



CITY OF PALO ALTO CITY COUNCIL FINAL MINUTES

Special Meeting
June 23, 2020

The City Council of the City of Palo Alto met on this date via Virtual Teleconference at 5:02 P.M.

Participating Remotely: Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Absent:

Special Orders of the Day

Rebecca Eisenberg supported reappointment of the incumbents.

1. Appointment of two Candidates to the Utilities Advisory Commission for Three-year Terms Ending May 31, 2023.

First Round of voting for two positions on the Utilities Advisory Commission for Three-year Terms Ending May 31, 2023.

Voting For: Claude Ezran

Voting For: Lisa Forssell Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Voting For: Phil Metz

Voting For: Lauren Segal Cormack, DuBois, Filseth, Fine, Kniss, Kou, Tanaka

Mayor Fine announced that Lisa Forssell with seven votes and Lauren Segal with seven votes were appointed to the Utilities Advisory Commission.

Oral Communications

Mayor Fine appreciated the increased public interest in Council meetings and asked members of the public to maintain decorum. The Business Support Ad Hoc Committee and the Boards and Commissions Ad Hoc Committee was to continue their work over the Council break. He appointed Council Members Cormack and Kou and Vice Mayor DuBois to the Police Policies, Data and Hiring Ad Hoc Committee; Council Members Tanaka and Kniss to the Alternative Service Models Ad Hoc Committee; Council Member Filseth and Vice Mayor DuBois to the Transparency and Accountability Ad Hoc Committee; and

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himself and Council Members Cormack and Kniss to the Citywide Diversity and Inclusion Initiatives Ad Hoc Committee. Council Members committed to reporting on these items every 30 days.

Kevin Li supported the Vote 16 Palo Alto initiative to lower the voting age for City Council elections to 16 years of age and urged the Council to act as soon as possible so that it could be placed on the November ballot.

James Hindery concurred with Mr. Li and expressed disappointment with the Council's continuing Agenda Item Numbers 6 and 8.

Rebecca Eisenberg indicated the Council needed to add the Vote 16 Palo Alto initiative to the Agenda and approve adding it to the November ballot right now. The Council needed to also approve adding a Business Tax to the ballot and return Agenda Item Numbers 6 and 8 to the Agenda.

Katherine Causey supported Vote 16 Palo Alto and placing it on the ballot.

Thomas Li asked the Council to schedule a Special Meeting to consider Foothills Park access, leadership for the City during the pandemic, and a ballot measure for Vote 16 Palo Alto.

Anne Cribbs, Parks and Recreation Commission (PARC), Vice Chair, believed the Council needed to open Foothills Park to everyone and repeal the Ordinance in order to demonstrate Palo Alto's commitment to equality, access, openness and resource protection.

Madison Abbassi requested the Council hold a Special Meeting to consider a ballot measure for Vote 16 Palo Alto and other items continued to August.

Terry Godfrey, Vote 16 Community Coalition, supported Vote 16 Palo Alto and the requests for the Council to consider a ballot measure for the initiative.

Dana Tom, Vote 16 Community Coalition concurred with prior comments regarding Vote 16 Palo Alto.

John Shenk, Thoits Brothers requested the Council convey to Staff that they prioritized small retailers over Office Construction Encroachment Permits. A large construction project at 473 University closed Kipling Street and narrowed the sidewalk multiple times each week, which had impacted small businesses along the street.

Ishani Raha supported Vote 16 Palo Alto and reiterated the request for a Special Meeting.

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Laura Stark, Vote 16 Community Coalition, supported Vote 16 Palo Alto and urged the Council to hold a Special Meeting.

Michaela Seah urged the Council to schedule a Special Meeting to discuss Vote 16 Palo Alto.

Miranda Li reiterated the request for a Special Meeting to consider Vote 16 Palo Alto.

Rachel Owens remarked that the time for a petition to place Vote 16 Palo Alto on the ballot passed, and the only option was for the Council to place the initiative on the November ballot.

Sabrina Chan supported Vote 16 Palo Alto and urged the Council to schedule a Special Meeting.

Yael Sarig reiterated comments regarding Vote 16 Palo Alto.

Amy Yu reiterated the request for a Special Meeting to consider Vote 16 Palo Alto.

Antonia Mou concurred with comments regarding Vote 16 Palo Alto.

Charlize Nguyen repeated remarks regarding Vote 16 Palo Alto.

Geoff Paulsen encouraged the Council to open Foothills Park to everyone. He provided a proposal to operate Foothills Park without an entrance station.

Sarah Chang supported Vote 16 Palo Alto and repeated the request for a Special Meeting.

Jasmine Venet urged the Council to schedule a Special Meeting for Vote 16 Palo Alto.

Gaurav Tyagi supported Vote 16 Palo Alto and a Special Council Meeting to discuss a ballot measure.

Consent Calendar

Jeremy Erman, addressing Agenda Item Number 3, urged the Council to remove the Cubberley lease from the Consent Calendar because the lease was contentious and represented a major shift in policy.

Rebecca Eisenberg, addressing Agenda Item Number 3 believed the Council had a legal obligation under the Brown Act to remove the Cubberley lease

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from the Consent Calendar. The City terminated the lease without the mutual consent of Palo Alto Unified School District (PAUSD).

James Hindery, addressing Agenda Item Number 3 concurred with Ms. Eisenberg's interpretation of the Brown Act. The Council needed to discuss the lease.

MOTION: Mayor Fine moved, seconded by Council Member Cormack to approve Agenda Item Numbers 2-4A.

2. Authorize the City Manager to Place "Black Lives Matter" on a City Street Near Palo Alto City Hall.
3. Approval of a Lease Agreement Between Palo Alto Unified School District (PAUSD) and the City of Palo Alto for the Cubberley Community Center for 54 Months, Not-to-Exceed \$2,733,280 per Year
4. Adoption of a Resolution 9907 Entitled, "Resolution of the Council of the City of Palo Alto Continuing the Proclamation of Local Emergency due to COVID-19 "
- 4A. (FORMER AGENDA ITEM NUMBER 9) Approval of Amendment Number 2 to Contract Number C18171057 With AECOM for Continued and Expanded Services for the Connecting Palo Alto Rail Grade Separation, PL-17001, Effort and to Increase Compensation by \$309,872 for a Total Not-to-Exceed Amount of \$2,794,658; and Approval of an Updated Rail Workplan (THIS ITEM WAS MOVED TO CONSENT BY A MOTION OF THE COUNCIL ON JUNE 22, 2020).

