



# CITY OF PALO ALTO CITY COUNCIL TRANSCRIPT

Special Meeting  
September 12, 2016

The City Council of the City of Palo Alto met on this date in the Council Chambers at 5:04 P.M.

Present: Berman, Burt, DuBois arrived at 5:20 P.M., Filseth, Holman, Kniss, Scharff, Schmid arrived at 5:10 P.M., Wolbach

Absent:

## Closed Session

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS, CALIFORNIA  
*Property:* U.S. Post Office, 380 Hamilton Avenue, Palo Alto 94301  
*Agency Negotiators:* James Keene  
*Negotiating Parties:* City of Palo Alto and United States Post Office  
*Under Negotiation:* Purchase and Lease: Price and Terms of Payment

Mayor Burt: Our first order of business is a prospective Closed Session conference with the real property negotiators regarding the U.S. Post Office at 380 Hamilton Avenue in Palo Alto. The consideration under negotiation is purchase and lease, the price and terms of payment. Do we have a Motion to go into Closed Session?

Vice Mayor Scharff: So moved.

Council Member Kniss: Second.

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Kniss to go into Closed Session.

Mayor Burt: Motion by Vice Mayor Scharff, seconded by Council Member Kniss. Please vote on the board. That passes 7-0 with Council Members DuBois and Schmid not present. We will now go into Closed Session.

**MOTION PASSED:** 7-0 DuBois, Schmid absent

Council went into Closed Session at 5:05 P.M.

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Council returned from Closed Session at 6:30 P.M.

Mayor Burt: ... Closed Session, Item Number 1, which is a conference on real property, on the U.S. Post Office. We have no reportable action.

## Study Session

2. 2755 El Camino Real (16PLN-00234): Request by Windy Hills Property Ventures for a Prescreening of Their Proposal to Re-zone the Subject Property at the Corner of El Camino Real and Page Mill Road From Public Facility (PF) to Another Zoning District That Would Allow Development of a Building With Approximately 60 Small Dwelling Units and 45 Parking Spaces.

Mayor Burt: Our next item is a Study Session on 2755 El Camino Real. It's a request by Windy Hill Properties Ventures for a prescreening of their proposal to rezone the subject property at the corner of El Camino and Page Mill from Public Facility to another zoning district that would allow development of a building with approximately 60 small dwelling units and 45 parking spaces. Welcome, Jonathan. How are you?

Jonathan Lait, Planning and Community Environment Assistant Director: Thank you, Mayor. I'm joined with Jodie Gerhardt at the end of the table and Claire Hodgkins, one of our newer Associate Planners with the City. She'll be making the presentation this evening. Just as a reminder, this is a Study Session. We're not looking for any formal action or votes, but we are interested in Council Member feedback on the conceptual project and the process that is laid out for you in the report and in Claire's presentation. Claire.

Claire Hodgkins, Associate Planner: Good evening, Mayor Burt, Council Members. I'm Claire Hodgkins, and I'm the Project Planner for this project. This evening you are being requested to consider the applicant's proposal for development of multifamily housing on a property zoned Public Facilities. The prescreening process is a requirement prior to legislative changes. The Study Session is intended to facilitate a conceptual review of the applicant's request, focusing on big-picture policy. Staff is here to gather policy direction to guide formation of a formal project, if desired. The existing site is a former Valley Transit Authority or Santa Clara Valley Transportation Authority (VTA) park-and-ride lot, zoned Public Facilities and designated Major Institution/Special Facilities. The site was formally deemed to be surplus and sold by VTA to a private developer. Just a little bit about the surrounding context. Nearby zoning includes Planned Community, Neighborhood Commercial and Service Commercial. Nearby retail, office and residential uses range from two to ten stories. Immediately adjacent to

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the subject property are residential uses of similar mass and scale, three-story and four-story. This photo shown from El Camino shows the two adjacent three and four-story residential uses. Just a brief overview of the proposed project. The applicant is proposing a new four-story, multifamily apartment building with up to 60 dwelling units. The proposed FAR is approximately 2.0 to 1.0. The development would include one story of partially below-grade parking. The applicant is proposing 45 parking spaces, which is fewer than what the Code currently requires. Twenty-six of those spaces are also provided via a lift system. This project would require a very robust TDM program. The project does not conform with the requirements of any zoning districts. However, in previous hearings, some Council Members have requested that Staff consider a pilot micro housing project that would include smaller units and less parking. The existing zoning and designated use do not currently allow for multifamily housing. Therefore, to allow for development of the project as proposed, two or more of the following would be required: Comprehensive Plan Land Use Map amendment, amendment to the Comprehensive Plan Land Use and Community Design Element; Zoning Map amendment; and/or Zoning Code text amendment. Staff has identified three potential options in the Staff Report that could achieve the applicant's basic project objectives as we understand them. All three of these options could be applied to other future sites, but some options would be more restrictive than others in that the option could not be as easily applied to other sites. Staff is seeking Council's input on these potential options, both for this project and in terms of future applicability. Council Members may also present other options. Council considerations include whether the proposed use is appropriate for the site. If the proposed use is appropriate, Council consideration of the preferred approach to processing the application. Any design considerations, especially those related to housing type, traffic and parking, and/or consideration of the El Camino Real Design Guidelines. Staff also wanted to note that we are currently working on ordinances that would improve enforceability of transit demand management plans, and penalties and fees will be coming back in October. With that, I will turn it over to the Mayor. Staff would recommend that Council hear next from the applicant before we go into further discussion.

Mayor Burt: Thank you. Since this is a Study Session, we have latitude in our process. We can ask any technical questions of Staff at this time or hear from the applicant, and then ask questions and determine what time we'll hear from the public as well. Would you like to hear from the applicant, and then we can combine questions for Staff and the applicant? The applicant has up to 10 minutes to speak. Welcome.

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Tod Spieker, Windy Hill: Hi. My name is Tod Spieker with Windy Hill Property Ventures. Thank you, Claire, and thank you, Council Members, for giving your thoughtful consideration to our project. Windy Hill Property Ventures is a Palo Alto-based real estate development company. I'm here tonight with one of my two business partners, Jamie D'Alessandro. We primarily work in San Mateo and Santa Clara Counties with a strong focus on transit-oriented sites. Within the last year, we have entitled transit-oriented projects in San Mateo and San Carlos. As mentioned in the Staff Report, this was the former VTA site purchased by Pollack Financial, and they proposed a primarily office but mixed-use project. As part of the feedback during the prescreening a year ago, seven of the nine Council Members mentioned either the jobs/housing imbalance and the need for more housing or the site being an appropriate location for more housing in Palo Alto. Based on that feedback from Council, Windy Hill and Pollack Financial formed a partnership where Windy Hill would propose to entitle a small-unit housing project. What is this project? This is a four-story, residential project above one level of parking. The building is comprised of 60 studio and one-bedroom units with an average square footage of 562 square feet. These units are intended for single and in some cases double occupancy. These are meant for people looking for a place to live close to where they work. While we think it's important of families to have an opportunity for housing in Palo Alto, this is not that project. This project will not have an impact on the schools. These units are meant for people working close by. As mentioned in the Staff Report, given these are smaller units, by their nature they will be more attainable than the typical-sized one-bedroom or studio unit in Palo Alto. Also because of the size of the units, we can fit more units within the building envelope that do not put the unneeded strain on schools and services, and they specifically address the City's housing goals. In the prior screening and in some of the recent feedback we've received, RM-40 is referenced as a more appropriate zoning for dense housing projects in Palo Alto. If we were to apply for the RM-40 on this site, we would get 17 units with an average square footage of 1,000 square feet, but these are two and three-bedroom units. RM-40 is currently Palo Alto's most dense zoning. In the garage, we have 45 stalls, 19 of which are standard stalls and 26 of which are accessed through parking lifts. We have our parking lift expert, David LoCoco, from Watry Design here and his team has been involved in numerous parking lift systems up and down the Peninsula. Per feedback from Staff, we are now showing two standard parking stalls as car share stalls. We are showing bike storage on both the garage level and the first floor with a total capacity for 84 bikes. On the ground floor, we have a bike kitchen. This bike kitchen will act as a bike storage location as well as other bike amenities. In addressing the feedback for ground-floor retail, we are open to having this bike kitchen available to the public and possibly leased or given to a Palo Alto-based bike shop where they can sell supplies,

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advertise and provide their services to the residents as well as the general public. Now my business partner, Jamie D'Alessandro, will talk about our Transportation Demand Management (TDM) approach and our environmental approach.

Jamie D'Alessandro, Windy Hill: Thank you, Tod. Thank you, Council Members, for the opportunity to present today. This evening I'm going to talk a little bit about the TDM plan as well as our environmental approach. Given that we are proposing less than one parking stall per unit, a robust and comprehensive TDM plan is imperative to our project's success. We intend to offer this by, one, providing a multitude of alternative transportation options; two, offering information on these options and programs; and, three, by incentivizing our residents to seek these alternate modes of transit. The goal being our TDM plan will hopefully substantially mitigate the project's traffic and parking impacts. Our TDM plan will ultimately have trip targets. In our eyes for it to be successful, it is critical that we have three things: one, ongoing monitoring metrics; two, meaningful enforcement requirements; and, three, consequences should our targets not be met. Although a traffic impact analysis has yet to be started by the City, we do have a lot of ideas for numerous TDM strategies to accomplish our goals. Tod previously discussed the dedicated car share stalls for a company like Zipcar as well as our taking Staff guidance to increase our bike parking, which is now at a ratio of 1.5 bike stalls per unit. Additionally, our bike shop and kitchen will offer what we think will be a small gathering place for riders to congregate as well as a place for them to buy essential bike supplies and repair equipment. The bike shop is envisioned as being complete with electric bike, scooter and skateboard charging stations, all potentially open not only to our community but to the general public as a community benefit. Additionally, we hope to be able to design in-unit wall or ceiling-mounted bike racks for supplemental. Now, TDM is not just limited to the aforementioned physical amenities that we'll have onsite. Given our proximity to Caltrain and the VTA bus routes, we'll be offering monetary allowances to residents both for Caltrain Go and VTA Eco passes, which we hope will incentivize alternate modes of transport. Additionally, as you know, the free Marguerite shuttle bus runs right by the property. Our monetary allowances for residents will also be for use with various transportation network companies like Uber, Lyft and Waze. Additionally, we will have onsite a Transportation Coordinator who will live onsite. Their responsibilities will be not only to oversee the allowance program and the physical amenities we've mentioned, but they'll also be responsible for posting relevant transportation schedules, bike safety and repair information and even coordinating annual safety and repair workshops. More importantly, as part of our TDM program there are a number of restrictions we are willing to put in place on our development that

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we think will further incent non-auto transit. Number 1, we are prepared to give leasing preference to workers currently employed within the City of Palo Alto or within an agreed upon radius of the project. Number 2, we are also prepared to give leasing preferences to residents who do not own a car. We are willing to deed restrict both of these preferences. We're comfortable with these deed restrictions given our proximity to the Stanford Research Park and 25,000-plus jobs as well as our proximity to Caltrain and the job base it connects its riders to. Additionally, we would intend to participate in the Palo Alto TMA and, lastly, we would be very supportive of an Residential Preferential Parking Program (RPP) program in surrounding residential neighborhoods. Obviously, our project and its residents would not be eligible for any new permits created by this RPP. In the next slide, I'm going to discuss briefly a community benefit we are willing to offer as part of the development, which would be a dedication of a portion of the parcel along Page Mill in order to accommodate a right-hand turn lane as shown on this slide. We feel this will greatly improve the efficiency of the intersection. Finally, I'm going to touch briefly on our environmental approach. We do endeavor to design to a Leadership in Energy and Environmental Design (LEED) silver equivalent. We hope to build an all-electric building with the exception of gas water heaters. We also envision drought-tolerant water-lite landscaping, Electric Vehicle (EV) charging stations in our garage, a robust TDM package as mentioned, as well as remediation of the contamination onsite. We've done extensive studies on the environmental conditions, and we do have a plan. We have our environmental consultant here to address any specific questions. With that, I'm going to turn it back over to Tod.

Mr. Spieker: Why? Why do we want to build this project in this location at this time? We've all heard it a thousand times, the jobs/housing imbalance. That voice is getting louder. Per the City's most recent data, there are 3.05 jobs in the City of Palo Alto per one employed resident. That means on any given day we have over two people coming from outside of Palo Alto into Palo Alto and out again, causing traffic and parking congestion. Obviously this project will not fix the problem, but it can help bring 60-plus people working in Palo Alto, looking for an attainable place to live close to where they work. We are very aware for the need of affordable housing, and we know the City is currently working on an increased in-lieu fee for residential projects. While we feel the project we are proposing will provide more attainable housing units given their size, we are open to putting a mutually agreed upon number of affordable units onsite versus paying the 100 percent in the form of the in-lieu fee. We are also open to giving preference to teachers, firefighters and police officers as well as other City employees that have felt the pressure of increased housing costs. From 2008 to 2015, there has been over two million square feet of nonresidential square footage approved in Palo Alto. Taking industry standard numbers of 250 square feet

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of office space per employee, that added over 8,000 jobs to Palo Alto's job base. In that same period of time, 2008 to 2015, only 550 apartment units were entitled. These number include the large Stanford housing project which added 180 of those units. As you know, these numbers are heavily weighted to the nonresidential square footage. To conclude, there's clearly the demand and need for housing in Palo Alto. The project we are proposing will provide an attainable product relative to what Palo Alto currently offers. Thank you for your time.

Mayor Burt: Thank you. Let's return to the Council for questions of either Staff, or I will entertain questions to the applicant through the Chair. Who would like to go first? Council Member DuBois. Thank you.

Council Member DuBois: Some technical questions. If this lot were zoned CN, what would the FAR be and what would the allowable height be?

Ms. Hodgkins: Great question. We actually have a pocket slide on that, that shows a comparison. We'll bring that up right now. The height for CN requirement is 40 feet. Did you have any other specific ...

Council Member DuBois: The Floor Area Ratio (FAR).

Ms. Hodgkins: The FAR is 1.0 to one—because CN is required to be mixed use, it's 0.5: 1.0 for nonresidential and 0.51 to residential.

Council Member DuBois: Thank you. What are the allowed uses under the PF zone?

Jodie Gerhardt, Planning Manager: We have accessory facility uses, eating and drinking in conjunction with a permitted use, retail, things of that nature, but there isn't residential. There's churches, education, etc.

Council Member DuBois: Is there also medical, outpatient medical or something?

Ms. Gerhardt: There's hospitals, and outpatient would be a Conditional Use Permit.

Council Member DuBois: I don't know if you can answer, if the applicant needs to answer. I'm curious. What is the relationship between Windy Hill and Pollack Financial Group?

Mayor Burt: Go right ahead.

Mr. Spieker: Windy Hill currently has an option on the property where Pollack Financial would participate financially should this get approved.

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Council Member DuBois: Pollack currently owns the property?

Mr. Spieker: They currently own the property, and we currently have a contract on it.

Council Member DuBois: Got it. Thank you. You might as well stay there; I've got a couple more, if that's okay. You mentioned the bike repair shop. You said that would be open to the public. Would it be like a public retail on the first floor?

Mr. Spieker: As you know, we are under-parked per current zoning. Retail would only add to that. Some of the feedback we've gotten from a few of the Council Members and the public as well as watching the prescreening a year ago for this site, we wanted to address that. We are open to having the ground-floor bike kitchen available to the public in kind of getting the community involved in using a local bike shop, a Palo Alto-based bike shop in terms of letting them advertise, signage, and things to help alleviate concerns about trying to dissuade ground-floor retail.

Council Member DuBois: You mentioned possible deed restrictions. How would that work for local employment or non-car ownership? If you lost your job or you bought a car, what would happen?

Mr. Spieker: You wouldn't be able to live there, I guess. This is something we've explored with our attorney. Where people live is not a protected class. We strongly feel that our residents are going to come from Stanford Research Park and within Palo Alto, within a small radius. Tenants would sign a 1-year lease as per the norm in Palo Alto. If they lose their job, I guess we can work together and figure that out.

Council Member DuBois: You kind of mentioned preferences for public agency employees. Is that what I heard?

Mr. Spieker: Yes.

Council Member DuBois: You had a slide that said Santa Clara County stated that the lane dedication was necessary. What did that mean? Did that mean it was required?

Mr. Spieker: It means it was necessary to improve the efficiency of that intersection, is what I believe the letter stated.

Council Member DuBois: Does Staff know about that?

Ms. Gerhardt: Yes, absolutely. Jodie Gerhardt, Current Planning Manager. Our Transportation Division has reviewed this project preliminarily and



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reviewed the past projects. We are requesting that right-turn enhancement to enhance that intersection.

Council Member DuBois: When the County says it's required—it was being mentioned as a public benefit, but is it basically required to build on that lot?

Mr. Lait: Thank you, Council Member. I don't believe that it's a requirement. I think in some earlier conversations there has been about this site and other developments an interest in that as a public benefit, so that we can improve the intersection at that location. As I'm understanding this applicant—this isn't a Planned Community (PC), so we're not really talking about public benefits in that context. As I understand it, the applicant is still interested in offering that to the City.

Council Member DuBois: Thank you, and thank you.

Mayor Burt: Council Member Scharff.

Vice Mayor Scharff: Thanks. A couple of things. The first would be the parking. Ninety to 102 parking spaces is what you said would normally be. What's the different between the 90 and the 102? Is it just number of units? What would be the reason for the variation?

Ms. Hodgkins: It would depend on the exact number of each type of unit. There's different requirements for a studio unit versus a one-bedroom. Also, the guest parking. There's a requirement in the Code related to whether they're dedicated spaces or not. That would make a difference.

Vice Mayor Scharff: I guess I didn't follow if they were dedicated spaces. Why would they be dedicated or not dedicated?

Ms. Gerhardt: If there was reserved parking.

Vice Mayor Scharff: You have more spaces if it's reserved parking, less if it's not.

Ms. Gerhardt: Correct.

Vice Mayor Scharff: Got it. I had some questions for the applicant. (inaudible) be all right?

Mayor Burt: Go ahead.

Vice Mayor Scharff: This is a rental project, right? You're not putting a map on it?

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Mr. Spieker: Yes, it's a for-rent project. We would not be putting a map on it.

Vice Mayor Scharff: No map. I'm trying to understand when you offer leasing preferences, how that actually works. You build the project; you start leasing. You have a lot of units. You don't lease them all if there's a lease sub-period. If someone comes to you who's not in a favored class, let's say, a teacher, a firefighter or any of the things you mentioned, don't you just lease to them anyway? I'm trying to understand what it means to be—once the project is fully leased, a unit comes vacant. It's rare to have a waiting list. You probably clear the market by raising the rents. What does it mean to have a preference? In for-sale, I completely get it. In rental, I'm not tracking how this works.

Mr. Spieker: I would anticipate—we still have to work through this—that when we built it, we offer these units to the teachers, the firefighters and the police officers and the City officials. We give them a certain period of time to respond, in which they can lease the unit. Once it's leased and we get a vacant unit like you mentioned, then we would send this out to that email list, mailing list. We'd go through the proper channels, and they would get a certain amount of time in order to lease the unit. If they don't, then we can go to the general public. I'm not sure about this, but maybe Staff knows. I believe Stanford may have done this.

Mayor Burt: Yeah. I don't know whether our current Staff here is familiar with it. Maybe Cara is. The large Sand Hill development contains similar preferences. They were actually, as I recall, two tiers of preferences. One for perhaps it was Stanford direct employees. There was a second I can't remember. They tiered it. Cara, do you have any input?

Cara Silver, Senior Assistant City Attorney: There are several different projects in town that do have preferences built in. Most of them are Palo Alto Housing Corporation operated projects. There are some other projects—the Terman Apartments has a Section 8 preference. There are several different preferences in town. It is possible to come up with some type of covenant language to implement that preference.

Vice Mayor Scharff: Cara, what would that mean? Is it just a preference then? A unit comes vacant, and they know the lease is expiring. They do a six month lease, a year lease, and a nine month lease in their project. Are we thinking a couple of months before they have to do outreach? Is it more than a preference that if you don't meet that criteria, you can't lease there? I'm just trying to figure out how a preference in a market rate project, which is open to the public, works on a regular basis.

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Ms. Silver: I think all of that would have to be negotiated and set forth in some documents that we would put in front of the City Council to satisfy and ensure that there really is a preference that is being implemented.

Vice Mayor Scharff: Forty-five parking spaces as opposed to 90 or 102, and you have electric charging stations, so you expect some cars. Otherwise, why have electric charging stations. What's your realistic belief of how you're going to get—what is it? Half the cars, half the people roughly don't have cars. Is that (crosstalk).

Mr. Spieker: Twenty-five percent.

Vice Mayor Scharff: How much?

Mr. Spieker: Twenty-five percent.

Vice Mayor Scharff: All right, 25 percent. Twenty-five percent wouldn't have cars, and then it would be fully parked. Is that fair?

Mr. Spieker: Yes.

Vice Mayor Scharff: I'm not doing the math in my head as we talk.

Mr. Spieker: Yes. There's 60 units, and there's 45 parking stalls. Fifteen of those units would not have a parking spot.

Vice Mayor Scharff: Right. The Code requires more than a 1:1 ratio. The reason for that, I assume, is some people traditionally have two cars living in a one-bedroom or even living in a studio if they live together. What I'm trying to figure out is—can you just walk me through best case scenario or whatever how you think you're going to get there on a conceptual basis?

Mr. Spieker: I fundamentally believe and we fundamentally believe that people that are going to rent these units—call them millennials, call them people that don't want stuff. They want a place to live. They want a place to live close to where they work, and they don't own a car or they ride their bike.

Vice Mayor Scharff: I actually am totally with you and think it's a great plan. Would you be open to fines if it doesn't happen that way?

Mr. Spieker: As Jamie mentioned, in our TDM we are open to consequences, yes.

Vice Mayor Scharff: That's stepping up. Thanks.

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Mayor Burt: Let me just ask a follow-up there. I thought that you also said that you were open to deed restrictions on car ownership.

Mr. Spieker: Yes, that has been brought up as an option, I believe. A Council Member brought that up at the last prescreening. We looked into it a little bit; we have a lot more work to do on that. Where you work is not a protected class, so I think legally we can do that, and we're open to it. There are going to be some unintended consequences when doing that.

Mayor Burt: That's a deed restriction on location of work. The other one I was just asking about is on car ownership, whether you could—is that something that you've looked at and whether you can require at your discretion? If it was part of the development agreement, that only say hypothetically 75 percent of the residences could have a resident that owned a car, that's something you would be open to as a deed restriction and that you would impose and be part of the development agreement?

Mr. Spieker: Yes. We would work with Council and Staff to figure out an implementation method that works.

Mayor Burt: It sounds like you're confident that you could lease these units under those conditions.

Mr. Spieker: Yeah, we are.

Mayor Burt: Council Member Holman.

Council Member Holman: Questions, some for the applicant and some for Staff. Is there any—these are in no particular order. The permit parking program in the neighborhood that the applicant brought up—thank you for bringing that up—there's no proposal for one in this neighborhood. How long would it be in comparison to, say, a construction schedule before a permit program could be put in place? Is there other interest in having a permit program in this area?

Mr. Lait: I don't know of any that have been articulated to us. I think we've seen, with the recent requests for permit parking in other neighborhoods, it takes a little bit of time to initiate that.

Council Member Holman: One thing that would be important to know, if there hasn't been other interest expressed in this, is what would the cost be for implementing a residential permit parking program for the purposes of satisfying the intention stated by the applicant. I don't expect you to have that answer right now. One of the questions about—let's just say that some of the units were given first option to, let's say, Stanford employees, PAUSD

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employees, maybe City employees. What's going to determine whether somebody says yes or no is oftentimes going to be the rental rate. What do you foresee these being rented at? Would you give preferential rental rates to these three nonprofits I've mentioned or would they be the same rental rate as the open market?

Mr. Spieker: The answer to the first question is we don't know what these are going to rent for. This is a prescreening. We have a long way to go (crosstalk).

Mayor Burt: Can you move that mic just a closer to you? Sorry.

Council Member Holman: You've looked at the economics of it, though. I'm surprised you would say you don't know what the rental rates would be.

Mr. Spieker: I can't speak to the individual studio and one-bedroom rental rates for these units right now. I'm not prepared to do so. I don't have that information with me. We did our underwriting a while ago. Would we give a rental discount to these City employees, Stanford employees? The answer is I don't know yet. It's something we can talk about. It depends on where we kind of shake out on everything else. There's a lot of issues we have to work through on this.

Council Member Holman: Thank you for that. Ground-floor retail, I'm one of the people who talks about ground-floor retail—yes, at this location—and wider sidewalks because if it's all housing—I told you this. I was very direct with you. By the way, do we need to do disclosures? This is just a prescreening, but do we need to do disclosures?

Ms. Silver: This is a legislative action. It's a request for information on possible zone changes. Technically you don't need to do disclosures for legislative items.

Council Member Holman: Let me just volunteer that I did meet with the applicant. I've forgotten your name; I'm sorry. I'll be forthcoming on that. I do think ground-floor retail is important here. You talk about a bike repair kitchen or a bike kitchen. What kind of size are you thinking about? I didn't quite catch that. What kind of size are you thinking about that or square footage or location?

Mr. Spieker: About 500 square feet.

Council Member Holman: Did Staff look at, when this came forward—there was a proposal that came forward some time ago for this site—I don't remember what iteration it was. We've seen a few that looked at the

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undercrossing under El Camino Real. Did Staff give any—I'm seeing blank looks down there. I guess Staff didn't give any consideration of seeing about that being restored or rehabilitated or in a public-private partnership to get it rehabilitated, to get it usable, to get pedestrians and bicyclists underneath El Camino.

Mr. Lait: I'm sorry. I don't have information for you on that.

Council Member Holman: That's something important, I think, going forward with this or any project that comes across here. The open space—CN that's up here requires 9,000 square feet of open space. You've proposed 4,500, I think it is, at the ground level and then 1,300 square feet of balconies, which is only 5,800 square feet. What was used to determine what those calculations were? It's hard to tell from this just because it is. Do all units have balconies and what size would the balconies be of those units that had balconies?

Mr. Spieker: We tried to get most units to have a patio or a balcony. Given the units that are up against Page Mill, it makes it difficult especially with dedicating the land for the right-hand turn lane. A couple of those units, we were unable to do it. It's something that our architect can work on, if that's important.

Council Member Holman: What did you use to decide what the size of the patios were and what the size of the open space was? The open space that's at the ground level.

Mr. Spieker: I think my architect's better to answer those questions.

John Kosi, BDE Architects: Good evening. John Kosi with BDE Architects. We went with really what's industry standard with the depth. We've got a number of things that we want to do. We wanted to obviously give as much open space as we could. They kind of fit into an alcove typically off of a bedroom. They're anywhere from 50 to 60 square feet.

Council Member Holman: You said 30 to 60 square feet?

Mr. Kosi: Fifty to 60 square feet.

Council Member Holman: Fifty to 60 square feet. I think I had one other question. Pardon me just for a second. I don't have other questions actually. I'll have comments later. Thank you.

Mayor Burt: I have a couple other questions, one for the applicant and two for Staff. Is there any part of the design looking at rooftop gardens?

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Mr. Spieker: We haven't gotten there yet. I can't put the picture up now. There is room.

Mayor Burt: You don't have a sense of what percentage of the roof is occupied by mechanical?

Mr. Spieker: No, but my guess would be it's less than 50 percent. There is room to do that. Again, it's a function of cost.

Mayor Burt: Thank you. Questions for Staff. Has Staff looked at aggressive TDM programs with small units that are in transit and walkable Downtown areas, whether they be in Palo Alto or elsewhere? The only one that I can think of that is a good example in Palo Alto is Alma Place, which is even smaller units than this, that we built around 2000 for small, single-occupant residences. They're designated single occupant. They are probably a couple hundred square feet each. My recollection is it was permitted to be underparked simply on the basis of its proximity to transit in Downtown as opposed to an actual TDM program. Do we know anything about the performance of that? First, what the ratio was and, second, the performance.

