. Please vote on the ...

Vice Mayor Scharff: (crosstalk) to move the Consent Calendar first.

Mayor Burt: Sorry.

Vice Mayor Scharff: I'll move the Consent Calendar.

Council Member Kniss: Second.

Council Member Berman: Second.

MOTION: Vice Mayor Scharff moved, seconded by Council Member Kniss to approve Agenda Item Numbers 2-10, 12-15.

2. Resolution 9613 Entitled, "Resolution of the Council of the City of Palo Alto Authorizing Overtime and Portal to Portal Pay for Deployments Away From the City of Palo Alto."
3. Finance Committee Recommends Adoption of an Ordinance Amending Chapter 2.30 [Contracts and Purchasing Procedures] of the Palo Alto Municipal Code to Establish Contracting and Purchasing Procedures and to Define the Contracting Authority of City Officers and Employees.
4. Approval of Amendment Number 1 to Contract Number S14148347 With North American Youth Activities LLC DBA Kidz Love Soccer Extending the Term to December 31, 2016 and Increasing the

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Contract Amount by \$40,000 for a Total Not-to-Exceed Amount of \$295,000.

5. Approval of a Three-year Pilot Contract With Genuine Parts Company in an Amount Not-to-Exceed \$2,588,096 for an On-Site Fleet Parts and Inventory Program and Approval of a Budget Amendment in the Vehicle Replacement and Maintenance Fund.
6. Resolution 9614 Entitled, "Resolution of the Council of the City of Palo Alto Determining Underground Utility District Number 47 Property Owners who Elect to pay Underground Conversion Costs Over a Period of Years."
7. Resolution 9615 Entitled, "Resolution of the Council of the City of Palo Alto Implementing Water Use Restrictions in Stage 1 of the City's 2015 Water Shortage Contingency Plan and Repealing Resolution Number 9509."
8. Approval of a Limited-Term Site License Agreement for GreenWaste of Palo Alto to Relocate Operations From Geng Road to a Portion of the Former Los Altos Treatment Plant Property on San Antonio Road; Finding of Categorical Exemption for Existing Facilities Pursuant to CEQA Guideline 15301.
9. Approval of Amendment Number 2 to Contract S12142714 With Golder Associates, Inc. for Air Regulatory Support to Extend the Contract Term One Year to September 20, 2017 With no Additional Costs.
10. Approval of Amendment Number 2 to the Agreement With the Peninsula Corridor Joint Powers Board for Rail Shuttle Bus Administration to Extend the Term for one Year and add \$135,100 to Provide Community Shuttle Service on the Existing Embarcadero Shuttle Route From July 2016 until June 2017.
11. ~~Acceptance of the Downtown Residential Preferential Parking (RPP) Program Phase 2 Status Update and Adoption of a Resolution Amending the Eligibility Area for the Program as Directed by the City Council.~~
12. Resolution 9616 Entitled, "Resolution of the Council of the City of Palo Alto Approving an Updated FY2017 Professional Services Agreement Between the Northern California Power Agency and the Cities of Palo Alto and Santa Clara for Electric Transmission, Generation and Regulatory Consulting Services, Repealing Resolution Number 9604

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and Finding That Such Approval is not a Project Subject to California Environmental Quality Act (CEQA) Review."

13. Resolution 9617 Entitled, "Resolution of the Council of the City of Palo Alto Establishing Fiscal Year 2016-17 Secured and Unsecured Property Tax Levy for the City of Palo Alto's General Obligation Bond Indebtedness (Measure N)."
14. Policy and Services Committee Recommendation to Accept the Auditor's Office Quarterly Report as of March 31, 2016.
15. Policy and Services Committee Recommendation to Approve a Soft Transition of the Annual Performance Report to the City Manager's Office and the Office of Management and Budget.

Mayor Burt: We have a Motion by Vice Mayor Scharff and Council Member Kniss for the Consent Calendar absent Item Number 11. Please vote on the board. That passes unanimously.

MOTION PASSED: 9-0

Action Items

16. PUBLIC HEARING: 411-437 Lytton Avenue [14PLN-00489]. To Consider an Appeal of the Director of Planning and Community Environment's Architectural Review Approval of the Construction of a New Three-Story Mixed-Use, Office and Residential Building (Two Units) and a 1,417 SF Addition to an Existing Historic Category 2 Residence on Two Lots to be Merged. A Two-Level Underground Parking Garage is Proposed to be Constructed Under the New Mixed-Use Building Adjacent to the Existing Residential Building; Approval of a Mitigated Negative Declaration and Mitigation and Monitoring Plan.

Mayor Burt: We now move on to Item Number 16, which is a Public Hearing on 411-437 Lytton Avenue. It's a hearing to consider an appeal of the Director of Planning and Community Environment's architectural review approval of the construction of a new three-story, mixed-use, office and residential building. While Staff is getting set up, would Council Members like to share any disclosures of ex parte communications on this item? If anyone had any. Council Member Berman.

Council Member Berman: I met with the applicant about other stuff, but this item came up briefly. I didn't learn anything that's not in the public record.

Mayor Burt: Anyone else? Council Member DuBois.

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Council Member DuBois: I talked to Jeff Levinsky about some of the items that were on the project.

Mayor Burt: Council Member Holman.

Council Member Holman: I also received a communication that we all got and also listened to some comments that Mr. Levinsky had, nothing that's not in the public record though.

Mayor Burt: Thank you. Welcome, Mr. Lait.

Jonathan Lait, Planning and Community Environment Assistant Director: Thank you, Mayor. I'm going to introduce Sheldon Ah Sing. He's a contract planner, and he'll give the presentation.

Mayor Burt: Thanks.

Sheldon Ah Sing, Contract Planner: Thank you and good evening. I do have a PowerPoint this evening. The applicant also has a PowerPoint. Just to orient people with the location of the project. The project site includes two parcels that include a single-family residential building that is designated as a Category 2 historic structure on the City's Historic Inventory. There's also on a separate parcel adjacent to it a two-story office building. The site is designated Downtown commercial with pedestrian and combining district. Directly behind the property is designated as residential, medium density. The proposed project includes demolition of the two-story building, an addition to the single-story historic structure and construction of a new three-story, mixed-use building. You would have commercial space on the first two levels and then two residential units on the top floor of that building. The proposed project adds 6,100 square feet of office space to the existing that would be there now and 7,700 square feet of residential space. In total, there'll be 8,700 square feet of residential space and 13,500 square feet of office space once the project is complete. The key issues. The project was appealed on May 12th after the approval on April 28th. Those issues include architectural design and context, the adjacency to the historic building, the second-floor terrace windows' impact on adjacent residential property as well as parking and traffic impacts. We'll go into greater detail of those.

Council Member DuBois: Sorry to interrupt. Clerk, could we get the presentation on the monitor? Thank you.

Mr. Ah Sing: This diagram depicts the site plan with the second-floor terrace area in green. The driveway along Kipling would be replaced with a ramp that goes down to basement parking. That's indicated with the arrow. One

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of the curb cuts along Lytton Avenue is also being removed. In its place would be a pedestrian area and entry into the mixed-use building. The project was the subject of a preliminary Architectural Review ARB as well as review by the Historic Resources Board and a formal review by the Architectural Review Board (ARB). The applicant has been responsive to these Boards' comments throughout the process including changing the colors of certain materials, adding different features to the ground floor to be consistent with the pedestrian combining district overlay, as well as reducing the height of the building by two feet, from 40 feet to 38 feet. These elevations depict how the project implements and executes the zoning requirements for daylight plane and the transitions between the properties in the rear, as well as the transition to the historic building. The historic building is the single-story structure that's shown in the lower elevation. The site is bordered by commercial uses along Lytton and residential uses to the rear along Kipling. These pictures—I have several more—try to show the context of the area. Many of the buildings in the area range between one and three stories and various ages. Some are older, and some are more contemporary and a variety of architectural styles. For instance, looking down on the street here shows the character of the neighborhood along Lytton Avenue. These photos are taken within the vicinity of the project. Across the street from the project, you have a single-story 7/11. You can see in the background a multistory building. There's also a City parking lot adjacent to the project, across the street. There's a lot of mature landscape along Lytton as well. This is an example at 245 Lytton, where you have a newer building that abuts residential. The back is actually very—a similar example to this project that you're hearing this evening, where the rear of the site has a ramp that goes down to basement parking. There are two-story adjacent residential buildings similar to the project before you. There's landscaping along that property line. Here's the building at the intersection at Lytton and Waverley. This shows another context of the area. The building on the right is also adjacent to residential. The back includes terraces on second and third floor, along the street and the rear of the property. This parking lot also serves as a buffer between this property and the residential behind. In this case, there's no landscape really between the parking lot and the homes. In summary, the concerns from the appellant regarding the architectural design context have been the building's size, style, the massing is out of character with the vicinity. We've demonstrated that the vicinity does include a mix of commercial and residential districts and it includes larger buildings as well. The ARB did evaluate as well as the HRB. Recommendations are based on the required findings, Context Based Design Criteria and the Downtown Urban Design Guide. Those findings are included in the packet. The other issue was with the adjacency to the historic structure that's on the site. One of those concerns about the project's potential impacts to this adjacent historic structure was the project

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includes also improvements to this historic building, and that includes adding a basement, which includes repair of the foundation to the building, adding and rehabilitating character-defining features of the building, so bringing that back to its initial status. The HRB recommended that the project is consistent with the Secretary of Interior Standards, and they also recommended that the third floor of the building be reduced, and that's where we got the reduction of a few feet. While there's no impact as indicated as a result of the size or addition of any proposed square footage for the project, there were mitigation measures in place for the construction of the project. These mitigation measures include having a qualified historic architect onsite providing training, providing oversight during the construction phase of the project. With the (inaudible) of the property, the entire property becomes a historic property. However, only the historic building would be protected and maintains this protection as long as the building remains eligible. The next concern was about the second-floor terrace windows, and that is located on your diagram with the red circle. It's a second floor. The purpose of this terrace is to add an onsite amenity to the project, to the office component. In addition, there were also concerns about the placement of the windows in the second floor. They were in direct sight of the residential units behind. The property does include an odd shape, so that terrace would affect people on the left, the rear and the right side. Both the left and right portions of the terrace would include a 10-foot landscaped area. There'd also be rear landscaping at the ground level. Through the ARB process, the Board recommended that automatic shades be included as part of the project, increase landscaping between the project and the neighboring properties. These elevations don't show those landscaping on the terrace or on the property; however, landscaping is a critical requirement of the transition in the Zoning Code between this project and other neighboring residential projects. The project will include it. The next has to do with parking. The appellant did have concerns about the location of the garage entrance for traffic delays and pedestrian safety and loading and parking. As I mentioned before, that ramp is along the Kipling entrance. Using standard analysis, the traffic memo that's in your report included that there would be no level of service delay. As proposed, the project improves the safety for cyclists along Lytton because it does remove that curb cut. The study did find that there was more pedestrian and cyclist activity along Lytton during the A.M. and P.M. peak hours during the week than there were on Kipling. Kipling did rise on the peak during Saturday, but that's when the office is closed. The project is a mixed use, and loading spaces are considered on a case-by-case basis. The project does eliminate the curb cut along Lytton where there's no parking allowed right now in front of the project. Those time-limited loading space would provide a publicly accessible space where none exists. In conclusion, we do have a recommendation to direct Staff to prepare a

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Record of Land Use Action as stated in the Staff Report. That concludes my presentation. I'd be happy to answer any questions. Thank you.

Mayor Burt: Thank you. We can take a round of technical questions from colleagues, just bearing in mind to keep them just for clarifying technical questions and not otherwise. Vice Mayor Scharff.

Vice Mayor Scharff: I just wanted to clarify. I read in the Packet that there's no ground-floor retail, but the ARB did design it, that it could be used for ground-floor retail. Was that correct?

Mr. Ah Sing: Yes, that is correct. There are some movable planters along the windows on the first floor. In case the market is such that you can have retail there, then that is the case. There's also a surplus of parking in the garage below to accommodate some level of retail.

Vice Mayor Scharff: You could have ground-floor retail the way it's currently designed. There's openings that you could open the doors and have stores and that there?

Mr. Ah Sing: Right. There'd have to be a change to the windows to make them doors. The planters that are proposed are movable, so it's an easy fix for the applicant in the future.

Vice Mayor Scharff: Thank you.

Mayor Burt: Council Member DuBois.

Council Member DuBois: I wonder if you could talk a little bit about combining of lots. What is the typical reason that lots are combined? Can you talk about the situation here?

Mr. Ah Sing: The applicant, I think, will speak to that a little bit about what their reasons are. In general, you try to get maybe a larger lot that allows for more opportunities to meet development standards, possibly to give more opportunities for onsite circulation. I think, again, the applicant will be able to describe that further.

Council Member DuBois: On the traffic, I guess the appellant was talking about the change with two entrances versus one and how that impacts the traffic study. Can you respond to that a little bit? Again, the new project would have all the traffic going out on Kipling, where today that's not the situation.

Mr. Ah Sing: The traffic memo summarizes the changes from the existing to the proposed project. What you're looking at in the a.m. and p.m.

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timeframes, in each portion you have ten additional trips, in each portion. It's not a significant amount of trips that are being added to the site. Furthermore, the memo does go into detail about intersection operations and the level of service which is graded between A and F. The level of service does not change at any of these intersections that were studied in the project. There's no impact by having that circulation the way it is proposed.

Council Member DuBois: You made some comment that currently the traffic is higher on the weekends on Kipling. Again, most of the parking today goes out on Lytton, right?

Mr. Ah Sing: My comments had to do with the pedestrian access.

Council Member DuBois: Thank you.

Mayor Burt: Council Member Holman.

Council Member Holman: Thank you. In tonight's presentation, there was reference to if the properties are merged that the whole site would become an historic property but with only one historic building on it. How come we've not seen that before? I didn't find it anywhere in the Staff Report, in any of the conditions of approval. Is that new? I've asked that question for months, how the historic property would be dealt with. That's one question.

Mr. Ah Sing: That question did come up at the HRB. It also came up at the ARB meetings. We answered the same way, that the site as it gets merged becomes a historic property, but the only eligible and only designated historic structure is the 411 Lytton. A separate historic resource evaluation was conducted for 437 Lytton and was found not to be eligible. Any new building that's on a site will just be not a historic structure.

Council Member Holman: My question is this. If that's the case, why is it not indicated in the Staff Report or in the conditions of approval or in the description that that would be the case, that the whole site would be deemed historic and that one building on it would be an historic structure though? In other words, how would the property be treated? How would it be categorized? It's not indicated in the Staff Report that I can find or conditions of approval.

Mr. Lait: What would happen is the properties would be merged. There's 411 and 437, I think, are the two properties. It's possible there may be a new address identified or maybe they take one of those addresses. We have on our records that the structure on 411 is a historic resource, Category 2 as you know. We're not doing any new re-designation of the site, but we have

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in our records and we would have in our electronic records a notation that says there's a historic property on this site. Excuse me, a historic structure on this site. We still have the documents that talk about 411. We have this as part of the administrative record if this item were to go forward, showing the work that's been done and the review to the Secretary of Interior Standards. We would have in our computer system where we issue building permits a note that would get flagged that says there's a historic resource on this property and that may require review by the HRB. If there's a discretionary review process, how that would be evaluated. Does that get closer to answering your question?

Council Member Holman: Closer. I'm still not clear that there wouldn't be a new address assigned to it, so we'd lose all of that. As you just said, there might be a new address.

Mr. Lait: Is the question administratively how would we handle that or is it ...

Council Member Holman: In the record, how is it going to be assured if there's a new address for instance? I'll drop that for now. The other question I have about this. In the DPR, the form that lays out what's historic about a property—in the DPR form that Dames and Moore did in 2000, I think it was, 1999, 2000, something like that. It's on the City's records, and it was a part of the HRB Staff Report. It clearly says that under Criterion C, which is one of the reasons that the house is eligible for the National Register, that the house is an example of a typical early Palo Alto building type, a square cottage designed by an important early builder, JW Wells. If we put an addition on the back, it's no longer a square cottage that is one of the criteria as a building style, that makes it eligible with the National Register. How can we put an addition on the back that makes it a non-square cottage, given this is a National Register criteria?

Mr. Ah Sing: Any additions that are done to historic buildings have to follow the Secretary of Interior Standards. Part of that is looking at what are the character-defining features of the building. Importantly, the front of the building that's ...

Council Member Holman: With due respect, that's different than what the criteria are that make something historic. It's different than character-defining features, and it's different from satisfying the Secretary of Interior Standards from my perspective. I'm sounding argumentative here, but I'm trying to get an answer.

Mr. Ah Sing: Understand. Looking at the addition, the addition's at the rear of the property. It is continuing on the themes of this building. The project

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isn't trying to add on beyond from the public's view. The addition is in the rear; you can't see it. Those Interior Standards—I understand that you're probably talking about designation of property. The Secretary of Interior Standards have to do with the remodeling of an addition to a property. The properties can be adaptively reused or used in the future. We have to consider how do you allow for these remodels and additions but do not take away from the integrity. That has been looked at through various reports recently included in the project's mitigation measure and initial study. The HRB looked at it and made that recommendation to approve it.

Council Member Holman: I don't disagree with any of your comments about the Secretary's Standards. I'm saying we're eliminating one of the criteria that makes it eligible for the National Register. That's my point which isn't being responded to. Thank you.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: This site—I just want to make sure I've got this right—is zoned RM-40 for the residential. Correct? No? Looking at the ...

Mr. Lait: The subject property on Lytton?

Mayor Burt: What are you looking at Council Member Wolbach?

Council Member Wolbach: I'm looking at the front of this.

Mr. Lait: The project is Certificate of Design Compliance (CDC). The project site is zoning; that includes the cottage. Across the street, across Kipling, to the east is RM-40 I believe. Thirty I'm told.

Council Member Wolbach: Maybe I'm—pardon my confusion. It says right here this is—residential density is 40 units an acre.

Mr. Lait: You want to know the density for the CDC or the zoning?