MOTION PASSED: 7-0

Action Items

- 4B. PUBLIC HEARING / QUASI-JUDICIAL. 488 University Avenue [19PLN00038]: Request for a Waiver From Title 18 to Allow Conversion of a Residential use to a Hotel use to Accommodate 100 Guestrooms. In Addition, the Applicant Requests Approval of an Architectural Review and Historic Review Application for Interior and Exterior Renovations to the Hotel President to This Category 2 Historic Building, as Well as a Parking Adjustment to Accommodate the Conversion to a Hotel use. The Project Also Includes a Conditional Use Permit to Allow for Restoration and use of a Historic Rooftop Garden and for the On-site Sale of Alcoholic Beverages. Proposed Revisions Include Structural and Seismic Retrofit of the Existing Structure. Zone District: Downtown Commercial District With Ground Floor and Pedestrian Overlays (CDC)(GF)(P).

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Environmental Assessment: Exempt From the Provisions of the California Environmental Quality Act (CEQA) Pursuant to Guidelines Sections 15332 (In-fill Development), 15331 (Historical Resource Restoration/Rehabilitation), 15301 (Existing Facilities), and 15302 (Replacement or Reconstruction)(THIS ITEM WAS CONTINUED FROM JUNE 22, 2020 TO THIS MEETING).

Mayor Fine disclosed he had taken tours of the building in August 2019 and January 2020 with the applicant, who described plans to refurbish the property and who complained about the City's parking requirements.

Council Member Tanaka disclosed a brief attendance at the applicant's public meeting and conversations with the developer and prior tenants. He requested the applicant's projections for occupancy, which was not a part of the public record.

Council Member Kou disclosed a meeting with the applicant prior to their purchase of the property and a recent call with Michelle Kraus.

Council Member Kniss disclosed tours of the building, knowledge of former Hotel President tenants and visits to tenants of the Hotel President.

Council Member Filseth disclosed a recent virtual meeting with the applicant and a conversation with a community member. Information he learned during those communications was part of the public record.

Vice Mayor DuBois disclosed a December meeting with the applicants. Information he received was a part of the public record.

Council Member Cormack disclosed no ex parte communications.

Jonathan Lait, Director of Planning and Development Services reported the building was constructed in 1929 at a height and Floor Area Ratio (FAR) that exceeded current standards. The building was a historic resource and subject to local protections and the California Environmental Quality Act (CEQA). The building was designed with ground-floor retail and hotel units. In approximately 1968, the building transitioned to a multifamily residential building. Two years ago, the property was sold, and the new owners expressed interest in converting the residential use to a hotel use. In April 2019, the Council prohibited the conversion of residential uses in the Downtown area to nonresidential uses unless a waiver was granted. The applicant proposed to convert 75 units to 100 hotel rooms and to change interior and exterior features. Exterior changes complied with the Secretary of the Interior Standards for rehabilitation. The hotel use required more parking spaces than the site was able to accommodate. The applicant

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proposed to restripe the parking spaces, provide tandem parking spaces, and provide 25 parking spaces offsite at 330 Everett. The applicant proposed to pay an in-lieu fee for the remaining parking spaces. Staff was able to make the findings in support of the various planning entitlements. To grant a parking waiver, the Council had to find that the applicant had demonstrated that federal laws preempted the City's requirement for the applicant to maintain the residential use of the building. Staff in the Planning Department and the City Attorney's Office were able to make the findings to support a parking waiver. The Staff Report incorrectly reported the number of parking spaces, and the error was four or five parking spaces. The applicant had objected to Condition of Approval 58 in the Record of Land Use Action (RLUA).

Alex Stanford, AJ Capital indicated the building was designed by Birge Clark. The building suffered from deferred maintenance and was in need of restoration. The restoration plan was to restore the building to its former grandeur, upgrade critical building infrastructure, and sustain economic community benefits. The building was listed in the Palo Alto Historic Inventory as a Category 2 property of major regional importance. The project preserved the building's key character defining features. The Historic Resources Board (HRB) confirmed that the project was consistent with the Secretary of the Interior Standards. The hotel would feature 100 hotel rooms, a lobby/lounge, rooftop garden, and local retail stores along University. Through a combination of onsite and offsite parking and in-lieu parking fees, the project was to comply with parking requirements. The hotel was to adhere to a Transportation Demand Management (TDM) Plan and participate in the Palo Alto Transportation Management Association (TMA). The project included an extensive seismic retrofit, sprinkler and fire alarm systems, Americans With Disabilities Act (ADA) improvements and modernization of electrical, mechanical and plumbing systems. The hotel could open in early 2022. After the hotel had stabilized in 2024, it could provide more than \$20 million in annual economic stimulation impact. Sustained annual tax contributions were anticipated to exceed \$2.3 million.

Pablo David, AJ Capital, requested the deletion of Condition 58 so that guests and patrons of the property were able to access the rooftop. If the Council chose not to delete Condition 58, the applicant requested the language state "use of the rooftop shall be limited to hotel guests, patrons, and customers."

Molly Stump, City Attorney advised that the Council should apply the requirements of State and local laws, as written, to the application. The Council was not able to select the outcome it believed was best for the community. The building was a legal, nonconforming structure in that it conformed with standards in existence when the building was constructed but not with the standards in existence today. With limited exceptions, owners of

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legal, nonconforming buildings had the legal right to maintain the buildings and continue their productive use. The owner was not allowed to eliminate the nonconformity of the building by tearing it down and constructing a new building in compliance with current standards, because the building was historic. Palo Alto restricted the conversion of rental housing to condominiums. Under local law, the Hotel President was not to be converted to ownership housing. The Ellis Act gave property owners the right to exit the rental housing market. Cities were not able to prohibit owners from exiting the rental market and were not able to place restrictions on subsequent uses of former rental property that unduly burdened the exercise of that right. The City zoned the site and surrounding sites for multiple uses including office, hotel and residential. The Council amended the Zoning Ordinance to prohibit a nonconforming building with a residential use from changing to another otherwise lawful use. The amendment was to be unlawful as applied to a particular property, which the property owner was alleging.

Public Hearing opened at 6:26 P.M.

Norm Beamer remarked that the applicant had ruthlessly evicted low-income residents in order to create a luxury hotel. The applicant was requesting a waiver, and the Council had tremendous discretion. Zoning law allowed hotels a maximum FAR of 2.0. The application proposed a FAR of 5.0.

James Hindery understood only Section 18.18.120(f) of the Municipal Code was subject to preemption by State and Federal law. The Ellis Act required a property to be located in a city with a population of 1 million, which Palo Alto did not have. The Council had discretion not to grant the waiver.