Mr. Lait: No and no. I can tell you that we are working on developing those parameters of what a TDM would look like as we're working on this other work about the penalties and fees and the enforcement. We're also looking to require, as a part of our review of projects, TDM programs for most of the discretionary applications that come forward. We'll be identifying sort of those expectations about what the program would include and performance targets (crosstalk).

Mayor Burt: I've brought up Alma Place several times over the last year. I'm kind of disappointed that we don't have any data yet on that. When I surveyed—I don't know what the parking ratio was, so I can't really put it in that context. When I surveyed their underground parking, partially underground and fully underground, within the last six months or so, there were parking spaces available. That includes that Palo Alto Housing Corp. has their offices there. It's not just the residents who are using them. Interestingly, they have a bike cage, and it was overflowed and inadequate bike parking. That was a suggestion to me that without even an active TDM program we get that kind of response. There are other developments in other communities that have occurred in this region with similarities of being transit located, Downtown located and small unit with active TDM programs, I think. Do we have any information on the performance of those projects?

Mr. Lait: Mayor, I just personally don't—the three of us up here don't have information about that. We could get some more information from our Chief

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Transportation Official on that. That information may very well be available; I just don't have it right now.

Mayor Burt: I think that's important. When we look at that and if this goes forward and if it's an application, when it goes to the Planning and Transportation Commission I'd really hope that we've got meaningful data. It also looks at not only TDM programs that have existed representative but what are emerging TDM measures, including things like just the whole consideration of electric bikes and having shared electric bikes perhaps. We talk about Zipcars, but Zip bikes may become at least as valuable and a fraction of the space, fraction of the cost. For Stanford Research Park, it makes the whole Research Park readily bike-able even for people who aren't real serious bike riders. Finally, we don't have a zoning currently that allows this number of units per acre. We have historic development in Palo Alto at this kind of density. The President Hotel is a good example. We don't have the zoning it does. We do have, with all of our zonings, limits on the Floor Area Ratio. I've never been able to understand what was the historic rationale for imposing units per acre limits on top of the Floor Area Ratio limits. All it does is drive developers to having to build larger units than they otherwise might be willing to do. The argument that I've—kind of the pushback historically was we don't get the high units per acre because developers historically get a better rate of return on larger units than they do smaller units, so they don't build them. They haven't historically built them. This is what has been the response for the 18 years that I've been on the Planning Commission or the Council. It really didn't matter. It was a moot point because we didn't get those projects proposed. If we create certain mandates or zoning overlays that would discourage or say we don't want large units like we've been talking about for the last several years and as part of the Comprehensive Plan (Comp Plan) discussion, I'm trying to understand in that context why do we have a cap on units per acre in high-density, multiunit dwellings. Do we know that?

Mr. Lait: I think the short answer would be to limit density and perceived impacts associated with higher densities. It's the character of the neighborhood that you're trying to establish. You're absolutely correct. You could use various zoning tools to modify what approach we might take. You know from the RT—I think it's 50. Is it the RT-50? That's an example where we don't have a density limit. We try to address the form and the size of the ...

Mayor Burt: The RT-50?

Mr. Lait: Does not have a density restriction.



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Mayor Burt: Doesn't have a number of units per acre?

Mr. Lait: I'm sorry. Dwelling units per acre, but it has ...

Mayor Burt: What's the 50?

Mr. Lait: Let's take a look at our standards here.

Mayor Burt: I think that's what the 50 refers to. No. Really?

Mr. Lait: While that's being checked out, I believe that the RT-50 doesn't have a limit on dwelling units, but we achieve it through FAR and setbacks to get at the form of the building as opposed to the density.

Mayor Burt: Thank you. Now, I have two more lights from colleagues, Council Member Berman and then Council Member Kniss.

Council Member Berman: Just a quick question for the applicant on timing. This is all kind of a guess. If you were to receive positive feedback tonight and decide to move forward with the project and get your entitlements in a fairly quick manner, when do you think this project would be built?

Mr. Spieker: The construction timeline?

Council Member Berman: Sure. As we're talking about different transportation technology and all these types of things, which are changing monthly, I'm wondering when will you actually have people moving in here. I'm kind of mentally trying to think of where we'll be on a transportation front by three years from now when the project's actually built.

Mr. Spieker: I would say if there was a vote and it was approved, we'd be ready for occupancy within 18 months. That would ...

Council Member Berman: Once you get approval.

Mr. Spieker: Once we get approval, it'd be 18 months from that. That would include ...

Council Member Berman: It'll be a total of seven years. No, just kidding.

Mr. Spieker: I almost had a heart attack.

Council Member Berman: That's helpful. Two and half, three years-ish, something like that, maybe less, hopefully less.

Mr. Spieker: Yeah.

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Council Member Berman: Thanks.

Mayor Burt: I do see that this slide answers my question, which is the RT-50 in South of Forest Area (SOFA) is not dwellings per acre but rather the 50-foot height. Council Member Kniss.

Council Member Kniss: Again for the applicant or for one of the applicants. This isn't the first time that something has been proposed for this particular site. The site's been a challenge in many ways. You obviously have been listening to us as a body, and you've many times heard the need for housing, smaller units, a whole variety, whatever we've talked about. We've talked about micro units. Before you did this, did you look at other sites and other cities that might be similar and in some way copy that or did you talk with them about their parking issues or whatever else? The only other place that I've heard where micro units literally were brought in, I think, by trailer was one either done in DC or in New York City, which is certainly in the heart of where micro units are needed. The question is are you basing this on anything else? Have you seen anything like it?

Mr. Spieker: We have worked on two multifamily projects, one in Downtown Burlingame and one in Downtown San Mateo or one. They were existing buildings that were under-parked. The one in Burlingame, I want to say had 90 percent, a 37-unit building. I think it had 32 or 33 parking stalls. In Downtown San Mateo, we had 17 units on South B Street where there was zero parking. It was a block and a half from the train station. We do believe that this concept works. I will say about micro housing units, when you hear about micro housing in San Francisco, in Brooklyn, in New York, it's typically around 200 to 350 square feet. These are micro units compared to the RM-40. These are not micro housing units when you talk about micro housing in San Francisco. These are an average—our one-bedrooms are over 600 square feet. If you look at the average square footage of a one-bedroom built in the '60s and '70s in San Mateo and Santa Clara County, you're looking at about 700 to 750 square feet. While they're micro compared to the current Zoning Code, they're not micro when you compare them to New York and San Francisco or LA and Chicago.

Council Member Kniss: That's helpful. I'm glad you gave the examples locally. Did each one of those—before you do them, was there direction from their governing body to control the parking in some way, and was there any mechanism that was used that they imposed?

Mr. Spieker: I'm sorry. I should have mentioned. These were existing projects that we purchased and that, whatever reason back in the '50s and

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'60s, weren't built with the adequate amount of parking per current standards.

Council Member Kniss: There wasn't any negotiation or agreement you had to make with the city?

Mr. Spieker: No. These were all grandfathered in.

Council Member Kniss: I would agree. I remember the first place we rented here. It was very small. Thank you for that.

Mr. Spieker: Sure. Thanks.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: I just wanted to check on the process with the Mayor. Questions and comments at this time or just questions right now?

Mayor Burt: Questions. We're going to hear from the public, and then we'll give our input.

Council Member Wolbach: Thank you for clarifying that. Actually maybe a couple of questions for the applicant and also a question or two for Staff, I think. In looking at your parking spaces—I might have missed it—did you include any designated parking for motorcycles or scooters or design it in such a way that one parking space rented, say, by one tenant could easily park a car and a scooter has enough space for that? I ask because obviously motorcycles and scooters tend to take up much less space. You can either squeeze them in a lot of parking space with a car or fit three or four bikes or scooters into one space.

Mr. Spieker: It's a great idea, and it's something we've talked about. We wanted to get as many parking stalls as we could. We're open to discussing how we can work with that. Obviously there could be someone that doesn't own a car that has a scooter just to go from Point A to Point B.

Council Member Wolbach: I'm also thinking about if have, say, a couple living in a unit that might decide they do want to pay for a parking space and have a car, and then one of them also rides a scooter or a motorcycle. They don't need a full two spaces for that. I'm thinking about how that might work.

Mr. Spieker: I think that would work practically, but from a Code standpoint I think we'd have to work with Staff on that.

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Council Member Wolbach: I'm just thinking about how that would work. In talking about preferred groups who would have a first crack at renting one of these units, I'm not sure if I missed it. Did you mention seniors or retirees?

Mr. Spieker: We didn't mention them, and that wasn't for any particular reason. We were focusing on teachers, firefighters, policemen and City employees.

Council Member Wolbach: I'll save my comments on that until later, except just to say I think that's another group that might be less inclined to drive on a regular basis at rush hour. If I heard you correctly, some of the "micro units" that you see in other cities, whether it's in San Francisco or in Berkeley as far as local examples, can be as small as 200 to 300-square-foot range per unit.

Mr. Spieker: I think I was trying to say 250. I don't know if I (crosstalk).

Council Member Wolbach: Two hundred fifty?

Mr. Spieker: Yeah, 250. I haven't seen them as low as 200, but 250 to 350, 400 square feet. Certainly less than what we're proposing.

Council Member Wolbach: I guess at 250, that means—if I saw it correctly, the smallest units you're talking about here are about 500 or 502 square feet per unit for the smallest ones?

Mr. Spieker: Depending on what happens in the common area, in the bike kitchen, but yes, generally you're correct.

Council Member Wolbach: Basically double what some of the true micro units are, but still substantially smaller than a typical Palo Alto unit.

Mr. Spieker: Exactly.

Council Member Wolbach: Just want to make sure I really was clear on how this fits in with our reality versus other communities' reality, how this just kind of compares. Thank you for that. A question for Staff, thinking about for the public comment and also when it comes back to us. You've given us a few possibilities for how a project like this might be possible with tweaks or changes to our Codes, our zoning, as a pilot or changing something on a perhaps larger scale basis. Because we're not taking action tonight, obviously we can't fully direct which one we would prefer. What kinds of comments are you going to be looking for us, when it comes back to us, regarding the three options that you presented to us?

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Mr. Lait: Thank you, Council Member. What we're looking for is the three options, and there might be others. The three that we highlighted in the Staff Report focused on a narrow applicability, where we just look at PF zoned properties, and we make some changes to the Comp Plan or the zoning to accommodate PF zoned lots. Another example was to borrow from some existing provisions of the Code, where we have these combining districts, so that an applicant could request a legislative change and apply this micro housing combining district to their property. We'd have to set some criteria for that, but that would have a broader applicability beyond the PF zoning. A third option that we identified was to modify the existing Pedestrian Transit Oriented Development (PTOD) zoning standard, which has higher densities and development standards for parcels within, I think, a quarter mile of a fixed rail station.

Council Member Wolbach: Just to be clear, those are in the Staff Report on pages 6 and 7 of the Staff Report, Options 1 and 2 and then on Page 7 Option 3. Those are ordered from the most narrow application to the broadest application. Just want to be very explicit and clear about that as we continue our conversation tonight.

Mr. Lait: That's correct.

Council Member Wolbach: Again, just so I was really clear. I guess maybe for you and also for the Mayor, what kinds of—you're just looking, I guess, for how we feel about those at this point without it being official direction?

Mr. Lait: We've heard the Council in varying degrees talk about this type of a housing project. Here's one that's being presented to the Council for consideration. Should this application go forward, would the Council be interested in drafting something narrowly toward this project and some other properties or would you want us to cast a wider net to make more properties eligible for this type of housing opportunity?

Council Member Wolbach: Got you.

Mr. Lait: Just a gauge of how far do you want us to go with this.

Council Member Wolbach: Are we looking for a pilot or are we looking for changes to the whole area?

Mr. Lait: It could still be a pilot on all three. It's just how many properties do we want to make available to take advantage of a micro housing unit concept.

Council Member Wolbach: Got you.

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Mr. Lait: Thank you.

Council Member Wolbach: Thanks. That's it for my questions.

Mayor Burt: We'll now hear from members of the public. We have seven cards. If anyone else wishes to speak, they need to bring their card forward at this time. Being a Study Session and the limited amount of time we have, each speaker will have up to two minutes to speak. Excuse me. Our first speaker is Mike Green, to be followed by Neilson Buchanan.

Mike Green: My name is Mike Green. I appreciate the opportunity to address the Council. I live in south Palo Alto. My son lives in Page Mill Court Apartments, which immediately adjoins this site. I would say I have no problem at all with the proposal to have smaller area, higher density housing there. What I have an issue with is the parking. That area, which I visit frequently, is completely parked out. The building is going to displace existing parking. My strong recommendation is that it should not be approved without double layer parking underneath, which is the norm now for that area. If you look at the building that's being completed a few blocks north on Ash Street, that's double layer on a smaller site. That would diffuse the parking issue. I should say, by the way, that I regard things like the bike kitchen as something of a Potemkin village, because on El Camino a few blocks north and a few blocks south, are two perfectly good retail bike shops. I had a feeling listening to the presentation that there was a little bit of smoke and mirrors there. That's my recommendation, that the Council should not approve this without double layer parking.

Mayor Burt: Thank you. Our next speaker is Neilson Buchanan, to be followed by Mark Mollineaux.

Neilson Buchanan: Less than six nights ago, we were talking about permit parking and what's evolved over the last four years and the quest for that policy. I sat back and asked someone locally who really observes planning and City Councils well. We talked about here comes housing as fodder for debate and discussion for the Palo Alto process. What did we learn from permit parking and what are we going to learn as we go through the quandary about housing? The perspective that was thrown out is that solving problems applicant-by-applicant is just crazy. One permit program by another permit parking for another neighborhood; housing project by one applicant, another housing project doesn't make an awful lot of sense. There's got to be something better. I don't know what the something better is. Let me suggest that problem solving can be usually boiled down to asking three good questions. We brainstormed if you had to solve and approach systematically new kinds of housing for any given city, what would

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you ask. Very briefly, you'd ask new housing policy for whom, and then begin to answer that very specifically. You would then say where. I bet you right now people in this room can name ten sites that could be considered. Nobody would like them all, but they're the natural sites. It's not like Portland. I read about last night an (inaudible). They got a swathe of land for 8,000 homes, (inaudible) a whole new city. The third question is something that's re-iterative, and at what cost. The cost won't be known until much later in the process, but you can begin to speculate as you were pushing the applicant here. There's got to be three questions that somebody comes up with, that won't throw you through a constant four year loop of project-by-project for the kind of housing that Palo Alto—the corners that need to be cut versus the pathway that you want. Let me give you a Forrest Gump quote, and that is "I don't know where I am going, but I am on my way." That's the way the City of Palo Alto seems to go. Thank you.

Mayor Burt: Thank you. Mark Mollineaux to be followed by Patrick Slattery.

Mark Mollineaux: Hello there. I am Mark Mollineaux. I live in Redwood City. I graduated from Stanford, and I would have like to live in Palo Alto but I couldn't afford it. I'll keep my comments brief. In short, I think we agree there's a problem in Palo Alto with housing. The system is broken. High prices everywhere. This is a signal that everything is broken. This is a result of ill-advised zoning decisions by essentially all the cities in this region. Things are bad. It may not seem bad for local residents who don't see the effects of this. They're locked into cheap houses with artificially low property taxes. If you take the regional view, it's impossible to say things aren't extremely bad. They need to be fixed. With this kind of stress, they will be fixed one way or another. The Council has the possibility to fix things locally, or it'll be fixed at some higher level by the State of California, which holds the underlying authority of all of zoning. I hope the City is able to solve it locally. It'll be better that way. Anyway it is, it'll take a long time and a lot of effort to fix things with housing. Some decisions will be hard, and some will be easy. I think this project is one of the easy ones. This is 60 great units in a really great, walkable area. I anticipate this should easily pass. It really looks great. I would maybe hope I'd be able to live there someday. Thank you for your time.

Mayor Burt: Thank you. Patrick Slattery to be followed by Stephanie Munoz.

Patrick Slattery: My name's Patrick Slattery. When I came down this evening, I was concerned about a lot of the questions that have already come up. I was concerned about the traffic, especially how they were going to be able to keep people from having cars. That's an American thing. How

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can you get in there and stop that? They've got a plan. The Council was wondering about—asking how are they really going to enforce that. That's my question as well. The same with the RPP. If there's not an RPP in the area, then the people who have cars can park there. They can park there all night. The Council has taken care of that. About all that's left for me is how can a four-story building be a pilot project. If it goes bad, how did it go back, what happens? That's a question I still have left. Of course, the answer to the other question is can all this stuff really be enforced. You're asking those. Thank you. You have addressed most of my questions. Thank you.

Mayor Burt: Thank you. Stephanie Munoz to be followed by Robert Moss.

Stephanie Munoz: Good evening, Mayor Burt and Council Members. I think these people are going in the right direction, and they're doing what you want. You should pay attention to them and talk some more with them. There was a letter by a Tina Peak [phonetic] in the *Post* a couple of nights ago. She was very concerned—I think everybody should be—about the fact of the rezoning from public benefit space. There's a difference between something that is actually zoned for public benefit and something in which the public benefit is just a quid pro quo from some other concession that you're going to give. I think you should take it very seriously. I think that whoever gets this piece of property should dedicate the entire first floor to public benefit, to childcare, senior nutrition and other similar things. The whole first floor, not retail. The second thing is that with all the conversation there's been about being close to public transit, what's the point of being close to the public transit if you intend for them to have a car anyway. It seems to me reasonable that there be some places in town for people who don't have cars. Isn't that a fair tradeoff? The third thing is the size. I talked to my son; he travels for Cisco all over the world. I said, "Honey, what kind of a hotel room do you get for \$300 a night?" He said, "They're very nice, very small." Think about it. Thanks.

Mayor Burt: Thank you. Robert Moss to be followed by Hamilton Hitchings.

Robert Moss: Thank you, Mayor Burt and Council Members. This ghastly project is the worst example of spot zoning I've seen in a long time. It ignores the fact that you're supposed to be consistent with adjacent residential when you build. It totally violates that, because it is totally inconsistent with the adjacent condominiums. It ignores the fact that this is the most congested intersection in town. It pretends there's going to be no traffic or parking problems. Saying that some of the residents won't own cars doesn't mean that they won't be driving. Saying they're going to use Uber means that Uber gets to drive to the site and away from the site.



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That's two trips instead of one for the non-Uber driver. Another problem is you have no way of enforcing the occupancy or the actual price of the units. You have never done that in the last 40 years. When somebody says, "We're going to have this for all low-income people," and when they don't do it, the City sends them a nasty letter saying, "You're terrible people. You're not complying with what you said. Tsk, tsk, that's awful of you." Of course, the developer sobs and cries while he's putting his money in the bank. I would suggest that you require they do something almost unprecedented in the City of Palo Alto: comply with the Zoning Ordinance, the CN zone, the Comprehensive Plan and development compatibility with adjacent buildings. Wouldn't that be remarkable?

Mayor Burt: Our next speaker is Hamilton Hitchings, to be followed by Winter Dellenbach.

Hamilton Hitchings: Hi. I'm Hamilton Hitchings. I'm a member of the Citizen's Advisory Commission (CAC), but I'm not speaking on behalf of them. One of the things we're trying to do as the City of Palo Alto is refocus the development on what the City needs most and work with developers who understand what's needed and are willing to work with the community. I'm a residentialist, so I'm usually on the other side from developers. I actually like these guys. I think there's a lot of potential to work with them to build the kind of project that this City really needs. I think to make this successful we would need to make a few changes. By the way, it's a great location if you work in Stanford Research Park or California Avenue (Cal. Ave). There's a problem because Cal. Ave. parking is completely saturated, so any spillover is going to have a significant negative consequence. There is an easy solution, and you're not going to like this. You just remove the top floor, then it's a 1:1 parking. You increase the unit size by 100 square feet. You get your guest parking. You put in the deed restriction. You do those three things, this project will work. The other thing to keep in mind is if we look at other comparable units of this size, like Carmel the Village, they're renting for \$3,000 to \$6,000. Unless you have \$3,000 a month to spend, you're not going to be able to rent these units probably. However, because we're rezoning it, we can impose requirements on them in exchange for the rezone. They've already said that they would be interested in above the requirement for below market rate. As part of the public benefit, rather than making the ground floor some kind of retail thing, I would encourage a 25 percent below market as part of this rezoning. This will help people who are working in this community, who might not be able to afford it otherwise. Another thing I want to speak out against is ground-floor retail. This is a really lousy spot for ground-floor retail. The other thing to think about is pumping. Remember, if you go down a second floor, you're going to have to pump a lot of water out on that (crosstalk).

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Mayor Burt: Thank you. Winter Dellenbach to be followed by Herb Borock.

Winter Dellenbach: Hi. Winter Dellenbach. Want to remind you 10 years worked at Mid-Peninsula Citizens for Fair Housing, dealt with housing discrimination laws. I wasn't planning to come here, jumped in my car, roared down here. I kept hearing the word preference. I came down here, and I kept hearing it and hearing it. Protected category, class, protected class. I started to get more and more jumpy. I don't think any of you should get excited and be making any sorts of judgments and decisions about all of this stuff. Preference is a rare thing. It shouldn't be thrown out like confetti. People that have preferences, seniors, families, protection against discrimination for families with children, people with disabilities have certain protections. Those are exceptions. They are not the rule. I'm hearing preferences just like preferences galore for firefighters, for this, for that. I counsel you please back off, be very careful. You have legal counsel that can actually give you firm legal advice once they get clear, do the research if there's any sort of workforce protection for a private developer who's going to profit mightily from this rather than a nonprofit developer such as Stanford that can maybe have certain legal protection and rights to do that. A two-bedroom apartment under your own law in Palo Alto—9.74.030 says that you cannot require less than a minimum of two people per bedroom in this town. I heard one of the presenters tonight say something like there's not going to be children here and all this sort of stuff. If this is any kind of a model for what's coming our way, please know that there is no way to prohibit parents with children from living in this housing, older people. This idea that this is millennial housing, that this is young tech worker housing—I find that personally extremely offensive. Housing is housing for people who need housing. If a parent wants to live in a one-bedroom unit with a child, by law they get to do that. Otherwise, it's discriminatory and yells lawsuit at me. Be very careful when you consider this housing and who's going to live there. Everybody gets to live there.

Mayor Burt: Thank you. Our next speaker is Herb Borock, to be followed by Ken Allen.

Herb Borock: Mayor Burt and Council Members, this is not micro housing. The housing at Alma Place or at the Opportunity Center is micro housing. The reason they don't have very many cars is because they're poor people. It's for low income and very low income people. That's the reason they don't have cars, not because of where it's located. In regard to the previous speaker, you can't discriminate against families with children. In this isolated location for a family with children, they will need cars to get to school and to take children to activities. The options that Staff has offered you for changing zoning is Planned Community zoning by another name.

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You have suspended Planned Community zoning. The appropriate time for Staff to bring up these suggestions is during the Comprehensive Plan discussions and the Zoning Code that comes out of the Comprehensive Plan and that supports it. If the applicant wants to wait until that new Zoning Code comes up to see if it has any of these ideas, that's the time to do that. You can't deed restrict a rental unit and expect it to be enforced by the developer. You can't even keep track of Below Market Rate (BMR) units where someone goes out and borrows extra money or tries to go sell it for a higher price. You just had one of those on Consent Calendar tonight. It took you so many years to get to that one when the error occurred. If you can't even do that and you have a contractor, the Housing Corporation, that's supposed to keep track of those things for you, how can you possibly do what's being suggested here? I would suggest that we have somebody who bought a property that is zoned Public Facility, if that's what they wanted to buy, those are the rules they should follow.

Mayor Burt: Thank you. Our next speaker is Ken Allen, to be followed by Rebecca Sanders.

Ken Allen: Ken Allen, Grove Avenue. I'm President of the Adobe Meadow Neighborhood Association and speaking as a private citizen. First of all, I note that this location was originally designated to be property turned over to an overpass between a state highway and a county highway. Whatever became of that project? Second, I agree with all of the problems noted on parking. I think it's irrational not to provide at least the minimum parking per unit because you simply cannot limit cars by limiting parking places. That was my experience living in Hamburg, Germany. We lived in a unit of 700 square feet. The streets were over-parked. Some people took the available public transportation, but ultimately there were too many cars for the number of units living in that small neighborhood. The larger issue that I'd like to point out is that in the R-1 zone we have a problem with high square-foot residences not having adequate parking spaces. In our neighborhood, we've just encountered such a problem. There has been some accommodation, but I think that you should be looking into that also, to provide adequate off-street parking for such units. Our street is now already overcrowded with single individuals living in single-family houses and filling up the streets. Thank you.

Mayor Burt: Thank you. Our next speaker is Rebecca Sanders, to be followed by our final speaker, Jeff Levinsky.

Rebecca Sanders: Good evening. I'm Rebecca Sanders aka Becky. I'm the moderator of the Ventura Neighborhood Association, and I live at 369 Margarita Avenue in Palo Alto. Let's see. The Ventura Neighborhood

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Association is very concerned about housing for the community's most vulnerable. We are enthusiastic about the idea of micro units and would love to see a sensible pilot project to promote micro units, but this is not it. Our principle objection is that when up-zoning is allowed, citizens don't know what to expect. It's unfair. Also, it clearly benefits the developers who buy a property zoned one way and bank on being treated to an up-zone to their wealth. All the promises about preferences, who will police this? The Code enforcement staff are already overrun and cannot manage the workload they have. No disrespect intended. This is not a small town anymore, so it will fall upon neighbors to tattle on each other. It's just gross. In Ventura, we're waiting for relief for some Code enforcement issues on a bunch of creepy shops that are on El Camino. We have been begging for some attention to those and have had nothing, because the Code people are super busy. Therefore, we urge you to say no to up-zoning the VTA parking lot. We don't need more traffic, safety problems, pollution, developer giveaways, monster buildings that are given Code exemptions in our neighborhood. With all the developments under construction and in the pipeline in Cal. Ave. and abutting neighborhoods, the collective impact has yet to be measured. We do need a comprehensive solution to our housing solution, not this one-by-one spot zoning, piecemeal, disaster area. Please do your duty to rein in these baby Godzillas by giving them a timeout. Thank you for your attention this evening. I appreciate your service to our fair City.

Mayor Burt: Thank you. Final speaker is Jeff Levinsky.

Jeff Levinsky: Good evening, Mayor Burt and Council. I get to play cleanup here. First of all, it's about 36 cars that are parked on that site right now. We'd like to know where those cars are going to go if a building is on top. I don't think a second layer down below would be enough to handle those cars. That's one question. Another is a question about what happens if you rent one of these apartments and then you become disabled and you need a car to get around. Will you be kicked out of the apartment because of that? That's unthinkable. I don't understand how the provision would work there. If you look at the plans there, some of the ground-floor units have balconies that face right onto Oregon Expressway. The fumes and such and health problems of that seem pretty awful. Caltrain is full, if you haven't heard lately. Handing out passes to Caltrain doesn't mean people are actually going to get to take Caltrain. For all those reasons, it feels like an Environmental Impact Report (EIR) or something like that would need to well precede anything like this project going forward at all. I think that should be part of the discussion. As to pilot projects, let me point out that we have TDMs and PCs right now that are not being enforced. I live right next to one where they knocked down a historic building with a slap on the wrist. They have a grocery store that's not operating, and this has been

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going on for about a year and a half now. Nothing has changed. If the City is looking for a pilot project, how about enforcing all the promises that have already been made to the public and not kept? Thank you.

Mayor Burt: Thank you. We'll now return to the Council. Because this is a Study Session, we won't be having any votes. The Staff and the applicant will be hearing general comments from members of the Council and attempt to get a sense of our inclinations on that basis. Council Member Filseth.