Council Member Wolbach: Let me move on from that. I'm just looking at this chart on the very front of—this is the project we're working on, right? I'm looking at the very front of this. It says that the proposed residential Floor to Area Ratio (FAR) is 0.58 and that's 8,658 square feet. I want to make sure I'm understanding this correctly before I move on to my next question. Under the section where it says general zoning compliance analysis and the columns required versus proposed. Specifically, just making sure I'm reading it right because the font is small.

Mr. Ah Sing: I think we're following you now. Is there a question?

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Council Member Wolbach: The average—actually that's a little bit different from what's in the Staff Report where it says that the residential is 6,316 square feet. Which one is it? Is it the 8,658 or 6,316?

Mr. Ah Sing: The 8,000 square feet would include all the residential uses on the site. It includes the cottage and what's proposed.

Council Member Wolbach: What we're looking at for an average unit size is over 2,000 square feet per unit. Right? They're pretty good sized housing units. They're over 2,000 each, right? If you go with the 6,000—we're talking about the total of three units also, right?

Mr. Ah Sing: Right.

Council Member Wolbach: Total of three housing units, and 2,886 square feet each on average, so almost 3,000 square feet per housing unit. Just want to make sure I'm clear on that. How many of those are below market rate units?

Mr. Ah Sing: Zero.

Council Member Wolbach: What discretion does Council have to require either more units of smaller size within that same FAR, so that they'd be carved up into smaller units, and also what discretion does Council have to require BMR units onsite? I just wanted to know before we hear from the public and before we go into our comments about this.

Cara Silver, Senior Assistant City Attorney: Cara Silver, Senior Assistant City Attorney. As for the requirement for BMR units, currently your ordinance does not apply to projects of less than five units. We are bringing forward an ordinance that would apply BMR units to smaller projects, but at this point you do not have that discretion. As far as smaller units, that is really a question of redesigning the project if you feel, for some reason, you can't make some of the findings because the units are too large perhaps. You might be able to shrink some of the units, but you would have to link it to the ARB findings or the context-based findings.

Council Member Wolbach: Those are the only conditions under which we could require of the developer that the almost 3,000-square-foot units be carved into, say, a larger number of smaller units, if we could link it to some of those findings and find that it did not meet those requirements.

Ms. Silver: That's correct.

Council Member Wolbach: Thank you for clarifying that.

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Mayor Burt: Council Member Berman.

Council Member Berman: Thank you. Do we have anything in the Code that deals with the treatment of windows at the ground-floor level on buildings like the proposal today?

Mr. Ah Sing: No, but there is within a pedestrian overlay combining district. I think the idea is to not have it opaque. You want to keep it so people can see in.

Council Member Berman: Is that something that we can write into the conditions of approval for the project?

Mr. Ah Sing: Yes.

Council Member Berman: Thanks.

Mayor Burt: Can you review both the adjacent and nearby zoning? Across on Kipling we have RM-30. What about the surrounding areas? Maybe it's in the report, and I just wasn't picking up on it. If it is in the report, can you also point me to where?

Mr. Lait: Sure. Sheldon might be able to help us with that. From memory, looking at the map, RMD is to the north of the project site.

Mayor Burt: RMD?

Mr. Lait: RMD.

Mayor Burt: Remind me what's permissible there.

Mr. Lait: It's a couple of units. I think it's like duplex type of housing, but I'll double check that.

Mayor Burt: That's basically behind it.

Mr. Lait: Correct.

Mayor Burt: One of the ARB findings is about harmonious transitions and scale and character—that's Finding Number 5—in areas between different designated land uses. Can Staff explain how they viewed the compatibility or harmonious transition between this and the units on the RMD behind it?

Mr. Lait: I'll start, and then Sheldon may want to chime in. This would be reflected in the—I think it's Attachment D in the Packet, dealing with the records of the Director's decision. My recollection is that part of the way

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that the Board got there was the Code has a daylight plane requirement. It's set so that it's from the most restrictive standard. The most restrictive standard in this case would be from the RMD zone directly behind the property. Through incorporation of that daylight plane, which you go up 15 feet and then you come over 45, the building needs to stay below that standard. That in combination with some landscaping that is proposed are, I think, some of the features. I'll look to Sheldon to see if there's anything additional that helped the Board get to where they did. The setback is part of that too. I don't know how far the setback is.

Mr. Ah Sing: The underlying zoning actually doesn't have setbacks; however, there is a section in the Code for performance standards that deals with commercial properties that are adjacent to residential properties. There's a list of different development standards dealing with landscape buffers, additional setbacks, noise, and all those were considered as part of this project and brought up to the Board with their evaluation.

Mayor Burt: I hear the daylight plane and the landscaping, but the wording in the findings isn't along those lines. It's scale and character. That's what I'm really asking, how that finding was determined.

Mr. Lait: I'm just looking here in the Packet to see. It was Finding 5, right?

Mayor Burt: Right.

Mr. Lait: The response in the determination letter indicates—I'm sort of reading out loud as I'm looking at this. The area is comprised of various sized buildings, various architectural styles with single, two and three-story buildings with residential, retail, office uses. The proposed building fits within this area with its scale, massing and architectural style. The project is consistent with the pedestrian overlay district. The project provides setback relief and steps its building mass down adjacent to the adjacent Category 2 historic building and uses complementary materials. Clearly the Council in its review may ...

Mayor Burt: That sounded like that was addressing pedestrian district, the adjacent historic. I didn't hear anything, unless I missed it, about the RMD behind it.

Mr. Lait: Other than—I think you're right. The way this is written you've got Findings 2, 4, 5 and 6 sort of clumped together. This sort of speaks to another discussion that we'll having with the Council soon about the ARB findings and how to do that. I would say yes, if the Council's looking at the proposed building and there's some concerns about the properties to the

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north, then you're right on the right finding to look at that to see how the project performs.

Mayor Burt: Somewhat following up on Council Member Wolbach's question, we have max units per acre on the residential. We have no minimum. Is that correct? That's basically why the units are that large.

Mr. Lait: Yep.

Mayor Burt: We don't have any discretion other than if there was something in the findings having to do specifically related to unit size, not just anything in the findings. Is that correct?

Mr. Lait: That's consistent with my understanding.

Mayor Burt: Thank you. Council Member Filseth.

Council Member Filseth: Can I follow up on a question the Mayor just asked? You mentioned that there's a section of the Code that deals with transitions from commercial to residential.

Mr. Lait: Are you referring to the daylight plane requirement?

Council Member Filseth: I want to make sure I understand your answer to the Mayor's question. You said there's a daylight plane, then you go up 15 feet and 45 degrees. Then you said there's a different section of the Code that deals with commercial to residential transitions. I'm wondering if that's 18.18.110.

Mr. Ah Sing: 18.23 is the chapter.

Council Member Filseth: What's 18.18.110? (crosstalk)

Mr. Ah Sing: Those are the Context-Based Design Criteria.

Council Member Filseth: It says low-density residential transitions. Is that relevant here? There's not a lot of detail in—not a lot of numbers in this. There are a lot of pictures. It looks like there's nothing here that's three stories to one story. It's all three stories to two stories, and it calls for sort of graded transitions. I'm wondering why that is. I'm looking at Sections 4 and 5.

Mr. Lait: Figure 4.1, is that what you're looking at?

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Council Member Filseth: 4.1, and then you go into the parking section—4.3 looks like three to two. If you go into the parking section, Section 5 actually, talks about mixed use. 6.5, 6.6, 6.3, 6.8.

Mr. Lait: There a number of Context-Based Design Criteria. These are illustrative to communicate the idea of massing and building orientation and things of that nature. This is what projects are reviewed against. This is what we take to the Architectural Review Board. Again, if the Council finds that the project that's before you is not meeting some of those standards, then those are the kinds of comments that we would want to hear.

Council Member Filseth: I wanted to ask a question on the daylight plane. You have two. One thing I also noticed from all these diagrams is that the daylight plane, particularly when there's a large difference in height on some of these diagrams—I'm looking at 6.5 and 6.6 and 6.7 and 6.8—the daylight plane runs into the ground in an open space between the large building and the two-story house next door. Whereas, in this project it runs directly into the house. Did I read that right?

Mr. Ah Sing: When you apply the daylight plane, it does conform to that requirement. Because the building does have that odd shape, the property has an odd shape, it does kind of contort that daylight plane. There's a good exhibit actually in the set of plans. It looks like almost a blue tint over the property, and that is supposed to depict what the daylight plane is for this property.

Council Member Filseth: It's interesting. I walked up a block away to the corner of Waverley and Lytton, and there's also a big three-story building on—it's actually the northwest corner of Waverley too. That has some of the—not the same kind in this one, but design elements to set back the upper floors. It's clear they did that to try to reduce the massing. That's adjacent to a two-story house as well. In that case, the two-story house is 50 feet away, and it's across the entrance to a parking lot. Whereas in this case, it's a one-story house and right next to it. I thought the one on Waverley seems like it's more consistent with the diagrams in the Code here than this one.

Mr. Lait: I'm looking at the picture ...

Council Member Filseth: Is that accurate?

Mr. Lait: I'm looking at the picture now on Google Maps. You're right. That might be part of the Public Facilities District (PF) zone, which would have a different daylight plane requirement. It does look like it does take advantage of that steeper daylight plane. There is some intervening space

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there between that home and the building that you're talking about. I think there's probably different ways to try to address that. The applicant's put forth a model for you here tonight.

Council Member Filseth: Thank you very much.

Mayor Burt: That concludes our question period. We now hear from the applicant followed by the appellant.

Mr. Lait: I think it's appellant, applicant, appellant.

Mayor Burt: I'll take guidance on that.

Ms. Silver: Your rules don't specify which one. It may make sense to hear from the applicant first and then the appellant and then ...

Mayor Burt: Ten minutes?

Ms. Silver: Ten minutes. And then both appellant and applicant get a three-minute rebuttal.

Mayor Burt: Thank you. Mr. Hayes, you have up to ten minutes to speak on behalf of the applicant.

Public Hearing opened at 7:47 P.M.

Ken Hayes, Hayes Group Architects: Good evening, Mayor Burt, members of the Council. I'm Ken Hayes with Hayes Group Architects. I'll be responding to the appeal tonight on behalf of my client, Brad Ehikian. Two parcels are proposed to be merged to form a 15,000-square-foot site. The parcel here has the historic resource on it. The red line goes away. That is the property line. 437 Lytton has a two-story office building on it of about 7,400 square feet and a surface parking lot with 25 parking spaces. Here's your zoning diagram. You've got the medium-density residential behind. To the west you have CDC. Across the street is a parking lot, public facility. This is all RM-30, and then CDC again occurs here. We first became aware of Mr. Leung's, one of the appellants, concerns at the major Architectural Review Board (ARB) hearing in February of this year. After the approval of the project in March, we reached out to him to meet and discuss and offer changes to address his concerns. We'd like to resolve it that way. We did meet and thought we had made some progress; however, this appeal was filed later. The main concerns of the appellant are garage access on Kipling, second-floor terrace windows, compatibility, and lack of onsite loading space. Let me address them one by one. This is the diagram of Lytton Avenue. Lytton's right here. Nearly every commercial project on Lytton

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that has a parking facility has access to that parking facility via a side street. 181 Lytton on the far left, access off of Emerson. 250 Lytton, access off of Emerson behind it there. 265 Lytton, access off of Emerson. The City's own parking facility behind these buildings here, access off of Waverley and Bryant Street. Then, our project here with access off of Kipling. These are some views. This is 181 Lytton, house next door, minimal landscaping. This is 250 Lytton that was shown by Staff earlier. This is 265 Lytton with the house next door which is one story. This is the newest of all these projects that I've shown you. This is the City's parking entrance at 335 Bryant, and the exit at Waverley. This is our existing driveway—this is one of the two driveways that we have right now. This serves the smaller parking lot. You can see that the house next door has a three to five foot landscape buffer with a hedge in it located here. We had Hexagon Transportation Consultants go out and even before they went out to the site to respond to some of the concerns. They had determined that—this is the garage entrance here shown with the diagrams of the cars. Here's Lytton Avenue. Peak A.M. trips of 23 cars total, and that's about one car every two minutes 36 seconds. Peak P.M. trips of 22. That's in your report. About one every two minutes 43 seconds. We also had Hexagon go out, and they actually observed vehicle queuing at the intersection. They counted one car per four minutes. Even with the volume at this intersection—with the volume of cars at this intersection currently, the 95th percentile for queuing is one car, and that's what they counted. However, they concluded that with the addition of project trips it's not expected to measurably increase. We have actually a capacity for three cars, one, two, three, about 75 feet. We also had them, because the appellant was concerned about pedestrian activity along Kipling and Lytton, go out and physically count it. At the peak hour, nine morning trips on Kipling, 20 afternoon trips, and then 32. This is a peak hour on Saturday. We had them look at Lytton, and we have 30 morning trips, 27 P.M. trips, and 17 on Saturday. There's over three times morning trips of pedestrians on Lytton and 35 percent more in the afternoon on Lytton. Clearly, Lytton is by far the more pedestrian-oriented route during the week. On Saturdays, the opposite is true, but the building is closed on Saturdays, so it shouldn't create any conflicts. Hexagon went ahead and concluded that new trips added by the proposed project are minimal. Therefore, it's probably not necessary to do any further focused traffic study, and "the project as proposed is not expected to have any negative effects on pedestrian and bicycle circulation." We also are removing this driveway cut right here on Lytton. In my opinion, it's going to enhance that pedestrian experience, and it creates an opportunity for us to create a plaza in front of the building where, in fact, we're having our public art installed at that location. I think it gives people the opportunity to see the historic building, and it just makes a nice space. The driveway was proposed—there was some talk about moving the driveway. It just doesn't work in another

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location. We need the length of the site coming in from Kipling in order to get that driveway to work. You can see here we just run out of room. We can't come down and make a turn and get into a garage. Hexagon further concluded that to minimize pedestrian/vehicle conflicts it would be best to locate the driveway on Kipling as proposed. Additionally, the abandonment of the existing driveway obviously makes a safer bicycle route along Lytton. Other positive aspects that I believe are created by having the driveway over here is now we've got 35 feet separation on the ground floor between the house and our building afforded by that driveway, open space, etc. If the driveway was moved, we might be closer to the Kipling home because we'd have to put the building someplace else. Additionally, this is where that plaza is proposed here, in front of the building. Lastly regarding this, the Palo Alto Municipal Code, 18.18.110—there it is—"vehicle access from alleys or side streets where they exist with pedestrian access from the public streets." They're encouraging us to put the driveways on the side streets. Parking is accessed from side streets or alleys when possible. The precedent is there. Certainly, the context. The next thing is second-floor window terrace. Site plan here. The appellant's home at 340 Kipling is here, the two-story home. The two rectangles are his dormer windows. You can see our landscape buffer here. This is a 20-foot tall hedge at maturity of bamboo and pittosporum. A big 45-foot tree that we're proposing back here, not initially but eventually. This is the terrace with a roof garden on it with planting to help provide privacy. This is a picture of the side. The appellant's home is here with his two dormer windows. The house in between, our building on the left. This is the existing condition showing that driveway again with a little bit of landscaping here. There's really no privacy now. In fact, this diagram tells it best. This is the existing office building. You look right across this one-story home, right into the two-story home. In fact, the appellant had provided pictures of that. It's quite remarkable. This is the proposed project with a 16 to 20-foot tall hedge. I don't show that neighbor's hedge here and also a vine-covered trellis. You can see that the hedge diverts the view up and provides the buffer that the Code encourages. This also shows the daylight plane. In fact, it is created at the property line. I'm not sure what you're referring to when it said it was created at the house. It comes off the property line and then up at 45 degrees. I would argue that there's more privacy under the proposal than there is today. This is the terrace with the roof garden on the terrace. Again, we have a yard behind the building and a 20-foot tall hedge that would provide some screening. The ARB conditioned the use of the terrace hours from 8:00 A.M. to 6:00 P.M. Monday through Friday and 9:00 to 5:00 on the weekends. However, after discussing with the neighbor on Waverley, we've agreed to limit the outdoor use of that terrace to 10:00 to 5:00 during the week and shut it down on the weekends. An additional ARB condition that Planner Ah Sing mentioned was that automatic shades will be installed in these office

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windows located here. We went so far as to say we were happy to install a film below six feet so that the occupants can still see the sky but would provide additional privacy for the homes. In terms of compatibility, architectural compatibility is achieved through contextual building relationships and linkages that we can draw, but not by replicating architecture. In my mind, that would sort of hinder what we do as architects. Always looking for something new. Compatibility in my view for this project is achieved by aligning adjacent building heights. The ARB actually liked this idea. Our stair tower is, in fact, aligned with the 22-foot tall commercial building next door. We've space it away equidistant, so you can see this is equal on each side of that historic home to kind of highlight the historic home. We're reinforcing block faces. The setback along here is reinforced with our building. We capture the corner, and then we yield to the historic building there. Most importantly we're drawing design linkages from the architecture of the neighborhood. We have these gambrel roofs. We have dormers. We have shed roofs. We have flat roofs. We have shingle siding. We have horizontal siding. From that side of our building looking at those houses, we have the gambrel roof, we have the dormer windows, we have the shed roof, we have a flat roof, we have a shingle-style pattern here, and we have horizontal wood siding there. I think that we really are drawing from that neighborhood. I have 45 seconds.

Mayor Burt: A very quick wrap-up.

Mr. Hayes: The quickest 45 seconds. This is the view from the street. The loading space, this is critical. This site doesn't have an alley at the rear. None of the sites on Lytton do. Most of the deliveries are from the street, and loading zones are created. It's the most efficient way to do it. An onsite loading zone would look something like this with this blue horseshoe for a 12-foot by 45-foot zone or it would look something like this, a hammerhead. It really destroys the 15,000-square-foot site. We're getting rid of that driveway. We propose that the bus stop remains here. In this 168 feet we provide an onsite loading zone that can be used by everybody. Thank you. I urge you to support the project and deny this appeal.

Mayor Burt: Thank you.

Mr. Hayes: I'm happy to answer any questions.

