



# CITY COUNCIL SUMMARY MINUTES

Regular Meeting  
May 6, 2024

The City Council of the City of Palo Alto met on this date in the Council Chambers and by virtual teleconference at 5:30 P.M.

Present In Person: Burt, Kou, Lauing, Lythcott-Haims, Stone, Tanaka, Veenker

Present Remotely:

Absent:

## Council Member Questions, Comments and Announcements

Mayor Stone read a unity statement for an advisory group he developed to heal division in the City due to the conflict in the Middle East with Council Member Veenker mediating.

Council Member Veenker discussed her experience mediating this advisory group and her support for the unity statement.

Council Member Burt expressed his support for the statement.

Council Member Kou expressed her support for the statement.

Vice Mayor Lauing expressed his support for the statement.

Council Member Lythcott-Haims welcomed and supported the statement.

## Special Orders of the Day

1. Interview Candidate for Vacancies on Utilities Advisory Commission. CEQA Status - Not a project.

## **NO ACTION**

Chris Tucher spoke about being a utility board member in Alpine County. He provided some background information about himself and his interest in serving on the Utilities Advisory Commission.

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Council Member Burt asked if there are any specific areas of the broad UAC agenda that Mr. Tucher thinks the Commission should take a stronger role in or positions that he wishes they had taken a different position on.

Mr. Tucher described a shortage in communication and PR to citizens and customers of the utility and in what is being done for commercial users.

Vice Mayor Lauing asked Mr. Tucher what qualifies him to consult business startups.

Mr. Tucher spoke about his career in internet technology and in healthcare and health tech.

Council Member Veenker was interested in what Mr. Tucher learned through his service at Kirkwood.

Mr. Tucher discussed the services covered by the utility commission at Kirkwood. He indicated his motivation to serve and be better tied in to the community.

2. Appointment of Candidates for Vacancies on the Architectural Review Board, Human Relations Commission, Planning and Transportation Commission, and Public Art Commission. CEQA Status - Not a project.

Vinh Nguyen, Assistant City Clerk, provided a slide presentation announcing the candidates selected for the Architectural Review Board, Human Relations Commission, Planning and Transportation Commission, and Public Art Commission.

## **Architectural Review Board**

First Round of Voting for Two (2) vacancies on the Architectural Review Board with terms ending March 31, 2027

**Ajay Kumar Mishra:**

**Geddes Ulinskas:** Kou, Lauing

**Kendra Rosenberg:** Burt, Lythcott-Haims, Stone, Tanaka, Veenker

**Mousam Adcock:** Burt, Kou, Lauing, Stone, Veenker

**Zachary Pozner:** Lythcott-Haims, Tanaka

**Candidate Kendra Rosenberg, receiving 5 votes, is appointed to a full-term expiring March 31, 2027.**

**Candidate Mousam Adcock, receiving 5 votes, is appointed to a full-term expiring March 31, 2027.**

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## Human Relations Commission

First Round of Voting for Two (2) vacancies on the Human Relations Commission with terms ending March 31, 2027

**Cara Silver:** Burt, Kou, Lauing, Tanaka

**Donald Barr:** Burt, Lauing, Stone, Veenker

**Marc Schoenen:**

**Mary Kate Stimmler:** Kou, Stone, Lythcott-Haims, Tanaka, Veenker

**Uzma Rashid Minhas:** Lythcott-Haims

**Candidate Mary Kate Stimmler, receiving 5 votes, is appointed to a full-term expiring March 31, 2027.**

**No other Candidate received four votes required to be appointed to the full-term expiring March 31, 2027. A second round of voting is required.**

Second Round of Voting for One (1) vacancy on the Human Relations Commission with the term ending March 31, 2027

**Cara Silver:** Lauing, Kou, Tanaka

**Donald Barr:** Burt, Lythcott-Haims, Stone, Veenker

**Candidate Donald Barr, receiving 4 votes, is appointed to a full-term expiring March 31, 2027.**

## Public Art Commission

First Round of Voting for Four (4) vacancies on the Public Art Commission with two terms ending March 31, 2027 and two partial terms ending March 31, 2026

**Allison Huynh:** Tanaka

**Amber Smith:** Burt, Kou, Veenker

**Claude Ezran:** Burt, Lauing, Stone

**Harriet Stern:** Kou, Stone, Veenker

**Hsinya Shen:** Burt, Kou, Lauing, Stone, Lythcott-Haims, Tanaka, Veenker

**Sonia Patwardhan:** Lauing, Tanaka

**Tara de la Garza:** Burt, Lauing, Stone, Lythcott-Haims, Veenker

**Yuri Chang:** Kou, Lythcott-Haims, Tanaka

**Candidate Hsinya Shen, receiving 7 votes, is appointed to a full-term expiring March 31, 2027.**

**Candidate Tara de la Garza, receiving 5 votes, is appointed to a full-term expiring March 31, 2027.**

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**No other candidates received the four votes required to be appointed to the partial terms expiring March 31, 2026. A second round of voting is required.**