Council Member Filseth: Thanks very much. Thanks very much to the applicant for the cogent presentation and for all the speakers who came here. I have comments about basically four things. I want to talk about the 60 micro units and then the PF free zoning and also the density up-zoning. Then, I want to suggest a line of thinking about how the City—I think deed restriction is going to be a big part of that. On the 60 micro units, I think adding 60 small units to the City's housing stock seems generally reasonable. Palo Alto's long-term housing growth is 0.6, 0.7 percent over the last several decades, which amounts to a couple hundred units a year. I think that would fit into this reasonably well. Also, a number of people have pointed out that if you look at the proportion of small units in Palo Alto, it's smaller than the proportion of small households in Palo Alto. Adding some more small units generally seems reasonable too. Let's see. On the location, definitely mixed feelings about that. I think a positive is it's near jobs in Palo Alto, specifically the Research Park, which I think is great. I think that makes a lot more sense than trying to put everything next to the train station, where you'll get people that commute out of town. A negative is that this is one of the most traffic congested areas in town. It's clearly still going to add cars; otherwise, it wouldn't need any parking at all. Somewhat mixed feelings on the location, but generally not an unreasonable thing to think about. The parking issue is a huge issue, and I hope other people will talk about that too. On the project itself, I think there are two different aspects. One is the PF rezone, and the other is the density. PF is a very special and unusual case. The zone Public Facility means it's dedicated to uses of benefit to the community. Everything we want takes land. How much time and discussion has this Council and Staff spent since the current Council on where are we going to look for space for Public Safety Buildings and parks and other public amenities and so forth. We just took up the animal shelter last week. Most people think we're going to need a new animal shelter at some point or other. Where it would go is still a huge asterisk. On a PF piece of land is a reasonable thing to look at. I think it'd be a good place for it. Yet, even as we all are aware of the stringency of real estate in town, I think we actually may still continue to underestimate the long-term value of land here even now. I think we should be very, very cautious about rezoning PF land. It's a one-way thing. You never get it

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back. You never get more PF land, only less. If you rezone PF land, it can't be used for community purposes again, and that releases a lot of value. We need to be mindful of that as we scratch our head, looking for space on things. Commercially zoned land is worth a lot more per square foot than Public Facility land. Rezoning this PF property is instantly going to create a lot of monetary value, potentially millions of dollars. I don't see why we—Windy Hill seemed like good folks that want to work with us, but I don't see why we should simply hand this value over to a developer. If we do rezone, the City ought to get some of that value. We ought to share in that. I don't think just having some more expensive housing in town is enough value in itself. That's the PF. Let me talk about the density for a minute. There was a question earlier about how much will the units rent for. Maybe I can help with that. The going rate in this town for a 500-square-foot studio or one-bedroom unit is currently about \$2,000 to \$2,500. If you had 60 of those at an average rent of \$2,000 a month, you'd have a free cash flow of about \$1.44 million, but of course that will grow every year because the rent increases a few percent every year. If you compare that to the chart in the Staff's—if you had CN zoning, in that case you'd have 20 units, probably two-bedroom condos renting for \$3,500 a month or so, which would add up to \$840,000. This project is going to collect almost twice as much money in rent as a conventional zoning, even if you up-zoned it from PF. How much is that actually worth? I think people should work that out on their own. You figure the land costs a few million. The construction may be \$25 million, because that's what 441 Page Mill, which was approximately the same size, was estimated. Maybe they can finance at around six percent per year. Assume you raise the rent a few percent each year. I actually went back to the model that Keyser and Marston used in the 441 Page Mill project. I think people ought to try it for themselves. This proposal looks to me like it generates a real large amount of value. The up-zoning to R-130 in this case is worth many more times than just the PF conversion itself. Over 50 years, I'm guessing that after costs it clears \$50 million to \$100 million, but again I think folks ought to work it out for themselves. I know they don't want to do this, but if you just cashed out right away, I believe one-bedroom condos in north Palo Alto are currently selling in the low \$900,000s. If you had 60 of those, you do the arithmetic and if you wanted to get out right away. The point of all this is that rezoning this property for high-density housing would create a great deal of value. I don't know that we ought to rezone the PF for all the previous reasons. If we are going to countenance rezoning a Public Facility like this, then I think the City ought to share in that value. I want to suggest a way to do that in terms of housing, since we're talking about housing. There's been a lot of talk about affordability. I think there's a chance here to actually do something about affordability. In my view and not everybody agrees, our biggest housing problem is not finding space for professionals who can afford to pay \$2,000 a month for a studio. They can

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do this now if they look a little. I think the Vice Mayor eloquently described it a month or so ago as they have to knock on a few more doors. I believe our biggest problem is housing low and middle income people who can't pay \$2,000 a month for a one-bedroom, and that includes people like Windy Hill mentioned, teachers, City Staff, first responders and so forth. These are plus-one people who add extra value to our community just by being here. If we had more of these community workforce people here, that would be public value. That's not going to happen if these folks have to bid for their housing against high-paid tech workers like the 6,500 that Facebook is going to put in Menlo Park next door over the next couple of years. Tonight's just a Study Session. It's Public Facility land. I think we ought to deed restrict to City employees and School District employees. That would be community workforce housing. Maybe that's not the exact mechanism, but it's simple. We had a bunch of discussion about preferences and so forth earlier, and that's all good too, but it seemed a little fluid to me. If you list it at \$2,000 a month, you're not going to fill it up with teachers. If you can't find any teachers after six months, then it's going to be engineers like I used to be a lot of years ago. Maybe there's some other way, but it's got to have teeth in it. You actually have to have lower rent than \$2,000 a month in order for this to work. Maybe it's not deed restrictions, maybe just some kind of zoning mechanism. I actually do like this kind of mechanism. It's not a blunt instrument, as blunt as rent control because you still have market forces at work, just sort of a smaller market. This is the way that Stanford housed a lot of its faculty. I think we ought to learn from that. Plus, by definition, all these folks would be working in town, not commuting in or out somewhere. In principle, it's an ideal group to use bikes or other forms of non-automobile transit. I'm not sold we ought to be going around converting Public Facility land to commercial uses. I think if we're serious about community workforce housing, then eventually we're going to have to pay for it. This is one way to do that. If we're entertaining rezoning Public Facility land and up-zoning for density, then the public ought to get compensated for it. I think we ought to give this kind of mechanism some real consideration. As Neilson point out, if we can make a program like this work here, then maybe we can replicate it other places. If we let this go by, I think we're going to miss a real opportunity. If we don't go this direction, if we just up-zone it and it goes on the market and so forth, I don't see that it makes sense to change the Public Facility zoning. If we're willing to tackle something like this, where there's real community benefit, then we ought to consider it. Thanks.

Mayor Burt: I'd just like to pause and see if the City Attorney has any guidance on the issues that Council Member Filseth raised. If we're going to be having any follow-up discussion, we have that in the context of what's

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legally permissible and what happens when we have a site like this that was Public Facility zoned, owned by the VTA and then what latitude do we have.

Ms. Silver: In terms of the rezoning issue, the Council needs to evaluate the property in terms of are there any viable uses existing on the site. If there are no viable uses, then the applicant does have a right to a rezoning request. If there are other uses for the site, then there the Council has broad discretion as to whether a rezoning is appropriate in this particular case. As to the workforce housing, I think that could fall under one of the scenarios that the pilot program is exploring. It would probably be in—we would look at increasing the affordability component, the inclusionary component of one of the proposals. I think it's within the realm. We would want to know what your thoughts are as to how much of the housing should be deed restricted or given a preference.

Mayor Burt: This site was sold from the VTA to a private party, I think, over two years ago. Does that have any bearing on our latitude in terms of being able to restrict it to a Public Facility at this time?

Ms. Silver: It's currently zoned Public Facility. There are some private uses that can be developed under Public Facility zoning.

Vice Mayor Scharff: Can I follow-up on that?

Mayor Burt: Go ahead.

Vice Mayor Scharff: I just wanted to make sure it's clear in my mind. I believe there are educational facilities allowed under Public Facility. Is that correct? Aren't those private—you can do just public schools or is it private educational facilities?

Ms. Gerhardt: Private schools and trade schools would be allowed with a Conditional Use Permit.

Mayor Burt: Council Member Berman.

Council Member Berman: Thank you to the applicant and the folks from the community who have spoken. Also, I want to thank the folks who emailed and didn't necessarily come today. We had a handful more emails that were opposed to the project, and then over 70 emails—I last checked a couple of hours ago—in support of the project. I know those folks aren't here in the—I'm sorry?

Male: (inaudible)



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Council Member Berman: Those aren't people who are here today, but I want to make sure it's noted that there was a significant amount of public support for the need for more housing. Let me ask a question of everyone in the audience really quickly, five seconds. If you think we have a housing shortage in Palo Alto, please raise your hand.

Mayor Burt: Council Member Berman, I don't want to do polling from potential Council Members.

Council Member Berman: Got you. I wasn't counting. There's one guaranteed way that we won't get more housing in Palo Alto, and that's if we kind of burden any proposal with totally unrealistic expectations. I get concerned when those of us on the dais, myself included, that have—I have zero experience in building housing anywhere—get our napkins out and start doing calculations on the fly without actually consulting with people in the housing industry to figure out whether or not any of those calculations are realistic and actually applicable to the project. I also want to remind all of us that this is just a Study Session. I'm sure if the applicant were to put forth a proposal, we'd flesh out these numbers a lot more. I hope that we do that. I hope that the feedback from the Council is that there's community need and support for additional housing at this site. That's what the vast majority of us said a year and a half or two years ago when we roundly rejected a proposal for commercial office space at this site. We talked a lot about the—it's shockingly, strikingly clear that the applicant listened and paid close attention to the Council's comments at that time, because they've almost checked every box, I think, in the proposal of things that Council Members brought up as ways that we could have additional housing and create—yes, we do need to have zoning reforms that encourage more units per acre, not less units per acre, and this type of thing. We don't have that now, and I don't want to wait until that process is completed before possibly approving this project and creating 60 units of desperately needed housing. We talked about traffic concerns and the PF zone. It could be parks; it could be medical; it could be schools. I don't know, but I believe that all of those uses have higher traffic impacts than housing. That's something that can come up as the conversation continues on this site. The reason I asked my timing question—the fact that this project wouldn't be built for 2 1/2 years—is the way that we get around in society is changing every couple of months. The City Council is looking at additional solutions, including expanding our shuttle system and others, to really incentivize people to get out of their car or not even need a car and be able to bike or take a motorized bike or walk or take Caltrain. Some people have mentioned Caltrain is full. This project wouldn't be completed until electrification would be completed soon thereafter. That's going to dramatically increase the capacity on Caltrain to make it more of a viable

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option. I didn't think we'd see this. I remember the commercial proposal that we had. I talked with those folks, the Pollack group, afterwards. They said, "We can't do commercial. We'll build a hotel. We've crunched the numbers, and a hotel is the only viable thing that we can build there. We looked at housing, but it just doesn't work." Maybe a year later, I kind of got wind of this housing proposal, and it took me by surprise, because I'd kind of given up on that. I think that this is a perfect place for housing. I support ground-floor retail as well, but I don't know that it's necessary at this location. I think that'll increase traffic. I don't know that it'll be very successful. Frankly, my number one priority over retail, over office space is housing. If it's something that's going to reduce the number of units on the site for retail in a non-ideal location, I don't think that's necessary for me. That's definitely not necessary to get my support for the project. The issue of open space has come up, and open space is important. I'd argue that the need for housing is greater than the need for balconies. I would encourage the applicant to look at creating some sort of community garden. My girlfriend lives in a studio apartment in San Francisco. I think the units are 500 to 600 square feet per. They don't have balconies, but there's a community garden in the back. They all have their own little plants that they want, and they have a grill back there. That's an area where they get together on Sunday afternoons and evenings. Being more efficient with our space—I think if you have a good-sized community garden area as opposed to small, individual balconies—I have a balcony where I live. I actually have two. I never use them. Why? Because I'm never home. I don't think we can deed restrict—I think Winter brought up legitimate concerns about how we move forward on deed restricting these units. A large number of people who live there will be millennials that are working very hard. I love having windows, but I don't need the balcony. If there were a community garden area, that could be a place that I'd go hang out. I'm not a stickler ...

Mayor Burt: If you were home.

Council Member Berman: If I were home, exactly. I'm not a stickler for that requirement. You guys have offered up—this is all still in the proposal at the preliminary stages. You clearly have thought out the TDM issues. That definitely comes across. Staff is working on ways that we can make sure that we're enforcing those requirements as well. The Mayor brought up examples where sites like this don't need one parking space per unit. I realize that that's what we've historically done, but the way people live is changing. That's just no longer needed. I think what we need is the housing units more than the parking spaces. Those are just a couple of my thoughts. Obviously none of this is final. None of this is fully baked. I love the idea of getting 60 units on this site. I don't think that it's under-parked in terms of how it will actually be used in reality for the people who live

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there. We do need housing of all types. I'm the liaison to the Palo Alto Housing this year. I've asked Staff, and I think we're scheduling, I hope, soon, like early October, a Study Session with Palo Alto Housing to talk about affordable housing. This isn't meant to be affordable housing. This is a private owner of the land that wants to build market rate housing. We need housing of all types if we're going to start to lessen the increases that are happening every year and the cost of housing. I don't know that housing costs will ever go down in Palo Alto, but maybe they won't go up as much. This is a part of the overall solution. We shouldn't burden this project with the need to solve our entire housing problem across all of Palo Alto. Let's take it as a great opportunity to build 60 units of studio and one-bedroom housing in a location that makes sense.

Mayor Burt: Council Member Schmid.

Council Member Schmid: Thanks for the ideas, the proposals. They raise for Palo Alto a critical issue, how do we deal with the housing need, in a provocative way. As a number of speakers said, this is being done with one project. You're asking us really to comment on Comp Plan issues, land use issues, zoning issues, all of which have wider impacts based on a single project. I guess that worries me. I think denser housing opportunities in the City is a good thing. It makes sense. We need to identify how many, where, how much, critical questions. We also need to be aware—this is what the Comp Plan should bring us—of how does it change our community. I guess I'm mystified why this is coming before we've talked about the land use on our Comp Plan. I was looking back at our earlier schedules. It was scheduled for June 6th. It would be very appropriate if we had that discussion before this proposal came up, but we haven't. We have to talk about our community and our land use in terms of a single project. How would this project contribute to the community? What community do we want? I know when I think about Palo Alto I think of it as a special place. It's the heart of Silicon Valley. How did it get to be that way? If you look back at the history of how it evolved over the last 50, 60 years, it evolved in a community in a unique way, a community that valued mobility. Palo Alto has twice the job change of experienced workers compared to other communities in the U.S. Job options are important. They're important not just for people in their 20s, but they are important for people in their 30s and 40s and 50s and 60s. Talented, experienced people are mobile and bring ideas to new places. Innovation comes from that. It doesn't come as much from big cities where people are in dense communities, but in an open, mobile community. One question is we want to take one example of small, what are being called micro units. Great for young, dependent workers. Harder when they get experienced and talented and want to have families or maybe changes jobs if there are two people sharing an apartment

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and they have two jobs. Within a few years, it'll be four jobs. How do you make those contacts, keep them alive? We've targeted one project and one segment of our community, but will it be dangerous for the wider community? Looking at our Comp Plan materials that we have, it is striking the discrepancy between the City's demographic forecast and the school's demographic forecast. If you've ever looked at it, the school projects that the school-age population will grow 0.2 percent per year. Palo Alto's ...

Mayor Burt: Council Member Schmid, I think we need to be more focused on the matter before us. I appreciate that you consider it in a very broad context, but Staff has asked that the framing of this Study Session be around specific things. Can you focus your comments on that?

Council Member Schmid: I appreciate your comments, and I'm saying that I think you have to vote on this project with the land use and zoning in mind.

Mayor Burt: We're not voting on this project tonight, Council Member Schmid.

Council Member Schmid: We are giving advice. When you plan the project, think about the project. You have to think about the community it's in, the parking, the lack of cars. You're taking mobility away from the community. If this is used as a significant example of other projects in town, how far do we want to go? How many projects like this before we change the community? Palo Alto has a ratio, 24 percent of households have children. In San Francisco and many other central cities around the country, that ratio is 11 or 12 percent. This project would lower our ratio, bring it down from what it has been traditionally. The question is in this project would it be more beneficial if you used denser housing to have a greater variety and opportunities within that area. When we think about this project or the Cal. Ave. area, don't we want a greater diversity of opportunities for housing in that area? Thank you.

Mayor Burt: Council Member Holman.

Council Member Holman: Thank you. I appreciate what the applicant is trying to accomplish. I appreciate some of the thoughts behind what you put into this. Also appreciate the commitments to some very creative TDM measures that, I think, would apply to a project like this or a number of other projects. It's not all bad news. My concerns actually are—they're around several things. One is that we do have a housing problem here. It's not our only problem, though, and our only concern, though. When we have a project here or there or anywhere that is so drastically and dramatically different from what the zoning allows, it hasn't had any vetting in the community, no analysis. For me, a project like—let's just pretend that this

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project gets enough indication from Council saying go forth. It's a PC, and I can't imagine that it's anything but a PC. Here's why. It's a one-off. No way in the world should, in my opinion, the Council support without adequate vetting in the Comp Plan and with any kind of zoning considerations the micro housing combining district overlay be established on the basis of one project. That would mean it would apply anywhere that we applied that, without any kind of study or vetting. No way do I think we should apply consideration for a one-off project to modify the PTOD combining district, because then it would apply to the whole PTOD district without any kind of vetting or study of what the impacts would be and what the viability is of this kind of project. A pilot project in the PF zone, it's so disparate from what the PF zone uses are that I don't see how that could happen. It is that there is not a density requirement in the RT-50 of SOFA. That was done very thoughtfully and carefully. It is also a 1.5 FAR maximum, so that's also a difference. It also has a higher parking requirement. That's also very close to transit, so that was considered at the time. If we were going to look at SOFA right now, I might update the parking requirements somewhat, but that is what it is. The lowest parking requirement there is one parking space for a studio. There's not a BMR housing requirement that's being required of this project or being offered in this project. The permit parking in the neighborhood, which I appreciate the applicant is willing to participate in, who pays for that RPP? It's not an inexpensive gesture. Someone has to pay for it. I do think that this site should have retail on the ground floor on the El Camino side. Otherwise, it's a dead corner; it's just an absolute dead corner. We have retail across the way from it on the south side of Page Mill, and it works very well. The project also, because of its size and scale, violates many aspects of the South El Camino Design Guidelines and the El Camino Grand Boulevard Design Guidelines as well in terms of setbacks and step-backs. I actually would be—the smaller units are something we need. To help satisfy some of the density issues with something like this, a mix of at least some of the unit sizes would be a better outcome. The comment was made earlier about open space. I agree that having balconies on Page Mill is not ideal. That means also this is the best place for housing. It's a very congested intersection, which means there's a lot of air issues here at least to this point in time. They're not going to change in the next, I'd say, 20 years probably before we become more fuel-free cars, if you will. It doesn't mean that people shouldn't have open space on the back side of the project or someplace where it's more protected. I don't think it's—I won't go into the soccer fields location at this point in time. I've said many times we need to be housing people, but not warehousing people. My viewpoint has been for many years if people don't have adequate open space, we're warehousing people. Everybody at whatever income level, whatever age, whatever rent they're paying deserve a reasonable quality of life. Open space for me is

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one of the major quality of life determinants. Just having to do with the mass, scale and design, like I said, housing is one of our needs, but it's not our only need. This needs to be designed with the care that it's compatible and satisfies our other design requirements. We had a requirement for a water reservoir, but we took the care and spent the money to make sure that it was designed well. It was a great project, and it is a great project. A project on such a prominent corner as this needs to be a great project. At this point in time—I know this is early. I know this is just a prescreening just to give comments about what direction and directions, from my perspective, this should go. Those kind of encapsulate my comments. Thank you.

Mayor Burt: Vice Mayor Scharff.

Vice Mayor Scharff: Thank you. A whole bunch of different things. First of all, I guess I wanted to say on the current zoning. Whereas, I don't share Council Member Filseth's beliefs on that; I do believe, though, that we have a right to keep it as Public Facility because of the educational use. We just—was it last Council meeting or two Council meetings ago—changed the zoning or said we would consider changing the zoning to educational use for two retail parcels because there's a shortage of places for schools. It's clear to me, at least in my mind—obviously we want to get legal counsel's opinion on it. I believe we could keep the zoning exactly the way it is, if we wanted to. I don't believe we have any duty to change it or any reason to. With that said, I was really skeptical of this project, I would say. It violates all the principles that I typically support, which would be ground-floor retail, projects that are fully parked, projects that don't add to traffic and congestion, all of that. The developer here has been really forthright and really willing to think outside the box to make this work. For me, I'm really interested in seeing if we could have a project, which doesn't have traffic and congestion. For me, this project works with 45 parking spaces instead of 109 or something like that if we have deed restrictions that say you can't own cars or something similar to that. I'm not interested in this if it's not going to really work. If we really do have, frankly, straight-out deed restriction, a deed restriction on the entire project that says no more than X number of units may have a car and we have ways to enforce that, if that happens, then I would support this. I think it's out of the box. I think it could be a great pilot project. For me, the devil's in the details about how we actually enforce no cars or 50 percent of the people would basically have cars under this, in my view. Given that it's 45 parking spaces, it's about 50 percent of the parking. That's the direction I would give to the developer. Come back with a proposal that's robust and says there won't be any cars more than the parking spaces, so it won't include parking. If you had that less parking, then I would assume this would create not very much traffic

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because there wouldn't be a lot of cars. Without traffic issues and without parking issues, I think this is a great project. The other thing I think it does is it could improve traffic congestion because it's doing the right-hand turn right there on Page Mill. I think that's a real net positive. I'm really only also interested in this project if we do an Option 1, which is the pilot project in the PF zone. I don't want to go out and rezone a bunch of areas of Palo Alto. I'd be interested in doing this project as a pilot, seeing how we could control this. I was also really heartened when the developer said he was interested in having real teeth in a TDM program. That also meant something to me, if he's willing to accept fines and that kind of stuff. That means he really believes in it. If he really believes in it, then I'm willing to take a flyer on it. I also thought the concept of a rooftop park could be really nice, if you want to have gardens or parks or whatever. I understand it's a cost issue, but I think it goes to some of the open space issue. The other thing I wanted to bring up is I also did appreciate the developer focusing on the ground-floor retail issue and having a bike shop there. I thought that also goes with the TDM project nicely, focusing on bikes. I actually thought that was really thoughtful, and I appreciated that. I did have some concerns about the El Camino Real Guidelines. Staff highlighted that the project doesn't meet it. We have a big garage up there on El Camino. I'm not sure what the solution to that is, but that obviously is an issue, having a big garage that faces it without—on a prominent corner like that, what we were thinking about the El Camino Real Guidelines. I did think a little bit that tonight we're talking about other guidelines and how seriously do we take these guidelines and how important are they. That's just something, I think, I'd put out there that we should think about. Overall, I would like to see this project move forward. I would be very interested to see how the developer goes ahead and solves the parking and traffic issues we've discussed.

Mayor Burt: Council Member Kniss.

Council Member Kniss: Again, thanks to the developer. You listened clearly, came back. I know that the CAC has discussed this extensively as well. Just a couple of reflections. We've had some long conversations about this tonight. I'm going to make this a little shorter. One of the things we did in the spring—looking at the Mayor, he wanted to find out whether or not a transportation tax would fly in this community. In April, we did a pretty extensive survey of the community about a variety of things. Their first concern literally was the cost of housing. Three out of four people who answered that poll said the cost of housing was an issue in this community, including cost and of course availability. It's the lack of availability that's an issue. Two or three other things. Tom DuBois and I were talking about cars the other day. Tom convinced me that cars are on their way out, that we

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are going to have self-driving cars, we will have a different system probably within 5 to 10 years. We're also hearing this project wouldn't be done for another probably three to four years, if ever. Cars changing the way they operate. We may not all have a self-driving car, but we will easily have access to Scoop and Lyft and a whole variety of other ways that are new to us. Most of us didn't take Uber four years ago; there was no way. A couple of other thoughts. I actually was on VTA when we sold this property. It was initially five years ago, and then four years ago. I remember it very well. I don't think it's ever been anything other than a parking lot, but I wanted to ask if anyone else could remember that far back. Usually the only one that can remember is Bob Moss.

Council Member Holman: There used to be a little eating place there.

Council Member Kniss: Pardon me?

Council Member Holman: There used to be a little eating place there long ago, probably in the '80s.