Mayor Burt: We next hear from the appellant. I have cards, but I'm not quite clear who is speaking on behalf of the appellant. Welcome. You have up to ten minutes to speak. If you would introduce yourself, that'd be great.

Vincent Leung, Appellant: Good evening, Council Members and Staff. I am Vincent Leung, and I am the appellant. I'd like to start off by talking about

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the safety and traffic impact of this project. It's already been mentioned before that currently there is two separate parking lots for this project. One small one with four parking spaces, and a larger one with 20 space which currently has ingress and egress on Lytton Avenue. This is an aerial shot of the project or the current building. The red on the upper right is the current 20-space parking lot which goes out onto Lytton, and then you see the smaller four space parking lot on the bottom which goes out onto Kipling. This is another picture of the four space parking lot going out onto Kipling. The proposed project is going to create a two-story, 65-car parking garage with entrances and exits solely onto narrow Kipling Street. Currently there are four cars going in and out of Kipling, so that is an over 1,500 percent increase of traffic going onto Kipling. Kipling Street has special considerations, and you guys have heard about this through 429 University. It's 29 feet wide. Cars are often parked on both sides of the street. Congestion on Kipling is usually dependent on the type of vehicles that use the street, factors such as the size of moving and parked vehicles, parked vehicle distance from the curb, double-parked vehicles, FedEx, UPS, etc. Unlike other Downtown streets with greater width than Kipling, Kipling is very sensitive to these factors because there's simply no margin unlike other streets. Cars often have to pull over to the side to allow opposing traffic to pass. Three or more vehicles require some tricky coordination to work out the congestion. This is a picture of Kipling, looking into Lytton Avenue. You can see the street, the cars parked on both sides and the van in the center. This wasn't staged. This was just traffic I picked up with my iPhone. On the right where the red arrow is, is the current proposed entrance and exit of the 65-car parking garage. You can see how narrow Kipling is. This is something that I don't think Hexagon has really picked up on, the narrow congestion of specific cars that go in and out of this area. Some of the considerations we've got to consider is that the pedestrian traffic on Lytton Avenue is mostly adults from what I observe. The reason being is that in front of 437 Lytton there's a bus stop. People queue up there to take the bus in the morning and in the evenings. The traffic on Kipling Street has a lot more children walking between Johnson Park and Downtown. There's a different composition of the traffic that we really need to be careful about. When you increase the ingress and egress traffic on Kipling Street by over 1,500 percent, you decrease public safety because you have more traffic going through the curb cut on the sidewalk where children walk. You have more potential traffic coming from or going through to Johnson Park to get to Highway 101 through Willow. You have increased traffic through the neighborhood streets due to cut-through traffic. This is a map of the current building. You can see the four parking lot space which exits out to Kipling on the north, which is the purple arrow. You have a 20-space parking lot which has ingress and egress on Lytton Avenue. On the proposed structure, all 65 cars will enter and exit onto Kipling Street under the purple arrow. Where

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the green is on the upper left is Johnson Park, where you have the pedestrian traffic. By putting the entrance on Kipling, you're encouraging access going through neighborhood streets where there's already documented accidents, especially on Everett and Middlefield Road. That's not where you want to increase the flow of traffic. This is just a shot of the type of traffic that you see for pedestrians on Kipling where they're about to cross. That curb cut is the proposed garage access. Hexagon did a second study, which I did read. One of the flaws with the traffic study is that it was done in June where traffic is low in Downtown because everybody's on summer vacation. It also doesn't account for the composition of the traffic on Kipling versus Lytton where there's more children on Kipling. It ignores public safety decrease due to shifting traffic from Lytton onto Kipling and potentially the neighborhood streets. It also doesn't account for the congestion due to things like delivery trucks or the size of the parked cars. Hexagon comes in for two to three days. They take a sample, and they apply statistics. They don't understand the nature of the traffic like the residents who live there and see the type of cars that move in and out all the time. These are the Codes I believe it violates. I'm not going to get into this. This is my appeal letter. I'm going to get to noise. The project includes a second-story terrace which faces residential homes. It's got residential homes on all three sides in close proximity, 25 feet from my home, approximately 12 feet from the nearest home. This is the architectural rendering which, I think, the perspective kind of distorts things. The terrace is the yellow in the center. You can see how it's surrounded by residential homes. This is a little bit more accurate. You can see the red outline are the homes that surrounds the terrace in the center, which is the blue rectangle. I've labeled the ones on the left 1 and 2, and the ones on the right 3 and 4. Here are some photographs of 1 and 2. This is along Waverley. You can see the windows that would be right next to the second-floor terrace. Here are the homes along Kipling, 3 and 4, which would be facing the right side of the terrace. Here is the view of the terrace from my second-floor window. Now, you can apply landscaping to screen the line of sight which is fine, but the landscaping is not going to do anything to obscure the noise. As a second-floor terrace, there are no structures to obstruct the noise, which will travel through Downtown North because it's a very quiet neighborhood. The noise will travel. They have a Conditional Use Permit, but that essentially just shifts the burden of enforcement to the residents. I want to get to compatibility. The proposed building is three-story, 40-foot structure, and the buildings roughly adjacent to it are all single-story. You guys have already talked about this 18.18.110. It has a nice diagram. The building that's being proposed is similar to the one on the right in the red. The buildings adjacent to it are all similar to the low-density yellow structure that is on the left-hand side of this diagram. This is a view from Kipling Street from the architect's drawings. You can see the small

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house directly next to it on the right. This is a view from Lytton Avenue. You can see the historic, one-story house on the left and the other one-story house on the right. This is a view south of it. This is the 411 Lytton building. You can see it's a one-story structure. This is a view north of the proposed building. These are all one-story businesses. This is a view from 437 Lytton, looking across Lytton Street onto the 7/11, all one story and a parking lot. I'm not going to get into these Codes. They're in my appeal letter. Lastly I'd like to address the loading zone on 18.52.040. It doesn't have one, and they propose to take two public parking spaces to use for private use, which I disagree with. Thank you.

Mayor Burt: Thank you. We will now hear from members of the public. Each speaker has up to three minutes to speak. If anyone else wishes to submit a card, they need to do so at this time. Otherwise, we will be cutting off additional speaker cards. I have seven speakers. Our first speaker is Jeff Levinsky, to be followed by Doria Summa. Welcome.

Jeff Levinsky: Good evening, Mayor Burt, Council Members and Staff. Doria and I are going to talk about the loading area issue. The first question we put before you is, is a loading space required. The Staff says actually no. This is from the Staff Report from Page 8. It says that Table 1 in the Code indicates how many off-street loading spaces are required and that it falls under other uses because it's a mixed-use project, so there's no actual direct requirement. We think this is incorrect for a couple of reasons. First of all, it's not Table 1; it's Table 3. More importantly, the Code actually does specifically say what the requirements are for mixed use. This is the other uses thing that they mention in the Code. In Table 3, they say all uses not specifically listed, but what the Code does is actually explain how to handle the mixed-use situation. It's 18.52.040. It relates to loading. If you go down to three there on the bottom, it says where uses or activities subject to differing requirements are located in the same structure, the total requirement shall be the sum of the requirements for each use or activity computed separately. In other words, you add them up. There's some exceptions, and I'll just mention these just for completeness. All the exceptions are for parking, not for loading. The Code goes on and again addresses mixed uses. It says where residential use is conducted together with or accessory to other permitted uses, applicable residential requirements shall apply in addition to other non-residential requirements. There's a few exceptions. Again, they relate to parking. The Code does require a loading area. We ask that you look into this and say why in the Staff Report does it not mention these specific Codes that require a loading area for the mixed-use case. Here's the most curious thing. This very same Code that I've shown you is what is used for handling parking in mixed-use buildings. In other words, when the Staff goes and figures out the parking

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requirements for this building, they add up the requirements for each different use as the Code requires. The ink in our City Code is written in black ink. It doesn't fade away. It's not that the ink is there when you do it for parking, and then the ink disappears when you do it for loading area. It's the very same Code. If the Staff acknowledges that's the way to do it for parking, that's the way to do it for loading and the loading areas required. Doria will speak next. Thank you very much.

Mayor Burt: Thank you. Our next speaker is Doria Summa, to be followed by Fabian Frank.

Doria Summa: Good evening, Mayor and City Council and Staff. Thank you for letting us speak to this issue. Question Number 2, can the loading space be in the street? Staff says yes, but we've gone over this, and it's really clear actually that the loading is required onsite and cannot be on the street. I should put my glasses on. The problem with this is that it was a sensible law because it said going forward when people rebuild these buildings in Downtown and other places in Palo Alto that don't have loading areas, we would like them to be onsite so we don't take up public resources. The harm is it definitely lowers the number of available parking spaces by taking two for a loading site. It potentially pushes two more cars in front of residences. We already know what a big problem that is. It can be an inconvenience to retail users who want to park close and pop in and do something. It gives something of great value, at least 120,000, to a private owner of public property. We don't see that there are other buildings nearby that need this loading zone, that meet the requirements for the loading zone. It likely wouldn't be used by other buildings. In summary, we believe that one loading area is required for Lytton. By law, it cannot be on the street; it has to be onsite. The plans that are submitted here do not meet the Code for that reason. We think that you should consider that when you are considering how to respond to this application and potentially reject it based on that and other factors. Thank you.

Mayor Burt: Thank you. Our next speaker is Fabian Frank, to be followed by Smardu Vikram.

Fabian Frank: Good evening. My name is Fabian, and I'm fairly new to the Bay Area. I've been here for 4 1/2 years, and I'm working in Palo Alto in the Downtown area. As it happens, I also on Sundays play in the Palo Alto adult soccer league, which means six days per week I have to be in Palo Alto. I don't live in Palo Alto because there is not enough market rate housing available, so that there is something suitable for my family. If I would be able to live in Palo Alto, that means I would not park in Palo Alto six days per week. That means I would not drive to Palo Alto six days per week from

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San Jose where I live. In fact, 101 is so congested especially during the week that you end up taking an early exit, usually Embarcadero if you want to get to a Downtown area, and you drive through residential areas, past schools, etc., so you're eventually somewhere near University Avenue. It would be great if I could live in Palo Alto because then I could either walk to work or I could use my bicycle, so I would not add to the parking and traffic in Palo Alto. Also, on weekends if you want to go to San Francisco, you can use Caltrain if you live walking distance from Caltrain, which Downtown Palo Alto luckily is. However, when I started working in Palo Alto, I tried to find housing, and it was just not possible. I think it would be great if there would be more housing units. For a lot of people like me and people that I talk to, professionals who also work in Palo Alto but don't live there, that means market rate housing in Palo Alto. I think that would be a good thing to actually add these units.

Mayor Burt: Thank you. Our next speaker is Smardul Vikram, to be followed by Stephen Ehikian.

Smardul Vikram: Hi. Good evening, everyone. I'm Smardul Vikram. I'm here to voice my support for this specific project. It specifically calls out of addition of more residential units. As someone who works in Palo Alto but lives somewhere else—for example, I live in San Jose as well actually. I have to drive down here five days a week, which adds to congestion as well as noise and traffic problems in Palo Alto. If there are more residential units that are available here, people like that, thousands of people who work in Downtown Palo Alto but live somewhere else, if people like me could live here, we would basically walk to our work or bike and reduce the noise and congestion which is present in Palo Alto. That's all. Thank you.

Mayor Burt: Thank you. Our next speaker is Stephen Ehikian, I believe, to be followed by Stephanie Munoz.

Stephen Ehikian: Thank you very much. I'm here today as a resident, as a business owner in Palo Alto as well as the resident in 411 Lytton Avenue, the site of the development. I can speak to each one of these. As a resident, it's an absolute privilege to be in Palo Alto. It kind of resonates with what the last two speakers have said. I can walk to work. I do not need a car. I do not have a car. I actually walk wherever I go, walk to work, take the train to San Francisco or San Jose, shop at local stores, eat at local restaurants. Second, as a business owner, we have plenty of employees who would love to live in this area, cannot find housing. They live outside the area, usually not near a train station, so they do drive to work, do require parking. They park in the streets (inaudible) adds to density and traffic. Third, as a resident at 411 Lytton, when I wake up, when I go

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outside and walk on Lytton Avenue, I see a gigantic parking lot and a lot of pavement. This proposal actually puts that underground and replaces it with a very—it looks very pleasant—park with some artwork, a much enhanced upgrade than what I currently have today. I'd say in terms of the development I hear a lot of questions around the need for additional affordable housing. That's throughout the Bay Area. There's also a need for additional housing in the Bay Area as well and specifically Palo Alto. I wish you consider both of those as well. I'm in support, and I would encourage everybody to support the project at 437 Lytton. Thank you very much.

Mayor Burt: Thank you. Stephanie Munoz to be followed by our final speaker John Karl Fredrich.

Stephanie Munoz: Good evening, Council Members and Mayor Burt. I want to mention something that's not often mentioned. I'd like to talk about the unseen hand. There's an economic theory that people living in a society have some motivations that are pretty obvious. For instance, the City Council, the obvious motivation is they have the interest of the community at heart, and they want to have a nice-looking town in which people live pleasant, comfortable lives and have jobs and are healthy. There's the problem that the things that the City Council does don't always lead to those conclusions. Something like Mephistopheles getting Dr. Faustus to do things that he doesn't want to do. He really doesn't want to do bad things, but the unseen hand is pushing him. Like the devil made me do it. Some 50 years ago, the people who were on the City Council looked at a town which had been entrusted to them, a little college town, a cute little town, nice little houses, comfortable, not ritzy, not glorious, cute, nice, prosperous, equality, had a lot of good qualities. They saw a possibility to make money, lots and lots of money, to change Palo Alto into the cynosure of the civilized, technological world. They took that opportunity. They took Stanford's land, which had been intended to be houses up in the hills, far from the little downtown. They turned it into an industrial powerhouse. They made a lot of money. Palo Alto's one of the principal cities of the world. It's crowded, and the people can't afford to live there, and they're being pushed out of their houses. We have too many cars coming in to all these offices. Mayor Burt pointed out some weeks ago, before the vacation, that we don't even have legalized offices, that they're really sort of an anomaly in this planned city. You can't have fireplaces. You can't have lawns. The City has drastically changed, and we have a lot of homeless, which is really unconscionable. Simply passing laws saying that the homeless have to leave town is not a solution. I would say that we have to go back to a balance. We have caused unaffordable housing and we've caused homelessness simply by supply and demand, simply by offering fewer

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houses. We have to change that so that there are more houses than there are and an equal number of housing to works. Thank you.

Mayor Burt: Thank you. Our final speaker is John Karl Fredrich.

John Karl Fredrich: Good evening, Council Members and fellow citizens. I'm here to speak both as a candidate in the coming elections and as a former resident on the north side and a longtime member of the community who takes an active interest in housing, zoning and many of the issues that are embedded in this particular project, which I do not feel is ready for takeoff. I do feel that the Council should not go with the recommendation to adopt and approve the report from City Manager and the Planning Director. I believe that perhaps the fairest thing to do would be to continue the appeal to get data in a couple of the areas that I'd like to suggest. On Page 5 of the document from the Director, it claims that an effort was made to minimize impacts to surrounding neighborhoods and businesses. You've heard many times over tonight that this project does not yet meet that criteria. The last time I ran for Council in 2014, Councilman Schmid turned me onto this Downtown cap study. Another figure that I think you might want to get is to see where you are in the actual total of the square footage in the Downtown cap and whether this project and the other projects that have been—I would like to see that figure in the report. The other projects that are recently completed or in the process of being completed don't move you right up to the edge. I assume Staff in due diligence found out that this does not put you over the line, but it takes you way up there. My biggest objection, however, is in the Mitigation Negative Declaration, the California Environmental Quality Act (CEQA) Environmental Impact Report (EIR) at the end of the document that you get to by hitting that hot button at the end, that leads you to think that this building is compatible to the residential neighborhoods behind it. We didn't see those neighborhoods in any of these slides very well. The one slide over on Waverley that Mr. Filseth referred to has a building very much different in terms of daylight plane and the house there on Waverley is quite a bit further behind. The fear I would have in a dissatisfied resident there would be that they would consider this a taking and consider that by building so close to his house, he'd be very well positioned to challenge your finding without the things that I mentioned and a street-level analysis of the traffic on Kipling which is, as your records showed there, between six to eight feet narrower street than the other streets.

Mayor Burt: Thank you. First the applicant and then the appellant each have three minutes to respond, if you would like to.

Mr. Hayes: Ken Hayes. I'd like to introduce Brad Ehikian, my client.

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Brad Ehikian: Good evening, Mayor and Council Members and neighbors. My name is Brad Ehikian, and I own the properties located at 411 and 437 Lytton. I first want to state that my family and I have lived in this area close to 30 years. My two boys have their companies located in Downtown Palo Alto. We're committed here for the long term. The last thing we want to have is enemies. I'm here tonight to try and be a good neighbor. Also, I don't consider myself a developer. With that said, we have developed or we have done a couple of projects here in Palo Alto with the help of Ken Hayes. We developed the AT&T building at the corner of Page Mill and El Camino. We did the adjacent parcel which was the old Stanford Cleaners, which required a sizable environmental cleanup. We built the building at 361 California Avenue which housed Starbucks and the Counter. We're finishing up the medical building on 853 Middlefield. We're extremely proud of these developments, and we think that they've been well received by the community. What I found by doing these projects is that it's getting more and more difficult to comply with the City ordinances and the general plan. I think this project has met that, and I think it's substantiated by the Staff Report. I think the decision that's got to be made by all of us is on future projects that are going to be opposed do we look to the zoning, do we look to the Codes, do we look to the ordinances and the general plan for the guiding light. We've been working on this project for over five years. During that period, we've had multiple ARB hearings. It's just one of those things where we've gone out to our neighbors on multiple occasions. We've altered our plans numerous times in order to try and deal with the issues raised by the Board and the community. I know everyone here is very passionate and protective of Palo Alto as we are. Again, I'm very proud of this project because we are able to provide much needed housing. We're under the allowable square footage. We're under the allowable height limit, and we're over-parked. Again, I just want to thank the Council and the neighbors for their time and consideration. Thank you.