Second Round of Voting for Two (2) partial terms ending March 31, 2026, on the Public Art Commission

**Allison Huynh:**

**Amber Smith:** Burt, Lythcott-Haims, Veenker

**Claude Ezran:** Burt, Lauing, Stone

**Harriet Stern:** Kou, Stone, Veenker

**Sonia Patwardhan:** Lauing, Tanaka

**Yuri Chang:** Kou, Lythcott-Haims, Tanaka

**No Candidate received four votes required to be appointed to the partial terms expiring March 31, 2026. A third round of voting is required.**

**The Council directed the elimination of candidates without a minimum of three votes.**

Third Round of Voting for (2) partial terms ending March 31, 2026, on the Public Art Commission

**Amber Smith:** Tanaka, Veenker, Lythcott-Haims

**Claude Ezran:** Burt, Lauing, Stone

**Harriet Stern:** Burt, Kou, Lauing, Stone, Veenker

**Yuri Chang:** Kou, Lythcott-Haims, Tanaka

**Candidate Harriet Stern, receiving 5 votes, is appointed to a partial term expiring March 31, 2026.**

**No other candidates received the four votes required to be appointed to the partial term expiring March 31, 2026. A fourth round of voting is required.**

Fourth Round of Voting for One (1) partial term ending March 31, 2026, on the Public Art Commission

**Amber Smith:** Burt, Veenker

**Claude Ezran:** Lauing, Stone

**Yuri Chang:** Kou, Tanaka, Lythcott-Haims

**No Candidate received four votes required to be appointed to the full-term expiring March 31, 2026. A fifth round of voting is required.**

Fifth Round of Voting for One (1) partial term ending March 31, 2026, on the Public Art Commission

**Amber Smith:** Burt, Lauing, Stone, Veenker

**Claude Ezran:**

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**Yuri Chang:** Kou, Lythcott-Haims, Tanaka

**Candidate Amber Smith, receiving 4 votes, is appointed to a partial term expiring March 31, 2026.**

## **Planning and Transportation Commission**

First Round of Voting for One (1) vacancy on the Planning and Transportation Commission with the term ending March 31, 2028

Ashish Bhattacharya:

Barton Hechtman: Burt, Kou, Lauing, Lythcott-Haims, Stone, Tanaka, Veenker

**Candidate Barton Hechtman, receiving 7 votes, is appointed to a full-term expiring March 31, 2028.**

3. Proclamation of May 2024 as Affordable Housing Month

## **NO ACTION**

Vice Mayor Lauing read a proclamation proclaiming the month of May Affordable Housing Month.

## Agenda Changes, Additions, and Deletions

City Manager Ed Shikada noted the removal of Item Number 16 from the agenda.

## Public Comment

Mayor Stone read a statement of expectations for public commenters.

1. Lori M. speaking on behalf of (6): Spoke in appreciation of the unity statement and discussed the advisory group meetings.
  1. Lama
  2. Yazan
  3. Eileen
  4. David
  5. Sarith

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2. Talha, speaking on behalf of (6), appreciated the efforts of the advisory group. He spoke about the ongoing suffering in Gaza and urged the elected officials to support a ceasefire and divestment from companies that are complicit in the ongoing genocide in Gaza.
  1. Ellyn
  2. Tuba S.
  3. Yasa B.
  4. Avner
  5. Giora
3. Rick F., speaking on behalf of (6), encouraged everyone to follow what the City Council made a statement about that day and work together as a community to find common ground to combat both antisemitism and anti-Muslim sentiment in the community.
  1. Estee
  2. Yaron
  3. Henriette
  4. Rebecca S.
  5. Edit C.
  6. Eric T.
4. Adele G., speaking on behalf of (8), expressed appreciation for the unity proclamation. She stated she planned to send her comments on campus antisemitism on the West Coast to the Council by email.
  1. Rotem
  2. Deborah
  3. Tal
  4. Martin W.
  5. Erik G.
  6. Jennifer F.
  7. Dedra C.
5. Michelle H., speaking on behalf of (7), appreciated the proclamation issued by Mayor Stone acknowledging the equal humanity of Palestinians and Israelis but opined it was just a first step. She stressed that the City must pass a ceasefire resolution. She presented a video detailing a deadly airstrike in Gaza.
  1. Michelle H.
  2. Yazan A.
  3. Uzma M.
  4. Nadir A.
  5. Lubna Q.
  6. Mohammad C.
6. Michelle K. commended Council Member Veenker and Mayor Stone for the courage to come together. She spoke about the importance of coming together and talking.
7. Deborah G. thought the proclamation statement to be an impactful measure.