Council Member Kniss: That I don't remember. Clearly this has been a parking lot for a long period of time. I would have to say, to the person who was interested in the parking there, I don't think that the owner, whomever that might be, must keep a parking lot there. It's currently used pretty casually and very often by the soccer players who are across the street. A couple of thoughts. This is one of those "don't throw out the baby with the bath water" yet, because I think this has some real promise but needs to be far more affordable. We are really talking about affordable in our community. The Vice Mayor's comments regarding can you actually enforce some kind of limitation on those who live in the building is really a good question. That's one that I would want answered. As far as retail, there is some retail across the street, but the retail across the street has parking. I've often gone to that retail. On the far side of the street, there is Palo Alto Square. Across the street is soccer. Next door to this on either side are multi-unit dwellings, one being Sunrise, the other being, I think, some other housing right next door to it. We've said several times housing should be on this site. The question is what can we determine should be on the site and what would come forward that would get five votes. That's really where we are at this point. I'm delighted it's come forward. I'm still convinced there should be housing there. I'm not sure exactly how we get to the yes point. Those are my comments.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: When we saw a prescreening for this site last year, as I think a couple of other people have mentioned, I was certainly one



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of those who said I don't like the fact that it worsens our jobs/housing imbalance, and what I'd love to see there is a lot of housing. I'd even be open to a car-free or car-lite site. That implied that I'd be open to a project where there was parking for visitors, maybe people who work for the property, contractors. That's about it. This actually has a lot more parking than what I would envision as a true pilot, car-lite, car-free project. I would call this a compromise. The units are not micro units. They are smaller units. We talked about this earlier during the question and answer and the presentation. These are actually about double the size of true micro units, which can be as small as 250 square feet. These are no smaller than 500 square feet per unit. Again, it's a compromise. It's a step in a different direction for Palo Alto. As Mayor Burt pointed out earlier, this is something we've done historically in the past, projects kind of like this. For example, the President Hotel. It is a divergence from what we've done in recent memory. It's quite a divergence. A number of times over the last year or two as we've talked about our Comprehensive Plan, as we've talked about the housing crisis and the housing challenges in Palo Alto and in the region, a number of us on Council, not just when this site came forward for its previous prescreening but a number of times, we've talked about wanting to see or at least explore maybe a site where we get rid of the unit cap but maintain our height limit, maintain our FAR limits that are at least reasonable. Maybe have some reduced parking requirement and maybe find a way to have some teeth so that we could actually restrict the ability of people or strongly discourage them such that on average people would not need as many cars for the project. I appreciate that this project tries to move us in that direction. This actually gives us an opportunity to—if this does move forward, if the applicant does move forward with an application, that will provide an opportunity for us to direct City Planning Staff, City Attorney Staff, etc., to start asking some really tough questions. What can we do? What legally are we allowed to do? Until we have some projects to start really looking at those questions around, given how much we've been talking about it and haven't made progress yet, I'm not convinced we're ever going to really get the answers to those questions unless we move forward with something. I actually do hope that the applicant does move forward with an application, so we can start picking apart these tough questions. There have been a number of things raised that I do want to address and a couple of things I had mentioned earlier as questions. I'll just say them now as statements. If there is an effort to prioritize in some way certain segments of the community, I would like to see seniors included in that list potentially. Seniors on average, not always. A lot of them do like to drive and still work very hard and are not retired of course. A lot of seniors don't drive as much or have a more flexible schedule and don't need to try at rush hour and so don't contribute to peak traffic impacts. That's really one of the issues right around the Page Mill/El Camino intersection, which is

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I think the worst in Palo Alto. I do like the addition of a right-hand turn lane. Certainly as car queue heading south on Page Mill across El Camino, they do tend to back up. Because they slow down to make that right-hand turn, sometimes people behind them who are trying to go straight don't get a chance to clear out of the intersection. They have to wait there for another cycle of the light, and that can be a long light. I think that would probably be a real help. As I mentioned before, I'm a motorcycle rider myself. Yes, I do also sometimes drive, about 50/50. I would like to see some kind of options for scooters or motorcycle riders to have parking there. Just brainstorming here. Maybe when people apply to look at the building, ask them, "Do you want a parking space for a car or do you want a parking space for a motorbike." If you get three or four people who say their (inaudible) space for their motorbike, then you can maybe restripe one of the parking spaces to be motorbike parking. Again, just brainstorming here. I'll let you guys figure that out; just encouraging you to think about the options around that. In addressing the housing crisis, the housing issues, the housing challenges, however you want to phrase it, most people recognize we don't have a lot of studios and one-bedrooms in Palo Alto. We need them. I think the first person to point this out to me was former Planning Commissioner Arthur Keller a couple of years ago at an Our Palo Alto meeting. He was giving me the stats on how many studios and one-bedrooms has and what our need really is. Once they get to the point of recognizing there's an overall supply and demand issue and it's particularly acute around studios and one-bedrooms, then the question inevitably is how do you actually get them built. How do you force the developer to build studios and one-bedrooms when they just seem to want to build big, luxury penthouses? As far as I can see it, there are at least three big impediments. Those are, as I see them, our low unit maximums with 40 units per acre as our highest maximum generally; our high parking requirements which makes units very expensive, and it's per unit. If you have fewer big, luxury units, you don't have to provide as much parking, and then it's cheaper for the developer. If you provide a lot of units and you have to build 1 or 1.5 parking spaces per unit for thousands or tens of thousands of dollars apiece, it's less of an incentive. Usually people don't do that; it doesn't pencil out. The other third biggest impediment I see is our slow and strict and sometimes subjective approval process. If we do actually want to see smaller units, studios, one-bedrooms built in Palo Alto, I think we're going to have to realize that those three impediments exist, and we're going to have to be flexible once in a while or across the board. As far as the question about how much do these cost, Council Member Filseth was estimating that they would probably run 2,000 to 2,500 per unit. Even if that's not very low income housing, there are 60 people out there who need that. If they can move in there, that's 60 units less pressure on the rest of the market to help others. One project is not going to solve the rest of the issue, but we hear a

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lot of talk about collective impacts, cumulative impacts. We hear it talked about as a negative. Every project adds potentially cumulative impact on things in Palo Alto. Adding 60 units of housing, that's a cumulative positive impact on our housing crisis. The questions was raise, I think, by Council Member Holman about vetting in the community and making sure that we have some vetting. That's exactly what we're starting tonight. We've heard a lot of community input. I know we'll hear about this. As for the question of whether this is a PC, if this is a one-off, I'll be honest. I think a lot of us would like to see small units and micro units more broadly across Downtown and in the Cal. Ave. areas, but we recognize that a lot of others on this Council and in the community—I'll wrap this up shortly—a lot of others aren't ready for that. We're willing to compromise and say, "You know what? Let's try one." We've been asking for a pilot, and I'm glad somebody heard us and brought something forward. If anyone thinks it's inappropriate to do this as a one-off and they want to make a Motion that we do this very broadly, I'd be happy to hear that Motion, but I don't think we're going to hear it tonight. In fact, I'm going to be following Vice Mayor Scharff's idea that we go for one of the more limited suggestions here.

Mayor Burt: We won't be having any Motions tonight under a Study Session.

Council Member Wolbach: Right, I know. I mean when this comes back or in the future. One more thing I do want to address is there's this idea that I heard raised about warehousing people if it's not the kind of unit that you want to live in. I do think it's important to recognize that we all make this mistake every once in a while of thinking, "If I want something, that's the best thing for everyone else." I think it's important for us to realize that that's why you need diversity in the market. Not everybody wants the same thing or they might not even want the same thing at every stage in their life. It's important to have those options out there. That's what Palo Alto currently lacks, that range of diversity in housing options. This would fill that need, and that's why I'm largely supportive of the project. There's been a great deal of discussion tonight and I agree that the devil's in the details. If and when an application comes forward, we'll be looking very closely at where the teeth are in the TDM measures in particular.

Mayor Burt: Council Member DuBois.

Council Member DuBois: I know it's late, so I'll try to brief. I see a lot of people here for the next item. I too want to thank the applicant. I think it was really great to see some interesting ideas. I think the thing we're struggling with is how do we do innovation and marry that with experience. Again, it's kind of an unproven idea. I think there are a lot of new ideas

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here. I think we should try some of them. To me the question is which ideas, to what degree, and in what location. We need to be really prepared to enforce some of these limits as you've offered. I think we need to figure out how we would actually do that. I do think some of the ideas were maybe a little overly aggressive. Again, I'd love to see some proof points. There is a question of appropriate zoning or rezoning. I really think that's where we need to start. We did put PC zoning on hold. This feels like a PC zone. I don't think we want to spot zone. To me this has kind of turned into rather than friends with benefits, kind of a PC without benefits. We're getting the PC zone without declaring a public benefit. Again, we saw this about a year ago, the last time it came here. At that time, when you look at the surrounding properties, there's a of basically CN zones around it. There are some PCs. If go back, those were CN zones before they became PCs. At least from my perspective, I thought were clear that a CN zone would fit the context of the site. The PF zone does allow some interesting uses, maybe a school. I think medical outpatient could be interesting with the assisted living next door. To my mind, either PF or CN zone. I think we should really focus on projects that fit that kind of building envelope. If we're going to talk about micro units, I think we're talking about the outer size of the envelope. I'd also like to point out the PAN letter, I thought, made a good point about spot zoning, which creates a lot of uncertainty. Neighbors no longer know what to expect. It kind of erodes trust. I think we need to be careful about how we do a one-off project. This is one of the worst intersections in the City, so traffic is an issue. We have yet to have a City-enforceable TDM. For me, I would like to see more parking. Our Transportation Element, which came to us but we didn't have time to discuss, I think it said about 95 percent of the people own at least one car. That may be changing, but again it's how do we do it in a way that we don't overload those streets that are already over-parked. We are at the end of the day being asked to significantly upzone the property to RM-100-plus or whatever it is. I don't see the benefit the City gets from doing that. With regards to the Staff options, I didn't really find any of the ones listed particularly attractive. I would support maybe a creative proposal under a CN building envelope with restrictions of 40 feet high, a 1.0 FAR. I'm not really supportive of the project as it's currently described.

Mayor Burt: Council Member Filseth. Okay. I'll make some final comments. First, when we did have the commercial project for this site come to the Council, we had strong Council support for a housing project. I think that answers one of the questions on Council Member DuBois' concern. If it was going to be commercial, we had said that we thought CN was more appropriate. We gave two comments. This isn't a commercial alternative; this is something that we actually, my recollection, said was our preference among the two. This is a new kind of development model for our City. We

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do have a precedent at Alma Place. It is different in that it's micro units for low income workers, but it also has similarities. These types of projects have been going in, in other cities. This is a future trend. One of my real concerns is that, as a number of colleagues have alluded to, we have actually a transformation that's occurring in transportation. We're at the early stage of probably the biggest transformation in transportation in over 50 years. It's through a series of measures. Most of us haven't really witnessed it yet, so we don't really trust it. We don't really believe in it, but it's happening. We just had last Friday Ford Motor Company announce two acquisitions, a bike share program and a shared shuttle system. Ford Motor Company says they're not any longer basically purely a car company. They're a mobility company. They are looking at autonomous shared vehicles, shared bikes. They're going into electric bikes. This is Ford. If we're skeptical about these changes because we really haven't seen all these happen yet, that's understandable. We have to do a better job as a City to be able to demonstrate where these things are headed and help our community believe that they're real. The good thing about this project is it's not being proposed on faith. These measures on the Transportation Demand Management programs and the prospective deed restrictions, which are about vicinity of where you may work for a certain percentage of employees—I heard about a preference for City employees. These are not discriminatory in the ways that we prohibit. My understanding is they're not for all units. It's for a certain percentage of the units. You put all those things together and the mandates on the Transportation Demand Management program, and what we actually get is something that not only helps incentivize the right sort of more obtainable housing but it reduces the traffic impacts. When one of my colleagues says that they see a traffic problem at this intersection and what they'd like to see is more parking on the project, that necessarily means higher traffic from this project if we have more parking and less in these TDM measures that reduce the trips. It was pointed out that Caltrain is moving forward with their \$2 billion electrification, which is scheduled to come online in 2020, 2011. That's not very far apart. That will be transformative for the Cal. Ave. station. Right now, the Cal. Ave. station has bad service and infrequent service. The entire Caltrain system will go up, more than double in its capacity. Cal. Ave. will have about triple or more the number of train stops. The whole system will operate more efficiently and be more attractive. That's a backbone system for our transportation. It's not the totality; we have all of the other elements that are occurring in what we're going to see in transportation in the coming years. Council Member Holman talked about concern about air pollution at this location. We've already addressed and we see the trends that the conversion to clean, electric vehicles powered by 100 percent carbon free energy in Palo Alto is not 20 years away. We're having large-scale changes in that right now, that are escalating each year. These

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changes are happening much faster than many of us have realized. I also just want to have us step back in this context of whether we're warehousing. We do have locations like our grand President Hotel in Downtown Palo Alto. That's a very high-density, small-unit development that's been there for what, 80-plus years, 90 years? I'm not sure what the date is of that. It shows that it's not a strange new concept that we would allow smaller units responding to people who want small units. These developers aren't fools. They are not offering to develop units at this size without a strong belief that there is demand for those units. When they say that they are willing to accept the restrictions that they described, that's because they are convinced, that they are willing to put their money on the table, millions of dollars, that they have demand from tenants who, a certain percentage of them, are not going to want to own a car. They're going to own the consequences of something like that. I do think this is a challenge for whether we as a Council and as a community can be forward looking and actually recognize that there are changes occurring and not all of them are bad. Some of them are really progressive in what's happening in transportation. I don't think this is a great site for retail. I do believe that design and quality of construction is very important. When we look at this in the context, the surrounding buildings are comparable in scale to what this is. This one has to be of a high quality design. We'll have that go through our process. I think that's critical. I think that all of these considerations in aggregate make us say that this project responds to not only what we asked for when we had an office proposal here, but it's also what we've been talking about as a new model that we wanted to look at for our Downtown areas and perhaps some areas along El Camino. We can sit in this unproductive pattern of saying we won't allow projects like this because we don't have any examples of projects like this being successful in our community. How does that pattern ever get broken? I think that it's reasonable even though this is not a project that's being proposed based on faith that these elements will work, but its binding agreements. I still think it's going to be important for the community to see how these work successfully as we look at zoning patterns to do things like this more broadly. I think we have to figure out a way to go forward, whether this comes back as Staff recommended as a pilot project in the PF zone or whether it gets discussed. In parallel the Citizens Committee on the Comp Plan begins to formulate the sorts of programs that would put this kind of zoning in certain places in the City where we have walkable, services and a whole series of transit offerings. Remember this is on El Camino where our VTA 522 and 22 bus systems pass minutes apart. It is a widely used bus system within a short distance of Caltrain, with the Marguerite system going up to the Research Park. We who live in neighborhoods don't necessarily realize how well served this is by transit. We project these things and we say things frankly somewhat out of ignorance sometimes, because we just

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aren't aware of how well served this particular area is even today on transit. I want to see a project come with these aggressive Transportation Demand Management programs, that it have strong monitoring, strong enforcement and strong consequences if they aren't achieved, and then whether we have the sort of success that would be designed into this. I frankly think that the developers are proposing to put their money where their mouth is, that they'll own the consequences of this. I look forward to seeing this refined. I think there's a lot of work still to be done to flesh out details. This is not just a blind blanket support; it's a prescreening that gives a sense of direction. I think the applicants have heard a mixture of comments from the Council. They'll have their challenges before them to address those concerns. I think that concludes this item. Thank you all very much for participating. This will go through—if the applicants elect to go forward with an actual project, it'll go through our entire consideration process, through the Planning and Transportation Commission and the Architectural Review Board. This is only a first step. Thank you. Why don't we take a quick break at this time.

Council took a break from 9:02 P.M. to 9:07 P.M.

## Agenda Changes, Additions and Deletions

Mayor Burt: Our next item is Agenda Changes, Additions and Deletions. We have none.

## City Manager Comments

Mayor Burt: Following that is City Manager Comments. Mr. Keene.

James Keene, City Manager: Thank you, Mr. Mayor, Council Members. Despite starting at 5:00 P.M., we're about an hour and 40 minutes behind. I think you're aware of that. We'll do our best to support you moving ahead. I'll zip through some of these things, but there's some important announcements to make. First of all as it relates to the future of our regional bike share program, you might have heard there was an announcement over the weekend concerning the regional Bay Area bike share program that is operated by the company Motivate under a contract with the Metropolitan Transportation Commission, MTC. The announcement focused on a collaboration between Motivate and the Ford Motor Company, akin to the comments the Mayor just recently made about Ford Motor remaking itself as a mobility company and not just a car company. I think you'll hear some other interesting announcements about some of the things they're looking at. Under the terms of this agreement, Ford will help fund an expansion of the current regional bike share program from 700 bicycles to over 7,000 bicycles. What didn't appear in the press was the role Palo Alto

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has played in getting Motivate to offer smart bike station-less alternatives on the Peninsula. After your Study Session in April, Josh Mello, our Chief Transportation Official, and Chris Corrao on his Staff have been working continuously on getting a smart bike provider to take over the City's current bike share program when it ends at the end of November. That's the Motive-sponsored, traditional, technology in the racks, those blue racks that you've seen in a few locations in town. Through the City Manager's mobility partnership, which we've formed with a number of other Peninsula cities and Stanford, we've been working to encourage their participation in what will be a sub-regional effort. For a while, it looked like this would mean contracting directly with Social Bicycles, otherwise known as SoBi, in creating a new operating structure separate from the larger Bay Area bike system. However, over the last couple of months, all of the pieces have fallen into place, and the parties will shortly make an announcement—we will—about the Peninsula smart bike program that remains integrated with this regional bike share system to be sponsored by Ford, as will the proposal we'll be bringing to you. On October 4th, our Staff will come to Council asking you for direction to negotiate a contract with Motivate. Under the current proposal, Ford and Motivate would cover the operating costs for a 350-bike smart bike system with the City picking up the capital cost of purchasing the bikes, a portion of which would be grant-funded. Ford would pay the operating costs for the system ongoing. The SoBi smart bikes are much more affordable and flexible than the current Motivate-manufactured equipment. In actuality, the technology exists on the bike, not on the rack. It'll be much easier for people to be able to take a bike, use it, check it out, and even the ability to return it to non-standard racks. You could be able to locate it by GPS. I think it's going to have a dramatic change in bike sharing programs. We've also reached out to the Stanford Research Park, Stanford Medical Center. I'm checking with Packard and other cities on the Peninsula. They're expressing interest in joining the program. That could be more regional bikes just in our town. A real shout out to Josh Mello and folks on Hillary's Staff on the transportation team for steering this in a great direction. This Friday night, put on your best 1970s attire for a free and funky Friday night at the Arts Center, September 16th from 7:00 P.M. to 10:00 P.M. as we celebrate the opening of our new exhibition, *The Butterfly Effect: Art in 1970s California*. This hip event will feature a chance to get a sneak peak of the exhibition, meet the stellar artists, enjoy primo food, listen to rocking tunes, and engage in far out art-making activities. Palo Alto Art Center Foundation members are invited to participate in an exhibition preview with the guest curator from 6:00 P.M. to 7:00 P.M. See you there. If you're not up for that, you have an alternative of heading down to the Baylands also on Friday for the *Palo Alto Weekly's* 32nd Annual Moonlight Run and Walk. The 5K walk will start at 7:00 P.M., the 10K run at 8:15 P.M., and the 5K run at 8:45 P.M. That's the Palo Alto Baylands and 1900



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Geng Road is the starting location. Folks can go to the website to find out about it. There will be race day registration starting at 6:00 P.M. Speaking of bicycles, you may have heard the phrase mobility as a service, but the Palo Alto Library is taking things one step further with a new mobile bike service called Bike Pals for Palo Alto Library Services (PALS). The bikes bring services to people who can't come to the library and come complete with pop-up story time equipment. The bike PALS will be touring around events through October including the Moonlight Run and the Cal. Ave. farmers market. The bike PALS were made possible through a Pacific Library Partnership Innovation and Technology Opportunity grant. If you see bike PALS, take a photo, post it on Facebook, Twitter or Instagram with the hashtag bookbikepals for a chance to win some fun prizes. Two more. This Saturday, September 17th, the City is hosting a workshop to help residents learn about Bay Area Sunshares, a limited-time program that aims to make it simpler and cheaper to go solar or purchase a zero emission vehicle. Sunshares pools the buying power of homeowners and vehicle buyers to offer discounted rates and provides residents with vetted contractors as well as free third-party technical advice to help inform customer decision-making. This workshop this Saturday the 17th will be held at the Mitchell Park Community Center from 9:00 A.M. to noon. Please register at the [cityofpaloalto.org/workshops](http://cityofpaloalto.org/workshops). Selected solar providers will be on-hand to discuss their products and answer any questions you may have about going solar. More details are available at [bayareasunshares.org](http://bayareasunshares.org). Last but not least, this Wednesday is the deadline—notice from the Clerk's Office—to apply for the Historic Resources Board, the Parks and Recreation Commission, the Planning and Transportation Commission, the Storm Oversight Committee, the City Manager's position—just kidding about that one. Applications are available on the City's webpage, [cityofpaloalto.org/clerk](http://cityofpaloalto.org/clerk). The deadline is September 14th at 5:30 P.M. Thank you.

Mayor Burt: Thank you.

## Oral Communications

Mayor Burt: Our next item is Oral Communications. We have five cards. If anyone else wishes to speak, they need to come forward at this time. Each speaker will have up to three minutes. We are running behind, so you are welcome to take less time if you want to associate your comments with another speaker. Our first speaker is Jacqueline Taylor, to be followed by Nelson Ng. Welcome.

Jacqueline Taylor: Good evening, Council Members. Thank you very much. I think I can keep it under three minutes. I'm part of a small neighborhood

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group considering Castilleja's enrollment and expansion plans. I've distributed a 2 1/2-page, single-spaced letter. We've gathered 35 signatures in a day and a half period. Just read that at your leisure. What I'm going to do this evening in, I hope, less than three minutes is talk about four issues of the seven that we outline there. The CUP, Conditional Use Permit, the trees, the traffic and a publicity transparency issue. We're not simply repeating points. This is while we wait for Castilleja to resubmit their application for the new CUP and expansion plans. We're monitoring their current activities in preparation for that and unearthing new facts. Just to speak to the CUP. It's mandated to be at 415. This year again it's at 438. It's unclear to us why this is the case. We found a letter from City Manager Keene to the school that allows them to stay at 438, not only for 2016-17 but possibly beyond that. Compare that with then Advance Planning Manager Steven Turner who insisted that Castilleja come up with a robust enrollment reduction plan which they did. That was to end at the end of 2015-16 when Castilleja was to submit a new application. We're just unclear on why City Manager Keene came to the conclusion that he did. I have written a letter to him but had no answer. I think we do need to get answers to this since Castilleja has been in violation of the CUP for 14 years now. The trenching, I'm going to let my colleague Rob Levitsky talk about that. That's some activity that Castilleja is carrying out on the perimeter of the school in preparation to analyze possible tree removal of up to 168 trees. Traffic. Castilleja has taken measures to cut down on the morning traffic for the commute, but we believe it's unsustainable. If you look on their website, they are asking parents who are dropping children off at the school, if there's a backup out the driveway, drive around the block and come back. We think that's not a good idea. It increases traffic in the neighborhood. Palo Alto students who are going to the public schools are using Bryant and the Embarcadero corridor. Think about what that would be like in wet weather. Parents circling the block, waiting for their chance to drop off their child. We've got a video presentation that shows you the first day of school, what that looked like. Just very quickly, publicity and transparency. We appreciate how much help we've received from Amy French. We would ask that her office be given staff to put as much documentation online as possible. As we heard earlier from Greg Schmid, here we are in the city of innovation. We think Amy's office should be innovative ...

Mayor Burt: Thank you.

Ms. Taylor: ... and be able to do that. Finally, publicity. We'd like to hear more from Dave Dockter, Jim Keene on answers to our questions. Thank you. Sorry.

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Mayor Burt: Thank you. Our next speaker is Rob Levitsky, to be ...

Nelson Ng: (inaudible)

Mayor Burt: Pardon me?

Mr. Ng: I go (inaudible)

Mayor Burt: Nelson Ng?

Mr. Ng: Yes.

Mayor Burt: To be followed by Rob Levitsky.

Mr. Ng: Honorable Mayor, Vice Mayor and City Council and City official. Today I'm going to be sharing with you a video of the first day of traffic. This is the same video I have shared with Ms. Amy French, Ms. Hillary Gitelman and also City Manager Mr. Jim Keene. Please show the video. This is line of double cars traffic on Emerson Street trying to get into the parking lot. As you can see, these are all lines of cars over there on Emerson Street. This is on Kellogg. This is almost a near miss right here, because some driver is trying to pass the line on Kellogg Street. This wrap all the way around to Bryant. As the saying go, a picture worth a thousand words. I hope this video has conveyed more than a million words to everybody. Although we inject a little bit humor in there to make it easier to watch, but then please believe me this is a serious issue here. Our life is still going on. I understand the project has been on hold as the application, but the impact is still true every day to our life. I hope the Council will act on it. As Jackie requested earlier, we should start enforcing the year 2000 Conditional Use Permit with the 415 enrollment. Then we can start discussing all the rest of the applications that is still being on hold at this point.

Mayor Burt: Thank you. No offense intended, but the video is more entertaining than many speakers. Our next speaker is Rob Levitsky, to be followed by Sea Reddy.

Rob Levitsky: This is Rob Levitsky, 1215 Emerson Street. This is the part of Emerson that is proposed to be destroyed by Castilleja. Let me just bring this to the previous discussion, where Greg was talking about how does this change the neighborhood, how does it change our community. What happens is that pretty picture there becomes the entrance of a parking garage. This is what John Arrillaga did at Stanford Wilbur Field. This is the model for what Castilleja wants to do. Goodbye 120-foot redwood trees, liquidambars and coastal oaks. Liz, you mentioned housing. There's two houses right there. They're beautiful, R-1 zoned houses. Castilleja plans to

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knock them down. Boom. Karen, dramatically different from what zoning allows. Pave paradise and put up a parking lot. Greg, you talked about deed restrictions on that last project. These guys have had in a sense a deed restriction for 15 years. Somehow the City of Palo Alto has chosen not to enforce it. They've been getting several million dollars a year with the extra 25 people per year at 46,000 a year. After 15 years, they paid a \$300,000 penalty, something like three cents on the dollar. It's kind of sad when the City will write to me if I leave my garbage cans or have leaves encroaching on the sidewalk, or I pay my utility bill late a few days. Boom. We can't seem to enforce a Conditional Use Permit. You meet the conditions, you get the permit. Councilman Burt, you were talking about parking and the change in driving automation. They're talking about putting in a two-level parking garage—a parking garage underneath the field where we don't even know that people are going to be owning their cars anymore. In the time that this might be built, it might be in a sense irrelevant. That hasn't stopped these guys from doing stuff. I have a couple of other pictures to show. This first one here is I woke up one morning, and the loud trenching sound of that generator ...

Mayor Burt: Thank you.

Mr. Levitsky: They're desiccating some roots. They've dug roots out and left them uncovered and unwatered. We need a little bit of City oversight.

Mayor Burt: Thank you. Our next speaker is Sea Reddy, to be followed by our final speaker, Elizabeth Duncan.

Sea Reddy: Thank you, Council. I want to thank last week's health fair. That was very well done. The agencies that came from different areas of the county and the City are helpful for those that need that kind of help. Thank you. I have a couple of ideas about the 2755. What if we build these 60 units or less and sell it to people that need on a lottery basis for the City workers, the firefighters and the policemen, all that that need it. Forget about renting. That way they can live there. There are many people willing to give up their cars to have a home. Consider that. I'm sure you are smarter than I am collectively. The third thing is I'm one of the non-deplorables. I wish Hillary a lot of good health. I think we need a competition. I think all the population in the country need to stand behind her and have a real residential competition between Donald Trump on ideas and not discount her because of this health, that health. We're all going to die sooner or later. I think we need to give her an opportunity and present her ideas and Donald need to do his, and we see who wins. Thank you.

Mayor Burt: Thank you. Our final speaker, Elizabeth Duncan. Welcome.

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Elizabeth Duncan: Hi. I've got him to ask you to support Proposition 62, which is on the ballot. I'd like an official support from Palo Alto, which is the favorite place I've ever lived. I've lived in many places. Proposition 62 would abolish the death penalty and put in its place life without parole. Most people don't know how much it costs us to kill people legally. It costs 150 million a year. We would save \$150 million a year if we abolished the death penalty. In addition to which—I put the cost first. The cost is enormous. The worst part of it is that we sometimes kill people who are innocent. The reason I work against the death penalty is I was born in raised in London. I am a legal immigrant; anybody listening. I've been here 54 years. Britain hanged an innocent man when I was a teenager, and that changed my life. They hanged a black man who was married to a white woman and had a baby girl. He was found guilty of murder and hanged. A few months later, they found 12 other bodies at the residence. It was the landlord who had murdered them all. Britain abolished the death penalty at that point. I've lived in the Deep South and in Texas and Midwest and all over this country. When I moved to California and learned there was a death penalty, I thought, "California? This isn't California. This is too progressive." I've been working against it here with Amnesty International. I would very much appreciate your support. I've got the figures for the cost, which is unbelievably high, but we don't want to kill any more innocent people. Thank you.

Mayor Burt: Thank you. Karen, did you have something? Council Member Holman.

Council Member Holman: Yes, just a quick question of Staff prior to the last speaker leaving the chambers. At times Staff brings to the Council a list of the measures that are on the State ballot for our direction, whether we want to support or take a position on those measures. Is Staff planning to do that this year? Previously, I think it was then Mayor Yeh and I did a Colleagues Memo to support elimination of the death penalty, and that passed unanimously.

James Keene, City Manager: Mr. Mayor, Council Members, as you know we have a standing item on the Council's Agenda dealing with legislative matters. If the Council is interested in us doing this in the run-up to November, we could certainly place on the Council's Agenda.

Council Member Holman: Thank you.

Mayor Burt: Thank you.

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## Consent Calendar

Mayor Burt: Our next item is the Consent Calendar.

Vice Mayor Scharff: Move approval.

Council Member Berman: Second.

**MOTION:** Vice Mayor Scharff moved, seconded by Council Member Berman to approve Agenda Item Numbers 3-5.

3. Approval of Amendment Number 3 to Contract Number C14153010 With Arnold Mammarella Architecture and Consulting to add \$190,001 for a Total Not-to-Exceed Amount of \$975,000 for a Three Year Contract Supporting Planning Review of Individual Review Applications.
4. Approval of a Budget Amendment in the Residential Housing Fund for the Rehabilitation of 110-130 El Dorado Avenue Consistent With Prior Loan Approval and Approval of an Exemption Under Section 15301 of the California Environmental Quality Act Guidelines.
5. Authorize the Acquisition of the Below Market Rate (BMR) Unit Located at 4250 El Camino Way, Unit A310 From Wells Fargo Bank for the Purpose of Preservation for the Amount of \$190,000 Plus Closing Costs and Approve a Budget Amendment in the Below Market Rate Emergency Fund and Approval of an Exemption Under Section 15326 of the California Environmental Quality Act Guidelines.