Mayor Burt: Thank you. Then, the appellant has an opportunity to respond for three minutes as well.

Mr. Leung: I just want to make a comment regarding some of the speakers about housing for this project. I believe this project has three penthouses or something on the top floor. I'm not really sure this is the type of project that's going to bring the below market rate housing that people are concerned about here. That's all. Thank you.

Public Hearing closed at 8:26 P.M.

Mayor Burt: Thank you. We'll return to the Council. Council Member Holman.

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Council Member Holman: Perhaps we can get clarification on a couple of things. Is the housing square footage—in response to Council Member Wolbach's question, is it the 8,658 or the 6,316? The plan set to me looks like it's two units, but I keep hearing reference to three units. If it's three, can Staff point as to where it is?

Mr. Lait: Yeah. The three units, there's the existing single-family residence.

Council Member Holman: Not in the new building but in the—it's not a new unit. It's an existing unit that's being counted towards the three. Two new units.

Mr. Lait: When you merge the lots together, there would be three units.

Council Member Holman: It's two new units. Thank you. The project height, I keep looking at the plans and have in the past. It seems like it's actually taller than 40 feet at least at places. I thought there was comment by Staff that the project had been reduced to 38 feet.

Mr. Ah Sing: Right. The way the height is taken, it's the average. The plans, I believe, have 40 feet; however, it is supposed to be 38 feet. That was what was approved.

Council Member Holman: Can Staff respond? I didn't know that we did averages of height. I thought we did—the highest point was what determined the height.

Jodie Gerhardt, Planning Manager: Yes, I can find the Code language. For sloped roofs, we do the average.

Council Member Holman: For sloped roofs. It seems to me like the flat roof portion is higher than 40 feet. I'll give you a moment for that. The plans that were in our packet and that we've all poured over don't have a date on them. In the conditions of approval and everything, there's no reference to a plan set or a plan set date. It's important because if we either support or continue or deny the project, we still need to know what it is that we're referring to.

Mr. Lait: The date is March 14, 2016. It's a stamp that we have on another set of plans that we have in our administrative record. These plans are the same as those plans.

Council Member Holman: It's what date?

Mr. Lait: March 14, 2016.

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Council Member Holman: I think I'm remembering—weren't there ARB meetings after March 14?

Mr. Ah Sing: There was a meeting on March 17th, so these plans were at that meeting, and those were evaluated.

Council Member Holman: There were no changes made at that meeting?

Mr. Ah Sing: There were no additional conditions that would have changed physically the building.

Council Member Holman: Is it okay if we go to comments, Mr. Mayor? Go to comments, and when do you want Motions or ...

Mayor Burt: We're in the comment and Motion period.

Council Member Holman: I'll make a couple or three comments, and then I'll attempt a Motion then. I looked up the Code purpose for RMD NP which is what's behind this on Kipling. Some of it has to do with dwelling units. The RMD district is intended to minimize—hang on a second—incentives to replace existing single-family dwellings, maintain existing neighborhood character and increase the variety of housing opportunities. Maintain the existing neighborhood character, I think, is relevant to this project. That is not found. I still am troubled by the lot merger and what the implications are on that and did not ever feel that there was a response to how we can change one of the absolute criteria that's identified in the DPR. We can change that and not be negatively affecting the historic resource. I will try a draft Motion. One last comment before I do that. Again for the historic resource, since I'm kind of the one that carries that banner along with, I think, Council Member DuBois up here mostly. There weren't good references in the conditions of approval to what the plans were and what the requirements were for the restoration of the historic resource. They were in a separate document that wasn't, to my discovery anyway, referenced in the conditions of approval. The draft Motion is to continue the appeal and require redesign to address the following: those are findings that cannot be made. ARB Findings Number 2, 5 and 6. I'll find those in a moment. Also Context-Based Design Criteria can be found starting on packet page 510, and those are (a) 1A, (a) 2A, and then (a) 2A I, II, III and IV.

Mayor Burt: I'm sorry. Do you mean (a) 2B when you just said that?

Council Member Holman: I'm sorry. I did, yes. Thank you. I'm sorry. Yeah, 2B I, II, III and IV. Also this would be (b) 2B and C and H, and (b) 3B and D, and also on the next page, packet page 512, it would be (b) 4 and

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(b) 4A and B. Those are upper case A and B. I think a better outcome here would be to eliminate the lot combination.

Female: (inaudible)

Council Member Holman: I'm not quite through yet. To eliminate the lot combination and eliminate the rear addition to the historic house.

Mayor Burt: Wait a minute. Council Member Holman, we need to clarify which things are part of your Motion and which things are comments. You need to finish composing your Motion.

Council Member Holman: If we're wanting to give direction to the applicant, these things I'm about to mention—there's six of them, I think. This would be direction to the applicant as part of the Motion.

Mayor Burt: I think the Motion needs to be the basis for continuation, and then we can make comments supplemental to that. I don't know that we should have the comments as part of the Motion, unless you expect everybody to endorse your particular comments.

Council Member Holman: I look for Council Member Kniss' second. Just one question of clarification then for the Mayor. If we just make comments and don't put this direction for the applicant in a Motion, how do we know what the consensus is and how do we give clear direction to an applicant?

Mayor Burt: Your Motion has done that. Then, you began to talk about certain things that you prefer. The Motion needs to either say that's a basis for continuation or denial or it's not. When you start just saying your preference is something, I think that's a comment that is difficult to be part of a Motion. You either incorporate it clearly in the Motion or add it later as a comment.

Council Member Holman: I will stop for the reasons that I've put up here. I hope somebody else was able to track them while I was reading out of the Staff Report. Those are the reasons why I would move the continuation of the appeal and require redesign.

Council Member Kniss: (inaudible) second it.

MOTION: Council Member Holman moved, seconded by Council Member Kniss to continue the Appeal and require redesign to address the following:

The following Findings cannot be made:

A. Architectural Review Board Finding Numbers 2, 5, and 6; and

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B. Context Based Design Criteria:

- i. (a) 1A, 2A, 2B: i, ii, iii, iv; and
- ii. (b) 2B, 2C, 2H; and
- iii. (b) 3B, 3D; and
- iv. (b) 4, 4A, 4B.

Mayor Burt: Motion by Council Member Holman, second by Council Member Kniss. Would you like to speak further to your Motion?

Council Member Holman: Yes. I think we're coming to a point where, I think, we have a good ARB. The ARB did support this project, not unanimously. I think we're coming to a point where the community and the ARB is better understanding compatibility. I think in this particular occasion they didn't get there. There's a lot of examples here of how I don't think we are satisfying our Code, having to do with transitions and compatibility. My personal—if you want my comments now?

Mayor Burt: You're speaking to your Motion; you're free to comment as you see fit.

Council Member Holman: I would recommend eliminating the lot combination. There are a number of reasons for that. It's really unclear how this property would be treated with all assurance in the future. It also allows for, because of the lot combination—I wrote it down. I think it's whatever the lot size is, 2,800 and something square feet of additional office to be a part of the project. I do think that adding an addition to the rear of the house destroys one of the criteria that makes the house eligible for the National Register, the Secretary of Interior Standards aside. I think the roof pattern that's just adjacent to 411 Lytton should respect that roof pattern. There are other sloped forms on this roof and, I think, just having the square steps doesn't accomplish what a respectful roof pattern would adjacent to the 411. The off-street loading facilities, I happen to agree with the presentation that was made and has been made to us before, that the Municipal Code, I think, is pretty clear. I personally would move the driveway away from Kipling to Lytton. I'd lower the height of the building at the Kipling corner to respect the single-story building across the street. That's an example of not changing zoning in the middle of the street, which is a pretty basic planning tenet. Going from single story to three story is tantamount to changing the zoning in the middle of the street, which is really a planning no-no. Transition the building to better respect the single-story residential on Kipling. The project only creates two new residential

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units. I think a project could be designed to be better. I guess in general about planning projects such as this, there are locations where three stories can be accommodated and be in better transition and be appropriate. There are places where it isn't. I think this is a situation where it really isn't. With all due respect and respectful of all the effort that's gone into this, I think it's just a site that has its challenges. The more one understands those upfront, the less time and effort is put into it by both the applicant and the City review boards and Council. I think that covers my comments. Thank you.

Mayor Burt: Council Member Kniss.

Council Member Kniss: Mine will not be as detailed as Karen's was. I have a very different reason for seconding this and voting no. For some of you who are still here who live on Middlefield north of University, just nod your head if you do. That's a group that I've been working with very closely for many, many months now. Tom did meet once with that group. It literally is what I would call the Middlefield gate problem that we have in this community. Between University and Willow, both in the morning and after about 3:00 in the afternoon, the traffic is absolutely untenable. It really stuns me. If we have an enormous project going on Lytton, and this will take quite some time. There's no way to shorten those. That is going to exacerbate that traffic in that area even more. I now have spent a lot of time out there with Staff. I've been watching what's going on. There are a number of scofflaws that are cutting through. People really like to cut through Hawthorne and Everett. Primarily, if you want to go safely, you've got to go on Lytton. That's the only place that there's a light, either morning or night. For that reason in particular, I find that this is alarming. Until we can solve that kind of problem, to add more construction, to add more trucks onto that street, at some point it will be closed, and you'll have to detour around it. Many of us have been doing that on many streets lately, I think, to good advantage. It has really, really troubled me that we have not resolved that. To begin a project now on Lytton where Lytton is the cross street for—I am only guessing, but I think it's the cross street for almost anyone who is coming off of 101, who is probably headed for Stanford, who may be headed for Sand Hill. I don't know exactly where they're going. A huge number of people use that as the cut through. Ed and I actually went out and spent some time there. I can guarantee you that as people go to cross Middlefield or turn on Middlefield, two out of every three just break the law. Even though I know the police know about it and I wish they would spend more time there, that does exist. We haven't solved that problem. Until we solve this traffic problem, that even though not everything in our report tonight indicates that that is the case, anecdotally with my own eyes I have been watching it for quite some time. As I said, quite different reasons from

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Council Member Holman's, but I feel pretty strongly that this isn't the way to go until we solve another problem. Thanks.

Mayor Burt: Vice Mayor Scharff.

Vice Mayor Scharff: Thank you. I also won't be supporting this project but not for the reasons that are in the Motion. I had some questions for the applicant. Is that all right?

Mayor Burt: Yes.

Vice Mayor Scharff: Whoever who wants to come represent the applicant. It might be both of you given my questions. My first question is the loading zone issue. Is that a minor issue that you can redesign it or is that a major issue?

Mr. Hayes: It's a major issue. The sites aren't combined. It's a 12,000—the site is just too small as are many in the Downtown to get a 12-foot by 45-foot unloading zone for a truck to come onsite, turn around because you won't be able to back out, turn around onsite and head out forwards. It's impossible. I don't know how you'd do it. You'd have a paved—half the site—you saw my diagrams. Half the site would be paved. That is a very, very—it's almost a non-starter. I don't think any project in the Downtown, even the new one at 265 Lytton, has an onsite loading zone.

Vice Mayor Scharff: I just want to ask Staff then in follow up. On the loading zone issue, what did we do at 265 Lytton and do we have the same—because that's all office, isn't it?

Mr. Hayes: All office.

Vice Mayor Scharff: If we don't (crosstalk).

Mr. Hayes: And it has a historic structure on it as well, a historic resource.

Mr. Lait: Jodie's looking that up. We can research that.

Vice Mayor Scharff: My next question to you. Would you be willing to redesign the residential to have 600 to 800 square feet or possibly even micro units to get more units on the project?

Mr. Hayes: Brad and I have talked about this. It would be—part of the problem with having four units on that third floor is that it will require us to—there's something in the Code that allows us to have a single exit story if we are four units or less. We had a three-story stair originally. If you remember the drawing that showed the historic house and then the building

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on the corner and then my stair and then it stepped up, but I matched the two heights, that was brought down in response to ARB and HRB comments. We figured out that we could eliminate the stair from the third floor, so that stair is only two stories. We have one stair that serves the third floor. I have a diagram that shows how we could get three units on that third floor. You'd have a 1,000-square-foot unit and two 1,500-square-foot units. Two of them would be two-bedroom, one would be one-bedroom. We wouldn't be exacerbating the parking and the number of people coming in and out, because that is a concern of the appellant. There's a way to get there, but I think we need to cut it at three. It would take some study to get four.

Vice Mayor Scharff: Don't go anywhere. I had a question for Staff. Under the current zoning, could this project be a residential project or would that not fit within the zoning?

Mr. Lait: It would have to be part of a mixed-use development, so commercial ...

Vice Mayor Scharff: If they had retail on the ground floor, you could have residential above it?

Mr. Lait: Yes.

Vice Mayor Scharff: How would you feel about putting retail on the ground floor with residential above it?

Mr. Ehikian: That's a whole new project, right?

Vice Mayor Scharff: Huh?

Mr. Ehikian: That'd be a whole new project?

Vice Mayor Scharff: It would.

Mr. Ehikian: The problem is we've been working on this thing for five years. We went through the whole process, got it approved by the ARB. Now, it just seems like the rules change. I mean, there's no guarantee that even that's going to get approved.

Vice Mayor Scharff: How about ground-floor retail and office, could you do that?

Mr. Ehikian: Ground-floor retail, office and residential?

Vice Mayor Scharff: Um-hmm.

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Mr. Ehikian: I want to get the thing done. I've got a lot invested in this thing, a lot of time, a lot of money.

Mr. Hayes: There's 5,350 square feet on the ground floor of what we're calling office.

Mayor Burt: Mr. Hayes, can you get closer to the mic?

Mr. Hayes: There's 5,300 and something square feet, 50 square feet on the ground floor. If there would be a way to configure it so that we could have some office and some retail and maybe it's split in a way that Brad—maybe that whole corner becomes some kind of a retail piece.

Mayor Burt: I don't think it's appropriate for us to do horse trading here, but we can ...

Vice Mayor Scharff: I wasn't horse trading. I was just asking.

Mayor Burt: We can in our comments give some indication as to other things that would be desirable when this returns.

Vice Mayor Scharff: I was going to say I don't think you can get this project, the way you have it done, approved. I don't think necessarily that what you've been given here to do will be helpful to you. I think when you come back—if I was going to come back, and you come back with a similar project or a project that's redesigned, I don't think you're going to get approved frankly. That's just a personal observation frankly. I think you need to come back with a whole new project that basically has more residential and ...

Mr. Ehikian: There's got to be some communication between the ARB and ...

Mayor Burt: Let's—we'll have a comment, but ...

Vice Mayor Scharff: I'm just making a comment. I don't expect you to respond to that. In fact, don't feel bad. I'm not being rude, but you can just sit down because I've asked my questions. I want to continue. I feel bad for you in that way, in that I don't quite see how we get from what's been talked about here to a realistic project that you can come before us and get approved in this Motion. For me, it's going to require at a minimum ground-floor retail. Otherwise, I won't support it. It's going to require probably more residential. I would prefer the three over the two frankly, the smaller ones. I understand there's some challenges with that. I would prefer to see it all retail on the ground floor and residential above. I think

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that's more useful in terms of what we're looking for these days. I'm not saying I wouldn't vote for an office and a retail project. I would with residential. I think the notion that you can come back and just tweak this and get it done is not true. With that, I'll make a substitute Motion, that we deny the project, that we uphold the appeal and deny the project.

SUBSTITUTE MOTION: Vice Mayor Scharff moved, seconded by Council Member XX to deny the project and uphold the Appeal.

Mr. Ehikian: Just for clarification, are you saying that I can build a three-story structure that has retail on the ground floor and the balance of it is residential?

Vice Mayor Scharff: I can't say anything.

Mayor Burt: I'm sorry. Just a second. It's really—none of us have that authority to do that at this time. We're going to work through our process.

Mr. Hayes: How does this relate to the appeal?

Mayor Burt: Thank you. There may be other questions for you, but we have to follow our mechanisms and our process. Let me continue. I'll go ahead and speak next. Thank you.

Vice Mayor Scharff: I made a Motion. Who wants to second it? I don't know.

Mayor Burt: Sorry. Did that have a second?

Vice Mayor Scharff: I guess not.

SUBSTITUTE MOTION FAILED DUE TO THE LACK OF A SECOND

Mayor Burt: That dies for lack of a second. I want to make a few comments. First, I want to say that I think the design of this building is actually—has a lot of innovative architectural elements to it. I think it's better than many of the office projects that we've seen in the Downtown area. I also want to really make sure that we as a Council are having a proper obligation to approve or deny projects based upon review of the appropriate Code, not our own personal preferences or whimsies or concerns about whether it be I'd like to see more retail there too. I'd like to see less traffic impact. That's not what I find before us in the requirements for review of the project. I really want to encourage colleagues to not drift into whatever personal preferences we may have. I have some personal preferences in how I would like to see the Code changed. We can do that. I would like to see minimum densities on the residential. We don't have that

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today. I would actually—the more I've thought about this loading, I really think we need to reconsider whether we should have on-street loading as the preference rather than off-street. I think we may have it wrong especially in an era of common carriers. If we don't allow, provide good, efficient on-street loading, they double park in the street right and left, and it's an increasing problem. To think that a common carrier—if we provided off-street loading that a common carrier would use, that is optimistic at best. I think there are a number of things that we need to reexamine in our Code. Until that's done, we have the current Code by which we have to judge a project. When I had gone through the ARB findings and the Context-Based Design Criteria, which are the Code—they are a major part of our Code and our requirements for approval of the project—my areas where I perceived this project not adequately compliant were almost identical to Council Member Holman's Motion. Independently, I had gone through and reviewed the findings and had very similar concerns. When Council Member Holman cited them by number, but when we really look at them, a number of them are, for instance, that the design promotes harmonious transition in scale and character in areas between different designated land uses, meaning different zonings. When we look at the different zonings behind it and across the street, it's a tough argument to make that this is a harmonious transition. This is a large, I think, well-designed building, but it stands out not harmoniously with the surrounding buildings. The design is compatible with approved improvements both on and off the site, which is a similar but not identical finding to the previous one. Under the context requirements, the relationships between the site's development to adjacent street types, surrounding land use, etc., must be compatible. It goes on. Upper floors are set back to fit in with the context of the neighborhood. I went through, while we were talking, Google street view on all the surrounding and across the street buildings on Kipling. That's really tough to be able to argue that this building can meet those requirements. I'll just cite one other. On this specifically for low-density residential transitions, which this particular project has, transitions of development intensity from higher density development building types, that being this, that are compatible with the lower intensity surrounding uses. B is massing and orientation of buildings that respect and mirror the massing of neighboring structures. Those are really the required findings. The ARB and the Director and the Council must find that the projects meets all of those findings. It's not meets one of them. It has to meet all of them. I'm much more literal in looking at our Code requirements. Whether I think that—for instance, regarding the loading, I would support this returning with a variance for that loading, not Staff arguing that it is in compliance, but to say no, it's not compliant with zoning and here are the reasons why we think this is to the benefit of the community. Accompanying with that, if they were to make that argument, I would hope it would go on the list back to the Planning and Transportation

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Commission of zoning changes. If the Staff made the argument for this one site, then we should be making it as a global argument. The same thing if we're telling the applicant that we really would be more receptive to more units on the residential, I think it goes hand in hand that we've already stated as a Council we want to see us move toward minimum densities and not just no minimum density of units and a maximum or permittable FAR, floor area, of the residential. These big units of penthouses maybe acceptable to a former Planning Commissioner, but they're not what we're looking for, for new units in our housing stock going forward. Those are the reasons that I will support the Motion. I once again want to encourage my colleagues to stick to the Code. Thank you. Council Member DuBois.