Ryan Globus encouraged the Council to deny the request for a rooftop garden and sale of alcoholic beverages in honor of the 75 families removed from the community.

Rebecca Eisenberg indicated it was a violation of due process for no one to speak on behalf of the City. The decision was based on several misstatements of fact.

Becky Sanders, Palo Alto Neighborhoods (PAN), believed the applicant was wrong. The City Attorney echoed the applicant's opinion and documentation.

Iqbal Serang concurred with the prior speakers and implored the Council not to grant the waivers.

Angela Dellaporta remarked that granting the waivers did not matter because housing was the Council's priority.

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John Shenk, Thoits Brothers, supported rehabilitation of the building.

Public Hearing closed at 6:43 P.M.

Council took a break at 6:43 P.M. and returned at 6:59 P.M.

Vice Mayor DuBois requested additional details regarding application of the Ellis Act.

Ms. Stump related that the Ellis Act gave property owners an unfettered right to exit the rental housing market. The Ellis Act contained language that upheld the right of cities to engage in customary zoning and regulatory activity. Court decisions that sought to harmonize the two provisions had indicated that particular city regulations violated the initial tenet of the Ellis Act. Some city regulations, such as historic preservation requirements, were upheld against Ellis Act challenges when alternative uses were available to the property owners. Various city efforts to preserve rental housing had been struck down as imposing undue burdens on property owners under the Ellis Act. The PAN letter stated if the City honored the property owner's rights under the Ellis Act by allowing the property owner to go out of the rental business and the property owner chose to do that, but no other legal use was available, that was the property owner's choice. The City of Santa Monica used that argument in court, and the California Court of Appeals had rejected the argument.

Vice Mayor DuBois noted the Ordinance would apply if the building was not a historic resource.

Ms. Stump stated if the building was not a historic resource, the property owner had the option to demolish the existing building and reconstruct a conforming building, and the City's maintenance of use requirement did not apply.

Vice Mayor DuBois asked when the Ordinance would take precedent.

Ms. Stump reported it could apply to a non-historic building that was nonconforming and provided rental housing. It applied to a building with ownership housing because the Ellis Act did not apply to ownership housing.

Vice Mayor DuBois asked if Staff would recommend changing the hours of operation for the rooftop garden if the Council changed the permitted uses.

Mr. Lait indicated the hours of operation appeared to be acceptable as the applicant had not expressed concern about them. The applicant was more concerned that the condition restricted the rooftop to hotel guests.

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Vice Mayor DuBois requested the reason for Staff imposing the condition.

Mr. Lait related that it was common to restrict users of a rooftop garden when residential uses were nearby. Restricting the hours was another method for limiting the impact of noise from the rooftop garden.

Vice Mayor DuBois noted amplified sound was not permitted on the rooftop.

Council Member Cormack requested steps the Council could take to maintain the property as rental housing.

Ms. Stump reported the property was in private ownership; therefore, the City was not able to require rental housing through its regulatory power. Assuming funds were available, the City or another entity was able to acquire the property and develop it as deed-restricted affordable housing.

Council Member Cormack inquired regarding the fair market value of the property.

Mr. Lait did not know.

Council Member Cormack requested details regarding preemption.

Ms. Stump advised that preemption and the Ellis Act worked together. In most areas, the Legislature was able to say State law prevailed over any contrary local law. The Legislature attached that provision to the Ellis Act.

Council Member Cormack requested clarification of the statement that there was no change in Property Tax for commercial tenants.

Mr. Lait explained that a tenant in the building had expressed concern about rent increases. The tenant and the property owner reached a private agreement that rent was not to increase in response to an increase in property valuation.

Council Member Cormack asked if the TDM Program required employees to use alternative modes of transportation.

Philip Kamhi, Chief Transportation Official replied yes.

Council Member Cormack asked if that was a common requirement.

Mr. Kamhi remarked that it may not be common, but it was Staff's preference.

Council Member Cormack requested the permitted uses of In-lieu Parking Fees.

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Mr. Lait reported the intent of In-Lieu Parking Fees was to build parking to serve the Downtown area.

Council Member Kou requested the method for enforcing the TDM Program.

Mr. Kamhi clarified that a 45 percent trip reduction for employees was required. The City was requiring the TMA to monitor the TDM Program. The TMA required regular reporting, which it provided to the City.

Mr. Lait indicated the requirement for a 45 percent trip reduction applied to the entire use of the building.

Council Member Kou inquired regarding penalties for not complying with the TDM Program.

Mr. Lait indicated Staff would meet with the owner to determine actions that was able to achieve the goals.

Council Member Kou noted offsite parking was located at Lytton Gardens Senior Community, which also shared parking with the Epiphany Hotel. She inquired whether the 0.7 parking space per unit at the senior housing facility included employee parking.

Mr. Lait explained that the Epiphany Hotel was not using offsite parking for valet operations. The agreement for offsite parking prohibited other users of parking at Lytton Gardens.

Council Member Kou asked what would happen to the parking agreement if Lytton Gardens changed ownership or closed.

Mr. Lait reported the Hotel President would have to find other offsite parking. The 0.75 space per unit requirement for Lytton Gardens included occupants and employees.

Council Member Kniss urged the Council to remember that the building was historic. She asked when the deterioration of the building began.

Mayor Fine reiterated that the hotel converted to a residential use in 1968.

Council Member Kniss was surprised that the City had not inspected the building. She requested an estimate of the amount of funding needed to convert the building to affordable housing.

Mr. Lait advised that an entity would need to purchase the property at fair market value. The assessed value of the property was \$66 million.

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Council Member Kniss remarked that purchasing the property and converting it to affordable housing was not a realistic option.

Council Member Filseth inquired about the veracity of the public comment that the Ellis Act did not apply to cities with a population of less than 1 million.

Ms. Stump indicated the statement was not accurate. The provision was contained in a narrow exception that did not pertain to the property at hand.

Council Member Filseth noted the property owner needed a waiver to convert the property from residential to hotel. He asked if the property owner would need a waiver to convert the property to ownership housing.

Ms. Stump clarified that the property owner would not need a waiver from the maintenance of use requirement, but it did need a waiver from the Ordinance preventing condo conversions.

Council Member Filseth asked if granting a waiver for the property owner to convert to hotel allowed a future owner to convert the hotel to another use such as office or ownership housing, which were allowed in the area.

Mr. Lait related that allowed uses were office space, retail, personal services, financial institutions, and residential.