Mayor Burt: Motion by Vice Mayor Scharff, seconded by Council Member Berman. I see no lights. Please vote. This is the point in time in which we pick up 4 minutes.

**MOTION PASSED:** 9-0

## Action Items

6. PUBLIC HEARING: Adoption of a Resolution Adopting the Professorville Historic District Design Guidelines. The Guidelines Will be Used by the Historic Resources Board (HRB) and City Staff When Reviewing Development Applications to Evaluate the Compatibility of Proposed Changes With the Historic Character of Professorville. The HRB Recommends Council Approval of the Guidelines. The Project is Exempt From the Provisions of CEQA per Class 8 Categorical Exemption, Which Applies to Actions Taken by Regulatory Agencies, as Authorized by State or Local Ordinance, to Assure the Maintenance, Restoration, Enhancement, or Protection of the Environment Where

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the Regulatory Process Involves Procedures for Protection of the Environment.

Mayor Burt: We will now move on to Item Number 6, which is a Public Hearing on adoption of a Resolution adopting the Professorville Historic District Design Guidelines. Ms. Gitelman.

Hillary Gitelman, Planning and Community Environment Director: Good evening, Mayor Burt, Council Members. Hillary Gitelman, the Planning Director. I'm here with Amy French and Matthew Weintraub, our Historic Preservation Planner, to present this item for you this evening. Matthew's going to give the presentation with the assistance of our consultant, and then we'll be on-hand to answer your questions.

Matthew Weintraub, Planner: Thank you, Mayor Burt and Council Members. Again, Project Planner Matthew Weintraub. Tonight Staff requests the City Council accept the Historic Resources Board's recommendation and adopt the Professorville Historic District Design Guidelines. The City Council initiated the Guidelines project in 2011. At that time, the Council directed Staff and the Historic Resources Board (HRB) to work on three items. The first item was a written procedural bulletin for historic review, which was completed in 2011. The second item was a process for HRB study sessions, which is currently underway by the HRB. The third item was develop Design Guidelines for Professorville. Between 2011 and 2013, the HRB and community members held meetings, discussed concepts and prepared draft materials. That process is referenced in Mr. Akin's written comments of August 29, 2016, which have been distributed to you along with Staff's response to his comments in your at-places memo. While the previous work was constructive, it did not ultimately result in a work product that met the Council's direction or the fundamental goal of providing design advice for a wide range of projects. Rather, the previous work focused on amending single-family Individual Review Guidelines, which is a Citywide program that applies only to some projects in Professorville. In 2015, the Council accepted a grant from the State Office of Historic Preservation to complete the Guidelines as originally directed. In 2016, City Staff and Staff's consultant, Page and Turnbull, re-engaged the HRB and the Professorville community to develop the Guidelines. The renewed effort included homeowners who participated in previous efforts between 2011 and 2013, as well as additional participants. The area subject to the Guidelines includes the locally designated District as well as the National Register District which is included within the Local District. As directed by Council, the project goal was to develop Design Guidelines for all projects in Professorville, including compatibility criteria for new construction, additions and remodels. The currently proposed Guidelines do just that. Here are

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several key aspects of the Guidelines. First, they require no changes to existing Codes, review procedures or application requirements, nor do they preclude future changes. The work in concert with the existing review procedures and Codes. They provide a design tool or a measuring stick, if you will, for homeowners, architects, HRB and City Staff to use to inform their decision-making. They allow for and encourage case-by-case interpretations and some flexibility rather than prescribing outcomes. This is important because Professorville is not uniform in its historic development patterns. The Guidelines are based on and consistent with the Secretary of the Interior Standards for Rehabilitation and the Palo Alto Standards of Review which were previously adopted by the Council. The Guidelines place great emphasis on preserving historic structures and elements and on compatible new construction. At this time, Staff would like to thank Council Members Holman and DuBois, the current and former HRB liaisons, for meeting with Staff last week to provide comments on the Guidelines. Their expertise and support have been invaluable to this project. In response to the Council Members' comments, City Staff and Staff's consultant have prepared a list of recommend changes to the Guidelines document, which have been distributed to you in an at-places memo. Staff recommends adopting the Guidelines with the recommend changes. Staff's consultant for the project is the firm of Page and Turnbull, which is an award-winning firm with extensive experience in the field of historic preservation and architecture. Page and Turnbull has prepared historic design guidelines for other communities in California, including the Cities of Napa and West Hollywood. At this time, please allow me to introduce the staff of Page and Turnbull who will present more information about the Guidelines, after which Staff will conclude. Please welcome Ruth Todd, principal of Page and Turnbull, Christina Dikas, the Project Manager, and Jonathon Rusch, the Cultural Resources Manager and author of the document. They are seated in the front row here. At this time, I would like to turn the floor over to Mr. Rusch for his presentation.

Jonathon Rusch, Page and Turnbull: Thank you. Good evening. Just to reiterate, I'm joined here tonight by Ruth Todd and Christina Dikas. Page and Turnbull was founded in 1973 as Charles L. Page and Associates, one of the earliest historic preservation architecture firms in California. We've worked on multiple preservation planning projects throughout California and across the United States, including design guidelines. I'm going to give a quick overview of the process by which we became involved. We were involved in the development of the Design Guidelines. Our involvement began at the end of last year, when we began having meetings with the City Staff, community members taking walking tours, doing field survey and research to get a better understanding of the neighborhood, its historic conditions and its current conditions. We conducted a community workshop



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in February, which involved engaging community members to discuss the characteristics of the neighborhood that they felt should be included and accommodated in the Guidelines. In March and April we developed an administrative draft, which was reviewed by City Staff and the City Staff advisory panel. Based on comments that we've received from City Staff, we revised the draft into a public review draft, which was released in May. We had another community meeting that month, at which time we tried to test out the content of the Guidelines and its organization with residents. Page and Turnbull has participated in two HRB meetings and made presentations, including our most recent meeting on July 28th, which was a recommendation hearing. That brings us to tonight for City Council approval. Many of you, I'm sure, know Professorville quite well. It is among the earliest residential neighborhoods in Palo Alto. True to its name, it was home to many of the early Stanford University faculty members. As this photograph pretty well illustrates, it's a place in Palo Alto that still conveys the sense of history of early Palo Alto. Apart from the fact that this street is not paved and there are trees in the middle of it, this view on Cowper is actually quite similar to what exists today. The characteristics of Professorville are conveyed through its really diverse architectural styles. Some of the most interesting ones involve shingle-style homes that are clad in brown shingle siding. For many people, that's the characteristic home of Professorville, but there's actually quite a bit more from the early decades of the 20th century up until about the 1930s, which was the end of the first development wave of the neighborhood. These involve additional revival styles of various scales. Professorville has continued to change. After the 1930s, there has been infill construction introducing new types of construction techniques, materials, architectural styles which include Midcentury Modern as well as more recent styles. In our conversations with community members, we've also become aware that the landscape of the neighborhood is extremely important. We also considered the ways that the landscape—the historic landscape patterns are still evident in the neighborhood. These types of elements include the openness of many of the front yards, which typically include edge features like fences or hedges. Other elements include large, mature coastal oak, live oak and redwood trees that date to the neighborhood's early years. At this point, I'm going to go fairly quickly through the actual contents or the various chapters of the Guidelines that include the real meat of the document. I also on these slides have included in orange text the Secretary of the Interior Standards from which the Guidelines refer. As Mr. Weintraub mentioned, the Guidelines are really based in this set of nationwide preservation guidance from the National Park Service. It's really useful and critical for us as preservationists to understand the Standards, but it's only a list of ten items. The Guidelines for Professorville are meant to interpret those Standards for the particular cases of Professorville and a residential streetscape. Chapter 3 is

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Maintaining, Repairing and Replacing Historic Materials. The Guidelines in this chapter come very closely from the Secretary of the Interior Standards and state that the preference for treating historic homes in the neighborhood, those that up until the 1930s, is that historic materials should be preserved and repaired whenever possible. When situations exist where they cannot be repaired, they should be replaced using in-kind materials, that is those materials that match as closely as possible. These include items like shingles, siding, brackets, various decorative elements as seen in these photos. Chapter 4 regards additions and alternations to those early homes, up until the 1930s. Particularly with additions, it provides guidance for where to place them within the lot. The photographs here show two good examples of additions that are set to the side and pushed back from the front facade, so that they appear subordinate to the original residence and clearly identifiable as new. Although, they may have certain material characteristics that are related to the original residence. Other Guidelines focus on architectural style differentiation so that you can identify new construction as well as scale. The illustrations right here illustrate what would be appropriate and inappropriate for a new addition in comparison to the original residence. Chapter 5 is a similar topic but for those residences that were built after the 1930s, which may not be historic in their own right but may have elements that are in keeping with the historic characteristics of the neighborhood. These could be wood shingle siding perhaps or gabled fronts. These Guidelines work to promote the preservation of those elements. Where new construction is proposed for additions to these types of residents, the Guidelines aim to place those additions so that the overall streetscape and appearance of the neighborhood is not affected. Chapter 6 is guidelines for designing entirely new construction. These Guidelines include elements such as architectural style. In this case on the left, you see a residence that is built in a very sympathetic style to historic homes in the neighborhood. Also, the Guidelines state that contemporary styles are also appropriate so long as issues like massing, roof forms, the patterns of windows and doors relate to and match those of the historic homes that surround them. Lastly, Chapter 7 is guidelines for site improvements including detached secondary units, accessory buildings, landscape and the streetscape. These Guidelines relate to those issues that I talked about before with landscape, including promoting an open feeling in front yards, leafy character of the neighborhood with its mature trees, attempting to minimize the presence of pavement in front yards, the preservation of existing garages and the construction of new garages and secondary buildings so that they're placed on a lot not to call attention to themselves and are subordinate to the original construction that exists on the lot. I'm going to reintroduce this slide with our schedule just to talk about a few different moments in the development of these Guidelines, at which we reviewed comments that we received from various parties and made

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revisions to the document. The first of these was after the development of the administrative draft. This was reviewed again by City Staff's advisory panel. As a quick summary, at this point the advisory panel felt that our initial language was actually too prescriptive and too related to Standards rather than Guidelines. We were directed to somewhat soften the language to allow for a level of flexibility based on real world circumstances for homeowners and residents. The next opportunity came after the completion of the public review draft in May. At this time, we were informed that maybe the Guidelines assumed a certain level of universal regularity within the neighborhood, so we worked to revise it so that it would not assume a rigid consistency amongst houses. Following our community workshop and presentation at the HRB in June, we undertook another round of revisions to further pay attention to those cases where maybe consistency was assumed as well as—one second. Related to the organization of the document, there was comments that it seemed like the content was there and was useful, but it could use, for instance, an index so that those referring to different items in the Guidelines could easily find the appropriate guidance in the index and then refer back within the document. Lastly, following the HRB recommendation hearing in July, we revised certain—at this point actually there was several instances in the Guidelines where it was felt that some of the flexible language regarding for instance raising homes or moving homes within their lots was actually too flexible and should be strengthened to really say that this should be done and this should not be done. At that point, we took a look back at conditions of the recommendation and made those text changes and then also made changes to the illustrations that supported that language. These changes should be reflected in the comment log that has been provided to Council Members. Thank you.

Mayor Burt: Thank you. We can now go to the Council for any technical questions. I don't have any speaker cards. Council Member Scharff.

Vice Mayor Scharff: Thanks. I wanted to ask some questions about the proposed text changes. It seemed to me that a number of them were clarifying issues, but a number of them seemed to be more prescriptive than what Staff recommended. It seems that, in fact, some of these changed the intent of what was in the Guidelines. It seemed a little surprising to me that Staff would recommend those.

Ms. Gitelman: Thank you, Vice Mayor Scharff. I think we heard from Council Members DuBois and Holman that some of the language had gotten a little watered down and an effort to be more clear about what the intent was, particularly in the changes that we're recommending here in Chapter 4. We'd be happy to respond to any specific questions you have about this material.

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Vice Mayor Scharff: I will give you a specific example. It's on Page 5 of 6 at 7.3.1. It said things like historic accessory buildings such as garages and carriage houses are important components of early properties and should be preserved whenever possible. It's fairly strong, "whenever possible." That provides for the case when it's not possible or when there is some reason why it would not be possible. When I look at this, it ends with "should be preserved." It takes out the "whenever possible." That strikes me as much more prescriptive and to do away with the case of when you have an issue of it not being possible. I wanted Staff's view of that. It seems to me that you took input from two Council Members and made this far more prescriptive.

Council Member Holman: Mr. Mayor?

Mayor Burt: Let's turn it into a question.

Vice Mayor Scharff: That's my question.

Mayor Burt: Let me ask it at a broader level. I think this is important. We got extensive changes at our places. Staff said that they had input from Council Members Holman and DuBois. Did Staff take their recommendations as guidance or in some other vein, as more direction?

Ms. Gitelman: Thank you for that clarifying question, Mayor Burt. I think our intention here was to clarify and make sure that the Guidelines were communicating what we intended them to communicate. We can respond to each individual one, and we can even walk through this chart if the Council's interested in assessing whether we've gone too far in one direction or the other. Our intention was to clarify and make sure that they expressed the intent of the authors.

Mayor Burt: As I was trying to screen through these, I saw quite a few that were valuable clarifications and then a few that it was less clear to me whether, one, wanting to make sure Staff's and the consultant's recommendations were aligned with what we're seeing here. The example of Vice Mayor Scharff and this particular one is one that--why don't you go ahead and provide your feedback on how it fits within the overall policy intention.

Mr. Weintraub: Thank you, Mayor Burt. Regarding 7.3.1 and that particular phrase that you mentioned, "whenever possible," those exact types of phrases were pinpointed and pointed out to us as being potentially too flexible. In other words, we have a sentence that's saying one thing, but then the last two words sort of reverse or provide an out. That was the critique that we received from the two Council Members who we looked to

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for their expertise, because they have been and currently are the HRB liaisons.

Mayor Burt: From a process standpoint, we as Council Members outside of meetings can have input solicited, and then the Staff takes that input and makes their own professional judgment as to whether to include it not. If you, say, didn't include something, we as a Council as a whole can come back and say, "No, we actually want that." I am troubled by the description that seems to have been really, even though maybe the Council Members didn't intent it this way, has been taken by Staff as being directive. I think that's not the appropriate public process. It wasn't the intention when input from the Council was solicited. I think it maybe is just a misunderstanding and a good intention that has gone a bit too far in that. That doesn't pass judgment one way or the other on the merits of a particular change. In this particular example, is it consistent with the overall Guidelines to say—I don't know what we had as our overriding statement of intent on these Guidelines. Maybe it is a place we can reference and understand that. Is it appropriate that we be mandating preservation of certain accessory buildings versus preserving them whenever possible?

Council Member Holman: Mr. Mayor, if I could speak to this? I'd put my light on so early; I was hoping I'd speak to this first to clarify some of this. If that's okay?

Mayor Burt: I don't want to get into all of the particular recommendations, but if you want to speak to your ...

Council Member Holman: I'm just trying to set the stage for ...

Mayor Burt: Pardon me?

Council Member Holman: I was just trying to set the stage to address kind of what you and Vice Mayor Scharff are coming to. Thank you. Council Member DuBois was on the phone and I met with Staff and Marty Bernstein, who's the Chair of the HRB. The intention was that our comments would come back as considerations. I think it's probably just an oversight here. These should be Holman and DuBois proposed revised text, not Staff's revised text.

Mayor Burt: It's not just what's written. It's what has been described to us orally as how Staff responded.

Council Member Holman: What I heard was how Staff responded to a variety of input from ...

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Mayor Burt: No. I think we asked that question and got a very similar answer two different times from Staff. I just accept it was all well intentioned by all parties, but I heard two different times from Staff descriptions of how they responded that indicate it's beyond what your intent was and what our general practice would be in best public policy.

Council Member Holman: That certainly wasn't our intention. I don't think is intending that, and maybe the wrong words are being used. I don't think it's Staff's intention. I think it's really important when looking at these—just kind of a general statement here. My comments on the Guidelines as proposed. My concern about them from the very beginning in seeing this draft is that it doesn't set forth what the goal is for outcomes. I think it was Matt said it's just littered with "if possible," "where feasible" and all of that. If a general statement is made about here are the goals and we understand that it's not always possible. When we send messages time after time after time after time, "if feasible," "where possible," "if possible," it really dilutes the intention of the purpose of a guideline. It's not a requirement; it's a guideline. We have to establish clearly what the goal is.

Mayor Burt: I saw that as you described it in a number of the changes. There are a few that seem to go considerably further than that. This one example that the Vice Mayor just cited is actually prescriptive. I don't even know—I'm seeking actually clarification—whether within the Federal or the State Standards we are allowed to be that prescriptive. It would be one of my questions. If we are, then we have a policy discussion on whether we want to be.

Council Member Holman: We are allowed to be that prescriptive, if/but we had an Ordinance that was stronger. Since we don't, the Secretary of the Interior Standards are actually guidelines and the basis on which projects are reviewed. Again, because we don't have an Ordinance that substantiates those, it's all voluntary. That's why I'm saying, from my perspective, the Guidelines should set forth what the goals are and what the standard is for determining if a project satisfies the goal. The goal being satisfaction of the Secretary of the Interior Standards, which again we cannot enforce because we have a weak Ordinance. Because this came so late, not faulting Staff. We couldn't find a time to meet until last Tuesday. Because this came so late, I only saw it this afternoon at 4:00 P.M. and then only every other Page came. There's some of these that I don't agree with, because it says in a couple of occasions "do not remove" and "do not remove (inaudible)." I wouldn't agree with that language either. I think it is too harsh and sounds like a requirement. Those weren't words that I intended to convey to Staff. My apologies if that was, but I don't think I put those words in. It was, I'm sure, Staff's best attempt to try to capture what the ...

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Mayor Burt: Thanks for that clarification on the intent that you and Council Member DuBois had. We're now faced with a bit of a dilemma, because we're really looking at specific verbiage changes that we would be considering tonight based upon draft changes at our places. These are nuanced, and that's a tough thing to do real time by the Council as a whole. I'm not quite sure how close we're going to be able to come to achieving the outcome of adopting this tonight if we have too many of these specific nuanced changes. In these cases, the nuances matter. I'm not saying they're not consequential. In fact, I'm saying they are. That's why it's not easy to either blanket accept them or blanket reject them. I think each of them need to have some careful consideration. That begs the question of what process we want. At this point in time, we have a question. Let's return to questions, and then we've got to figure out where we proceed after having questions and hearing from the public and we come back for potential action and how we go about this. Director Gitelman, did you want to add something?

Ms. Gitelman: Mayor Burt, two things. One is we neglected to introduce the Chair of the HRB, who would like to address the Council at some point. In addition, while you're going through a round of questions, we can quickly go through this now that we understand the filter that you're seeking and divide these suggested changes into two piles, two buckets, baskets.

Mayor Burt: Vice Mayor Scharff, did you have additional questions?

Vice Mayor Scharff: I think I'm good at the moment, because that's what I was going to do next. I was going to ask what the process was to divide them into two buckets, which is what I'd sort of started doing on my own. If Staff's going to do that, I'm fine.

Mayor Burt: Council Member Schmid.

Council Member Schmid: Just a simple question. The original District was formed in 1979 and became a National Historical District. In 1993, the City added a second layer on. One of the comments we got said the two Districts are very different in terms of their reflection of that early period up to 1911, 1915. Can you tell me just the process and procedure that led to the consolidation of two what seem to be different areas into Professorville?

Mr. Weintraub: Yes. Thank you, Council Member Schmid. My understanding is in 1993, the City Council at that time adopted a Local Historic District was larger than the National Register District at that time. The Council's action at that time didn't include a survey of the additional area, so there's not a whole lot of documentation to really tell us what the differences are in the area. In fact, the reason that additional area was

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added to the District by the Council was because the Council felt it actually reflected the core architectural values and development patterns of the National Register District to a great extent. What we see is that in the local addition area you see some of what you see in the National Register District, but you also see a little bit of other types of properties. That's really the distinction that we've acknowledged and built into the Guidelines.

Council Member Schmid: Was the initiative taken by people in the District? Was there some kind of public vote of whether to annex themselves to the Historical District?

Mr. Weintraub: I wasn't actually with the City at that time, so I don't know the mechanics of how that worked. I'm absolutely certain there must have been a public hearing process. Leading up to that public hearing process, I can't imagine that there wasn't community engagement and homeowner engagement at that time.

Council Member Schmid: I guess one of the things the letter mentioned was it would be good to have some kind of historic accounting of how many houses there are from each period or each type, would be very valuable in setting or understanding the Standards as you go through the process.

Mr. Weintraub: Thank you, Council Member Schmid. Actually there are a couple of maps in the Guidelines document that categorize buildings based on both architectural styles and periods of development. There is that type of accounting available in the document in a map form. There's also an appendix at the back of the document that lists all the properties. That could be compiled into a database for instance. That's easily available.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: Actually I think my comments regarding process I'll save until we see where that conversation goes.

Mayor Burt: If there are no other questions at this time, we'll go ahead and hear from the public. Our first speaker is Beth Bunnenberg, to be followed by Alan Akin. Welcome. Beth, are you the Chair? I should first actually—who's our ...

Beth Bunnenberg: I'm not the Chair (inaudible).

Mayor Burt: Is the HRB Chair here?

Ms. Bunnenberg: (inaudible)



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Mayor Burt: Martin, would like to go ahead and speak first, and then have Beth follow?

Public Hearing opened at 10:05 P.M.

Martin Bernstein, Historic Resources Board Chair: Thank you, Mayor Burt and Council and Staff and members of the public. I just want to give a— you've heard much of the history of Professorville already. I'm going to give a little follow-up from the history you've heard so far. In 1971, the American Association of University Women produced this book called *Gone Tomorrow*. It talks about Professorville, shows examples. Council Member Kniss is maybe familiar with this booklet from 1971. In 1980, the City Council took action and then adopted the Preservation Ordinance that you are familiar with. Also in that year, the HRB was formed. Two of the first HRB Members were Birge Clark and Gail Woolley. In 1987, the City Council took action again and adopted the Secretary of the Interior Standards for Rehabilitation, which you're making reference to tonight. Today, 2016, 36 years later, after the formation of the Historic Preservation Ordinance, we are finally looking to take action on Design Guidelines for Professorville. The HRB has voted unanimously to recommend to the City Council to adopt these Guidelines. They certainly are a valuable resource to homeowners in Professorville, potential homebuyers in Professorville and real estate professionals involved in potential transactions in Professorville. You also received comments from Mr. Akins. Speaking now as an individual and not as Chair of the HRB, I'm former Chair of that committee. The committee was called the Professorville Design Guidelines Committee. On that committee were homeowners in Professorville, architects and two HRB Members. The proposal that came out of that committee meeting included ways to simplify the process of evaluating historic properties. During those committee meetings, some of the proposals we were suggesting actually required some Ordinance changes. The direction that we've gotten from the Professorville Design Guideline Committee during that time was that anything that creates an Ordinance was not a direction we were encouraged to continue with. One of the examples that came up during that time, however, was to add a little more teeth to an Ordinance. I learned that phrase from Council Member Kniss, also about 25, 30 years ago. If an Ordinance referring to historic properties, for example, included which is part of now the Individual Review process one-story structures. Right now, in Professorville if a lot is demolished, there can be a brand new, one-story house in Professorville with no review. It's ministerial, just go right for permit. There was no requirement for that project to meet any specific requirements. It's voluntary compliance. Another example that came up during that committee session, which again would require an Ordinance change, was redefining historic categories. Right now there are four

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categories. Part of the inconsistency of that listing right now is there's a small cottage on Lytton Avenue, Category 2. Birge Clark's former building, the University Art, Category 3. During that committee we were talking about having, for example—simplifying it to two categories, historic and non-historic. It'd be a lot simpler. The discretionary process is a good way to get a little more teeth into an Ordinance. Many of the regulations right now in the Historic Preservation Ordinance are voluntary. The committee did suggest the Council consider seeing if there's any kind of Ordinance changes, but again that's not the direction that these current Guidelines are looking at. We do think it is important to at least adopt the Guidelines, because we want to not have to ask the question gone tomorrow.

Mayor Burt: Thank you. Our first speaker then is Beth Bunnenberg. Welcome.

Beth Bunnenberg: Beth Bunnenberg, and I'm speaking tonight as an individual just to bring up if you get to the point of tweaking the language a little bit, a very careful reading friend of mine brought to mind and pointed out that on Page 9 in the introduction there is a phrase that might be somewhat of a problem. It says that changes do happen to historic houses and that they need to adapt to contemporary tastes and lifestyles. This could bring some big problems, because these days people expect to have a media room, when in Professorville's days the stereopticon was the media room. To think that you can buy a historic house and then put in a huge new addition might give the public the wrong idea. The other point was that this business of moving houses around on the lot. I very much support the Guidelines on Page 70 and 71 that talk about avoiding moving on the lot, particularly moving and rotating. Thank you.

Mayor Burt: Thank you. Allen Akin to be followed by Richard Brand. Welcome.

Allen Akin: Thank you. Good evening, everyone. I'm somewhat at a loss since there are clearly changes in the wind that we haven't had a chance to see. I'm going to depart from what I had prepared for some of these comments. I have not supported these particular Guidelines. There have been a number of reason for that as you well know. Perhaps the one that concerns me the most is that we really have no principled way to determine whether a house even belongs in the District. We've known since the Dames and Moore report of 1999 at least that the existing definition of Professorville would be rejected if it were submitted to the National Register today. The Guidelines that we have before us today are based on surveys of the area that is currently defined as the District but which is indefensible in the sense that I've just described. There is an element of risk here in that they put

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unjustified restrictions on some houses. A good example is that the Guidelines apply the most stringent restrictions to the houses that were built before 1940. However, all but two of the 54 professors' houses were built before 1910. The architecture in the area started changing not in the '30s but in 1920 when the Spanish style became popular. 1940 doesn't seem to be based on either the history or the architecture, so what is it based on? This matters a lot if your house was built between 1910 and 1940 as about a quarter of the houses in the District were. If the City is going to be taking away some property rights on the basis of a house's age, then you really had better be sure that you've got a legally defensible age limit. I'm going to skip some of the other stuff I've prepared and react to something else that I've heard. One thing that I had noticed in communications with Staff and which I've heard again here tonight is a tendency to be unclear about whether these are voluntary, whether they're mandatory or whether they are in a transition to becoming mandatory. This really needs to be clarified because it makes a big difference as to the acceptability of some of the advice that's given in the Guidelines. Thank you very much.

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

Richard Brand: Good evening, Council. Two apologies. First of all I have not given these Guidelines enough of my time. I've lived in Professorville for 25 years, in Palo Alto for over 40 years. I've been devoting time to fiber to the home and to RPP. There's only so many of us that are willing to put our time in. Apologies for that. Also I will be coming across a little negatively. It's been a rough time with (inaudible). I call these gummars because they're toothless. These Guidelines need a lot of work, and I really ask you to take them back. Councilwoman Holman has already talked about some of these things. I think Council Member DuBois has also expressed some issues. I wasn't going to come down here tonight because I didn't want to be negative about this. I did check with Staff after reviewing this and asked what are the objectives. I think that's already come up tonight. Like last week, Staff needs to come up with real clear objectives. To the point of this document, I ask Staff how are these going to be used, what's the point of doing all this. They are guidelines, and we all know in this City these houses in my neighborhood are selling for \$2 million, \$3 million, \$4 million, \$6 million, \$11 million, \$15 million. I was just talking to a realtor last night about that. The fact is there's a lot of money behind this. To say these are guidelines and you should do this, these people have a lot of money and they're willing to spend it to do what they want to make changes. Again, I was not going to come down here tonight until just across the street, Bryant Street in my neighborhood, a brown shingle house that's been there since I moved in and was actually the site of Ken Kesey and the Grateful Dead—

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where's Rob? He's not here anymore, is he? Anyway, it was an acid test house. This house is being hugely restored on a no review HRB review. When I checked with Staff, they said these are minor changes. As an example—the consultant here showed some great pictures of houses with windows. Windows really make architecture as well know. The house across the street from me has had the windows changed dramatically from double-hung, wooden windows to metal clad windows being replaced. This is a travesty. What I'm worried about is this will give Staff discretion to make decisions like this one. I think we need some strength in this, and I encourage you to push it back for Staff to do a better job. Thank you.