Council Member DuBois: I think my colleagues covered a lot of it, so I'll try to be brief. Four issues I want to point out. On the historic building, I'm still kind of with Council Member Holman there, a concern about protecting that building. I'm not convinced the lot merger was the best approach. I have a concern about—Kipling is a narrow street. A part of the presentation was that there are a lot of side streets off of Lytton. I think we've got to recognize that Kipling is unique in how narrow it is. I would prefer to see we protect the pedestrian flow on Kipling rather than Lytton in this case. I was concerned about scale and context in terms of harmonious transitions. I thought some of the examples you showed were actually pretty useful. I had gone out and looked at the same examples. I think most of these office buildings on Lytton that back up to residential actually have buffer zones. This first building, I actually worked in this building. It's a two-story building, and there's a nice buffer of trees.

Male: (inaudible)

Council Member DuBois: It's the first one in the Ken Hayes presentation. This building was shown several times with a garage, but the other part of it is this very beautiful public garden that's a buffer between the building and the houses. The last one that I had looked at before I came in was the terraced Sheppard Mullin building, which also has quite a big separation between residents and the building. The last thing I wanted to say is this is an odd-shaped lot. For me, one of the major problem areas was the second-floor terrace. It sticks out in the back and is close to three residences. It's a different pattern than most of the office buildings. Most of the office buildings don't have that protrusion that steps back towards the houses. I was concerned about privacy and noise from that aspect in particular. Thank you.

Mayor Burt: Council Member Filseth.

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Council Member Filseth: Thanks very much. Having been out there several times, it's interesting. You get one thing from the pictures here, but it's not quite the same as walking around and looking at all this. My concerns are pretty much the same as the Mayor's and Council Member Holman's, which is scale and massing and the transitions. Can I ask the Mayor a question? Based on what you've said, in your view can those things be fixed by a tweak or is it a much more sweeping redesign?

Mayor Burt: My view is that the mass of the building—it's current mass can't address those problems. The mass would have to be reduced along with design that also addresses it. It's not just the question of how big it is. It's what the design is. My speculation is that both would need to work hand in hand.

Council Member Filseth: Maybe this is a little bit procedural. I'm happy to support the Motion as is. My question is if we just continue it, are we giving a non-answer and we're going to get a little bit of a change. It's going to come back, and we're going to have all the same issues. Would it be more appropriate just to say no as Council Member Scharff moved, which is why I think he went there. What do you think? Is it fair to everybody just to do that or should we continue it?

Mayor Burt: I think the project in its basic zoning, the type of uses and the density and daylight plane and other factors has complied basically with the prescriptive elements of the zoning. As a result, I think that the continuation is the right approach. When we do this—we've seen this with a project on University—it brings open the possibility that we go back in a loop that doesn't resolve things. It's really up to the applicant and the ARB, hearing what the Council has said, and for the Council to have been as clear as possible not in trying to design the project but in pointing out the areas where the project must comply better. That's a little bit of a long answer as to why I think it is appropriate to go as we've done in the Motion.

Council Member Filseth: I understand. Thank you very much. My concern, as you gravitated to, was the possibility of the endless loop kind of thing. Thanks.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: I find myself a little bit torn here. I don't like this project. I don't like how it's using the property. I think we can all guess, we all know I'd like to see more housing there. I'd like to see lots more units, smaller units and at least a couple of them below market rate. I appreciate the comments from the public, talking about the need for housing including market rate housing. I share that concern. We have a problem of not

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enough BMR units in Palo Alto and the Bay Area. We also have a very clear problem of just not enough supply as we've added lots of jobs over the last few years and not a lot of housing. That's not just Palo Alto's problem, but we're a part of it. I recognize that concern. I think the solution is to see developments where it's mixed use with—as Mayor Burt pointed out, we ought to have minimum densities, but we don't have that in our Code right now. I would also support analysis of whether maybe we do have it wrong on onsite loading zone versus on-the-street loading zone. I think we should study that along with minimum densities, but we haven't done that yet. It's hard for me to justify voting against something because it obeys the rules, and I don't think our rules are as good as they should be. We haven't taken the steps yet to change our rules, to modernize them to reflect what we want to see. This project's been worked on for the last five years and has come to us today, trying to act in accordance with our existing rules. On the question of how this is compatible with the neighboring projects, it's really subjective. It is 50/50 for me. There's a one-story building next to it, but there's a two-story building one building away from there, down Kipling. That's the one, I think, where we have the appellant coming to complain. If their building was the one next to it, then three stories to two stories would be a pretty reasonable step down. The fact that they're further away in some ways actually makes it harder for me to justify voting against it. I was also looking at it in 3-D street view and everything and know the area quite well. I was actually just in that property recently for a meeting in that building, the existing building. I think it's frankly not an attractive building right now. I think this project would be an improvement aesthetically for that corner. I don't love it, but I think it's an improvement over what's there right now. I think the use of the property is better than what is there right now. It's not perfect. Right now I'm inclined to vote against the Motion. If somebody in support of the Motion wants to sell me more clearly on how each of these things that we've listed isn't met by the project, you might be able to convince me. We have to stick to our own rules. We ask everybody else to stick to the rules; I think we have to stick to our own rules. If something is merely 50/50 on something that's totally subjective and aesthetic, it's hard for me to say we're going to vote no. I am also very worried about an endless loop, and I am not convinced that we're going to avoid it. I think this Motion send us down that path. Again, I'm open minded to being convinced that this Motion will not lead us in that direction and that we are preserving the rule of law here. I'm not comfortable with this Motion right now.

Mayor Burt: The Vice Mayor just was pointing out to me that we're an hour and a half behind schedule with some really important items. Council Member Schmid.

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Council Member Schmid: I will support the Motion. I don't have necessarily strong feelings about each one of the items identified, but I would identify Number 2H and 3B that stress the massing of the project and especially 4A and 4B. 4A says transitions of development intensity from higher density development building type to building types compatible with the surrounding area. On that, the item that was most significant for me was the applicant's map of vehicle access. It shows clearly on the north side of Lytton from Alma to Waverley over the last decade or so, 15 years, there's been a tremendous build-up of large-scale, massive buildings. 101, 181, 250, 265, 305, 325, 379. That brings us to Waverley. There's nothing to the east of Waverley. This project on the corner of Kipling presents a new massing in a new part of that Lytton north corridor. I think it raises the issue of 4A and 4B significantly. The other items that are not mentioned on this that were important to me is the loading issue and the cumulative traffic on Kipling, which is a particularly narrow street in the Downtown that is facing development issues. Thank you.

Mayor Burt: Council Member Berman.

Council Member Berman: I'm going to support the Motion only in the sense that I hope it gives the applicant the best opportunity to come back with a new design that hopefully gets majority approval from the Council, which is going to be difficult given the different views you've heard today. I agree with some colleagues on some things and some colleagues on others. I'm not necessarily wedded to any of the particular parts of the Context-Based Design Criteria that the maker of the Motion brought up. Certain colleagues have talked a lot about the proximity to the low-density residential behind it or north of the project. I think Council Member Wolbach makes a good point. It is a one-story building next to a two-story building, I think, next to another two-story building. I thought the applicant actually did a pretty good job of attempting to do that. Council Member DuBois brought up that some of the other samples had a buffer. Maybe I'm misunderstanding this, but this seems to have a buffer. There's a 35-foot driveway between the home to the north and the project. That's a pretty good buffer in addition to a hedge that is part of the proposal. Caddy-corner, I guess, to the—there is a one-story building a little bit further back with the terrace on top. Maybe that terrace idea needs to be reevaluated. That is right next to a garden part of the project that again is a buffer to the appellant's property. It seems like there are buffers there in the project. I hope when this project comes back we recognize the fact that buffers were attempted and do exist. There are the issues of scaling and mass and the desire to have more housing. I was more worried about the kind of mass on Kipling with the one-story home across from Kipling and maybe stepping that third story back a little bit. If you do that, that's eating into the housing that we all

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want. We really do have a chicken and an egg issue with do we want more housing and are willing to have a little bit bigger building to accommodate the housing. Because of that I also have concerns about some comments that were made about not supporting third stories at this site. That third story is going to be housing no matter what, and that means that if we don't allow three stories here, we're cutting down on the amount of housing. There are a lot of contradictory messages that you've heard today, and I don't envy you in trying to square them all before you come back to us. I would agree with colleagues that I would like to see more units onsite. I'm not going to offer up specific suggestions, but get more units because we need them. I think you'd get more support on Council and in the community if there were a greater number of units than the current proposal has. I'm going to support this with the hope that—it's also, I think, a better looking building than a lot that we've seen. I really commend you for that. Hopefully you're able to come up with a proposal that you can come back in not another five years and can get five votes on Council.

Mayor Burt: Council Member Holman, you have a light. We've gone around. Are you wanting to modify a Motion or ...

Council Member Holman: No, it was ... No. I'm done.

Mayor Burt: I don't want to comment on the project per se again, but I do want to share for members of the public something that I neglected to state. There's a lot of concern that this project has considerable office and a comparatively small amount of housing and that that's not the direction that we want to go. Those are sentiments that I agree with, but under our existing zoning for this area and other parcels in this area, that's what's presently permitted. What would be required to change that is not to deny a project that otherwise meets the law. It's to change the law. We as a Council may want to be looking. We've already talked about some of this, about whether we need to change the zoning in some of these areas, either what's allowed under CDC or where CDC is the permitted zoning. We have an obligation—in fact, a lot of the members of the community who would be most critical of this additional office, which I'm not sympathetic toward either, are also members of the community who have insisted that we as a Council and a Staff must obey our Zoning Code. This is part of the problem, that this is a part of the Zoning Code. We have the other requirements that are the basis of the Motion. Other than that, we can't capriciously say we won't allow office when that's exactly what is permitted under the current zoning. I just thought that was important for the public to understand the process and respect for the rule of law. Let's now vote—yes, Mr. Lait.

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Mr. Lait: Thank you, Mayor. Just a clarification on the Motion when you're going to vote. For the redesign, if that's going to come back to the ARB or if it's going to come back to the Council.

Mayor Burt: The maker should probably clarify that.

Council Member Holman: Yes, to the ARB.

Mayor Burt: The seconder concurs?

Council Member Holman: Actually the question is should it go to the HRB and the ARB, because there are historic implications here. At a minimum to the ARB.

Mr. Lait: The HRB looked at the project that's before you and did not find an issue. We're happy to take it back if that's the Council's direction.

Mayor Burt: I would encourage that it be ARB.

Council Member Holman: The ARB, but asking Staff to be sensitive to the issues that have been raised.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, "and return to the Architectural Review Board" after "to address the following."

MOTION RESTATED: Council Member Holman moved, seconded by Council Member Kniss to continue the Appeal and require redesign to address the following and return to the Architectural Review Board:

The following Findings cannot be made:

- A. Architectural Review Board Finding Numbers 2, 5, and 6; and
- B. Context based design criteria:
 - i. (a) 1A, 2A, 2B: i, ii, iii, iv; and
 - ii. (b) 2B, 2C, 2H; and
 - iii. (b) 3B, 3D; and
 - iv. (b) 4, 4A, 4B.

Mayor Burt: Please vote on the board. That passes on an 8-1 vote with Council Member Wolbach voting no.

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MOTION AS AMENDED PASSED: 8-1 Wolbach no

Mayor Burt: Thank you all. We now have a big item which is a review of the draft Transportation Element prepared by the Comprehensive Plan Update Community Advisory Committee. Do we want to take a quick five-minute break? Can we do a five-minute break for a five-minute break as opposed to a five-minute break that's a ten-minute break?

Council took a break from 9:18 P.M. to 9:31 P.M.

At this time Council heard Agenda Item 18.

Mayor Burt: We're going to return to business but change the Agenda a little bit. If we could get everybody back. We had more than our five-minute break. For Item Number 18, we have some consultants here who specifically have traveled to be here for this item. We've talked about how our Staff and they can give us as short of a presentation as possible. We have the sign Item 17, the Draft Transportation Element on the Comprehensive Plan. That's one that the scheduled amount of time of an hour and 25 minutes would not have been adequate either way. What we're thinking of doing is proceeding with Item 18 first until about a quarter after 10:00 P.M., and then opening Item 17 and hearing from members of the public who are here. Do that item up until about 11:00 P.M.. Have the Staff Report and members of the public, and then we'll continue the item and agendaize it for as soon as possible and have a longer, more deliberate discussion where we don't feel rushed on such an important item. On that note, do we need to vote on an Agenda change? Nah.

18. Adoption of the Public Art Master Plan to Guide Public Art for the Next Decade; Authorize the City Manager to Adopt Policies and Guidelines to Implement the Plan; and Direct Staff to Return With Amendments to the Municipal Code Provisions on Public Art.

Mayor Burt: We will now proceed with Item Number 18 which is adoption of the Public Art Master Plan to guide public art for the next decade, to authorize the City Manager to adopt policies and guidelines to implement the Plan, and to direct Staff to return with amendments to the Municipal Code provisions on public art. Mr. de Geus.

Rob de Geus, Community Services Director: Good evening, Mayor Burt, Council Members. Rob de Geus, Director of Community Services. Welcome back. We're pleased to be here to present the draft Public Art Master Plan. I just want to say a quick word of thanks before I pass it on to the Staff that have done all the work on this. The Community Services Department (CSD) Assistant Director Rhy Halpern also oversees the Arts and Sciences Division

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among many other projects, Public Art Manager Elise DeMarzo and our Program Assistant Nadya Chuprina, terrific Staff. Public art in Palo Alto, as we all know, has been very important to the vibrancy and engagement of our community. These last three to five years with the leadership of Rhy and Elise and Nadya and the Public Art Commission, I think it's fair to say that we're seeing public art become increasingly relevant, stimulating and inspiring. I'd just like to thank the Commission and the leadership of these fine Staff that have gotten us to where we are today. We also look forward to the next six months. We hope to bring a number of milestone projects to the Council including the Junior Museum and the Parks, Trails, Open Space, Recreation Master Plan. We're happy to kick it off in the fall session here with the Public Art draft Master Plan. With that, I'll pass it on to Rhy.

Rhyena Halpern, Community Services Assistant Director: Thank you very much. Rhyena Halpern with CSD. It's very nice to be here tonight. I really appreciate this Agenda change. Just a couple of quick opening comments. We started about two years ago with a Request for Proposal (RFP) process looking for consultants who could lead us in the Master Plan. We were very happy that our successful applicants were our consultants who are here. You'll hear from just shortly Barbara Goldstein and Gail Goldman. Barbara and Gail are both very esteemed leaders in their field. They do a lot of Public Art Master Planning and creative place making. They're the folks you're going to hear from tonight. I also just wanted to give my own nod of thanks and recognition to Elise DeMarzo and Nadya Chuprina who do an incredible job. As well, our Chair of our Commission, Jim Migdal, and our Vice Chair, Ben Miyaji, who you'll hear from too. Ben also served as the Chair of the Public Art Master Plan initiative. He's really been involved in it, and he took a redeye from Boston last night to be here today. We're very appreciative that he is here. With that, I just wanted to say on our first slide of our presentation we had a really exceptional process that involved the input of over 300 community members. What I love about that whole process of community input is just people in Palo Alto love the arts. They love community engagement. They really believe in the cultural sector and its power to bring the community together and to have economic impact. There's a lot of ideas in the Public Art Master Plan that are really beyond—there's a lot of ideas that we heard through the process that are really beyond the purview of Public Art Master Planning. They really have to do with cultural master planning. That's something that we are starting to do in the Arts and Science Division, and we'll come to you in a couple of years with a Cultural Art Master Plan. Tonight we're really focusing on public art. I just wanted to acknowledge the community input. When they heard about public art, they're thinking very, very broadly. They're thinking about the theatres. We have three theatres and two museums, the Artist Studio program, a maker program and the Public Art Program. Their ideas were

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very, very broad. Tonight we're focusing on those ideas that are about public art. With that, we're going to go to the next slide. I wanted to start us off with the Mission Statement. Here is our new proposed Mission Statement for your review. The Palo Alto Public Art Program promotes the highest caliber of artwork, commissioning memorable public artworks and experiences that stimulate discussion and thoughtful reflection, celebrating Palo Alto's character and enhancing civic pride and a sense of place. With that, I'm going to toss it to Elise.