Mayor Fine asked if the waiver allowed the conversion from residential or removed the prohibitions for historical conversions.

Ms. Stump reported historical requirements were to remain. The property owner could not demolish the building or make changes that were not permissible under historic preservation rules.

Council Member Filseth asked if the property was able to be converted to a use that was more parking intensive.

Mr. Lait stated the parking requirement would not change based on the use.

Council Member Filseth inquired whether spaces were available in the Cowper Street garage at night.

Mr. Kamhi replied yes.

Council Member Tanaka asked if there was a time limit on the City's use of In-Lieu Fees.

Mr. Lait answered no.

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Council Member Tanaka asked if any development Downtown could propose a TDM Program with a 45 percent trip reduction.

Mr. Lait explained that the Comprehensive Plan set different standards for different parts of the City.

Council Member Tanaka inquired about the number of residential properties that were affected by noise from the rooftop deck.

Claire Raybould, Senior Planner advised that residential units were located approximately 800 feet from the rooftop deck with commercial buildings between the units and the rooftop deck.

Council Member Tanaka preferred to treat the rooftop deck as a park that allowed public access and he asked if the Council Action approved the Valet Parking Plan.

Mr. Lait replied no.

Mayor Fine inquired about the difference between GCPA and AJ Capital.

Mr. Stanford reported GCPA was the owner entity, but AJ Capital owned GCPA.

Mayor Fine inquired whether the Council was able to impose a condition that prevented a future conversion to office and he inquired about implications of the ground-floor combining district and the pedestrian combining district.

Mr. Lait responded none.

Mayor Fine asked if the project would return to the HRB prior to a building permit being issued.

Ms. Raybould clarified that the item would return to the HRB subcommittee for review of minor details related to historic aspects of the building.

Mayor Fine inquired whether the City's restrictions on converting nonconforming residential buildings conflicted with the Ellis Act.

Ms. Stump reiterated that the combination of the maintenance of use requirement, the historic status and the condo conversion, absent an action by the City, meant no other use was available for the property, which conflicted with the Ellis Act.

Mayor Fine asked about the meaning of the Council waiving confidential privilege.

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Ms. Stump advised that waiving privilege was unusual, but the Council was able to do so by a majority vote. Following action on the application and if the Council wished to waive privilege, they needed to direct the City Attorney to prepare a Public Memorandum explaining the rules and analysis that constituted the decision.

Council Member Kou wanted to understand how the public benefit of a Planned Community (PC) Project could be used to benefit an entity rather than the community. She suggested the developer was aware of the special restrictions on the property prior to purchasing the property because the developer had hired former City employees as consultants.

Ms. Stump advised that a court would not consider the property owner's or the consultants' knowledge as a factor in an Ellis Act lawsuit.

Council Member Kniss recalled that the Wilton Court Project totaled \$50-\$55 million for about 60 units. Constituents needed be aware of the costs for purchasing the property and converting it to affordable housing. She inquired about restrictions imposed on the building because of its historic status.

Mr. Lait indicated the building could not be demolished. The Comprehensive Plan contained policies that supported preservation of the building. The Council had to approve an Environmental Impact Report (EIR) including a Statement of Overriding Considerations to allow demolition of the building.

Council Member Kniss remarked that the applicant's rehabilitation of the building would be an asset to the City.

Ms. Stump believed the City could include a condition of approval that the waiver was granted for a hotel use only.

Mr. David related that the applicant would agree to such a condition of approval.

Mayor Fine asked if ground-floor retail would be allowed under such a condition.

Ms. Stump responded yes.

Vice Mayor DuBois inquired regarding the PAN letter's reference to incorrect square footage.

Mr. Lait explained that the Code applied parking requirements to the area being converted rather than the entire building when the applicant proposed a change in use. In this case, the parking requirement was applied to the second through sixth floors, which Staff did. The prior day, Staff determined

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the parking requirement would apply to portions of the basement and the roof deck because the two areas supported a hotel operation.

Vice Mayor DuBois asked if changing the allowed use of the rooftop deck required additional parking.

Mr. Lait answered no.

Vice Mayor DuBois inquired whether the conditions of approval allowed a bar on the rooftop deck.

Mr. Lait indicated the conditions of approval did not preclude a bar.

Ms. Raybould clarified that the design did not include a rooftop bar.

Vice Mayor DuBois inquired regarding loading zones and valet parking.

Mr. Lait related that loading zones in the area could be used. Loading zones had not been dedicated for the change in use.

Mr. Kamhi explained that valet service could be offered in the garage driveway, the garage, and an alleyway around the corner.

Vice Mayor DuBois requested the City's recourse if the applicant did not abide by the TDM Program.

Mr. Kamhi stated the applicant could be subject to daily penalties.

Mr. Lait clarified that monitoring and reporting were key aspects of the TDM Program and conditions. Achieving compliance was preferable to assessing penalties.

Council Member Cormack requested the restrictions on the use of In-lieu Fees.

Mr. Lait reported the only allowed use of In-Lieu Fees was building parking in the Downtown area. Council expressed interest in converting surface parking lots into subterranean garages with housing above.

Council Member Cormack asked if there would be landscaping on the roof deck.

Mr. Lait answered yes.

Mr. Stanford added that the historic use of the rooftop was a garden. The intent was to restore the garden.

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Council Member Filseth inquired whether In-Lieu Fees could be used for parking technology that allowed more efficient use of parking spaces.

Mr. Lait did not know.

Mr. Kamhi agreed to look into that option.

Council Member Tanaka asked if the valet operations could be modified in the future.

Mr. Kamhi was able to ensure valet and remote parking operations were consistent with City parking strategies.

Council Member Kou inquired whether the Council could modify requirements for use of In-Lieu Fees.

Mr. Lait replied yes.

Ms. Raybould clarified that the requirements were not able to be modified for the current project.

Council Member Kou inquired regarding conditions of approval for lighting on the rooftop garden.

Mr. Lait advised that this type of detail was determined during plan review.

Ms. Raybould added that Condition of Approval 6 regulated lighting.

Council Member Kou asked if the condition limiting the waiver to a "hotel use only" was recorded against the property.

Mr. Lait responded yes.

Council Member Kniss asked if a Traffic Study included the use of Uber and Lyft.

Mr. Kamhi related that the consultant based the Traffic Study on existing conditions and assumed that guests would utilize public transit and carshare.

Vice Mayor DuBois expressed concern about the hours of operation for the roof deck. The conditions of approval adequately addressed noise. He inquired whether the condition of approval could state "amplified sound" rather than "amplified music."