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8. Sarit S. thanked the Council for the resolution. She remarked that it was Holocaust Remembrance Day in Israel. She asked for a moment of silence in the memory of the individuals that were murdered during that time.
9. Lars J. commented that Holocaust Remembrance Day marked the anniversary of the Warsaw Ghetto Uprising. He read an abbreviated passage from the United States Holocaust Memorial Museum. He called for a ceasefire now.
10. Carol G. (Zoom) announced an event scheduled on May 16 commemorating the first anniversary of Third Thursday California Avenue.
11. Roman C. (Zoom) expressed concern about child predators using rainbow-colored flags to prey on children.
12. Aram J. (Zoom) made some suggestions to members of the Jewish community feeling unsafe in Palo Alto.
13. Will A. (Zoom) wanted the City of Palo Alto to make a declaration resisting Jewish supremacy.
14. Emily R., SV@Home, talked about a regional housing bond being place on the ballot in November introducing a transformative measure to raise money for affordable housing and indicated more programs could be found on the SV@Home website.
15. Jonathan E. (Zoom) invited everyone to go and see Music Man at Palo Alto Players the next weekend. He complained about public comment being pushed to the end of the meeting.

## Study Session

4. City Manager Transmittal of the Fiscal Year 2025 Proposed Operating and Capital Budgets

## **NO ACTION**

City Manager Shikada highlighted themes that would be seen in the budget. He added they would be acknowledging and managing risks that could impact the City's fiscal health. He described the presented budget noting the deficits that were anticipated.

Chief Financial Officer Lauren Lai gave a slide presentation of the FY 2025 proposed operating and capital budgets and 2025-2029 capital improvement plan, including an agenda overview, budget conversations and calendar, City vision and Council priorities, economic outlook and path forward, proposed budget overview, citywide budget strategies, cautious optimism, and positive assumptions, all funds sources and expenses, historical full-time staffing comparison, general fund sources and expenses, multi-year general fund balancing, 2024 Council priorities, FY 2025 proposed budget investments, investments funded by business tax revenue, capital improvement program overview 5-year plan, other funds, joining the budget conversation and Council discussion.

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Mayor Stone queried how much gas rates would increase if City Council were to use the \$1 million from the utility equity transfer.

Chief Financial Officer Lai replied it would be an approximately 2 percent overall rate increase. She noted that would be a one-time funding.

Council Member Kou wanted to know if the major project at the Colorado Substation was addressing the transformers that are really close to each other. She questioned how the BSR is calculated. She believed the Finance Committee should review a letter from the Palo Alto Fire Department with regards to Station 2 about the overtime required and opined they should look at hiring instead of using overtime. She also discussed the concerning response time. She wanted to know how the order of the four bathrooms slated for installation was selected and when they could expect a bathroom for Eleanor Pardee Park. She hoped a matching gift to Ability Path for their facilities at Mitchell Place would be considered. She thought the code enforcement office department was lean and should be supported. She wanted to see an increase in funding for Palo Alto TMA in order to remove parking on El Camino and how that would affect the businesses. She hoped that had not already been predetermined.

Chief Financial Officer Lai stated she would have to get back to them about the Colorado Substation.

Budget Manager Paul Harper described how the BSR is calculated.

City Manager Shikada explained the priorities for the restroom construction has been a multi-year process and they would provide that context as a part of report out.

Council Member Lythcott-Haims wanted to know about efforts to support youth mental health in the coming fiscal year. She agreed with Council Member Kou's remarks around Fire Station 2 and Eleanor Pardee Park bathrooms. She requested clarification about why the amount allocated to affordable housing and unhoused services is less than others. She asked the city manager what might be in the affordable housing project category. She questioned if the unused funds would be given to affordable housing retroactively the next year. She queried what vacancy rate was being forecasted for FY25.

Budget Manager Harper reminded that funding was added midyear in FY24 and youth program funding was included in the 2025 budget. He explained that the funds allocated to affordable housing and unhoused services were based on the availability of programs they are funding and there is extra money that could be allocated to programs once Council deems them as affordable housing projects.

City Manager Shikada described options that might be in the affordable housing project category.