Elise DeMarzo, Community Services Manager: Here you'll see our renewed Vision Statement. I just want to reiterate that the Mission and Vision Statement really came out of this phenomenal public outreach process, which you'll hear about more in-depth from our consultants in just a moment. Our advisory committee, for instance, was made up of a wonderful cross-section of the community. Representatives from the Chamber, from businesses, from Stanford, students in the School District, Palo Alto Unified School District (PAUSD) staff and including really innovative ways to engage people who don't normally come out to public meetings. Sending an artist team out into the community to engage people in playgrounds and commercial districts and engage commuters and people who are less likely to actually come to City Hall for a public meeting. We're really excited about this renewed Mission and Vision. I will now turn it over to Barbara and Gail to discuss the outreach process.

Barbara Goldstein, Barbara Goldstein and Associates: Thank you for having us. This was probably one of the most extensive outreach processes that we've ever engaged in as public art planners. We met with a very large number of people. We had a series of focus groups with people from neighborhoods, with commuters, with young people. We met one-on-one with a number of people, and we had a boot camp with City Staff and with Commissioners to give them a sort of orientation to what public art can be and what the framework for it is and to listen to questions and answers. One of the most exciting parts to this was that we did an artist-led outreach process where we solicited a team of artists. They called themselves Mobile Art Platform, Chris Treggiari and Peter Foucault. They created this mobile art studio that was pulled from one place to another on a pair of bicycles, opened up and got people to write what their big idea about public art was. They stamped the big idea, and everybody got a certificate, and we got input from 350 different people. Those ranged from high school students to seniors, from commuters to neighborhood folks. They went to an ice cream social. They went to different places. We got a lot of information from that as well as people's photographs and their thoughts on not just public art but other things that the arts could do for Palo Alto. What came out of this was a series of guiding principles. The things that we heard again and again

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were, first of all, that public art should be Citywide, that it shouldn't just be located in Downtown, but it should be located Citywide. It should be in unexpected places like alleys or on train platforms or where people wait for the shuttle bus. It should really look at a very broad of variety of different artistic media whether it was art that is made with technology or whether it's art using traditional means.

Gail Goldman, Gail Goldman Associates: The other three primary goals for this were to really think about involving artists in the planning processes to take advantage of the kinds of expertise that they can lend to a process from the very inception to really make things as cohesive and integrated as possible in the approach to art within the community. It's also important to really think about other ways in which artists can become involved. There were a lot of artists that were involved in this process. We had specific focus groups with artists, and they really talked about wanting to be citizen artists and become involved as much as possible in the evolution of public art in the City. Talking about permanent and temporary work, really looking at again as well-rounded experience for the viewing public and (inaudible) people who visit here as well as live here. Across the board, really uncompromising standards in terms of artistic excellence. Making sure like with everything else that we create that we're also able to maintain it because it does reflect what our priorities are and what we value as a City.

Ms. Goldstein: One of the things that came out of all the meetings that we had was a series of different themes that were important to people. The same issues came up again and again and became really important themes for the Public Art Plan. One of them had to do with accessibility and making sure that people could see public art and artworks in their neighborhoods or in their daily lives. It didn't need to be something that they had to make a special trip to go see. People suggested things like art that would be woven through walking routes and residential areas and things of that kind. There was a very strong theme that came up time and time again, and that was to involve young people in public art whether it was in making public art or creating art that would be interactive for young people to enjoy and participate in. The other thing had to do with environmental stewardship. We had a number of very strong and vocal environmentalists that felt that art should be something that would illustrate environmental processes and get people to appreciate the natural world. To really think about all the different partners that we could engage in the public art process whether it was the tech companies, whether it was Stanford University, whether it was the School District. By building partnerships, we would have public art that would be much stronger than doing it just as a City program.

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Ms. Goldman: I had jumped ahead. I was talking about themes before, but just reiterating again the artists being integral to the planning effort. Addressing art at the very inception of a project really maximizes the opportunities that are available. Also keeping people informed and making them aware of what is happening, using all the kind of resources that are currently in place and then expanding them through different partnerships throughout the community.

Ms. Goldstein: There were basically two big goals that we came up with during this process. One was to create large, impactful, ambitious works. The second one was to make sure that there were short-term, temporary works and interactive experiences that people could participate in every day.

Ms. Goldman: In keeping with that, certain objectives include locating art in the those unexpected places; creating that sense of surprise and whimsy where you stumble on something that you don't expect in unconventional locations.

Ms. Goldstein: That really sort of speaks to the affection that people have for the Greg Brown murals Downtown which you find in unexpected places. Also the idea of having impactful art in business areas, whether it is on University Avenue or on California Avenue, but also thinking about the things that are coming up, specifically the Public Safety Building and the garage that's going in on California Avenue.

Ms. Goldman: Again, continuing on this idea of making sure that art is accessible to everyone, that it is distributed throughout neighborhoods, to really identify the importance and embrace the kids and their families by creating things that are interactive.

Ms. Goldstein: Environmental stewardship, we already talked about that. Creating artwork that would be illustrating environmental issues and even putting an artist in residence in the environmental services department. This was a very important thing. To give a person the opportunity to actually put art in a specific area by creating plans that really said Downtown, California Avenue, Stanford Research Park. We have a strategic plan for what type of art we want to have there and what the goals are, so that a developer would have a choice of either putting something on his or her individual site or putting it into an in-lieu fee to accomplish something that was bigger than doing something on their individual site. This came out very loud and clear when we talked to the real estate people at Stanford Research Park. They felt that having a plan for how art could be placed there would make for something that would really help to reinforce what the

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park was like rather than seeing lots of little pieces of art dropped around individual campuses.

Ms. Goldman: Taking advantage of the really unique resources and tools that are available in Palo Alto becomes a really important contributor to the way the Public Art Program is promoted and received. There are all kinds of ways, even now looking at Pokémon Go has become a tool for finding artwork. Also just really partnering with the technology that is here to really put the word out.

Ms. Goldstein: Again, building partnerships for education, whether that is getting Stanford students to work as Public Art docents or it's working with the schools, making sure that education is a key part of public art. That's one way to get people to embrace it, by developing educational programs so that people feel that they're a part of what's going on and they know more about it.

Ms. Goldman: To really again reinforce the involvement of regional and national artists in planning within the City by putting them on Boards and Commissions, thinking about their role in advocating the importance of site-specific design. Also having artists in residence by embedding them within certain City departments where they could help in design-related solutions.

Ms. DeMarzo: I'm going to jump back in from the Staff side on Objective 9. Ensuring that the artwork is maintained, conservation efforts are underway, and the collection reviews occur regularly. As you all know, we have a pretty robust collection. The care and maintenance of it does take quite a bit of Staff effort. We've been fortunate enough and are very grateful for some additional maintenance funds, which began coming to us about four years ago. We absolutely utilize every dime of it. As a result, we've been able to really keep the collection—take care of some pieces that were in dire need of assistance and also to do some of that preventative maintenance. There are a number of policies and procedures that the consultants looked at. We've also been working very closely with the City Attorney about our policies regarding gifts policies, deaccession policy, murals policy and temporary Public Art policies. These were all recommendations that the consultant made that we would look at. There are some sample policies in the Staff Report. There are also some minor Code changes which would come back to the Council. Rhy, I'll turn it to you.

Ms. Halpern: This is our last objective, Objective Number 11. It has to do really with the capacity of the program. Successful administration of the Public Art Program is an objective here. Where we're at now is we're at a point of growth where we're really at our capacity. Just to give you an idea,

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typically a full-time project manager has a full load when they have five to ten projects, depending on the size of the projects. Right now with two full-time Staff dedicated to public art, we have six muni projects, five conservation projects, three temporary public art projects and 38 private development projects about half of which are actively using Staff time. We are at that capacity issue. That's why this objective is especially dear to me, just to make sure that we continue to professionalize the program and have the capacity to meet the demand. One thing that I always like to say about public art managers is that they're part project manager, part construction manager and part curator of visual arts. It's a very unique skill set, and we're really lucky to have Elise and Nadya here. We're just at that point where we are starting to need some more assistance. With that, that's really the conclusion of our presentation. Before we open it up to questions and comments for the Council, I wanted to bring up our Chair, Jim Migdal, and our Vice Chair, Ben Miyaji, who each have very brief comments on the process.

Jim Migdal, Public Art Commission Chair: Hey everybody. I think a few things I want to just say about the process that for me were really exciting. One is that it provided a forum to hear from folks that would never come to a meeting like this. Just kind of finding people in unusual spaces. You're engaging someone at the Farmers Market who may not be thinking about public art. All of a sudden (inaudible) and you get their opinion. It's not like we could talk to 1,000 people, but 350 is a lot of people. The second thing I'm excited about is the fact that the Staff has already got us going on some of the ideas that are part of the Plan. I think the Plan, if you read it—I'm sure you've read it—is broad. I kind of think of it as a menu of different things that we're going to pursue over a number of years. Each year we'll pick a couple of different things to do. I want to highlight just a few that I'm excited about. One of which is the Patrick Doherty piece. It was disassembled, and they kind of set things up. I think Loren was at the disassembly. I wasn't able to make it. The idea of getting the community to be involved in taking a piece down, that's a really unique opportunity. He's going to come back and build the next one. I think that's a really cool way to do community engagement. The second is this notion of embedding an artist into another project. There's a product that I think has been long in development with—is it the Arastradero Corridor? We've been meeting, and it's going to come to the Commission to vote on soon to kind of identify artists that can help. There's not a lot of money, but there's interesting ways in which you can take allocated funds and bring beauty and taste to something that could just be boring medians. The last thing is a nuts and bolts thing, but the deaccessioning/accessioning thing, I think, is important to be able to have something that's a streamlined process. It's something that gets done in an orderly way. I'm super excited. I think these guys

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have done a great job. I'm excited about the planning process, to think through the things that we're going to do over the course of the next few years with the program. Thank you.

Ben Miyaji, Public Art Commission Vice Chair: Good evening, Mayor and City Council Members. I'm Ben Miyaji; I'm Vice Chair of the Public Art Commission and Chair of the Public Art Master Plan Advisory Committee. Thank you for moving this item up on the Agenda. It gave me a jolt of energy, enough to make it through this. Thank you very much. It was a long flight from Boston this morning. The Advisory Committee was a very diverse group of community members that included local business representatives, Stanford University members, environmental advocates, former City Council Members and Mayors, Palo Alto Unified School District members, artists and most importantly students from the local high schools. These were very important because we need to have our youth involved, so everything that we work for now they can carry on and they get involved. Many, many hours went into the Plan you see before you tonight. A public outreach process that involved hundreds of people through artist outreach meetings, open public meetings and my favorite the Mobile Arts Program, the two guys on the bikes. There were six Public Art Commission meetings and a retreat that dealt with the Master Plan. The Plan involved the close working of the Public Arts Staff, City Staff, the Advisory Committee, the Public Art Commission and the consultants to shape the Plan in its current form. This was a good process and reflects the input received from all the sources. The Plan provides flexibility with goals and objectives that can be implemented as the landscape changes in the next ten years. The Master Plan is a guide for the next decade of Public Art in Palo Alto with an updated Mission Statement and Vision. I'm really, really excited to get started on this. Thank you.

Mayor Burt: Thank you. Does that conclude the Staff Report?

Ms. Halpern: That does conclude it. I just wanted to introduce to you Loren Gordon, another Public Art Commissioner who's here for support too. Thank you very much.

Mayor Burt: Thank you. Thanks for a great presentation. Since we only have one member of the public who wishes to speak, why don't we go ahead and have that person speak, and then we'll return to both questions and comments together. Mark Weiss, you have up to three minutes.

Mark Weiss: Did you say I get nine minutes? No. Thank you, Council Members. This is today's *New York Times*. I just happened to run into it this morning. On Page D6 and D7 in the sports, it's an article about the

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Olympics. It's in the sports section. It shows that in the Rio Olympics the women's marathon goes past a very prominent Public Art piece. This is a Rwandan runner. It's a Matthias Hangst photograph, Getty Images. It shows very prominently a large piece of art I'd never heard of. Frank Stella's Puffed Star II, I think it's called. I'm actually saying the opposite in that we have some wonderful pieces. I don't know their Frank Stella compares to our Fletcher Benton or our Bruce Beasley. People think of Bruce Beasley as many times polished steel, but ours is granite. I'm saying we don't necessarily need the world class, home run art piece. We have wonderful art. We have 200 pieces or maybe 44 sculptures and 200 rotating pieces or something like that as the Staff Report says. I think our art is very appropriate for our community. There's also this sense that I was interested to hear how it proceeds tonight in terms of in the local press, not the *New York Times*, but the local press was sort of playing this up about the controversial pieces or the ones that they don't like. There was a local woman, Jessica Roth, quoted contrary to the tone of the local press. I agree with her 100 percent. I know her personally. I don't think she minds me mentioning her. The pieces that cause dispute or cause arguments or cause criticism; the discussion of the pieces become part of the fabric of the community. The pieces are part of the fabric of the community. Our respective views on it become part of the piece. The conversation becomes part of the piece. I don't think we want a piece that is such an amazing piece that it's unveiled, and 60,000 Palo Altans and 100,00 day workers all feel exactly—they know exactly what it means, and 100 years from now everyone will be saying the exact same thing about it. That wouldn't be art. It'd be a monument or something like that. I think it's good to have things that we have differing views on. I think the conversation and the differing views are what art is all about and what makes our Palo Alto our Palo Alto. Hats off to the team here of Rhyena and Elise and Barbara, et al. Thank you for doing this.

Mayor Burt: Thank you. We'll now return to the Council. Before us is a Staff recommendation that we review and approve the Public Art Master Plan. Council Member DuBois.

Council Member DuBois: First of all, thank you for all the hard work. It's really exciting. I'm looking forward to finding art in unexpected places. I had a few questions you guys hopefully can answer. This is a ten-year Plan, I think. How will updates come to Council? Will we see progress over the ten years?

Ms. Halpern: We come to you every year with an update, basically a Study Session on public art. We'll be constantly, annually giving you updates. This fall in September, we have a Public Art Commission retreat where we'll

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be setting our first year's priorities. Our next time that we come to you, we'll give you an update on that.

Council Member DuBois: The percent for art from private developments, that will be administered through this program?

Ms. Halpern: It's administered through the Public Art Program currently, yes.

Council Member DuBois: The evaluation criteria for artist selection, I wondered if we should have something in there about avoiding conflicts of interest in terms of how that's chosen or if that was a consideration. There was a lot of things about artistic qualification, but I'm just ...

Ms. Halpern: That is part of our process, conflict of interest.

Council Member DuBois: I didn't see it called out in that criteria.

Ms. DeMarzo: At the beginning of any selection panel, we absolutely ask that anyone serving on that panel or, if it's coming to the Commission, if there's a conflict of interest that they need to recuse themselves.

Council Member DuBois: Artists applying—could a developer hire his wife to do the art or would that be ...

Ms. DeMarzo: That's actually specified in the language that no, it cannot be a family member of the applicant. Good question.

Council Member DuBois: I appreciate the goals. Somewhere it mentioned a linear path adjacent to Caltrain. I didn't know what that was referring to. Is that Park Boulevard? Is it one of the bike trails?

Ms. Goldstein: The community members that suggested it were really talking about along Park Boulevard, the whole strip where there's parking. It would be really great if there was some kind of a linear park there. It's aspirational. Let's put it that way.

Council Member DuBois: I hadn't heard it called that before. I like the goal of being Citywide. Looking at the map of where we do have art, there's kind of a big desert here in the south and west of the City. When you look at the Plan, Appendix 5, a lot of the locations mentioned there, I didn't see much that's in the south and the west. I'd really challenge you guys to think about some of those locations. Things like Arastradero, I heard one of the speaker mention. I don't know if that's on the list. It wasn't called out.

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Ms. Goldstein: The Charleston-Arastradero Corridor is one of the locations. It's kind of hard to see it on the map, because it draws it as a line on the map under the areas that we were hearing would be good locations for art.

Council Member DuBois: Under Goal 2, when you talk about business areas, I'd really like to see you consider the major neighborhood centers, like the Midtown Shopping Center and Edgewood Shopping Center. Is that also considered?

Ms. DeMarzo: Yes, it is.

Ms. Goldstein: We heard a lot from the Midtown neighborhood.

Council Member DuBois: When you look at the Plan, it just talks about Downtown and Cal. Ave. I didn't see any mention of Midtown. Thank you very much.

Mayor Burt: Thank you. Just to remind everybody, we're trying to get through this item by 10:15 P.M.. Council Member Kniss.

Council Member Kniss: I have been the liaison this year. I get to occasionally go and greatly admire what they do. Let me just call out a couple of things. There is what I think is a great write-up of the community on Package Page 671 at the top that talks about the community, and it talks about the community that is served. I don't know which of you wrote it, but I found it very compelling. It was really a good one. Let me just call out one or two things that are so interesting. One clearly is—I've just blanked on the artist—right outside the Art Center with the twigs that I think is probably one of the most popular of all of the installations. We look at two things. We look at those that are brief installations, two or three years, and we also look at the long-term ones at the same time. I just have one quick question too. The benches that are going to be used, tell me a little about that.

Ms. DeMarzo: That's one of the recommendations that we've actually already put into place. Those were created by artist Colin Selig. They are on loan for a period of one year, made of up-cycled propane tanks. There are five of them on University Avenue.

Council Member Kniss: My purpose is to call those out, because I thought they were so creative. I first saw them when you were proposing them. It's a great use of something that might be discarded otherwise, but also it's kind of quirky and fun in a community sometimes that's very serious. I think you've done a terrific job on it. Thanks for flying out. I presume you're going to fly back in the morning. It's good job, and I think it's lines

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us up for where we're going to go in the future. I'm pleased to see that. Thanks.

Mayor Burt: Council Member Schmid.