Ms. Raybould answered yes.

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Vice Mayor DuBois remarked that parking would be needed; and applicants that paid In-Lieu Fees expected to receive parking at some point. Therefore, the Council needed to be cautious about changing the uses of In-Lieu Fees. The condition of approval allowing conversion to a hotel use was able to include residential use.

Mayor Fine asked if granting a waiver to allow conversion of rental housing to condominiums complied with the Ellis Act.

Ms. Stump advised that the City was able to grant two waivers, one for conversion to a hotel use and one for conversion to ownership housing.

Mr. Lait suggested allowing conversion to a combined option.

Ms. Stump added that it was consistent with the Ellis Act. A court was likely going to need to determine whether granting a waiver for conversion to condos was consistent with the Ellis Act.

Mayor Fine explained that based on the City's requirements and prohibitions, preemptions and the Ellis Act, he was convinced the City had to grant the applicant a waiver.

MOTION: Mayor Fine moved, seconded by Council Member Kniss to:

- A. Grant a waiver to allow conversion of a downtown residential use to a hotel use;
- B. Approve the requested architectural review, historic review, parking adjustment, and conditional use permit applications, and the associated environmental exemption findings;
- C. Direct Staff to update in-lieu parking requirements and fees prior to issuance of a building permit;
- D. Remove condition 58;
- E. Add a condition to prevent office conversion; and
- F. Expand the condition to prevent amplified sound on the roof deck.

Council Member Kniss regretted the loss of affordable housing at the Hotel President but was pleased with the proposal to preserve the historic building.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion, Part E, "and provide a waiver for all residential uses."

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Mr. Lait remarked that short-term rentals were a housing type but were neither hotel nor ownership housing.

Ms. Stump indicated the language was acceptable.

Mr. David accepted the language.

Vice Mayor DuBois commented that this was not a policy that the Council wanted but the legal risks were too great to impose the Council's preferences.

Council Member Cormack appreciated the City Attorney's concise explanations. The Council had no discretion to impose the community's desires.

Council Member Kou proposed amending Subpart E to replace "prevent" with "prohibit."

Mr. Lait advised that he had provided language that included the word "prohibit."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to combine Motion, Parts A and E, to read, "Direct Staff to update findings and impose conditions as appropriate, granting a waiver to allow the conversion from rental housing to a hotel use or residential use, and prohibiting the conversion into non-hotel commercial uses, including offices;"

Council Member Kou inquired whether Staff would determine if Lytton Garden's providing offsite parking for other entities violated their PC zoning.

Ms. Raybould explained that the public benefit for the PC zoning was the low-income senior housing. Parking was not specific to the public benefit.

Mr. Lait clarified that Staff would not have accepted the applicant's proposal to utilize Lytton Gardens for offsite parking if they believed it violated the PC zoning for Lytton Gardens.

Council Member Filseth noted the Ellis Act appeared to override the Council's and the community's desires.

Mayor Fine concurred with Council Member Filseth's comments.

MOTION AS AMENDED RESTATED: Mayor Fine moved, seconded by Council Member Kniss to:

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- A. Direct Staff to update findings and impose conditions as appropriate, granting a waiver to allow the conversion from rental housing to a hotel use or residential use, and prohibiting the conversion into non-hotel commercial uses, including offices;
- B. Approve the requested architectural review, historic review, parking adjustment, and conditional use permit applications, and the associated environmental exemption findings;
- C. Direct Staff to update in-lieu parking requirements and fees prior to issuance of a building permit;
- D. Remove condition 58; and
- E. Expand the condition to prevent amplified sound on the roof deck.

MOTION AS AMENDED PASSED: 6-1 Kou no

MOTION: Mayor Fine moved, seconded by Council Member Kniss to direct the City Attorney to prepare a public memo explaining the legal rules that applied to the Council's consideration and decision on the President Hotel, and publish it on the City's website.

Mayor Fine believed a memo would explain the constraints on the Council and the Council's actions to the community.

Council Member Kniss inquired whether this was an unusual move for the Council.

Ms. Stump replied yes. Typically, the Council received legal risk advice in a confidential environment.

Council Member Kniss suggested the public would welcome the explanation.

Vice Mayor DuBois asked if the Council was waiving confidentiality.

Ms. Stump clarified that the Council was requesting an explanatory memo for public posting.

Vice Mayor DuBois did not wish to waive confidentiality.

Council Member Kou suggested the memo should reference Code amendments and grandfathering clauses. She objected to the whole issue.

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Ms. Stump noted that the Council sought the applicant's agreement to conditions of approval in order to cut off a future challenge and to protect the City's interests.

Council Member Filseth indicated the legal considerations were at the epicenter of the issues.

Council Member Cormack noted the complexity of the issues and the community's interests.

MOTION PASSED: 6-1 Kou no

Council took a break at 8:56 P.M. and returned at 9:05 P.M.

5. PUBLIC HEARING: Adoption of Resolution 9908 Entitled, "Resolution of the Council of the City of Palo Alto to Suspend Assessments for Fiscal Year 2021 on the Downtown Palo Alto Business Improvement."

Ed Shikada, City Manager reported the Council had suspended the assessment for Fiscal Year (FY) 2019-2020. This item was going to suspend the assessment for FY 2020-2021.

Public Hearing opened at 9:08 P.M.

James Hindery expressed disappointment with the Council's failure to agendaize an item for Vote 16 Palo Alto.

Rebecca Eisenberg remarked that the City did not assess or inspect anything or collect any fines. Billionaires needed to be taxed.

Public Hearing closed at 9:10 P.M.

Council Member Kou asked if Staff's collaboration with Palo Alto Downtown Business and Professional Association (PADBPA) on next steps was the subject of a Council Study Session.

David Ramberg, Assistant Director of Administrative Services Department advised that Staff could schedule a Study Session with Council direction.

Council Member Kou asked if the Council would contribute \$70,000 from the General Fund.

Mr. Ramberg explained that Staff was awaiting a final amount from the Downtown Palo Alto Business Improvement District (BID). Staff was to combine that amount with the amount of the BID deficit.

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Council Member Kou did not understand why the Council was paying this amount.

Mr. Ramberg clarified that BID expenses had exceeded revenues for the past few years. With no revenues, the deficit was dramatically greater.

Ed Shikada, City Manager reported the Council approved a contribution because of the Business Registry.

Council Member Filseth reiterated that the City would contribute \$70,000 to the BID.

Mr. Ramberg concurred.