Mayor Burt: Thank you. Barbara Wallace to be followed by Susan Beall.

Barbara Wallace: Thank you. Barbara Wallace, 356 Lincoln, right in the heart of Old Professorville. There's a lot of detail and useful information in the Guidelines. People worked hard on them, and they've been working for at least five years. I was in that original group with Allen Akin and Marty and so forth. These Guidelines do not reassure me that there's much concern for the future integrity of the District. What goals do they support? Consider the demolitions, the relocations. We're hearing now about the destruction basically of an old house on Bryant Street. Replacement of historic fabric, all of this has been seen in the past five years and more previous to that while these Guidelines were in progress. Do the Guidelines represent a City that is truly behind the preservation principles that underlie the Professorville Historic District? Principles that should protect the District from erosion as projects, large and small, are invited to ignore the Secretary of the Interior Standards for Rehabilitation. "If possible," "if feasible," "if preferred" are everywhere in the Guidelines. I don't sense much conviction for the preservation of the District. Even without an Ordinance, couldn't the Guidelines give strong endorsement to the principles of preservation as expressed in the Secretary of the Interior's Standards? As the Guidelines ...

Mayor Burt: Can you pull the mike just a little closer? Thank you.

Ms. Wallace: Is that better? As the Guidelines read now, they seem to give less attention to defending the integrity of the District than to deference to the preferential choices of the owner/builders. At the very least, I would ask that the Guidelines link their recommendations to the Secretary of the Interior Standards. It's all rather behind the scenes, these Standards, as they currently are. Please emphasize to owners the importance of an early study session with the HRB. Thank you.

Mayor Burt: Thank you. Our final speaker is Susan Beall. Welcome.

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Susan Beall: Good evening, Mayor Burt and members of the Council. I'm Susan Beall, live at 1055 Cowper Street, corner of Lincoln. We have a 1910 house. Yes, we were part of the extension of Professorville. I don't it was the '90s; it seems like it was longer ago than that. Because we felt that it reflected the neighborhood. Kitty corner from us is a Presbyterian Church which, of course is new, but the Westminster House is part of the property, which I think Karen said is 1914, which doesn't show on your color map. In the color coding, it shows the decades and the Westminster House, which is Cowper and Kingsley is earlier, of course, than the church. That property should be kind of divided. Anyway, I have also been reading the Guidelines and do really believe in the preservation of areas that need to be preserved. This is part of the history of the City. I'd like to have some teeth in the historic preservation. The HRB can put some emphasis on what they consider proper changes or not changes. I think the area that kind of awakened me—I was looking at Section 6, which is building new properties and so forth. I was looking at 6.1.3. It says attempt to construct new residences without removing existing residences. The part that got me was seek out opportunities to subdivide existing large lots into new developable lots. That sounds like you find a reason to take the house out and subdivide it, and then you have two. Take advantage of opportunities to constructed detached secondary dwelling units on existing lots. That kind of thing may occur. This brought home to me, because—I think I have to sum up here—across the street there was a house for sale, corner of Lincoln and Cowper. Somebody came to the realtor who had the house open and said, "Could this house, this lot be divided into two lots?" It was a beautiful, three-story house. He said, "I think you'd have a lot of trouble with the City and," looking at me, "with the neighbors." We're out there trying to defend our neighborhood. Thank you for your work on this. Let's see where it goes from here. Thank you.

Public Hearing closed at 10:24 P.M.

Mayor Burt: Thank you. Now, I'd like to return to the Council for discussion. Council Member Holman.

Council Member Holman: To go to your earlier question, comments about process, I do have many concerns about what's currently in the Guidelines, given the premise that I stated earlier. I don't know how with so much material provided at-places—what was sent out by email was through some kind of technological error only every other Page. I only got to look at this—I'm sure other Council Members did too—just at places. Here's what I try to focus on with this. As I said earlier, it's like what's the goal. People who buy homes, hopefully who buy in a Historic District, have some notion of what might be expected of them in terms of if you're going to restore or

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remodel, here's what one should be respectful of. We can't require it because we don't have the Ordinance to do that. We need to give clear guidance as to what the community and the City expects. Reminder that our Comprehensive Plan is literally littered with goals and policies about the importance of our historic character and our historic resources, our cultural resources. It's not that this is some kind of standalone effort or endeavor. The Ramona Street Historic Street Downtown is about the highest rent area that we have. It's the only part of town that we can absolutely require retention and restoration according to the Secretary Standards. It's the only place, and look how successful it is. I feel like I need to say just a couple of things about what's happening in Professorville right now. Maybe from lack of guidance, maybe from lack of understanding, maybe from disconnects between Planning and Building, maybe disconnects between architects and contractors, what we have happening and have had happening for the last few years in Professorville is we have buildings that are literally being taken apart. Some of our earliest, earliest homes in Professorville have been taken apart stick by stick and rebuilt, not demolished by a bulldozer, but really rebuilt. It's exactly what the opponents of Preservation Ordinance in the past did not want to see happen. They said they did not want to see false historicism and did not want to see Professorville become Disneyland, but that's exactly what's happening now. For me it's why these Guidelines need to give clear guidance. It's for property owner, homeowners, HRB. Planning Staff knows. It's also, I would hope, for the Building Department to try to close the gap between what's anticipated and what's expected. We have a National Register District that, to my mind, is maybe even in jeopardy of not surviving, because of what's happening today. If we don't set clearly forth what the goals are of even the Guidelines, what we expect and hope for, for the District and projects in the District, how can we ever possibly say, "I wish that hadn't happened there." It's on us that something better didn't happen if we don't give the best guidance and clearest guidance that we possibly can. To speak to some of Mr. Akin's and some of Chair Bernstein's comments as well. The earlier version of this that I saw did have a recommendation—it got published—to require any new single-story home to go through Individual Review. It was one way to get design standards and hopefully help eliminate some demolition in Professorville. Again, the Council can always makes a statement of overriding considerations, but that was eliminated. The advantage of that is we lost—I can name one specifically. At the corner of Lincoln and Emerson, there was a National Register house that was removed with no review, because it was replaced by a single-story home. That could happen anywhere. The places where it won't happen is where the homes are large enough that nobody would be able to replace that square footage, except that they are replacing that square footage by taking houses apart stick by stick, 2-by-4 by 2-by-4, rafter by rafter. If you go through Professorville, you'll see it over and over

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and over again. You can drive around, walk around and you will see homes that have no old wood left in them. What is left that's historic? We're losing our soul, which really is kind of what Professorville is. It's where we started. Just a couple of other comments here. Again, I think it was something you put in writing, Mr. Akin. If we had Individual Review and HRB review combined, at least we wouldn't be sending property owners to this place and that place and that place for review and to get answers on what their project is, whether that's with our current HRB or if it's a different entity or some additional advisor at the HRB. I'm not trying to propose that. We're sending people different places to get answers that are potentially in conflict with each other. Let me see here. The other thing that I have with these Standards. I thought the presentation was very good this evening. Where the Secretary Standard was referenced, where it's stated here's the goal, here's what we're proposing as part of these Guidelines and here's the Secretary Standard support for that. Here's what we're matching; here's what we're satisfying. That works well. That doesn't happen in these Guidelines. I could say more, but I will—there are also—I don't know how we're going to do this tonight. Also I will say there's some errors in the maps.

Mayor Burt: Before continuing with colleagues, I think it might be good if Staff can provide any clarifications that they may be able to on a few issues that could help the rest of us. First, to what extent are these rules versus guidelines? Second, what is the relationship between these Guidelines and the Secretary of Interior Standards? Third, what really is both the situation and any directions that Staff is moving on how to contend with review of single-story structures in the District, either the replacement structures or what standards you're using, if any, to consider whether to allow replacement of the single-story structures? Any insights you can provide us on any of those three would help our subsequent conversation.

Ms. Gitelman: Thank you for the opportunity to respond. I'm going to kick this off, and then Matt will pile on. First, I wanted to step back and say I wasn't here in 2011, but I'm guessing that the Council at that time heard comments, much like we heard this evening. Some comments saying there needs to be more teeth in our preservation program, and others saying we need to be respectful and not take away property rights. The result was—we've now studied the Council's Motion from 2011 carefully—a request to do several things, which Matt covered in his presentation. The request included the preparation of Guidelines to serve as a tool for Staff and for the public. That's what we've attempted to do here. They did not request that Staff amend the IR Guidelines, adjust the regulatory framework for preservation or any of the things which are not precluded by this evening's action. We're really requesting the Council's adoption of a set of Guidelines that we think

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will be educational and helpful to all of us. The Council could, as indicated in that slide, also direct Staff to proceed with additional steps, amending the IR Guidelines to address single-story homes and/or amending our regulatory structure in some way to offer greater protections than are currently offered. The action that we're asking this evening does not really preclude that. Maybe I'll pass it to Matt.

Mr. Weintraub: Thank you. Your first question, Mayor Burt—thank you very much for the questions—rules versus guidelines. These are guidelines in that they are recommendations to whoever is making a decision, whether it's the owner, whether it's an architect, whether it's an application before City Staff, or whether it's an application before the Historic Resources Board. It's a recommendation to that body. It's even a recommendation in some cases for work that doesn't even require Planning review, that's just building permits. In some cases, even just landscaping work. We want the owners of the homes in Professorville to understand and to be educated in what is most compliant with the Secretary of the Interior Standards. In other words, what is most preservation friendly for the District. They are recommendations. Do the Guidelines have teeth? I would say, yes, they have some teeth. I think the Council is debating right now how much teeth they should have. The fact is the Guidelines don't bite. They may have teeth, but they don't bite. An Ordinance is what does the biting. They're really two separate things. In terms of how the Guidelines will actually be used, they would be used in whichever procedural process that they're involved in, whether it's an owner's design process with his or her architect or whether it's City Staff and the Historic Resources Board reviewing a project for consistency with the Secretary of the Interior Standards and with the Review Standards and the Ordinance. It would be a tool for that. Second question was relationship to the Secretary of the Interior Standards. It is directly related to the Secretary of the Interior Standards. It's based on and consistent with the Secretary of the Interior Standards for Rehabilitation. That is a requirement. That's an absolute underlying requirement. It's encoded in California Environmental Quality Act (CEQA) if the Guidelines were adopted by the Council. Not only that, it's part of the CLG grant requirement that this project be consistent with the Secretary of the Interior Standards. Office of Historic Preservation (OHP) would not accept a work product that isn't consistent with those Standards. What consultant staff pointed out earlier was that the Secretary of the Interior Standards for Rehabilitation are really ten very short statements that are actually very broad and conceptual. They're meant to apply to many, many different types of properties. What we have in Professorville are distinct types of properties and distinct types of landscapes that deserve more accurate or I should say more lengthy advice than what is provided in those very basic Standards. What is provided in the Design Guidelines is really an



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interpretation and an application of the Secretary of the Interior Standards for Rehabilitation, expanding out to perhaps the nth degree to provide homeowners with the best advice that we can possibly provide them at this time, given the budget that we have and the time constraints that we had to prepare this product again within the CLG grant period. Lastly, the question of what is the City or what is the department doing in terms of single-story review, that is actually a question which I will kick back to the Director to answer.

Ms. Gitelman: We are currently undertaking a review of the IR program as the Council is aware. I think the Planning Commission's had one hearing on that subject and will have another one in the future. This question of whether the Council would be interested in revising the IR program to cover single-story homes in Professorville is something that, I think, we'd like the Council's direction on at some point. If not this evening, then at some point in the future. It's a concept that's been floated now for several years, and one that we should ultimately get the Council's input on. I'd just say one more thing. Whenever you're ready, Mayor Burt, we can go through the list that was provided and can sort them into the two buckets if you like.

Mayor Burt: Within the single-story question, there were two parts. One is what if any constraints we have on removal of single-story homes. The other is what review we have of replacement of single-story homes.

Ms. Gitelman: Currently, there's no constraint on the removal of a single-story home. Although, we do as a policy matter ask that the replacement home be approved before the demolition occurs. If that replacement home is a two-story home, the IR process would kick in.

Mayor Burt: If the replacement is a single-story home, no IR process would apply even in Professorville?

Ms. Gitelman: That's correct.

Mayor Burt: Thank you. Hillary has said that they've gone through and kind of sorted these. Let's step a back too in that it's 10:40 P.M.. We have the Architectural Review Board (ARB) Findings that are agendaized for tonight. Doesn't look to promising on getting through both of these items. I'll just say that upcoming meetings don't have room. It's not as if we can just push these things out readily. We also have a question of what we think we could accomplish tonight and what we want to deal with as the highest priority tonight. I guess before proceeding even and hearing from Director Gitelman on these two buckets that she's had, what do we want to try and do tonight? Vice Mayor Scharff.

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Vice Mayor Scharff: I actually think it would be nice if we just approve the Guidelines, possibly with just the buckets. If we didn't try to be too ambitious tonight, I'd be fine with the single-story individual overlay. Frankly, that calls to me, that issue. I think that's a fairly simple issue to deal with.

Mayor Burt: I'm sorry. When you said with the buckets, I don't understand what you were saying.

Vice Mayor Scharff: She's broken it into two buckets. I said I think the bucket that's not more prescriptive.

Mayor Burt: You didn't say that part.

Vice Mayor Scharff: That's what I meant. The bucket that's not more prescriptive, and then there's the issue of the individual story overlay, which seems like an anomaly, which we might want to fix. I don't want to be too ambitious tonight and spend forever on here. I think we should move to the ARB and see if we can get that done in a reasonable time. Otherwise, we won't be able to do both.

Mayor Burt: Council Member Holman.

Council Member Holman: A couple of us over here are confused. What are the two buckets? We don't know what the buckets are.

Mayor Burt: My understanding is one bucket is items that we're truly just clarifying language. The other is things that are more substantive in the change.

Council Member Holman: From my perspective, having been the person who in theory at least—I think there was some misunderstanding. We can't do that tonight. I can tell you that I don't even agree with some of these because it's a misunderstanding. Personally, I would move that we continue this to a future meeting. I know you said that the agendas are full, but there's no way we're going to be able to do this in any kind of rational manner. I would move that we continue this item.

Mayor Burt: That may a good thing to do.

Council Member Holman: I just got a second.

**MOTION:** Council Member Holman moved, seconded by Council Member Kniss to continue this Item to a date uncertain.

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Mayor Burt: Let me frame this before proceeding. A question is do we continue at this point in time or do we give some more input. I'm not advocating one way or the other. I just want us to think this through. If it comes back basically picking up where we left off or with Staff having revisited and kind of done their own sorting based on us trying to make sure that Staff didn't either misunderstand the intention of Council Member input or feel obligated to take it as directive, then perhaps we'd see some modified iteration of this when we come back based on Staff's own judgment of what was in the 2010 Motion and their own professional judgment. I think would be two the areas that would be guiding what would return to us. The question is do they have enough, if we were to cut off the discussion at this time, to be able to present something to us at our next meeting on this subject that would enable us to really move forward and complete the item. Hillary, any thoughts?

Ms. Gitelman: Just if I can make—I want the Council to be informed of what the implications may be of that. We do have a September 30 deadline to get this to the State Office of Historic Preservation. The only implication of missing that deadline is we may not see our costs reimbursed. The \$37,000 we've spent on the consultant working on this, we may not be able to recoup. We would of course try and convince the Office of Historic Preservation to reimburse our costs nonetheless, but we don't know that we would be successful. The other thing that I would just—as an observation, this is a lengthy body of work prepared by a reputable consultant through a long process. I think there's a danger when we have reports of this length and complexity to try and get it perfect. If the Council's interested in massaging it in some detail, that could take more than one additional meeting. We really could keep going down that path for a long time.

Mayor Burt: We basically have had more than a massage. We've had some very significant changes based on the Staff's understanding of the input from two Council Members. That's ...

Ms. Gitelman: I do understand that. I think that I could walk through this list as the Mayor and Vice Mayor have suggested and sort them into what are clearly clarifying changes and what may go beyond that for your consideration.

James Keene, City Manager: May I just jump in?

Mayor Burt: Sure.

Mr. Keene: What I hear Hillary saying is sort of in organizational work as part of a return to Council, not really going further than that. I heard potentially, Mr. Mayor, that you were thinking about whether or not we could

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sort of glean from the discussion enough to go further than just sort of reorganizing the work.

Mayor Burt: Part of it, Council Member Holman has said that some of the most directive language in the column noted as proposed revised text goes beyond what she had intended. If that's the case, it doesn't seem that we should be getting that language. What's a process by which that would be done, except I think the one that I offered up which is Staff looking at the 2011 Motion and the input from any Council Members and come back with your own professional recommendations, and we can debate them and accept them or reject them. That seems like that's the more appropriate process if we re-agendize this.

Mr. Keene: If I just might add. I could see in that particular instance, if you have something very specific to give us to go back. If the thought is there could be other things like that, my own concern here is that the Council's interest in maybe the breadth and depth of these issues is variable amongst the Council. It's an awkward position for the Staff to be in, to try to sort that out when it almost is what is the balance the Council wants to strike in this. The Council could say, "You know what? We're going to go this far, and we're going to do this much and make some changes." You could have another view that says this is one of the most important things that we need to do, and you all need to spend a lot of time on it.

Mayor Burt: One of my questions, for instance, was whether they're rules or guidelines. The answer was that they're guidelines, but many of them are in the proposed revised text worded as if they're rules with, as I understand it, essentially a preamble that says we can't really enforce them without the Ordinance. I have a problem with setting it up that way too. That's misleading to anybody who reads these. They would on the face it take them as rules. If we adopted this revised language, many of these seem quite prescriptive. I think that's kind of a high-level contradiction that, I think, needs to be resolved.

Council Member DuBois: If I could propose a process perhaps?

Mayor Burt: Okay.

Council Member DuBois: I would suggest—we've only heard from a couple of you speak on this item. Maybe we get three minutes for everybody else that hasn't spoken yet and they could weigh in on some of these issues. (crosstalk).

Mayor Burt: That's going into the substance part.

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Council Member DuBois: I think very few people have given comments. It's been ...

Mayor Burt: We have actually a Motion on the table, which we need to respond to. I was trying to give that Motion some context, so it would be more meaningful on the direction to Staff. If we're going to open this up to discussion by each Council Member on the substance, and frankly ...

Council Member DuBois: I just don't know how Staff would get the sense when only three of nine have spoken.

Mayor Burt: Those who have spoken have only spoken to substance as illustrations. I tried to get us all to back off from going through these one by one. If we wanted to use an illustration to address the higher level issue, that's what we've done. We haven't gone through these as individual ...

Council Member DuBois: That's why I'm suggesting two or three minutes (crosstalk).

Mayor Burt: That's not illustrative, I don't think.

Council Member DuBois: I had some high-level comments. Again, we should decide what we want to do.

Mayor Burt: We've got a Motion on the floor to continue this item to a date uncertain. Council Member Holman, did you want to speak to that?

Council Member Holman: I would please. Thank you for getting back to me. I appreciate Council Member DuBois' comment that other Council Members haven't had a chance to speak to this. Part of it is the very nature of Staff trying to do due diligence. This is not a criticism. Staff trying to do due diligence came up with this grid, but we didn't get it really until at places. It's very difficult to digest. I think if we try to do something tonight with this, we're just going to be picking and choosing and what bucket. Maybe that isn't what the intention was. I don't think we're going to end up with a good product when it's really going to be sausage making. I'm suggesting that this be continued, that the Staff ask for an extension with SHPO to see if we can—I guess I could add that to the Motion, but you'll do it anyway. Ask for an extension with SHPO as to the \$37,000 grant. I and Tom or whoever else wants to with Brown Act constraints can join me, and we can talk about the purpose and write the proposed edits to text that were intended.

Mayor Burt: Council Member Kniss.

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Council Member Kniss: Once again, we're nearing 11:00 P.M.. We're looking at something that really has repercussions. I'm looking out at Susan in particular. I know I also heard from Nancy Huber. This is really an important piece of decision-making that we're working on tonight. To suddenly just take three minutes on each one, I just don't think it does it any justice whatsoever. I would hope that the kinds of things that have been articulated by the Mayor, where the Staff has some time to spend on this other than literally the first time we've seen it. It really deserves more than we're doing tonight.

Mayor Burt: Vice Mayor Scharff.

Vice Mayor Scharff: I guess I'll probably end up supporting the Motion. I think we're going down the wrong path on this. I think really what we should do is pass the Guidelines as originally proposed and then tell Council to come back—then come back to Council for any revisions to the Guidelines as is. I think the current Guidelines are better than nothing. I think it could take a while to get back to Council. This way we get our \$37,000 back. I will propose a substitute Motion that we approve the Guidelines as originally drafted by Staff, and this item then comes back to us for revisions at a date uncertain.

Council Member Wolbach: Second.

**SUBSTITUTE MOTION:** Vice Mayor Scharff moved, seconded by Council Member Wolbach to adopt a Resolution adopting the Professorville Historic District Design Guidelines as included in the Staff Report and direct Staff to return with suggested revisions at a future date.

Mayor Burt: Did you want to speak further to that Motion?

Vice Mayor Scharff: I do. I think we run the risk of the Council—I've seen us do this before where we put something off. As Mayor Burt said and I set in those meetings as well, this isn't going to come back to us before the end of the year. We need to move some of this stuff off of our plate. We shouldn't make the perfect the enemy of the good, to use a cliché. The Guidelines are not perfect; they could be improved. There's a lot of stuff we could talk about and argue, but the current ones are better than not having the Guidelines. I think we should go ahead, approve those, and then come back and look at this at a future date.

Mayor Burt: I think that's what we heard at your preceding. Council Member Wolbach.

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Council Member Wolbach: I'll just associate my views with those of the Vice Mayor.

Mayor Burt: Can I ask Staff to comment on basically how they would view the value of accepting the initially proposed Guidelines even with an understanding that the Council would like to come back and subsequently refine them. Does it do us a moderate amount of good, aside from the \$37,000. Just on a substantive level, is this existing text going to benefit our ability to address our issues that come up on review of properties on an interim basis?

Ms. Gitelman: Thank you for that question. We do feel like the Guidelines as originally transmitted to you do have value. The only thing I'd say is when we came back to discuss potential amendments at a later date, we could also at that time discuss next steps like potential adjustments to the IR Guidelines and the Ordinance.

Mayor Burt: Thank you. Council Member DuBois.

Council Member DuBois: Do we have to pay again to file an update?

Ms. Gitelman: Pardon me?

Council Member DuBois: Would there be additional fees if we go to amend this after we submit it?

Ms. Gitelman: If we require the consultant's assistance, we would end up having to pay for that.

Mayor Burt: I think he's talking about the State filing, the \$37,000 or that's a reimbursement for the consultant?

Council Member DuBois: That's just consultant fees.

Ms. Gitelman: That a reimbursement.

Council Member DuBois: I'm just not sure it's better to accept it as is as. Council Member Kniss pointed out, people in the community had concerns. We really haven't discussed it. The three of you have talked about it, and we're just going to pass it. I was also hoping we would have a little bit of a discussion about this idea of Individual Review. It's been discussed for a long time.

Mayor Burt: Again, I will say that the three of us who did speak extensively—I was deliberately trying to have the conversation not go into specific substance of the Guidelines and only illustrative ...

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Council Member DuBois: I'm not sure what you mean by specific substance. I wasn't going to go into 3.2.1. I had some high-level concepts. I think we didn't really get a sense from most of the Council on these issues of regulations versus guidelines, whether we wanted to amend the IR process or any Zoning Ordinances. We just didn't get a sense of that.

Mayor Burt: We're not acting on that tonight.

Council Member DuBois: It was before us. It was the second thing we were supposed to consider. I think I will not support the second amendment and support the first Motion.

Mayor Burt: Council Member Holman.

Council Member Holman: I was just going to say I don't know how it would work to—I certainly won't be supporting the substitute Motion. I just don't know how it would work anyway. Let's suppose we adopt these, send them off to SHPO. They're going to review them and comment. We're saying by the way, we're going to revise them. I don't know how that would work or what the value of that would be.

Mayor Burt: I just don't see on that second bullet how we can get through those really substantive discussions tonight and even have any chance—one, get through them tonight even if we didn't get to the ARB Findings. I don't think it's realistic to say that we could do that tonight. Please ...

Mr. Keene: I'm sorry. Are you voting on the substitute amendment first? Don't want to throw you off, but it's not clear to me what the first Motion was unless it's as simple as that—that's it? Thank you.

Mayor Burt: Now we're voting on the substitute Motion. That fails on a 5-4 vote with Council Members Wolbach, Scharff, Burt and Berman voting yes. Now we return to the primary Motion.

**SUBSTITUTE MOTION FAILED:** 4-5 Berman, Burt, Scharff, Wolbach yes

Mr. Keene: Mr. Mayor, the reason I asked that was there was additional commentary along the way that maybe wasn't in the Motion. I just wanted to be clear that this is it.

Mayor Burt: Right. Thank you. Let's vote on the main Motion. That passes unanimously. This item has been continued to a date uncertain.

**MOTION PASSED:** 9-0



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7. PUBLIC HEARING: Adoption of an Ordinance Approving Revisions to the Number and Wording of the Architectural Review Findings in Palo Alto Municipal Code Chapter 18.76 and Approval of an Exemption Under Sections 15061 and 15305 of the California Environmental Quality Act Guidelines. The Planning and Transportation Commission Recommended Council Approval of the Ordinance.

Mayor Burt: We will now continue to Item Number 7, which is the Ordinance revising Architectural Review Findings with input from the Architectural Review Board and the Planning and Transportation Commission. Welcome back.

Amy French, Chief Planning Official: Good evening. May I begin? Chief Planning Official Amy French here. We've been at this for 11 months with 11 hearings including the Architectural Review Findings. We're here with our current proposal in Hearing Number 12. As noted here, the ARB has had three hearings, two last year and one this year on the ARB Findings. The Planning and Transportation Commission held five hearings this year, four last year and one this year. Council held three hearings, one last year and two this year. The six Findings that we are proposing reflect at least six goals for good design, using the best aspects of the existing Architectural Review Findings and purpose and including new key phrases to clarify and enhance the public's understanding. They key to the changes we have are underlined. These were the Council proposed changes on April 11th. We have in red what the ARB and the Planning and Transportation Commission proposed. I just want to note quickly that everybody supported the preamble change, that each of the following applicable Findings is met. Under Finding 1—I should just take a moment to say that Council's recommendation, the piece about the compatibility requirements borrowed from the SOFA II requirements, were suggested as standards for projects Citywide at the Council meeting. Staff noted this and took a parallel structure opportunity with Finding 1 to say just like Context Based Criteria are related to the Zoning Code, compatibility requirements are related to coordinated area plans. We put that in there. That was supported by ARB and Planning Commission. We put a single phrase in Finding 2 with support, is compatible with its setting. Again, emphasizing compatibility. That's for Citywide projects, compatible with its setting. The harmonious transitions must be provided to both adjacent existing uses and land use designations which can be different than the current uses on the site. With Finding 3, integrated is a positive word used to enhance the Finding, to capture the phrase that Council put forward, that employed the word "avoid." With Finding 4, this is the ARB's offering, that traffic better captured the intent there, rather than the word access, and made better sense. We have with Finding 5 the concept of indigenous translated over to climate appropriate.