Council Member Schmid: Just to add my thanks for everything that's been going on. It's an exciting time. I think, with the new fund possibilities, it opens up a lot of doors. I think you've responded very well. The Master Plan is a good way of putting that into processes and procedures. I'd just like to bring up the notion of deaccession. It is not one of your base principles, but I know in Appendix B you do talk about a policy. It's a little concerning there that the deaccession rules seem to be sometimes very difficult. There are certain inherent rights that exist when a process goes up. I know around town but mainly in other towns you come across things that are not striking, not remembered. You scratch your head and say, "What's that doing here?" It's not adding; it's sort of saying why is it here. The question is we have maybe 40, 50 sites around town that are really public places, spots for art. What happens after 20 years, after a generation changes and people look and say that's not doing anything to me. Young artists should have an opportunity to design something for an iconic spot. Just are there some thoughts especially in the Commission? Are they thinking about processes and procedures for public review of critical artworks, art places?

Ms. Halpern: I'm going to just speak to this for a moment and then turn it to Barbara. This is like the juiciest topic in the field of public art, deaccession. It's the most controversial. It's the most heated. It's just really loaded. We could just spend an hour on just this topic. To cut to the chase on it, what you see happening now in best practice, for instance, is when we create a contract for a piece of art with an artist, we put in the contract the life expectancy of this piece so it can be deaccessioned when its life has finished, which tends to be about 30 years, 25, 30, 40, depending on the material, the location, etc. The other thing that you see as a response to the difficulties with deaccession is you see this whole field of temporary public art emerging. Those are pieces that are installed deliberately temporarily from six months to about two years typically. It really allows the community to have a lot more flexibility. Usually these projects are lower budget, so you can actually fund a site to have ten temporary public artworks over 10 or 20 years. I think that's why the trend is so popular. It helps with some of the problems (crosstalk).

Council Member Schmid: It's very striking outside of City Hall. We've begun the process every couple of years of changing. Sometimes I've said you're

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taking away something that's really exciting. In a way, you begin to look forward to what's next. It is a process that is very engaging over time.

Ms. Halpern: Barbara, did you want to add ...

Ms. Goldstein: I think you pretty much summed it up actually. Generally speaking, though, the one thing I would say is that people not liking something is not a good criterion for removing something from the collection. Everyone has different taste. Some of the things in the world that people admire most, like the Eiffel Tower and Bernini's fountains in Piazza Navona, were really castigated when they first were installed. You have to allow things to have a test of time before you determine that they don't belong there anymore. What is a criterion is if something's falling apart. It happens that a couple of the pieces in your collection that people dislike the most are falling apart. (inaudible) as far as that's concerned. I think the temporary art is—we actually specified locations for temporary art, because this is a way to keep things lively.

Council Member Schmid: You do look at other expressions of art, music and poetry and writing. They change, and you don't have people just going back to the same things time and again.

Ms. Halpern: Another trend with temporary public art that you just touched on is the availability of expanding your concept of public art. It used to be that public art really was visual art that you saw in the public realm. Now a lot of times you will see social practice art or art that's using theater and performance and poetry and text a lot more integrated into temporary Public Art Programs. It really opens the realm of what public art is to a lot of other mediums.

Council Member Schmid: Thank you very much.

Mayor Burt: Council Member Holman.

Council Member Holman: Thank you for that last comment. It was a great segue to—I didn't note musical art here. I think about the laser harp at Magical Bridge Playground. I've always thought that would be a great application, something akin to that in our Downtown areas. The annual updates that Council Member DuBois asked about, those are updates and they're Study Sessions. If we thought something needed to be tinkered with or something, we need a way to address that. I guess we could always agendaize something. If you can help us with trying to facilitate some way if we need to make some tinkering or adjustment that you could help us with that. The guiding principles, a couple of things here. You've heard me long say that I really appreciate functional art, which it looks like is being

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addressed here. I don't know if it would be in themes or guiding principles or where exactly. Something I think would be worth pointing out here is that art, functional art, musical, visual, whatever, can also enhance the retail experience and help bring people to retail areas. I didn't find it anywhere; maybe it is there. It seems like maybe it is being addressed, and I didn't find it. I think that's really important. Also, there was mention of aspirational, but I think also inspirational. I'd like to see that also considered here too. It's a little bit hard to look at the maps on Packet Pages 700 and 702. I think that's where they are. It looks like some of the art that—as you know also I've been interested in getting people from one place to another. That's oftentimes in alleyways, and some of them are really obvious in the Downtown area. A little bit less obvious but also there in the California Avenue area. It looks like they're scheduled for temporary art. Why temporary as opposed to permanent? Again, we're trying to get people to go from a parking lot into the retail areas and go from a parking garage to University Avenue, for instance. Why are they temporary art?

Ms. DeMarzo: I'm happy to field that one. We were actually fortunate enough to apply for and receive an National Endowment for the Arts (NEA) grant to activate the alleyways in Downtown with temporary installations. The intent behind that was that it's really turning Downtown into this laboratory where we can really experiment with what we want to do longer term with those alleyways. For now, we have it as temporary, but definitely we want to explore what the longer term solution would be.

Ms. Halpern: I just wanted to add again temporary can be a couple of years. A lot of times an alleyway is what we're going to be thinking about as paint and temporary materials. One thing that communities really have a hard time deaccessioning, as Council Member Schmid brought up, are murals. Murals tend to really be temporary by definition. You see 20 years later a mural still there. You've put in three times the cost of the material into the conservation of it. It's really meant to be temporary. What I'm trying to say is that even if it's a temporary piece, that doesn't mean another temporary piece and another and another aren't coming. It's just that some materials that we would typically use in alleyways, we would think of as temporary.

Council Member Holman: Of course, the Greg Brown murals you mentioned earlier we've had for, thank goodness, many more years than 20 years. I think my last comment, I do believe, is that I also appreciate that you've got whimsical in here. I love the big bear looking in the window. In some communities I think it's more important even maybe than in other communities. I think sometimes we just take ourselves too seriously and we need ways and places and occasions to lighten up and smile. It's not art,

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but in a way it is. I'm wedded to the Downtown farmers market because that's what I grew up on. I love it. When I go there, it's impossible to be in a bad mood and be there because of the music, because of the flowers, because of the people and the whole setting of it. I'm looking for our art to provide some places like that, where it's impossible to be in a bad mood and be looking at this art or be looking at this environment created by the art. Thank you so very much.

Mayor Burt: Vice Mayor Scharff.

Vice Mayor Scharff: Thank you. I wanted to say I thought this was really exciting in watching the creation and revitalization of our Public Art Program. I think it's really stepped it up a lot since I joined the Council. At least that's my impression. It seems so much more exciting, and everyone seems so much more engaged. I think that's great. I did want to say that I do have some concerns about the rise of the temporary art. I need a nice word for it. I like temporary art, and I think it's exciting, but I wanted to get some assurance that we're going to also buy some permanent pieces. When I looked through this, a lot of focus seemed to be on temporary art. I had some concerns that something lasts 30 years, and we should be buying stuff for the next generation that lasts 30 years as well. It seemed that it could be very easy to get really excited about a temporary art installation. It's more fun to work on. As a Commission, it'd be more fun to work on because you'd see it happen, and you see it go through and all of that. I was hoping that we'd also make sure that we're focusing on buying stuff.

Ms. DeMarzo: Absolutely. As part of the municipal projects that are coming up, permanent artwork is integrated into all of those projects. Any major construction would certainly involve that. One of the recommendations from the consultants was to create a vision for larger, more impactful artwork that could be invested in with pooled resources from a certain corridor area. It's more of an "and" strategy. It's not an "either/or" strategy.

Vice Mayor Scharff: That was actually going to be my second point. I like the more impactful art pieces that say something almost on a generational basis. That's great. I wanted to get a sense of—it all comes down to money. How are you thinking of the money? You have X number of dollars, and it's different every year because it mostly comes from in-lieu fees from developers. Is there a percentage that you're putting towards temporary art and is there a percentage you're putting towards permanent art? In the temporary art, you said some temporary art is more temporary than others. Everything from some art that lasts maybe a day on the street, where someone's doing some performance art or whatever, to something that lasts

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two years. I didn't quite see when I read this a strategy of what you're thinking in terms of that.

Ms. Goldman: The Plan is a roadmap that really is a menu of options. One of the recommendations is an annual work plan. There will be a retreat that's taking place this fall with the Public Art Commission. At that point, they will be weighing and evaluating all the options and making sure that there is in fact that balance. They'll identify the resources that are available and how they would like to spend them within the next year or two. That will then be presented for your ...

Vice Mayor Scharff: Somewhere in the report, does it say where that is? That there will be a balance, so the Commission knows when they do their retreat that they should have a balance as opposed to all of the money goes to one thing or all of the money goes to another thing. Is there somewhere in the report we can point to where it says what you just said?

Ms. Goldstein: The implementation grid that was created basically specifies what happens in long term, short term and midterm. I don't know whether that's one of the appendices that you shared (crosstalk). That actually talks about the different types of projects that should be happening within different timeframes. There are dollar amounts attached to those things.

Ms. Halpern: There's nothing in the report that strongly favors temporary over permanent installations. You'll see that as we keep going.

Ms. DeMarzo: Also maybe part of what you're trying to get to is—because of the multiyear nature of public art, it's not as though all of the funding gets spent in that one year. Public art funds do tend to roll over because of the nature of these projects, especially the larger, more impactful ones are construction projects because we know they can take some time.

Ms. Halpern: We'll make sure at our next Study Session with Council that we map that out to show that.

Vice Mayor Scharff: The other area that I was a little—actually I think I had a concern about this. On Page 26, Packet Page 690, under employ the skills of regional and national artists to enhance the work of the City—you're asking us to approve this—it says promote inclusion of artists in the City's planning processes such as City Boards and Commissions. Art is (inaudible) leadership, etc. I guess I'm not sure from a practical point of view if this means that now we would have an artist spot on the Planning and Transportation Commission or an artist spot on—I guess, what other Commissions did you have in mind? I'm a little concerned about that

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actually, since we're supposed to be adopting this as a City document. I'm not sure anyone focused on this.

Ms. Goldstein: The reason that we used the word promote rather than saying that it should be a mandate is that we feel that it's really important to get artists engaged in civic process. The Commission can be engaged in reaching out to artists and trying to get them involved in things, whether it's neighborhood councils or its commissions. This year at the Americans for the Arts conference, there was a very interesting conversation about the value of including artists and getting artists engaged in different kinds of City planning efforts. The Mayor of Boston actually has created residencies for artists in three different city departments as a means of using artists and art to build a connection between the sometimes technical and abstract work that a department might do and the public at large to get artists to help to make the connection between what environmental services might do and what the citizens experience. By encouraging artists to serve on commissions and getting more involved in civic life, that becomes a means of creating frameworks for people to understand what the City does better. We weren't recommending that you create a position for an artist on those councils. It's more on the Commission to get artists more engaged in the civic dialog.

Vice Mayor Scharff: Thanks. I appreciate that clarification. Do you have enough money in the budget for maintenance?

Ms. Halpern: Right now we spend every penny, like Elise said. We spend every penny every year. Like I said before, we're close to our capacity. We're hoping that through this year of planning closely with the Commission and the budget process that we might be able to come back to look at how to make sure capacity can grow to meet the demand.

Vice Mayor Scharff: Capacity to fix things to grow.

Ms. Halpern: I'm not just talking about conservation. I'm just talking about the whole Public Art Program and all the projects that we have, both in private development and in muni.

Vice Mayor Scharff: The reason I bring it up is that several occasions over the last few years I've asked that question. I've gotten that you have enough money for that. When I go through California Avenue tunnel, I'm watching that mural fall apart. I'm seeing one thing in the community—I'm sure there's other artwork if there's that one—yet I'm continually told by Staff that you have enough money. We ought to put more money in the budget for it. I have a little cognitive dissonance there.

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Ms. Halpern: Like deaccession, that tunnel—both of our tunnels, both Cal. Ave. and University Avenue, we could take a whole hour on. The problems are a little more complicated than just money problems. We could make sure we talk about that at our next Study Session.

Vice Mayor Scharff: I would. I would be very interested in figuring out how to make that tunnel, which I think is starting to look pretty shabby, of what we can do about that. Thank you very much for your great work on this.

Ms. Halpern: Thank you.

Mayor Burt: Council Member Berman.

Council Member Berman: I won't get into the details, because I'm confident we're going to approve this. I think we should. I think it's an awesome roadmap for the next ten years. I'm really glad that we hired great consultants to help us craft it. I just wanted to mainly emphasize that the Public Art Commission and the community have really set the bar for public engagement and involvement through this process. I've said that and I thought so nine months ago or so when you guys came to us. It's just awesome to see how many people got involved, the different ways that we reached out to people to get their input. It was really successful, and I think it shows. I'm happy to see that one of the—I don't know if it's the priorities or major recommendations has to do with the murals policy. We can really leverage murals to turn some blight spots in town into bright spots. Just came up with that. Sometimes you get inspired while you're talking up here.

Ms. Halpern: That's really good.

Ms. DeMarzo: Can we use that?

Council Member Berman: Absolutely. It's funny. I was thinking earlier on in the conversation about this Facebook post that I saw from somebody who was really excited about a temporary—I'm going to call it a temporary public art project—it wasn't City sanctioned—around the 4th of July. Somebody in their neighborhood had stuck a bunch of American flags in some trees on maybe Bryant or something like that. I was thinking who was that who posted that. It was Vice Mayor Scharff. That's what public art can do. You're just going about your regular day, and all of a sudden you see something. You're like this is awesome. I'm really excited about this. Thank you, guys, for all your work. Thanks.

Ms. Halpern: I just want to say we really do appreciate all the work of the consultants and the Art Commission and the support from this Council and to

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these two folks sitting next to me and Rob de Geus. Just incredibly supportive. Molly has spent hours and hours and hours with us. She's put up with all of our nudges. She's just been really, really great and put a lot of smartness into it. This is a real collaborative effort for a whole lot of people. We're very appreciative. Jim's always really supportive too and Rob too. Thank you really. It makes a difference.

Mayor Burt: Thanks. Just to wrap up, I want to echo that this is really exciting to see the elevation of art in our community that's occurred. We had a rich tradition, but this is really essentially has begun a new era. We're seeing real progress in its implementation. We see a plan and a future on the horizon. It'll be very interesting to look back in ten years and see the cumulative impacts of everything that you're all doing. Thank you very much. On that note ...

Beth Minor, City Clerk: Mayor, we need a Motion.

Mayor Burt: We do. On that note, we need a Motion.

Council Member Berman: So moved.

Council Member Kniss: Second.

Council Member Berman: I can be more prescriptive.

Mayor Burt: That's a Motion to approve the Public Art Master Plan and authorize the City Manager to adopt the policies and guidelines to implement the Plan and to direct Staff to return to Council with amendments to the Municipal Code sections governing public art.

Council Member Berman: Exactly what I had in mind.

MOTION: Council Member Berman moved, seconded by Council Member Kniss to:

- A. Approve the Public Art Master Plan (Plan); and
- B. Authorize the City Manager to adopt policies and guidelines to implement the Plan (including deaccessioning artwork, gifts of artwork, murals, temporary artwork and artist selection guidelines); and
- C. Direct staff to return to Council with amendments to the Municipal Code Sections governing public art.

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Mayor Burt: I thought so. That's a Motion by Council Member Berman, seconded by Council Member Kniss. Did you want to speak further to your Motion?

Council Member Berman: No.

Council Member Kniss: Nope.

Mayor Burt: Please vote on the board. That passes unanimously. Thank you all very much.

MOTION PASSED: 9-0

At this time Council heard Agenda Item Number 17.

17. Review of the Draft Transportation Element Prepared by the Comprehensive Plan Update Community Advisory Committee.

Mayor Burt: Our next item is Council review of the draft Transportation Element of the Comprehensive Plan as it's been forwarded by the Citizen Advisory Committee. We're to provide comments for incorporation in the draft Plan. Let me just say that before we ran out of time, we had discussion in the Staff meeting on how we might proceed on this. Now, most of these comments are relevant to the follow-on meeting that we'll have. Just to let people be thinking about this, we thought we'd be receiving from Council Members a whole variety of comments. What the City Clerk was going to try and do was capture those, and then organize them into a set of—if some could be lumped together—items that we'd have straw polling on. The reason it would be straw polling is that we wouldn't be making final decisions. It would be giving guidance to Staff on what to come back to us with. Tentatively later this fall, we would have a follow-up meeting on this element. It wouldn't go back to the Citizens Advisory Committee (CAC). The CAC, who's been working horrendously hard and done a great job, doesn't get this thrown back in their lap again. If we didn't have it return to the Council in the fall, it would be essentially a year before the Council would see it in kind of a final version. The notion also was that if we had certain items that we had a split Council, we would ask Staff to come back with alternative language reflecting both of those positions, and then we could actually take votes on it in the following meeting. That was the sense. Now tonight given the late hour, what we'd like to do is let Staff give a report, and then hear from CAC members and members of the public who are here, and then continue the item, if that sounds good. Welcome, Director Gitelman.