Kiely Nose, Director of Administrative Services Department/Chief Financial Officer clarified that the contribution was included in the third quarter report and was not going to affect the FY 2020 or FY 2021 balancing. BID expenses exceed revenues for one, perhaps two years. From July 1, 2019 through April 30, 2020, the BID operated as a normal business. With the Council decision to refund the FY 2020 assessment, there were no revenues to offset expenses.

Council Member Filseth preferred to fund KZSU over funding the BID and recalled in prior years PADBPA members donated funds to cover deficits.

MOTION: Council Member Kniss moved, seconded by Vice Mayor DuBois, to adopt a Resolution temporarily suspending the levy of assessments in Fiscal Year 2021 in connection with the Downtown Palo Alto Business Improvement District (BID).

MOTION PASSED: 5-2 Filseth, Kou no

6. ~~Discuss the Parks and Recreation Commission's Pilot Program to Increase Access to Foothills Park for Nonresidents and Provide 3 June 23, 2020 Direction to Staff (THIS ITEM WAS CONTINUED BY COUNCIL ON JUNE 22, 2020 TO A DATE IN AUGUST)~~
7. Adoption of Urgency Interim Ordinance 5500 Entitled, "Urgency Interim Ordinance of the City of Palo Alto Temporarily Allowing Expansion of Outdoor Dining, Retail, and Other Activities on Public and Private Property; Relaxing Regulations Regarding: 1) Onsite Parking, 2) On-sale and Consumption of Alcohol, 3) Design/Architectural Review, and 4) Permit Fees to Facilitate Such Outdoor use;" and Adoption of a Resolution 9909 Entitled, "Resolution of the Council of the City of Palo Alto Authorizing Temporary Street Closures of California Avenue, University Avenue and Adjacent Downtown Blocks; and Approving a

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Temporary Pilot Parklet Program Including Standards and Requirements."

Rachel Tanner, Assistant Director of Planning and Development Services reported the June 5, 2020 Shelter-In-Place Order allowed outdoor dining and limited indoor retail. Staff anticipated additional changes in the Shelter-In-Place Order during the Council's recess. Both the Ordinance and the Resolution were temporary and effective upon adoption. The Ordinance was to expire on December 31, 2020 or on the date the local emergency ended, whichever was later. The Resolution expired on December 31, 2020. The Ordinance allowed outdoor dining on sidewalks and closed streets; temporarily waived fees and architectural review for encroachment permits; allowed retail displays on sidewalks and streets; allowed up to 50 percent of parking lot spaces to be used for outdoor dining and/or retail unless the parking lot contained ten or fewer spaces, in which case 100 percent of spaces could be used for retail and/or dining; allowed alcohol consumption in permitted outdoor seating areas for businesses with an Alcoholic Beverage Control (ABC) license and a conditional use permit; allowed alcohol consumption with a meal in Lytton and Cogswell Plazas; allowed dining and alcohol consumption in parking lots; and allowed personal services, indoor recreation, and other uses to be permitted outdoors in anticipation of future allowed re-openings. The Resolution allowed the City to temporarily and continuously close California Avenue and University Avenue and intersecting streets through September 7, 2020. California Avenue was closed on June 11, and merchants and restaurants were reporting success. Downtown restaurants provided input, and Staff proposed closing University Avenue in Downtown from the morning of Friday, June 25, to the evening of Sunday, June 28. The Resolution began the Pilot Parklet Demonstration Project. Encroachment permits for parklets were to expire on December 31, 2020 or on the date the local emergency ended, whichever was later.

Ed Shikada, City Manager acknowledged Staff's fast response to Council direction to support local businesses.

James Hindery supported the Ordinance and Resolution and appreciated the timeliness of the Agenda Item. He suggested the Council rather than the City Manager determine the closure of parking lots.

Ross Mayfield advised that seven Downtown restaurants supported closing University Avenue seven days a week and encouraged the Council to close University Avenue all week.

Scott Moman, Adaptive Physical Education stated gyms along the Peninsula were reopening. Trainers earned income only when they met with their

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clients. Cleaning protocols and outdoor activities were able to be implemented.

Jordan Bajor shared his experiences of dining outdoors on California Avenue and suggested the Council expand the program Citywide.

David Shen, Performance Gaines proposed allowing personal training sessions on streets and sidewalks with equipment moved outdoors and shade structures constructed over equipment.

Christopher Gaines, Performance Gaines described the nature of Performance Gaines as a gathering place for community members to grow in body and mind. He applied for an encroachment permit but did not hear from Staff. He requested a more transparent and streamlined process and clear communication. The Shelter-In-Place Order allowed outdoor recreation.

Amy Laff supported closing University Avenue seven days a week so that pedestrians could maintain social distances from diners.

John McDowell requested the Council direct Staff to prioritize a seven-day closure of University Avenue.

Sang P vongnak, Performance Gaines wanted to continue supporting her clients in obtaining a healthy lifestyle and hoped to train clients outdoors, in either the parking lot or the sidewalk.

Jonathan Erman hoped the City would include performing arts organizations in the businesses allowed to operate in the outdoors.

Stefan Heck appreciated the Summer Streets Program and encouraged the Council to open University Avenue seven days a week.

Maico Campilongo indicated the Summer Streets Program was a success for his restaurant on California Avenue.

David Epstein requested the Council close University Avenue seven days a week.

Neeraj Dewan supported closing University Avenue seven days a week and stated all businesses should be allowed to operate outdoors.

Jordan Nari hoped the Council would close University Avenue seven days a week.

Manuel Martinez commented that having additional space to serve diners was a huge advantage and supported the parklet program.

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Council Member Kniss noted businesses supported closing University Avenue seven days a week, but the property owners did not. California Avenue businesses were having success.

Vice Mayor DuBois requested the difference between an Ordinance and a Resolution.

Molly Stump, City Attorney advised that a Resolution and an Ordinance had equal authority. Resolutions were able to become effective sooner than an Ordinance. An Ordinance had more permanency than a Resolution.

Vice Mayor DuBois asked if a business could obtain an encroachment permit for a parklet and construct a low-cost platform.

Ms. Tanner related that Staff believed a no-build parklet would not comply with Americans with Disabilities Act (ADA) requirements. Staff was discussing the issue with the City of San Francisco as it had implemented a no-build parklet option.

Mr. Shikada remarked regarding the tripping hazard of stepping off the curb. Concerns were traffic and building safety.

Vice Mayor DuBois inquired whether the ADA required access to all seating or some seating.