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This refers to plant materials and is a nomenclature in the industry of landscape architecture. It does here cite the preference for California natives to indicate that preference there in blue on the screen. Finally, with Finding 6, there was the elimination of sensible design at the Council as far as that phrase. In the ARB and Planning Commission process following that, green building requirements was a phrase that was eliminated as being redundant. That concludes Staff's presentation.

Jonathan Lait, Planning and Community Environment Assistant Director: I'll just add that for the majority of our major projects that would go to ARB, there's still the Context Based Design Criteria that every project still gets evaluated to, which adds another 16 or so evaluation criteria. Commissioner Tanaka from the Planning and Transportation Commission (PTC) is in the audience, if there's any questions regarding the Commission's deliberations on the matter.

Mayor Burt: Thank you. Council Member Berman, you have questions? I just want to make sure I'm looking at the Motion from the Council. What Page was that on?

Mr. Lait: (inaudible)

Mayor Burt: The very last Page of the Staff Report?

Ms. French: The proposal is that Council adopt the draft Ordinance, Attachment A, modifying the Architectural Review Findings. You're seeking the Motion from April 11th. That would be on Page 2 of the Staff Report. It says what happened there at the Council.

Mayor Burt: I'm looking at Finding 5, and it's not looking like what I put into Motion language. I wanted to see what the actual language of the Motion was. While you proceed, I'll try to look at that. Council Member Berman.

Council Member Berman: Thank you. One of the challenges that I've had with the AR guidelines has been—I think one of the challenges everyone has had with them is the subjectivity, which is kind of inherent in architecture.

Male: (inaudible)

Council Member Berman: Exactly. There's this addition on D2c of is compatible with its setting. Just very simple, five words that I don't understand. Is there any sort of—it's on Packet Page 305, D2c. In the Staff presentation there's a little explanation of it, but I still don't really understand. Is there more definition of what that means or is that the kind

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of thing that anybody can just say, "I don't think it's compatible; therefore, I'm not going to support the project"?

Ms. French: If I may. The Context Based Design Criteria and compatibility requirements provide a wealth of good examples and specificity that can be found for the majority of projects in town. Only certain zones do not have the Context Based Design Criteria. Most of the zones that come before the ARB do have (crosstalk).

Council Member Berman: Is this where they've got the photos of this is good and this is bad?

Ms. French: A lot of specifics.

Council Member Berman: That really hardly covers all the different possibilities. Therefore. If somebody proposes something that isn't encapsulated in one of those photos, it's use is a reason not to support it or am I not ...

Ms. French: If I may. Not a lot of photos there. There's specific criteria on the articulation. Some of the things that the Council had proposed on April 11th were drawn from the compatibility requirements from the SOFA II guidelines. That's not applicable Citywide, but those have specificity. The ARB understands that compatibility based on the Context Based Design Criteria and compatibility (crosstalk).

Council Member Berman: Should that be footnoted here or somehow called out in the Code? How is a homeowner to know? How's an architect to know?

Mr. Lait: I think the expectation is that in making the Finding or rejecting the Finding there would be some specifics that would be identified. It wouldn't just be yes, it's compatible or no, it's compatible. It would be supported by the reasons behind that. To get to your question, though, yes. This has been probably one of the bigger challenges that we've had for a number of the items that have become before the Council recently on appeal, the issue of compatibility. It is a subjective criterion. You look to what's adjacent, what's across the block, what's in the neighborhood. I think it's maybe a little bit different for different people. This is what we understood to be responsive to the direction that we received from Council. If there's an interest in modifying that, then we're certainly welcome to hear that.

Council Member Berman: Thank you. There was a term that I wasn't familiar with, which is integrated materials. Slide 7 says the word integrated

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is to ensure materials and application thereof are appropriate to the (inaudible) design and context. Again, I'm a lawyer and nonprofit director. I'm not an architect. I don't understand what that means. Could somebody help kind of define that for me?

Ms. French: I'd be happy to try. If you think about, let's say, the word integral, integral-colored concrete would be the color is melded with the concrete. When you have integrated materials, instead of being applied onto the top of something, they would be of a piece ...

Council Member Berman: A part of.

Ms. French: ... part of. The concept of having quality materials that are integrated rather than tacked on. I think the phrase that was intended was to say avoid having tacked on, tacky things.

Council Member Berman: Cheap.

Ms. French: integrated gives it that designer terminology for of a piece.

Council Member Berman: Thanks. I think that's it for now.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: I'm looking at Packet Page 305, that's 7A, Page 2, the proposed Ordinance. I just have a series of questions here. Council Member Berman addressed a couple of areas that I was concerned with as well. Also looking at 2A there on Page 2 of Attachment 7A. it says creates an internal sense of order and desirable environment for occupants, visitors and the general community. I wanted to clarify does this mean the ARB regulates—I want to also know—two part question. Does that mean that the ARB will in Architectural Review mean regulation of the interior design, not just the exterior?

Ms. French: I'll try to address that. This was not a change from the existing Findings.

Council Member Wolbach: That was in there before, and I didn't realize it.

Ms. French: That's always been there. That's in the current Ordinance that's posted online. Internal sense of order and desirable environment for occupants can mean the onsite—this is kind of the functional wayfinding across the site. Things relating to each other on ...

Council Member Wolbach: Let me be clear. What I'm looking at with the presentation slides and whether it's on paper or on the screen and what I'm

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looking at in what we got in our Packet, it's a little bit different in that you have some stuff colored in red here. Is that the only stuff that's new?

Ms. French: Correct. The red is what is proposed by the Planning and Transportation Commission and the Architectural Review Board. The underlined material is what Council had proposed on April 11th.

Council Member Wolbach: Got it. Thanks, thank you for clarifying that. That actually answers a lot of my questions. Thank you for that. (crosstalk).

Mayor Burt: Council Member DuBois.

Council Member DuBois: I think we talked to this substantially the last time. We passed a pretty detail Motion that's on Page 312. I think the ARB and the PTC have done a great job. They've simplified it and come back with some improvements. I think the language of the Ordinance really captures our intention. If it's all right, I'd like to go ahead and make a Motion. Is that all right?

Mayor Burt: We haven't opened and closed a hearing. We haven't had a round of questions.

Council Member DuBois: All right. I support the Ordinance as written. Thanks.

Mayor Burt: Council Member Holman.

Council Member Holman: In looking at the Motion that we passed—let me start here. Why was the word local added on 2B? Why local? Shouldn't it just be—the screen that you were on. Including historic resources. Why local? What happened to California, National Register? Why was local added? You said that was an ARB recommendation or a Planning Commission recommendation?

Ms. French: I'm trying to recall.

Council Member Holman: Wherever the recommendation came from, I don't understand why it would be just local. That isn't what we do even.

Ms. French: It may have more to do with in close proximity as opposed to locally designated on the Historic Inventory.

Council Member Holman: That isn't how it reads.

Ms. French: I can see.

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Council Member Holman: If you mean in proximity to, that isn't how it reads.

Ms. French: This was not a Staff-proposed change, and I'm trying to recall the meaning behind that.

Council Member Holman: I want to lose the word local for myself, which is how we had originally proposed it. Also there's some things missing that we had put in our Motion. The Motion again being on Page 312 and the Ordinance proposed on 7A. We had added establish design linkages with surrounding, existing buildings so that the visual unity of the street is maintained at a minimum by. Those four points there seem to be by and large absent.

Ms. French: Correct.

Council Member Holman: Why?

Ms. French: It was believed that that was pretty specific to certain settings such as SOFA II, which is where the wording comes from. It's not applicable Citywide. That would only be more urban settings with some specific rhythms in the street. It wouldn't apply, for instance, to the Stanford Research Park or other areas of town that have not those characteristics.

Council Member Holman: If we made these apply to urban settings—this could apply to University, Hamilton, Lytton, California Avenue, El Camino. It would apply to any urban setting. It wouldn't apply to the Research Park, I would agree necessarily.

Ms. French: That's where the Context Based Design Criteria contain a lot of those same words that were put in, that got kind of wordy in one Finding.

Council Member Holman: Then why do we not get there with our current guidelines. You're talking about our Context Based Design. Why do we not get there then? Why do we have buildings that are 100 feet wide when the pattern on the street is 25 feet wide? If they're there, why are they not followed?

Ms. French: The current Architectural Review Findings do not refer to the Context Based Design Criteria, nor do they refer to the compatibility requirements of coordinated area plans. That's the addition that we're doing in Finding 1.

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Council Member Holman: The reference you said was to—what'd you say? I'm sorry. You said the first reference was to what? I'm sorry. Not to coordinated area plans or—what was the other thing?

Ms. French: The Context Based Design Criteria. Those are not specifically cited in the Findings that are on the City's website right now. That's been part of this whole effort to specifically refer to the Context Based Design Criteria in our Findings. Likewise, to refer to compatibility requirement which say all of the things that you had proposed to go into Finding 2. That's why they're referred to in Finding 1. Likewise, in Finding 2, compatible with its setting, people wonder what compatible means. We have a great example in the Sofa II guidelines we can send people to in an urban setting. This is what that means.

Council Member Holman: You're going to assure me that the Context Based Design Criteria, because they're now referred to in these Findings to the ARB, are going to assure that the items that the Council passed, that are on Page 312, are going to be followed?

Mr. Lait: What we're saying is that projects that go before the Architectural Review Board would be subject to the Findings as amended by the Council on Packet Page 305 for projects that are subject to the Context Based Criteria. Those would also be evaluated as they are today for compliance with the Context Based Standards.

Council Member Holman: That doesn't really get to my question. What I'm saying is do the Context Based Criteria, would compliance with those if they are now referenced as they are in these Findings, is following an adhering to the Context Based Design Criteria going to result in projects that satisfy in the Motion to B, C and D?

Mr. Lait: B, C and D—this language on Packet Page 312 is directly taken from the SOFA II standards. Part of the Council's Motion was to Staff to look at the standard and assess some changes. We came to the conclusion—the Council's welcome to come to a different conclusion—that rather than pick the language from the SOFA II and apply it Citywide, these modifications that we've proposed and went through the ARB and PTC with appropriately captured the wide variety of projects that the ARB looks at. Those projects that require greater scrutiny, such as in SOFA II or where there's Context Based Design Criteria would still have their standards that they would be applied to.

Council Member Holman: I'm still not hearing an answer to my question. If you have a project on University Avenue and you have to satisfy the Context Based Design Criteria, are we going to result in projects that conform to 2B,

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C and D in the Motion that the Council passed? That's my question. That isn't what we get now. As I understand it, it's because the ARB Findings don't currently—I'm not trying to be argumentative. I'm really trying to understand. What I'm hearing but still not quite getting to the end of it is that isn't what we get now because the ARB Findings don't reference Context Based Design Criteria. I thought they did, that was a requirement to be followed as well.

Mr. Lait: Excuse me. I wouldn't agree that that's the case. In fact, every project that's been before the Council that has been controversial in some way has been subject to the Context Based Design Criteria. It is not because they're not included in the ARB Findings that projects are argued as to whether they comply or not. That is a subjective conversation that takes place. I would say some of the concerns we've had was we don't necessarily think that following the rhythmic pattern of the street is necessarily the standard that you want to apply to every single project, including projects in the Research Park. That's why we decided to pull that specificity out and leave the ARB Findings more broad. To the extent that a standard like that would apply, such as in SOFA II where there was all this great community and public engagement, that would stay there. For the several pages of Context Based Design Criteria equipped with the photos and diagrams would still apply to those projects that are subject to the Context Based Design Criteria. I would say the answer is partially yes to your question about whether A, B, C and D would be answered in the new ARB Findings. To the extent that there was a disagreement about that, I would say that is the nature of discretionary applications, and people are going to have different opinions about that.

Council Member Holman: What we're trying to do is provide some clarity.

Mr. Lait: We're trying to do a couple of things with the Findings. One is we have 16 Findings now. One of the reasons why we wanted to embark on this effort is because it takes a lot of work to write 16 Findings for every project that we get. There is a fair amount of fatigue that happens when Staff is trying to be creative to figure out how each project meets the Findings. We're trying to synthesize that to the key issues. Frankly, this is a little bit larger than we had set out to do. We wanted to make it even more discrete than this, so we can get to those key issues. In response to the Council's direction, we expanded it. It can expand further. We can add those standards from SOFA II. We just didn't think that was—that's not what our recommendation is.

Council Member Holman: I leave it to Council Member DuBois to make the Motion, because I think he was looking to do that. I'm going to want to see



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those added in for urban areas. Again, the projects that we get, that are appealed ...

Mayor Burt: Question period. Council Member Filseth.

Council Member Filseth: Can I ask a question on Finding Number 2? If we could have the slide back up, it would help. Finding Number 2. There we are. Thank you. On Number D, the red text is and land use designations. I'm looking on Packet Page 312. By the way, this is consistent with what's in Packet Page 305. If you look on Packet Page 312, under Number 2 it looks like the phrase "and land use designations" actually got struck out. I'm wondering what's the relationship between those two. Am I looking at apples and oranges here?

Ms. French: I can answer that. The Council had suggested striking "and land use designations," and perhaps that wasn't understood fully by the Council, why it was important to the ARB that it is retained. The reason is sometimes there are land use designations, let's say residential, but the existing building there is commercial. It's a non-complying situation. Maybe it's falling down, it's ready to go. There are some times where land use designations are more important than what's on the ground or it should be factored in.

Council Member Filseth: That was going to be my question. What's an example of the circumstance that you have that? Let me ask this. You have limits, Floor Area Ratio (FAR) limits, height limits and so forth. That doesn't necessarily mean that we're going to approve everything that moves exactly to the limits; although, we sort of have tended to lately. Let's say, for example, I'm proposing a 48-foot building, and it happens to be next to a one-story building. The zoning says it's a maximum of 50 feet. When we talk about harmonious transitions in scale and character, if you looked at my proposed 48-foot building next to a one-story building, you'd say that's not likely to be a harmonious transition. On the other hand, if you said I could build a building instead of one story, that was actually 50 feet, and then it would be a harmonious transition. Does that phrase allow that?

Ms. French: The intent is not the physical what's there. The intent is by leaving that in, we're acknowledging actual land uses. It's commercial or its residential or it's a school or what you have. It's more about that use compatibility than it is about physical building to building compatibility. You are looking at a building through this Architectural Review process. I can understand the confusion there. I think leaving it open to discuss the possibility that there is a land use that could come along, not that it's going

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to be 50 feet just because maximum height limit is 50 feet. That's not the intent.

Council Member Filseth: I guess the question I'm asking is could you use that clause, Number D, to argue for compatibility with a building that isn't there.

Ms. French: Sure. If there was an approved project that wasn't there yet but it had already been approved, that would be a good example of that.

Council Member Filseth: That makes sense. How about one that has not been approved?

Mr. Lait: Yeah, I think you're right. It probably could, because you might have a new development and the adjacent building may be a smaller, one-story building that never reached its development potential, like a garage or something. Without passing judgment one way or the other on that, I think it probably could be used in that context.

Council Member Filseth: That seems a little bit problematic. I think your example of something that's already been approved, then yeah, very clearly. It should be. Given that we don't always necessarily say we automatically approve everything that builds to the absolute numerical limits of zoning, there's other factors involved. That seems a little bit problematic to me. I don't know. What do you think?

Mayor Burt: Council Member Schmid.

Council Member Schmid: I'd like to go back to the Council revisions on 312, 2A, B, C, D and ask a question of the PTC Rep. I guess I noted at the PTC meeting two of the six Commissioners voted against the new Findings as being vague and not really addressing issues. I wonder if I could get a comment from the PTC Rep.

Mr. Lait: As Greg's coming up, I'll offer just sort of my recollection on that. It was similar to the first question that we heard from Council Member Berman about the subjectivity of the Findings and the challenge of wanting to have a little more predictability for the reviewers and applicants going through the process. The nature of the ARB Findings and any Findings, frankly, is that there is a fair measure of subjectivity to it. I think that's what the objection was. Perhaps Commissioner Tanaka can provide more to that.

Greg Tanaka, Planning and Transportation Commissioner: I actually think that was very well said. Just to make a correct, it was actually one

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abstention and then one vote against it. The reason why there was some debate about it was because of the fact that it's incredibly subjective. I think Commissioner Alcheck felt that—this was to minority vote—basically this didn't go far enough in terms of trying to provide better clarity and certainty for projects. It leaves this kind of nub of uncertainty for people that are trying to do development to figure out what's the rules. I think that's why Commissioner Alcheck didn't feel that way. I think the rest of the Commission—we looked at this, and it seemed like this is maybe not the best it could be, but it was better than before. Thus, the majority of the Commission voted for it. I think that one abstention—I'm not entirely sure why there was an abstention. I think it was just a little bit mixed on that one. I'm not so clear why the Vice Chair had abstained. If there's any other questions, just let know. Thank you.

Council Member Schmid: He did mention very clearly that it was not clear, not really addressing the issue. I guess I have noticed on the Council a number of ARB appeals have come to the Council. The Council is divided pretty sharply on how to interpret these subjective things. Looking to get Findings that would help us, would help the PTC, would help the ARB, would help the applicant is certainly one of our goals. The question is would the earlier Council recommendation on 2A, B, C, D help be more specific.

Mr. Lait: I guess to the extent that you want bay windows and doorways to be of similar size and proportion in areas along San Antonio or Stanford Research Park or other areas, we just felt that these were very precise areas of interest in an area of town that received a lot of attention through the SOFA II standards and didn't feel like it had the broader applicability to the rest of the City. Again, we're happy to put in the Findings whatever the Council believes to be appropriate in that area.

Mayor Burt: I have a question on Slide Number 4. You have an overview of Finding edits, and it talks about if Council-added text was supported by the ARB and PTC, it's underlined. If ARB and PTC additions are shown in red—it implied that those were the only changes. As I go through this, it doesn't speak to what happened and we don't see what happened to deletions from ...

Ms. French: Correct. These are just the underlined text—the text that Council added, shown in underline, are the text additions that the Planning and Transportation Commission and ARB ...

Mayor Burt: What I'm trying to say is ...

Ms. French: It's silent on the ones that were not accepted. It's not showing in the Slide (crosstalk).

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Mayor Burt: Not accepted by the—where are they? Where's the language—other than us going back through the original Motion and finding those needles in the haystack, where's the language that the Council Motion adopted and has subsequently been deleted?

Ms. French: They were in reports to the ARB and Planning and Transportation Commission.

Mayor Burt: How about to us? I mean, it's not showing us what we previously had put in and has now been taken out.

Ms. French: I think Attachment B does—that's the Planning and Transportation Commission Staff Report, I believe, with all the attachments thereto.

Mayor Burt: Where?

Ms. French: Attachment B. I don't have the Packet Page number.

Mayor Burt: I've got B is the Council proposed Findings annotated to show Council revisions. What we have here omits or changes a number of those without telling us that they were changed.

Mr. Lait: I'm looking in the Staff Report to see ...

Mayor Burt: The ones that appear to have the most significant wording change—I don't know whether it has substance change—is Number 2. If you look at what's on Page 312 of the Staff Report, which is this Attachment A, is that what you were referring to?

Mr. Lait: Packet Page 312 has got the ...

Mayor Burt: You look at Finding Number 2. What's there versus what's in this ...

Mr. Lait: On 305.

Mayor Burt: ... handout.

Mayor Burt: I'd refer to the Staff Report on Packet Page 305 as to the Findings that are proposed. You're right. There is a little bit of going back between the attachments. Perhaps we could have done a little bit more in the Staff Report to explain what areas were deleted. It certainly wasn't an effort to hide the ball on that. We've got links to all of the discourse that took place at all of the meetings.

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Mayor Burt: When the Council went through on some of these cases and added very specific language, then we wanted our advisory bodies to review that. If they had a difference with that language, we'd want to see that they had a difference, not that our language disappeared. We're trying to figure out what happened to our language. We see there's, but we don't see ours and why. I don't have the answers to whether the changes in Number 2 really change the substance. We should probably be looking over that quickly. On Number 5, there is a slight wording difference that seems well-intended but changes the meaning. It basically says amongst other things it went from what I spoke about, which was plant selections that would be regionally indigenous and we now have California natives. California natives include Southern California desert. We literally plant a lot of those as drought-tolerant plants, and they're not part of our Central Coast ecosystem at all. We have North Coast redwood forests and High Sierra plants and all that. That's not what was discussed. It got changed, and that's a real substantive change there. When we get to a Motion, I'm going to want to go back. I have some proposed wording there. I haven't sorted through whether the changes to Number 2 matter. They weren't really my changes. Others who were involved in those at the Council level may want to scrutinize that as we try to wrap this up. I will say when we have things explicitly in a Motion and it's changed, we want to see that transparently. It doesn't mean we'll disagree with the changes, just we need to see it real clearly. This is a public hearing, so I'm opening the public hearing, but I don't see any speaker cards. We'll now close the public hearing.

Public Hearing opened and closed without public comment at 11:38 P.M.

Mayor Burt: Now we can return to Council Members for comments and Motion. I want to recognize Council Member DuBois, because he was first in line to attempt to address a Motion.

Council Member DuBois: That's okay. If other people have changes, I'll let somebody else make a Motion.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: Now I'm very confused. I'm actually going to go back to my earlier question. Looking at Page 305 in the Packet at the top, that's the proposed Ordinance in front of us, before us tonight. 2C, you said that wasn't added. That wasn't added since the old version of ARB Findings or that wasn't added since the last time we saw it?

Ms. French: This version, Attachment A, the proposed Ordinance, has everything underlined as to what's been run through the mill of the ARB, Planning Commission and Council with the exception of some of those

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Council items that were deleted, that had been proposed on April 11th. It has strikeout all of the existing Findings that are online right now in our Code. That's what that Ordinance shows. That's the end result. Does that help?

Council Member Wolbach: Yeah. Basically I guess that means I should have caught it the last time it came around to us. I am worried. It sounded like at least of my colleagues might share that concern that 2C is far too unclear, far too broad. It's like discretionary decision-making and subjective decision-making on steroids. I'm very worried about that. Also, the ability to mandate the interior of buildings in 2A, I think, is stronger than the prior version of the ARB Findings.

Mayor Burt: It's not interior of buildings. Right?

Council Member Wolbach: That's why I was asking that earlier in my first round of questions.

Ms. French: That was not about the interior of buildings. It's more about like wayfinding on a site, the functionality on a site. That was just carried over from the existing Findings that are online now.

Mayor Burt: Interior sense of order is a term of art that does not mean the interior of buildings.

Council Member Wolbach: I wanted to be really (crosstalk) about that.

Ms. French: An internal sense, not—it's like an intrinsic sense of order, not interior to a building.

Council Member Wolbach: I heard from a couple of architects ...

Mayor Burt: Intrinsic might be a better word to not have a dual meaning there.

Council Member Wolbach: I've heard from a couple of architects who were pretty worried about that. I was a little bit confused by that as well. Also looking at this surrounding area. If you look at Finding 3, compatible with the surrounding area. How broad is that surrounding area? Is that across the street? Is that down the block? Is that only adjacent buildings or is that completely subjective? Could that be the entire neighborhood?

Mr. Lait: Yeah, it's subjective. I think it's going to be—it could be different for different projects.

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Council Member Wolbach: Some of the stuff that was removed since the last round of Council input, if there was a concern on the part of Staff that we were applying specific things too broadly across the City, I guess my question is why not just add the words as applicable, which (inaudible) even in there at least once? If windows and bays and doorways, we might not want—I understand why Staff was reluctant to say, "Council, you really got it right that time." Maybe we didn't. Maybe there's a way to add nuance to it or add some flexibility to it without just completely getting rid of it. I'm wondering if there's logic behind that one.

Mr. Lait: You have that in the beginning where it says each of the following applicable Findings is met.

Council Member Wolbach: That's why I'm wondering if that—if the "as applicable" is in there and does apply to all of them, then why take out the specifics if they're already only going to be used where applicable?

Mr. Lait: I don't have the exact—we have an excerpt of the Motion here on Page 312. What we don't have is the part in the Minutes where it says the Council directed Staff to look at this, offer our judgment, and go through the review bodies and get the judgment of the reviewers and make modifications as appropriate. We've gone through that process. Again, from a Staff perspective, this is literally the language that you have in SOFA II, which was a very distinct process. We felt that absent a public dialog about applying those SOFA II Findings or criteria to the broader part of the City there was another way to get to that and achieve that goal. That was done based on the language that the ARB reviewed, the PTC reviewed, Staff recommended. That's on Packet Page 305. That's what we came up to. That said, the Council could absolutely revert back to its original Finding and call it an evening.

Council Member Wolbach: Got you. What I have in this presentation today and what I have in my Packet is actually different. The word local was pointed out earlier. I actually don't see that in the Packet version. I do see it in the presentation version in 2B ...

Mr. Lait: Take a look at Packet Page ...

Council Member Wolbach: ... 2B and not 2B.

Mr. Lait: Packet Page 305.

Council Member Wolbach: Where it says historic character including local historic resources. Is the word local supposed to be in there? It just wasn't

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in here? It could just be a typo. I just wanted to be really clear about which version (crosstalk).

Ms. French: One of the members of the Architectural Review Board brought up that local would be a good addition. I can't recall off-hand all of the reasons.

Council Member Wolbach: I just wanted to make sure I'm clear about which version we would be voting on tonight.

Ms. French: Whatever is Attachment A.

Mr. Lait: It's Packet Page—it's your Ordinance. That is 7A.

Council Member Wolbach: I'll just point out then that it does not include the word local there. For those who are concerned about the word local being included and any problem that might accompany it if the word local is not in there. Looks like we don't have to worry about it.

Mr. Lait: I'm seeing it under—it's (inaudible) in the second line there.

Council Member Wolbach: It's not in there?

Mr. Lait: Packet Page 305, the second line under 2B to ...

Council Member Wolbach: It's inverted. That's where I missed it. It's historic local resources as opposed to local historic resources.

Mr. Lait: Right. Again, we're not recalling the significance of that (crosstalk) with that being removed.

Council Member Wolbach: I was looking under character. Thanks.

Mayor Burt: Vice Mayor Scharff.

Vice Mayor Scharff: Just to be clear, we're voting on the Ordinance, Attachment 7B? That's what you have drafted, right?

Mr. Lait: 7A.

Vice Mayor Scharff: 7A. I get it. I get it now. I just got confused there. Several things. I actually thought Tom had it right when he started talking about—I think you've done a good job vetting this, going through the process. I also do remember when these things were added. We've been talking about the Motion, which was—when we added siting, scale and mass of materials, the rhythmic pattern, those kind of things, we did put into the



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thing to ask Staff to go vet these things. This was done late at night. This was done sort of off the cuff.

Council Member Kniss: Like tonight.

Vice Mayor Scharff: I'm thinking just like tonight.

Female: (inaudible)

Vice Mayor Scharff: I sort of think it was. What I wanted to say about this was why did we change 5? I thought 5 was good. I didn't really get a clear understanding of why 5 got changed.

Ms. French: The word that was proposed was indigenous. We talked with the landscape architect here at the City and said, "Indigenous, is that a term that's used?" It typically is for animals. In this case, climate appropriate was the term of art used in landscape architectural fields. Climate appropriate having to do with water use, etc. This could allow Mediterranean plants from Italy because of the climate.

Mayor Burt: This is mine. Here's a concern I have. The Council discussion—explicitly I distinguished and had the support of my colleagues about the distinction between drought-tolerant plants that were from completely different regions and even continents not being what we mean by this. It came back and lost that whole context and came back with something that is like you didn't look at the tape and just went and saw the wording and came back with something that had difference and then got thrown in preferably California native. It's like you attempted to come back to that with language that I don't think is very well written. I would just say that we had a discussion about the distinction between something that is synonymous with what you just described as climate appropriate. We said that's not what we want. We came back and got that. We changed it and it came back. That's disappointing, but we can fix it.