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Hillary Gitelman, Planning and Community Environment Director: Thank you, Mayor Burt and Council Members. Hillary Gitelman, the Planning Director. I'm joined by Elaine Costello, Joanna Jensen from PlaceWorks and, in the front row, Elena Lee of our Staff. All of us have been working and really enjoying our work with the Citizens Advisory Committee. I know that a handful of the members have stayed here this evening. They've put a lot of hard effort into this. I'm delighted that you're going to hear from them and any other members of the public who are here. What we've brought to you today is review of a Transportation Element draft prepared by the CAC. We're really here as a midstream check-in. I think you probably want to know and are somewhat eager to see a product of the Committee's work. This is not your last chance to look at this element, but it is an opportunity for you to add your thoughts and direction. As you know, this is the process diagram we've been using the Comp Plan Update. We're really trying to do three things at once. You read this diagram going down. In the left-hand column, you'll see that the Council is giving us direction on vision and goals of the Comp Plan elements and policy direction on important policy issues. In the middle column, the idea is the CAC is working with us on policies and programs to flesh out a draft update at the same time that Staff and consultants are working on the EIR and the analysis that will have to be concluded in order to allow the Council to adopt a final update at the end of the day. The CAC has been doing terrific work. They have had monthly meetings, many small subcommittees, a very productive and constructive process, really local government at its best. Tonight we want to share their work on the Transportation Element and a status update on the schedule of the overall process, which is elongating a little more than when you saw it last . I hope we can have some comments and discussion about that, if not tonight at a future meeting. In terms of the draft Transportation Element, it represents many, many meetings and hours of work. The Committee ultimately reached consensus and recommended this draft to eh Council unanimously. If you recall, the Council had asked the Committee to articulate minority and majority opinions where relevant. In this case, they didn't feel the need to do that. There were some sticking points, but they worked it, they worked it, they worked it and they really got to the point where they could recommend this as a consensus document. They did forward it to the Council as a draft, and there was some discussion of additional comments. The most substantive of which we forwarded to you in the Attachment C. I know that Co-Chair Keller also forwarded you some of his additional comments in the run-up to the meeting. The element itself is structured around a vision and goals from the Council with a couple of adjustments. One being that we moved the Council's goal on traffic congestion up in the standings, so it appears as Goal 2. The other is that the CAC elected to move the goal on the airport to the Land Use Element, which we hope to bring you in September. Although, that schedule depends

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on this evening and the CAC meeting tomorrow. We can talk about that recommendation either tonight or at a future date. The Staff Report summarizes the changes to this element at a very high level. There are some themes that you'll recognize. Clearly a theme that's carried forward from the existing element is the aim of reducing reliance on single occupant vehicles. We also have a theme about phasing in the solution to parking. This was something that the Committee worked quite hard on. Also, the desire to use both level of service as a standard of review for traffic congestion, but also vehicle miles traveled which is a state of the art way to consider congestion on a more regional basis. The themes also include prioritizing pedestrian and cyclist safety and recognizing the needs of transit-dependent members of the community, collaboration on regional solutions. The Committee really tried and, I think, you will see that there's an opportunity to continue this effort to streamline, reduce redundancy and clarify priorities throughout the document. We can't really show you a track changes version from the existing Comp Plan Element, because the Council elected to adopt the goals from the Planning and Transportation Commission's (PTC's) recommendation. I think we can prepare for you and share with you at a later date a track changes version that shows the CAC's work. What we have and can share is a version that basically shows the changes since February of this year. It starts as a base document with the current Comp Plan, with the Council's direction on vision and goals, a few other minor changes, and then it really catalogs over time all of the work that the CAC has done. We'll be prepared to share that with you, if you think it would be useful. Actually, we're a little conflicted about it, because it may be confusing, because it doesn't represent changes from the current draft. You'll have to tell us if you think that would be useful to your review. Next steps in terms of this process. We obviously would like your comments. It doesn't seem we'll get them this evening, so we'll schedule a come-back hopefully in the next few weeks to get those comments from you. Tomorrow the CAC is meeting in the evening to discuss the Land Use and Community Design Element. We had hoped—we're bringing to the City Council in the next few meetings—it's unclear right now whether it's going to be on the 22nd or the 29th—the final direction or the discussion of the scenarios for the EIR to get your final direction. If you'll recall, we ran out of time when we had that calendared for you in June or July. We're hoping to bring you, as I said earlier, a draft of the Land Use Element or at least a portion of the element in September for your input. It really depends on the resources and schedule associated with this element and the timing of the Committee's work. Our hope is to incorporate your comments as the Staff to first understand and assimilate them and try and work on them at the Staff level while the CAC continues their review of the other elements of the Comp Plan. Once the CAC and the Council have reviewed all the elements, we want to bring it all back to the CAC, because we know they'll want to see

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the evolution of the elements after they leave their desk. We recognize that they really have an interest in evaluating again the programs that have been recommended for inclusion here. I think all of us recognize that we've been very ambitious in terms of lots and lots of programs. There's an opportunity to prioritize and streamline that down when we look at the document as a whole. We're looking forward to doing that with the CAC towards the end of their process. We have included a schedule in your packet, which we're prepared to speak to if you have questions about next steps and the process. That's where we are. Thank you.

Mayor Burt: Thank you. I don't have any speaker cards. I don't know if members of the CAC—maybe got one or two—or the public wanted to speak. Adina Levin, welcome.

Adina Levin: Good evening, Council Members. I may still be here because I was too tired to go home. Forgive my lack of coherence. I wanted to make a couple of comments on some of the progress that the CAC has made. One of the good things in the draft Transportation Element is thoughtful and helpful policies about the relationship between parking and sustainability goals and quality of life goals. The policies that seek to reduce parking over time as better transportation options are provided and shown to be effective and to prioritize paid parking as a mechanism to reduce car usage and traffic and improve convenience are really welcome. There's strong evidence that providing too much parking and too deeply subsidized parking increases driving and traffic. We urge you to continue to go in these directions. On the subject of metrics, to achieve the sustainability goals it will be helpful and important to use the vehicle miles traveled in addition to the level of service. Level of service is good at telling you where there's a problem, but unless a place is willing to continue to widen the roads and look like Santa Clara in order to get the cars through, LOS doesn't tell you how to fix things. Vehicle miles traveled can give you some clues as to how you can get more people out of cars and solve the problem by use more space efficient modes. One more thought about a metric, which is new. I would love to follow up with Staff on a new method being used to measure the effectiveness of a safe bicycle network. It's being used by Stanford and Facebook and Google as a regional plan that they're working on. I would love to follow up with Staff about whether it's possible to adapt this thing. It's starting to be used practically. I can talk about that more at a later date after talking to Staff. Lastly, Dumbarton is mentioned only in terms of the bus service, which is reasonable because when this started the project seemed dead, the rail project. There's a study going on that could conceivably bring back more robust transit on the Dumbarton Corridor. The next public meetings of that are going to be in September and this fall. If that looks like that is actually making progress, that might be a good thing to include and support if it is

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revived and something that could potentially help people coming across the Dumbarton Corridor. Thank you very much.

Mayor Burt: Thank you. Let's see. We're a quarter of 11:00 P.M.. We have one other brief item that we want to do. If any colleagues would like to make high level, not go into our specifics tonight, but ones about process or the general way that we're approaching, that may be the most useful thing to do in the next few minutes. If anybody has anything, feel free to hit a light. Council Member Schmid.

Council Member Schmid: I guess here we are at 11:00 P.M. on our first meeting. We had a consent item on RPP. Council in December of 2014 said this was an important policy decision to move forward on, on dealing with growth management. It was promised to come back as an Action Item on the Council's schedule, both in August 2015 and February 2016. It came back on Consent tonight. We will discuss it later. We had a discussion on 411 Lytton, went on for a long time. Again it was a growth management issue. A lot of comments made by people were we need to have more general discussions of policies about growth management because specific Codes now don't help us. Now we come to one of those general discussions that has been promised for month after month. The first element, Transportation Element. It's being postponed. Staff should really be planning on how to get strategic items on the Council Agenda, so Council can have some input. We're being given a management—a Transportation Element that has been worked on for hundreds of hours by the CAC. Present us with details, but the two times we've had a discussion about the process, the point was made that we should have a framework first of priorities, second a quantitative framework to operate from, so that we don't just start talking about the Transportation Element, but how it's related to the Land Use Element. Now both of those appear to be getting postponed. I think we should not leave here tonight until we have a concrete date when the Transportation Element and the Land Use Element come to us, so we can talk about those two things together. That's essential strategic planning, and we've got to do that.

Mayor Burt: The one comment I would like to make is about the issue of how we integrate our Sustainability and Climate Action Plan (S/CAP) with the Comprehensive Plan. They're two different documents having overlapping but different scope, certain common purposes and certain different ones. I think we really need to be thinking about assuring the relationship between those and the reconciliation between them, cross-referencing in each of those two documents so that we can see when we have—for instance, the Transportation Element and say this applies to fulfilling this program in the S/CAP and vice versa in the S/CAP for where in the Comp Plan we're fulfilling

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objectives of the S/CAP. The City Manager actually in the pre-Council meeting today or thereafter was talking about, as we were struggling with this issue, whether we should be thinking about—we use the term Comprehensive Plan interchangeably with what most cities use for general plan. Mr. Keene, maybe you could give a stab at this. You were talking about thinking in terms that the general plan and the Sustainability and Climate Action Plan really being the two components of a Comprehensive Plan. Did I understand you correctly?

James Keene, City Manager: There are jurisdictions that will adopt a general plan. They'll sub-area plans, lots of different documents, and treat them as guiding documents for the governing body to use in the totality in the Comp Plan. One of the things you may want to think about is not having to perfect the reconciliation between the S/CAP, in this case, and the general plan itself. I think the Staff is already working on linkages between the two, and I think we'll want to have cross-references so that they're there, so you don't have this hierarchy of is one subservient to the other. In some situations, clearly you're going to want to nest some of the general plan conversations probably within a sustainability framework. At other times, you're going to turn it around the other way.

Mayor Burt: I would just add that this whole issue is something that is relatively new. Cities have had general plans; we've had Comprehensive Plans for decades. We just had our initial Sustainability Plan around a decade ago, a little over, after our prior Comprehensive Plan. We did our Sustainability Plan—we were amongst the earlier cities to adopt a Sustainability Plan. To my knowledge, there hasn't been a real movement in city government and local government about how to integrate these two really important documents. I'd add that sustainability is probably looking at similar issues, many similar issues on a longer horizon than the Comp Plan. Certainly the Comp Plan is defined out to 2030. It's a 13-year horizon, but it doesn't end then. The policies and programs and goals continue past that. The Sustainability Plan is looking out generations ahead and how to retain a livable community for generations. I think this is a really important subject. I don't want to try to resolve it tonight. I just wanted to frame it for consideration and discussion when we come back on this. It's kind of a new, big issue. I think it deserves some additional thought. Council Member DuBois.

Council Member DuBois: After that grand topic, I'm going to bring it back to the more mundane. I just wanted to talk high level about the process. When we started this process, there was some concern about how we were going to have this large CAC and write a lot of new policies and programs. We said we're not; it's going to be 90 percent the same. It looks like we're

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getting a lot of new programs. I just wondered are we still using the right process or has the process changed. Do you feel like we're making more changes than we expected to make when we started on this?

Ms. Gitelman: I think that's a good question. Part of the reason we got to consensus on this element is that we used kind of a big tent approach. When someone had an idea, it went in the book. That's fine to some extent to create a first draft, but we do anticipate that the CAC itself and the Council will want to do some streamlining. We're happy to accept those kind of comments

Mr. Keene: If I just might add. The CAC would recognize too the ultimate reconciliation is going to have to be done by the Council, drawing on the components that you get from the CAC. You'll be making some choices and decisions.

Council Member DuBois: Obviously it's very, as Council Member Schmid said, difficult to do that. I just don't want to spend a lot of time going through program by program. I get where we are. The introductory text seemed to expand it quite a bit from the current element. There's some items that are extremely granular in there. There are others that are well meaning, but either they look very expensive or it's not something we'd really control. What is the idea for a process to really prioritize and scale back? If Council gives comments to Staff, do you think they can go back and do some culling on their own?

Ms. Gitelman: That's a good question. I think we were anticipating that you would give us some direction, and Staff would take a pass through the document to try and streamline it a little. Ultimately, we would bring it back to the CAC as part of a whole package. It's going to be even more urgent to streamline and prioritize programs when you see all of the elements together. That's when it's going to be super apparent.

Council Member DuBois: It almost feels like some arbitrary goals like pick your top 30 just to see what we end up with.

Ms. Gitelman: I don't want to minimize by stretch of the imagination what the CAC has done. They put a tremendous amount of effort in here and a lot of thought. We did end up with some things very granular and some things very big picture. We all knew that this was a draft we were bringing to you, but we thought it was time to get your input and direction. If part of that input and direction is for Staff to do a little bit of pruning here, we're receptive to that and can take that direction.

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Council Member DuBois: I'm interested in the process the Mayor described with doing some straw polling and trying to group things quickly.

Mr. Keene: The Mayor's introductory comments were really speaking to the next steps at the Council level about how you start to mash up this component ultimately with the other pieces. You've got to do some work on the Transportation Element itself. There's no doubt, with all due respect, this Council can take what we think is a very simple Consent item and deconstruct it and turn it into a lot of stuff. The idea of reconciling transportation and land use simultaneously, even though they need to be done, it really is going to take some real work by the Council, digging into each one and then starting to reconcile them.

Mayor Burt: Council Member Holman.

Council Member Holman: I just wanted to quickly follow up on Council Member DuBois' comments. I had had the same anticipation based on the Council's comments and direction before, that this would be—our current Comp Plan isn't broken. Some updating and editing and such. I don't want to anticipate what the Council's going to do with this. It's really difficult to try to compare this with our current Comp Plan that isn't broken. It's largely a total rewrite and a lot of additions. I heard your comment to begin with. It's like it's impossible to do a redline version because it is so very different. Are we going to be looking at the same thing when we see the other chapters? Is it going to be what the Council direction was, I thought, which was our current Comp Plan isn't broken. We look for some updates and some changes here and there, but not a rewrite or is it going to be like this where it's like oh, my gosh?

Ms. Gitelman: The CAC's work is being driven to a large extent by the Council's direction on goals. With the Transportation Element, the Council's direction was to use the goal structure that the PTC had recommended with a few adjustment. I thought the Council had a very full discussion back in—it was early 2015 I think. We've tried to use that as the base. Others on the Council are recognizing transportation is one of those issues that we all care about deeply. You spend the kind of time and energy on it that the CAC has, and you're going to end up recommending some changes. We will do what we can to bring some kind of—it's not going to be a track changes version, but some kind of cheat sheet so you can do the cross walk between the original and the current draft. There's no question that we are proposing some changes. Although, we think some of the central themes of the existing element, in fact all of them, are maintained, and we've added the additional goal on traffic congestion and this new complexity that the State has handed us on Vehicle Miles Traveled (VMT) in addition to Level of

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Service (LOS) to the original product. I think that was a good and mandatory important change.

Council Member Holman: I'll just throw out there it's like we're passionate about traffic, but we're passionate about the environment, we're passionate about land use. If we can try to control ourselves here a little bit. Thanks.

Mayor Burt: Can I just jump in there, because your comments really made me think about that issue. When we look at even the Staff Report, we said that we were intending to have minor adjustments off the PTC. A lot of what the CAC has done and struggled through is embracing a lot of the really significant changes that are either occurring or on the horizon in transportation, whether they be ones driven legislatively or ones through emerging technologies and enhancement of the criticality of the problem. What we got is something that is a significantly more substantial change to the prior draft than we had asked for. What they did is the right thing. That's kind of where I'm thinking on it. Council Member Wolbach.

Council Member Wolbach: I'm just going to offer something for consideration. I'm not looking for any responses on it just because of the time. As we're thinking about how to filter down from a lot of material, a writing process that I was taught by a professor once, that I really like and is useful. It's seven steps. Brainstorm, categorize, critique, order, outline, write, rewrite. Those first three steps being the most time consuming if you do them well, brainstorm, categorize, critique. However you categorize, whether you put the minutiae in one bucket and you put the high level stuff in another bucket. That third step being the critique step, the opposite of brainstorming where you're being totally open, you're throwing everything at the wall, don't take anything off, but that critique step is where we've got to be a little bit brutal. Picking up on what Council Member DuBois was saying. We want to make sure to make it as streamlined as possible and really ask the question whether on the CAC, the Staff, consultants and us on Council, looking at things and saying, "Do we need this in there or can we streamline it out?" Just something to think about.

Mayor Burt: Do we have a tentative date or not?

Mr. Keene: I think we'll have to look at that. Going back to some of the comments, it'll let us look at the choreography of a number of items in the scheduling on different elements and different land use-related matters.

Mayor Burt: Thank you. That ends this item.

NO ACTION TAKEN

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19. Designation of Voting Delegate and Alternate for the League of California Cities Annual 2016 Conference, to be Held October 5-7, 2016 in Long Beach, CA.

Mayor Burt: We have one final item, which is the designation of voting delegate and alternate for the League of California Cities Annual 2016 Conference to be held ...

Vice Mayor Scharff: Do we need to vote to (inaudible).

Mayor Burt: Molly, do we need to vote to continue the item?

Molly Stump, City Attorney: (inaudible)

Vice Mayor Scharff: To continue the previous item, the Comp Plan, to a date uncertain.

Ms. Stump: (inaudible)

Mayor Burt: What I was saying was for the League of California Cities Annual Conference to be held October 5-7 in Long Beach. I think if we're game we can jump to a Motion.

Council Member Kniss: I nominate myself.

Vice Mayor Scharff: I was about to nominate—go ahead, nominate yourself.

Council Member Berman: I nominate both you guys.

Mayor Burt: Let's be clear. Go ahead, Marc.

Council Member Berman: I'll nominate—if you guys have agreed on it ...

Council Member Kniss: Delegate and alternate.

Council Member Berman: To have Council Member Kniss be the delegate and Vice Mayor Scharff be the alternate. Does that work for everybody? All right.

Mayor Burt: I'll second that.

MOTION: Council Member Berman moved, seconded by Mayor Burt to designate Council Member Kniss as the Voting Delegate and Vice Mayor Scharff as the Alternate Voting Delegate for the 2016 League of California Cities Annual Conference.

Mayor Burt: Any further discussion?

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Council Member Berman: No.

Council Member Kniss: I just should mention as I have before that I'm representing you as president of our local division. Greg will be there as representative of the City's Association.

Mayor Burt: Council Member Holman, were you wanting to speak on this?

Council Member Holman: I was going to make a Motion.

Mayor Burt: All in favor, please vote on the board. That unanimously. Got that item done quickly.

MOTION PASSED: 9-0

Inter-Governmental Legislative Affairs

None.

Council Member Questions, Comments and Announcements

Mayor Burt: Council Member Questions, Comments and Announcements. Anybody have anything? I'm just reviewing ...

Council Member Kniss: Are we supposed to have reports on what we did on our summer vacation?

Vice Mayor Scharff: No, we're supposed to adjourn.

Council Member Berman: So moved.

Adjournment: The meeting was adjourned at 11:07 P.M.

Mayor Burt: On that note, the meeting's adjourned.