Ms. Tanner explained that the ADA required a specific percentage of seating be accessible. In some instances, parklets were able to meet the requirement.

Vice Mayor DuBois expressed interest in a low-cost option for a parklet. He asked where traffic on University Avenue would travel if University was closed.

Brad Eggleston, Director of Public Works indicated eastbound traffic would detour to Lytton, and westbound traffic would detour to Hamilton. Traffic was greater on Hamilton than University, even in normal times. In 2019, blocks of University Avenue were closed for construction.

Vice Mayor DuBois did not believe the legal language aligned with the oral descriptions. He was concerned about managing alcohol service.

Council Member Kou inquired whether retail stores on California Avenue had moved to the sidewalk while restaurants had moved to the street.

Mr. Eggleston indicated retail businesses were interested in using the sidewalk.

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Mr. Shikada advised that the availability of the sidewalk was the main consideration. Retailers were able to determine whether using the sidewalk was beneficial for them.

Council Member Kou asked if sidewalks were wide enough to accommodate pedestrians, wheelchairs and businesses.

Mr. Eggleston answered yes. Businesses had to maintain 5 feet of space for pedestrian access.

Council Member Kou asked if gyms were allowed to reopen.

Ms. Tanner responded no.

Council Member Kou inquired regarding potential space for gyms to operate outdoors when allowed to do so.

Ms. Tanner related that the current thought was to allow them to use the sidewalk in front of their business. Gyms with parking lots possibly had an advantage.

Mr. Eggleston added that the Public Health Order would likely provide some guidance for gyms' use of outdoor spaces.

Mr. Shikada commented that the outdoor space needed would vary by time of day. Staff had to manage conflicting interests and hoped to do so through collaboration rather than regulation.

Mayor Fine asked if gyms and personal trainers were not allowed to operate or not allowed to operate in their buildings.

Ms. Tanner advised that the Order prohibited gyms from operating inside, and people were not to engage in recreational activities with people outside their household.

Mayor Fine asked if a gym could operate in a parking lot with appropriate social distancing.

Ms. Tanner needed to speak with the County of Santa Clara (County).

Mr. Shikada referred to the Order's provisions for recreational activities involving at most two households as long as they did not share equipment and maintained social distancing.

Council Member Cormack requested contact information for the Staff person who could answer questions from the public.

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Ms. Tanner reported questions should be emailed to outdoordining@cityofpaloalto.org.

Council Member Cormack supported a trial of closing University Avenue seven days a week. She inquired about lessons learned from closing California Avenue to traffic.

Mr. Eggleston related that the program had been going well. The only issue was coordinating entry/exit for the Farmers Market. With the increase in takeout orders, trash cans overflowed, but Staff increased the service schedule.

Council Member Tanaka inquired about retail sales on California Avenue during the Summer Streets Program.

Ms. Tanner indicated Staff would work with businesses to track sales. One business reported an upbeat atmosphere and people's willingness to browse in shops.

Mr. Shikada added that retailers provided little feedback, but it was positive. Staff considered as many aspects of the program as possible and worked with businesses extensively.

Council Member Tanaka inquired whether California Avenue's success changed the tone of comments from University Avenue businesses.

Mr. Eggleston remarked that business owners at a recent meeting supported the program while a few property owners continued to express concern.

Council Member Tanaka requested the tone of comments from office and retail businesspeople.

Mr. Shikada reiterated that Staff received few comments. Businesses off University Avenue were concerned that the closure would negatively impact them.

Ms. Tanner added that some individual perspectives changed. Generally, comments were mixed but tended to support full week closure.

Council Member Filseth supported a trial seven-day closure of University Avenue.

Mayor Fine noted the County was not processing ABC permits and asked how the City could assist restaurants wanting to serve alcohol outdoors.

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Ms. Tanner explained that ABC was granting temporary catering authorization that allowed businesses holding valid permits to serve alcohol in areas that were not included in the original footprint of the licenses. Businesses were able to apply for the authorization at a cost of \$100. However, authorizations were not being issued to any Santa Clara County businesses.

Mayor Fine agreed with a trial full-week closure of University Avenue and a low-cost option for parklets. He inquired about other ideas from Staff that would support businesses.

Ms. Tanner advised that businesses offered suggestions, but Staff was considering next steps and metrics.

Mr. Shikada reported Staff needed flexibility to address changes in the Public Health Order. Businesses, both restaurant and retail, reported 60-90 percent of their pre-COVID business came from nonresidents. To increase business, the City needed to support getting the employee base back in the City.

Mayor Fine concurred with granting Staff flexibility.

Council Member Kou asked which employees Mr. Shikada was speaking of.

Mr. Shikada stated all employees.

Council Member Kou inquired regarding plans to allow restaurants in other areas of the City to use the sidewalk and streets.

Mr. Shikada advised that Staff was working on programs for other areas, but resources were thin.

Mr. Eggleston related that Staff had not received any permit applications for sidewalk use or parklets in areas outside California Avenue or the Downtown core. Restaurants on side streets were very interested in parklets. Staff had designated curbside pick-up locations on either side of University at the side streets.

Council Member Kou encouraged Staff to ensure parking did not intrude into the neighborhoods.

Ms. Tanner explained that Staff was conducting weekly parking counts in the Residential Preferential Parking Permit (RPP) districts and encouraging visitors and employees to use parking lots and garages.

Council Member Tanaka believed more outreach with nonretailers was needed and inquired about outreach to nearby residents.

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Mr. Shikada explained that Staff did not have a means to engage residents living near University and California Avenues.

Council Member Tanaka suggested Staff contact neighborhood associations. Residents expressed concern to him about parking in the neighborhoods.

Philip Kamhi, Chief Transportation Official reiterated that Staff was monitoring parking and prepared to enforce parking restrictions.

Council Member Tanaka asked if there were any parking issues in the neighborhoods around California Avenue.

Mr. Kamhi replied no. Some large employers in the area had not reopened.

Council Member Tanaka inquired regarding restaurants' processes for moving tables and chairs in and out for sidewalk dining.

Mr. Eggleston advised that businesses were required to remove all items from the sidewalk each night. Street cleaning occurred three days per week on both University and California Avenues. California Avenue businesses were able to move the barricades for overnight and early morning deliveries.

Council Member Tanaka inquired about the turnaround time for approval of a parklet.

Mr. Eggleston indicated the Council had not approved a program for parklets. Staff worked with a few businesses to construct parklets as prototypes for standards. Staff had received a number of applications for parklets and would process them immediately upon Council approval of the program.