Vice Mayor Scharff: Going back, at least my understanding of that discussion is similar to Mayor Burt's in that what we were looking for, at least what I understood us to be looking for, was to restore some native habitat. It wasn't just about climate appropriate in a drought; it was about providing an ecosystem of native habitat, especially in places like the Research Park frankly. I don't think this Finding captures that necessarily. Whereas, I think the original language does. I guess I wanted to get back to the original language and ask on the original language, knowing what you know now about what the intent of the Council was or at least my intent and I believe Mayor Burt's intent was to be, do you have any concerns with that language? Feel free to speak up. I would like to hear it.

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Mr. Lait: No concerns.

Vice Mayor Scharff: Given that, I will move the Staff-recommended language with the exception that we will have our 5 instead of the new Finding 5 as the language in 5, and that we will drop the term local because no one seems to articulate why we have the term local in Finding Number 2.

Mayor Burt: I will second that.

**MOTION:** Vice Mayor Scharff moved, seconded by Mayor Burt to adopt an Ordinance modifying the Architectural Review Approval Findings including the following changes:

- A. Replace Finding Number 5 with the April 11, 2016 Council directed language for Finding Number 5, "the landscape design complements and enhances the building design and its surroundings, is appropriate to the site's functions and utilizes, to the extent practical, indigenous drought-resistant plant material capable of providing desirable habitat and that can be appropriately maintained;" and
- B. Remove from Finding Number 2(b), "local."

Mayor Burt: Did you want to speak to your Motion?

Vice Mayor Scharff: Just very briefly. It's late. I actually do think that on the whole you did a good job bringing this through and vetting it like we asked you to and raising concerns. I think with these changes we have good ARB Findings. I'm feeling good about all of them.

Mayor Burt: I'd like to just request one additional wording to help clarify the intent on Number 5, because indigenous could be interpreted as State indigenous, just to say regionally indigenous.

Vice Mayor Scharff: I'm good with that.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion Part A, "adding 'regional' after 'to the extent practical.'"

Mayor Burt: Council Member Holman.

Council Member Holman: Appreciate the Motion, thank you. I have one question for Staff about the existing on Packet Page 305. 2d, why was the word mass lost? It was size, scale, mass and character. Scale and size may be the same thing. Why was mass lost? That does have a meaning.

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Ms. French: Again, it was just the original Findings online say scale and character. If you want to add mass back in that particular Finding, that's just an addition to what the online version would have.

Council Member Holman: Friendly amendment to the maker and seconder of the Motion. Mass was in our original Motion.

Vice Mayor Scharff: I'm good with mass. You can add the word mass.

**INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Motion, "add to Finding 2(d), 'mass' after 'transitions in scale.'" (New Part C)

Council Member Holman: Thank you. With 2C, I think is "compatible with its setting" is pretty general and vague. I think it's not very helpful. I would add to 2C "is compatible with its setting and in urban areas," I would pick up the language on Page 312 under 2 right before 2A. It says "establishes design linkages with surrounding existing buildings so that the visual unity of the street is maintained at a minimum by." We can delete A because that's covered. B, C and D through the word applicable, because after that it's already covered. I would put those back in. For the maker and the seconder.

Vice Mayor Scharff: No, I wouldn't accept that as Staff has recommended against that.

Council Member Holman: That's why I said "in applicable areas." I look for a second from ...

Council Member Schmid: Second.

**AMENDMENT:** Council Member Holman moved, seconded by Council Member Schmid to add to the Motion, "add to Finding 2(c), "and in urban areas, establishes design linkages with surrounding existing buildings so that the visual unity of the street is maintained at a minimum by:

- i. The rhythmic pattern of the street established by the general width of the buildings and the spacing between them; and
- ii. The sizes, proportions, and orientations of windows, bays, and doorways; and
- iii. The location and treatment of entryways where applicable.

Council Member Holman: Thank you, Council Member Schmid.

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Mayor Burt: I had missed the Staff perspective on this. Can we ask them to clarify?

Mr. Lait: The language that we have on 312, 2A-D, is the same language that we have in SOFA II. That's fine except that SOFA II is a discrete part of the City. We thought rather than extrapolate that to the rest of the City, the Research Park and other areas—I'm hearing from Amy that this specifically is the Homer and Emerson Corridor. We're taking two street intersections and applying it Citywide. We just thought we'd want to exercise a little more caution on that. If I can just on that Motion about the urban areas, I didn't know what that meant. How does that get distinguished from other parts of the City?

Council Member Holman: Would the word commercial be better? The Research Park, I don't think we consider as commercial. It's Research and Development (R&D).

Mayor Burt: It's commercial.

Mr. Lait: Commercial areas, commercial or ...

Mayor Burt: The Research Park is ...

Council Member Holman: If there's a ...

Mayor Burt: ... (crosstalk) there.

Council Member Holman: ... word that you can come up with that is a better descriptor, I'm fine with that. The intention doesn't apply—it clearly wouldn't apply. Doorways and stuff don't apply in the Research Park. That wouldn't apply. I would say that while that was developed for SOFA II, we often point to SOFA II as being an exemplar of a good work product. What we get in front of us in terms of appeals, I think, would not be coming to us if we would satisfy those standards that are set in SOFA II.

Mayor Burt: Council Member Holman, I'm sympathetic to looking for something more clear and deep in its explanation than the wording in C of compatible with its setting. I am concerned with that this A-D on Page 312 is pretty—does it apply to El Camino for instance.

Council Member Holman: I just want to clarify. A, I didn't want to add there because it's already otherwise included and D only through the word applicable because the other is already included. I'm really looking at adding "establishes design linkages," that phrase, and B and C and the first part of D. If we could come up with a term that would be giving more

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guidance than "and in urban areas," if we can come up with—or "commercial areas."

Mayor Burt: For instance, do you mean that that would all apply up and Downtown El Camino?

Council Member Holman: I would think it should, yeah. Right now what happens is we get buildings that will run for 150, 200 feet when the pattern adjacent to them might be 50-foot wide patterns.

Mayor Burt: This is more specific than what you just described. If you can come up with something that captures more than what's here, I'd be open to it. Saying that we've got to have compatibility on the proportions and orientations of windows, bays and doorways on San Antonio and El Camino, I don't think that's ...

Council Member Holman: I wouldn't say San Antonio, no.

Mayor Burt: That's what we're talking about. That's what your Motion says, I believe. That's why I'm suggesting ...

Council Member Holman: That why I'm looking for language that would be commercial. I'm thinking El Camino, the Downtown urban core and the California urban core.

**AMENDMENT TO THE AMENDMENT:** Council Member Holman moved, seconded by Council Member XX to remove Part iii of the Amendment and replace in the Amendment, "urban areas" with "the Downtown urban core, California Avenue core, and El Camino Real."

Mayor Burt: I'll just say that I'm open to something stronger, but I'm concerned that this language—I wouldn't be comfortable with in all those areas that you—I'd be interested in our two Downtown areas, but not those others that you cited. It either needs to be loosened in the language or tightened in the geographic area.

Council Member Holman: How about if I tighten the geographic and take off D? "Is compatible within the context"—I'm sorry. "Establishes design linkages with surrounding existing buildings so that the visual unity of the street is maintained at a minimum by," we'll use B and C, not D and apply it to the Downtown urban core, California Avenue core and El Camino.

Mayor Burt: I'll just say I'm not comfortable with El Camino for some of these. I just don't think we have that pattern. I think it's inconsistent with the reality of El Camino.

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Council Member Holman: We keep changing El Camino because we haven't followed this.

Mayor Burt: I'm not talking about that. There may be some segments of El Camino where there's some applicability, like in some of the Cal. Ave. area where there's some continuity to some of the street. For the most part, El Camino doesn't have a rhythmic pattern.

Council Member Holman: Are you comfortable with the Downtown—what would we call it? The Downtown core and the California Avenue—call it the Downtown business district and the California Avenue business district"?

Mayor Burt: Yes.

Council Member Holman: It's limited to that.

**AMENDMENT TO THE AMENDMENT RESTATED AND INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER** to remove Part iii of the Amendment and replace in the Amendment, "urban areas" with "the Downtown business district and the California Avenue business district."

Mr. Keene: We are clear what the boundaries of those are?

Mayor Burt: I hope you are. We actually have definitions of those, I believe.

Mr. Keene: If we have existing definitions and something to refer to, that's—otherwise we need to think about ...

Council Member Holman: It might be wise for Staff to come back with a map, because we have the Parking Assessment District, but that doesn't quite cover enough.

Mr. Keene: If I just might add. Along those lines, this sounds like a very important point that you're making. Just as the Mayor was saying, either the flexibility of the language or the tightness of the geography are really important factors. I'm just wondering if after midnight is the time to be trying to define those things. Even if you did, then you ought to let us go back and sleep on them and tell you what it was that you did. Just because how it starts to be applied could have a lot of implications.

Council Member Holman: It is important, and I would be amenable to applying it to the Downtown and California Avenue area. I think there would be some wisdom if Staff would come back with what those boundaries would be

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Mayor Burt: What would be the process by which we would do that?

Mr. Keene: Could you give us a tentative recommendation on this pending our return with the boundaries for the Council to certify essentially?

Council Member Schmid: The Downtown commercial district, which we have been looking at through the RPP for months now.

Mayor Burt: That may very well be correct. I think we need to let Staff digest it.

Mr. Keene: You're dealing with architecture here, so we want to make sure that we're paying attention (crosstalk).

Mayor Burt: Let's ...

Council Member Holman: It's broader than the parking district. I don't know exactly how to describe what that is.

Mayor Burt: I think it is reasonable for Staff to look and make sure that we're all in agreement on what those boundaries are. Let's have it applied—we need to have some statement here that Staff will return with proposed boundary definitions for these districts. Where does that put us on the status of the rest of the Ordinance?

**INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER** to add to the Amendment, "Direct Staff to return with proposed boundary definitions for the Downtown business district and the California Avenue business district.

Mr. Lait: Just one comment. By modifying C, is compatible with its setting, and then we add these other pieces and then we define the geographic area, you're pulling that 2C out from all the other areas in the City about evaluating compatibility. That's one comment. To continue that change, we would just recommend that you continue the public hearing to a date certain or uncertain.

Mayor Burt: Jonathan's point is well taken. Do we want the broader statement applying everywhere and then a more narrow one in those two particular areas? I think that's what we want.

Council Member Holman: Yeah.

Mayor Burt: We want that guidance. Return with "is compatible with its setting" to apply to all areas.

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Ms. French: And in urban areas (inaudible).

Mr. Lait: We get it. You want this Council Motion on 312 starting with "establishes" and these B and C, maybe and maybe not D, to apply to these discrete Downtown and Cal. Ave.

Mayor Burt: Yes. You might be able to work with the Clerk to try to capture that a little better while we take these last comments. Does that sound fine?

Council Member Holman: It does. One quick question. Because the rest of it seems like so far okay, is this simple enough that we could get this back within a month? It should go pretty quickly.

Mr. Lait: The Staff Report was due last week for that.

Council Member Holman: Say that again please. I'm sorry. I didn't hear it. I'm sorry.

Mr. Lait: Staff Reports take five weeks to generate. We can figure something out and come back quickly.

Mayor Burt: We'll try and get it in that timeframe.

Council Member Holman: Thank you.

Mayor Burt: Council Member Filseth.

Council Member Filseth: Thanks. I want to go back on 2D, this language of "transitions to land use designations," which I think (inaudible) when you're talking about transitions between things that don't exist and may never exist. This is one of those midnight things. The Council specifically struck that language out before. I think we probably ought to strike it out again. I'd propose that as an friendly amendment as well.

Mayor Burt: You've got to speak up. I can't hear you.

Council Member Filseth: I'd propose that as a friendly amendment which is remove the language "and land use designations" from 2D.

Vice Mayor Scharff: I thought Staff made a fairly (crosstalk).

Mayor Burt: You need to use your mike.

Vice Mayor Scharff: I thought Staff made a fairly cogent argument about why that would was back in with the ARB and how important land use



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designations could be, and sometimes they could be more important than what's on the existing project. You could think of a nonconforming use. We should have to be, in my view, compatible with a nonconforming use.

Mayor Burt: Eric, are you saying you want to replace adjacent land uses?

Council Member Filseth: No, no, no, no, no. No, no. If you go back to ...

Mayor Burt: You want to remove ...

Council Member Filseth: If you go back to Page 312 ...

Mayor Burt: It's not saying "or land use designations." It's saying "and."

Council Member Filseth: "And land use designations."

Mayor Burt: It's now requiring both things, and you want to take one away.

Council Member Filseth: If you go back to Page 312, it says adjacent land uses and land use designations. The Council struck out "and land use designations."

Mayor Burt: I see.

Council Member Filseth: It's got back in the Motion.

Mayor Burt: I see what you're saying there. Now that I think about it, I'm not sure why we want to get rid of an "and." If it was "or," I'd get it.

Council Member Filseth: (crosstalk)

Mayor Burt: It's now got to meet both of those. You want to water it down.

Council Member Filseth: I think you might be right actually.

Mayor Burt: I might.

Council Member Filseth: You're right. As long as it's "and," it's probably okay.

**AMENDMENT TO THE AMENDMENT:** Council Member Filseth moved, seconded by Council Member XX to add to the Amendment, "remove from Finding Number 2(d), 'and land use designations.'"

**AMENDMENT TO THE AMENDMENT WITHDRAWN BY THE MAKER**

Mayor Burt: That's right.

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Vice Mayor Scharff: A process issue.

Mayor Burt: That's a midnight one.

Vice Mayor Scharff: A process issue. Don't we have to finish with the amendment to the Motion and have a vote on that before we go on to dealing with the rest (crosstalk)?

Mayor Burt: I was wanting to just make use of our time. Since we've not changed anything out of there, it didn't do any harm. Jonathan, do you have the language sorted, do you think?

Mr. Lait: Yeah (inaudible).

Mayor Burt: If you need more time, Council Member Wolbach.

Council Member Wolbach: I'm actually not sure that we're going the right way when it comes to 2C. I think a lot of people have their mikes on. If you can't hear me, that's probably why. I think with 2C we need to do one of two things. We either need to strike it or we need to define compatible in clearer terms. I think this is much too broad and leaves much too open to subjectivity. Subjectivity could lead to approval of buildings that some people are frustrated with. It could lead to blocking of buildings that others think totally meet everything else. I think it undermines the whole intent of this endeavor. I'm open to either, either saying we approve it with that one pulled out and have Staff come back with a definition. We offer a definition tonight if somebody can think of one. I can't. Or we just leave it out. I'm tempted to leave it out, because I think that 2B and 2D actually pretty much address what 2C is trying to address. I won't be supporting the amendment because I actually think we should move in the opposite direction.

Mayor Burt: We now have the language that's before us. Are we good with this? Vice Mayor Scharff?

Vice Mayor Scharff: Mayor Burt and Staff, maybe you could give me an example of California Avenue and Downtown how we would apply this and what it would look like. What would be the implications of putting this in? I'm thinking that we just have—I'm looking at Cal. Ave., and I'm saying to myself, "There are a few places where there are really small, narrow buildings basically. There are other places where buildings go for a block." What does this mean in terms of—does it mean when this comes before us, if it's next to a small building but down the street there's a large one—what does this mean to people? What are you trying to achieve here? I'm not sure—what are we getting? I guess those are the questions. I'm really asking Mayor Burt and Staff.

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Mayor Burt: I think on Cal. Ave. it probably does beg a question of whether the same standards would be appropriate there as Downtown, because it doesn't have the well-established patterns of Downtown. It's a good question. Council Member Holman.

Council Member Holman: I would beg to differ that it does. If you go up and down California Avenue until you get to the far, far end and then there are only a couple of exceptions, the development pattern is pretty much—there are a few very narrow ones, but mostly its 50-foot wide buildings. That would be the development pattern. If you're next to a wide one, then that's the development pattern. Most of them are small storefronts. Most of the restaurants, most of the shops, they're like 50-foot wide buildings. If you think about how that could apply, it doesn't mean that the building can only be 50 feet wide. It just means the visual appearance of the building needs to be 50-foot wide, so that you continue that rhythm. You can deviate from that. It's just the general appearance, the general pattern.

Vice Mayor Scharff: If I don't see that general pattern on Cal. Ave.—I see Keeble and Shuchat, a large building. I see the new building is a large building. I see some small storefronts. I see some office buildings that don't have retail on it. I see Molly Stone's.

Mayor Burt: Is there a way that we can—I'm sorry. Is there a way that we can roll this into the follow-up meeting so that we don't try to resolve this tonight? We give it a little more thought.

Mr. Lait: We're happy to do that. I just want to—can I just illustrate—this is part of the reason why we recommended pulling this out. This language is again for two cross streets in SOFA II. My concern is these are ARB Findings that are intended to apply Citywide. Now, we're looking at certain geographic areas of Downtown and certain geographic areas of California Avenue. I feel like we're applying these more precise standards to these discrete areas. The whole point here is to be (crosstalk). Thank you.

Mayor Burt: I would suggest that, because this is important and the late hour and it's substantive, we role this into our discussion on the continued item night.

Vice Mayor Scharff: Okay. Do you want to make a Motion to do that? Is it a Motion to continue or what is it?

Mayor Burt: Can we even have some way that this will pop back up as a framework for discussion on that when we continue the item? Do we need to put that in a Motion or can you just capture it as a continued item? We withdraw the amendment to be able to do that and count on Staff's going

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to—when this item comes back continued, Staff will bring back this language as a basis for discussion. We'll pick up where we left off.

Council Member Holman: I'm not sure why we would withdraw the amendment as opposed to just giving guidance as part of the amendment that Staff would return with this. Otherwise, what are we sending them away with?

Mayor Burt: If you've got a way to quickly do that.

Council Member Holman: To add to the Motion this language and at the end of it "and to return" whatever the date's going to be "with this as a discussion item as a part of the ...

Mayor Burt: I'd put it at the outset.

Vice Mayor Scharff: You're not adding it to the Motion, though. You're coming with discussion. You're not adding to the Motion.

Mayor Burt: It should be right at the outset that says rather than Council Member Holman moves, seconded—we can say that this Motion was on the floor. Let's just put it that way. We just put it that way.

Vice Mayor Scharff: That's (inaudible).

Council Member Holman: To put it what way? I'm sorry.

Mayor Burt: That this Motion was on the floor. That's what we're going to do. We're going to pick up where we left off.

Council Member Holman: I do have one other clarification which is C above that. It's not clear where Staff's intending to add "mass." It's supposed to be ...

Mayor Burt: No, that says no mas. We're done. Not mass.

Council Member Holman: It's supposed to be added in 2D. 2D is where "mass" gets added, mass, scale and character.

Mayor Burt: That was the prior Motion. Was that ...

Council Member Holman: Yes. I'm just clarifying it.

Mayor Burt: We take the Motion and the amendment restated and we're going to continue all of this. This will be captured and come back to us when we renew discussion.

# TRANSCRIPT

Mr. Lait: I didn't hear it.

Council Member Filseth: Do we have to continue everything or can we do the Motion and ...

Male: Just continue the Ordinance.

Mr. Lait: We'll come back. We'll give you a fresh Ordinance. We'll lay it all out for you. We've got a sense of what you want.

Mayor Burt: This item will be continued to a date uncertain but hopefully within approximately a month.

**MOTION RESTATED:** Vice Mayor Scharff moved, seconded by Council Member Burt to adopt an Ordinance modifying the Architectural Review Approval Findings including the following changes:

- A. Replace Finding Number 5 with the April 11, 2016 Council directed language for Finding Number 5, "the landscape design compliments and enhances the building design and its surroundings, is appropriate to the site's functions, and utilizes, to the extent practical, regional indigenous drought-resistant plant material capable of providing desirable habitat and that can be appropriately maintained;" and
- B. Remove from Finding Number 2(b), "local;" and
- C. Add to Finding 2(d), "mass" after "transitions in scale."

**AMENDMENT RESTATED:** Council Member Holman moved, seconded by Council Member Schmid to:

- A. Add to the Motion, "add to Finding 2(c), 'and in the Downtown business district and the California Avenue business district, establishes design linkages with surrounding existing buildings so that the visual unity of the street is maintained at a minimum by:
  - a. The rhythmic pattern of the street established by the general width of the buildings and the spacing between them;
  - b. The sizes, proportions, and orientations of windows, bays, and doorways;" and
- B. Direct Staff to return with proposed boundary definitions for the Downtown business district and the California Avenue business district.

# TRANSCRIPT

**SUBSTITUTE MOTION:** Mayor Burt moved, seconded by Vice Mayor Scharff to continue the Motion as Amended, the Amendment as Amended, and this Item to a date uncertain.

Mayor Burt: That concludes that item. Thank you.

Mayor Burt: We have a very quick item of approval of the recommended City position for the 2016 League of California Cities Resolution.

Vice Mayor Scharff: (inaudible)

Mayor Burt: I guess so. Molly, do we have to vote on continuing the item? Vote. We're voting on continuing the item folks. That passes 9-0.

**SUBSTITUTE MOTION PASSED:** 9-0

8. Approval of the Recommended City Position for the 2016 League of California Cities Resolution.

Mayor Burt: Now we'll go to approval of the recommended City position on the 2016 League of California Cities Resolution. Do we—Council Member Schmid, are you on this one or was that by accident? Who wants to ...

Council Member Kniss: I just moved it, if you want to (inaudible).

Mayor Burt: You did?

Council Member Kniss: Yeah. Is there a second?

Council Member Berman: Second.

**MOTION:** Council Member Kniss moved, seconded by Council Member Berman to authorize the City's Voting Delegate to vote on the one (1) resolution to be considered at the annual League of California Cities (LOCC) conference to be held in Long Beach, CA from October 5-7, 2016 and approve the general guidance provided below.

Mayor Burt: That's moved by Council Member Kniss, seconded by Council Member Berman. Would you like to speak to your Motion?

Council Member Kniss: It's been well vetted. I'm comfortable with the Motion. It's the kind of thing that we discuss extensively in the meetings that we have for the Peninsula Division. I think it's fine.

Mayor Burt: Sounds ambitious. Vice Mayor Scharff.

# TRANSCRIPT

Vice Mayor Scharff: I'm actually going to vote no. I think this whole notion of zero deaths is a little too aspirational. What does that mean? Does that mean we're going to now impose regulations that we're going to make impossible to do something because we want zero deaths? I don't understand what we're gaining by doing this.

Council Member Berman: (inaudible)

Vice Mayor Scharff: I want to be able to drive my car. That encourages death, people who drive. I want to ride my bicycle. I know all these people that are dying on bicycles these day.

Mayor Burt: I want you to ride your bicycle.

Council Member Kniss: Just vote against it.

Vice Mayor Scharff: I want to ride my bicycle. You know my bicycle was stolen. It was stolen. Did you take my bicycle?

Mayor Burt: No. The dog ate your homework.

Vice Mayor Scharff: I think you took my bicycle.

Mayor Burt: I do think that that raises—I had a similar question when I just scanned this. This is one of those we'll have a perfect world or what.

Council Member Berman: It's aspirational.

Council Member Kniss: It is aspirational.

Vice Mayor Scharff: Why are we supporting it?

Council Member Kniss: That's the way Resolutions are. They're aspirational. It's something that the League supports. If you don't support it, (crosstalk).

Mayor Burt: It does say toward as opposed to obtaining it.

Male: What Page?

Mayor Burt: Three thirty-two of the Packet. Who knows what we'll see in autonomous vehicles. They argue that we're unsafe to drive cars.

Council Member Berman: They don't argue that. Statistics do.

Mayor Burt: With that word "toward" in there, it means move in that direction. Is it acceptable? Council Member Wolbach, did you have something?

# TRANSCRIPT

Council Member Wolbach: I was just going to say that's the direction that bike safety design is moving throughout the state. I think Palo Alto absolutely as a leading City in the country on bike safety should be on board with that.

Vice Mayor Scharff: This doesn't talk about bike safety. It talks about automobiles.

Council Member Wolbach: I understand.

Mayor Burt: I would say if it was there for bike safety, we are so far from that. It undermines realistic progress by saying we're going to go from very unsafe to zero. I don't know why people ... I don't believe in aspirational legislation in principle, but I'll go ahead and support this thing.

Council Member Kniss: Can we please ...

Mayor Burt: That passes 8-1 with Council Member Scharff voting no.

**MOTION PASSED:** 8-1 Scharff no

## Inter-Governmental Legislative Affairs

Mayor Burt: Then what we have remaining is ...

Council Member Kniss: No aspirations apparently.

Mayor Burt: ... Intergovernmental Legislative Affairs, which we really just did.

## Council Member Questions, Comments and Announcements

Mayor Burt: Council Member Questions, Comments and Announcements.  
Council Member Berman.

Council Member Berman: I just want to say—I think a couple of us might have attended it at different times on Sunday. I attended the multi-faith peace walk that kicked off at Congregation Etz Chayim. I wasn't able to stay for the whole thing. The bit that I did stay for was incredibly moving and powerful. The place was beyond packed. It was overflowing into the parking lot with—I don't think maybe 1,000 but definitely multiple hundreds. It was just really cool to see so many folks from different backgrounds from the community come together. I wanted to keep my little peace bracelet on for the meeting. It probably won't last too much longer this week. It was a really great event. Kudos to everybody that supported it and organized it. I saw Chief Burns there. It was great.



# TRANSCRIPT

Mayor Burt: Council Member Filseth. Council Member Holman.

Council Member Holman: Thank you for mentioning that, Council Member Berman. I was there too, but it was so full I was outside with a bunch of other people and also saw Chief Burns there. It was a great event. Earlier this evening I mentioned that perhaps—it is late, isn't it? Last night I mentioned that the Council in the past has asked Staff to come back with a rundown of what the State propositions are. The Council has in the past decided what to support and what not to support. I'd like to suggest that Staff bring those to us in a timely enough fashion we can take a position.

Mayor Burt: Council Member Wolbach.

Council Member Wolbach: I'd actually like to also ask that Staff bring back any other local measures that we haven't yet taken a formal position on. I'm thinking specifically about the housing bond, which I don't think we've taken a position on as a City. Sorry, the County housing bond.

Council Member Kniss: We all went down to the kickoff. No, some of us went.

Mayor Burt: We have not taken an action. Maybe we should check with any supporters of that to see if they prefer actions by elected bodies or not. Sometimes there's a preference to support just by individuals rather than bodies. Why don't we go ahead and check and, if appropriate, bring that back as well. I just wanted to share—I agree with colleagues on just how great the peace march and rally were. I was asked to speak at the commencement of the rally along with a number of other speakers. I also wanted to note that on Friday evening Council Members Kniss and Holman and I were at the 95th anniversary of the Pacific Art League. Talk about a packed event. It was just really—we won't tell. It had a lot of people there. It was a great event. Also on Saturday, we had the half-day community health fair, which is the second year that the City has been a sponsor, third year they've actually had it. It grew and was nearly double in size. It's really one of the major ways in which we are attempting to address our Health Communities Council Priority. Council Members Kniss and Holman were there. One of the things I realized is that we have seven Healthy City program initiatives. When I saw about 20 or more community partners who had exhibits there, we don't have as one of our Healthy City listed initiatives establishing and nurturing strong partnerships with our nonprofits who contributed to Health Cities. I want to see if we can look at that, because that's probably one of the most effective things we can do and one of the most cost-effective things we can do. I don't know if we have—Jim, do we have a method by which we're looking at ...

# TRANSCRIPT

Council Member Kniss: Pat, Karen and I both are recollecting doing that. Maybe our memories are failing us.

Mayor Burt: I read them on Saturday.

Council Member Kniss: If you didn't see it in there, then we didn't do it.

Mayor Burt: I'm just trying to figure out what would be the simplest way to get it as one of our adopted initiatives on that and then carry it out. Jim's going to figure it out somehow.

Council Member Kniss: Included in that health fair was something about getting enough sleep at night.

Mayor Burt: Some of us actually have early morning business meetings.

Adjournment: The meeting was adjourned at 12:29 A.M.