Vice Mayor DuBois expressed concern that the language regarding alcohol consumption did not mention dining.

Ms. Tanner suggested the language could suspend the prohibition on the consumption of alcoholic beverages if they were consumed with a meal.

Vice Mayor DuBois requested the plan for local bars.

Ms. Tanner clarified that many bars were required to comply with requirements for bona fide eating establishment. Bars were not allowed to reopen.

Vice Mayor DuBois reiterated his request for a low-cost parklet design. He inquired whether the language for parklets should include language about no vested interest in the Resolution.

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Ms. Tanner thought the language was already included in the existing encroachment permit program.

Mr. Eggleston added that existing language protected the City. The language was contained in the Ordinance because the Ordinance addressed rights on private property.

Ms. Stump advised that the encroachment permit contained the language.

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

- A. Adopt an Interim Urgency Ordinance Temporarily Allowing Expansion of Outdoor Dining, Retail, and Other Activities on Public and Private Property and Relaxing Regulations Regarding Onsite Parking, On-Sale and Consumption of Alcohol, Design/Architectural Review, and Permit Fees, All to Facilitate Such Outdoor Use During the COVID-19 State of Emergency, With the Ordinance to Take Effect Immediately Upon Adoption; and
- B. Adopt a Resolution Temporarily Closing Portions of California Avenue and University Avenue and Certain Downtown Streets Intersecting University Avenue Pursuant to California Vehicle Code Section 21101 and Approving a Pilot Parklet Demonstration Program Including Parklet Design Requirements, All to Facilitate Outdoor Dining and Retail.

Council Member Kniss requested the number of votes needed to approve the Ordinance.

Ms. Stump answered six.

Council Member Kniss noted two surveys found University Avenue merchants overwhelmingly supported opening.

Council Member Cormack remarked that Council approval would in effect extend the pilot program. She was comfortable with the data supporting adoption of the Resolution and Ordinance.

Council Member Tanaka felt the City Manager's comments regarding flexibility and supporting the businesses were important. Sales were a good metric for success of the program. He recommended Staff continue to engage University Avenue businesses to determine the effectiveness of the program.

Mr. Shikada reported Staff would continue engagement with businesses and residents.

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Council Member Tanaka inquired whether Staff would utilize traffic counters.

Mr. Kamhi related that counters may be used.

Vice Mayor DuBois proposed amending the Motion to require a meal with alcohol consumption.

Mayor Fine inquired whether the requirement applied to the plazas or everywhere.

Vice Mayor DuBois responded all locations.

Council Member Kniss asked if the concern was public intoxication.

Vice Mayor DuBois expressed concern about a drinking establishment adjacent to a restaurant.

Council Member Kniss declined the Amendment.

Vice Mayor DuBois proposed requiring food with alcohol consumption in Lytton and Cogswell Plazas.

Council Member Kniss believed that provision was already contained in the Ordinance.

Council Member Cormack did not wish to require a full meal or to debate the definition of food.

Mayor Fine noted restaurants were serving alcohol with potato chips in order to comply.

Council Member Cormack understood Staff had stated people were utilizing takeout meals. She declined amending the Motion to require a meal but could agree to requiring food with alcohol.

Vice Mayor DuBois agreed to require food with alcohol in Cogswell and Lytton Plazas. The requirement applied to City parking lots as well. He proposed an Amendment to the Motion to direct Staff to develop a low-cost parklet option and standards for parklet locations.

Mr. Eggleston explained that Staff's work on prototype parklets was designed to minimize costs. The issue was ADA access. In some locations, a low-cost option was feasible, but a standard low-cost option likely was not feasible.

Council Member Cormack suggested language to encourage Staff to consider low-cost parklet options.

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Mr. Shikada reported restaurants were awaiting parklet standards. The proposed Amendment was able to lead restaurants to wait for a low-cost option. A low-cost option for streets probably was not possible.

Council Member Cormack asked if a low-cost option could work in a parking lot.

Mr. Shikada responded yes.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to Motion, Part B, "... and to encourage Staff to accommodate low-cost parklet options."

Council Member Kou expressed concern that people would move around the area while consuming alcoholic beverages.

Mayor Fine understood a patron could purchase an alcoholic beverage and consume it within the footprint of the restaurant, at home, or in Cogswell or Lytton Plaza. A patron was not able to purchase an alcoholic drink and consume it at another establishment.

Ms. Tanner concurred.

Council Member Kou asked if the expiration of the programs would be extended from July 6 to September 7.

Ms. Tanner explained that the Ordinance would allow the City to close the streets until September 7, which was a longer period than typical.

Council Member Kou asked if the Council would have to extend the programs beyond September 7.

Ms. Tanner replied yes.

Council Member Tanaka asked if the prototype parklets would have to meet new standards.

Mr. Shikada answered no.

MOTION AS AMENDED RESTATED: Council Member Kniss moved, seconded by Council Member Cormack to:

- A. Adopt an Interim Urgency Ordinance Temporarily Allowing Expansion of Outdoor Dining, Retail, and Other Activities on Public and Private Property and Relaxing Regulations Regarding Onsite Parking, On-Sale and Consumption of Alcohol, Design/Architectural Review, and Permit

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Fees, All to Facilitate Such Outdoor Use During the COVID-19 State of Emergency, With the Ordinance to Take Effect Immediately Upon Adoption; and

- B. Adopt a Resolution Temporarily Closing Portions of California Avenue and University Avenue and Certain Downtown Streets Intersecting University Avenue Pursuant to California Vehicle Code Section 21101 and Approving a Pilot Parklet Demonstration Program Including Parklet Design Requirements, All to Facilitate Outdoor Dining and Retail; and to encourage Staff to accommodate low-cost parklet options.

MOTION PASSED: 7-0

- 8. ~~Discussion and Direction to Staff on Housing Affordability Requirements for Projects Proposed Under the Planned Home Zoning (PHZ) (Planned Community Zoning)~~ (THIS ITEM WAS CONTINUED BY COUNCIL ON JUNE 22, 2020 TO A DATE IN AUGUST)
- 9. ~~Approval of Amendment Number 2 to Contract Number C18171057 With AECOM for Continued and Expanded Services for the Connecting Palo Alto Rail Grade Separation, PL-17001, Effort and to Increase Compensation by \$309,872 for a Total Not-to-Exceed Amount of \$2,794,658; and Approval of an Updated Rail Workplan~~ (THIS ITEM HAS BEEN MOVED TO CONSENT)

Adjournment: The meeting was adjourned at 11:43 P.M.