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Chief Financial Officer Lai explained the accounting controls that would ensure setting aside affordable housing funds correctly. She indicated they were forecasting a 5 percent vacancy rate for FY25.

Council Member Burt inquired what the current vacancy is related to last year. He remarked that it would be appropriate to include the normal attrition of losses of employees that would occur in that same timeframe before new employees come online in the calculation that includes the pipeline employees. He described three affordable housing projects that are already under construction and ones in the pipeline. He added that the funds are far below what is needed to support these projects and the state mandate under the RHNA allocations. His understanding was that the Pardee Park restrooms were removed from the project list because of objections of neighbors. He did not understand the gas transfer issue being a one-time funding. He was surprised by only a 1.4 percent increase in the utility user tax given the rate increases and wanted an explanation. He noted there was no net increase in police department staffing and wanted to put that on the table as a consideration. He provided details about the traditional budget stabilization reserve and budget uncertainty reserve.

Chief Financial Officer Lai described what would be detailed in an At Places Memo that would be published for the Finance Committee with an expanded conversation about vacancies. She commented that these are candidates already in the final stage and ready to sign. She explained why the gas transfer opportunity was a one-time fund. She stated they would have to come back to the question about the 1.4 percent increase in the utility user tax.

Budget Manager Harper described how the one-time funding for the gas transfer plan would phase into the 18 percent by FY27.

Council Member Tanaka inquired if the deficit is reflected on the drop or still to be contemplated. He wondered if the numbers on slide 17 contemplated the fact that a lot of companies in the City were shedding square footage. He saw a mismatch between the utility cost and the cost to the customers and he felt that the 9 and 15 percent increase were higher than inflation and should be reconciled. He asked if they have factored in the drop in commercial prices on the revenue side. He was alarmed by the continual high growth of the salary and benefit expenditures on the expense side. Regarding vacancies, he advocated transferring the heads from the permanent vacancies to where they were needed. He thought it did not bode well that the second largest revenue was from reserves. He thought they should rent out City property at market rent for revenue.

Chief Financial Officer Lai answered what is in the budget is grants or subventions from the state or federal government that have already been approved. She said that slide 17 referred to the Measure K business tax and did not contemplate the drop in square footage. She explained as more information was received, they would continue to gather information and data to improve the projection. She stated she would get back to them with the question about the drop in commercial prices on the revenue side.

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Council Member Kou wondered if there would be a way to put together a chart of the funding sources in order to get the LifeMoves Homekey Project.

Chief Financial Officer Lai agreed to take the request and bring it back to City Staff.

Council Member Veenker pointed out the entire community garden area next door to the Eleanor Pardee Park as an additional basis for the need of a restroom.

## Public Comment:

1. Ken H. hoped they would put money behind Cubberley.
2. Nancy C. addressed allocating more funds to public safety.
3. Aram J. (Zoom) opined money needed to be reallocated from the police budget into youth programs, jobs, etc.
4. John S., Thoits Bros., (Zoom) supported allocating more money for safety and cleanliness in the community. He asked for a greater level of detail in the budgets prepared by the City for the University Avenue Parking Assessment District.
5. Jonathan E. hoped they would think about supporting the arts in considering the budget.

5. Bi-Annual Discussion with the Independent Police Auditor

## NO ACTION

City Manager Shikada provided context for the semi-annual study session.

Stephen Connolly provided a slide presentation of the report and update from independent police auditor, introduction of the OIR Group, latest semi-annual report: cases from second half of 2023, pointed firearm incidents, a 2023 complaint case, HR investigations and internal investigations regarding arrest reporting and procedure.

Michael Gennaco continued the slide presentation discussing an external complaint investigation regarding the arrest of Gustavo Alvarez and key recommendations.

Council Member Lythcott-Haims wanted more information about what kinds of issues of culture and accountability were involved in the matter of subordinate and superior.

City Attorney Molly Stump explained the reason the detail was not provided is a special caution around disclosing individual members of the department.

Mr. Connolly described the investigation of the matter of subordinate and superior in as much detail as he was able to give with regard to confidentiality.

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Council Member Veenker asked if there was anything Mr. Connolly could do without giving specific details that could give them confidence that constructive intervention had been put into practice in the matter of subordinate and superior.

City Attorney Stump advised that Council was not responsible for managing these processes directly. She indicated these issues were dealt with by very skilled managers and they could not talk in detail about personnel matters.

Mr. Connolly commented they have always encouraged the department to look at every opportunity to review officer performance, officer conduct and employee conduct with a wide lens. He described how they make conclusions.

Council Member Burt talked about how the binding arbitration process worked against proper accountability in the Alvarez case. He thought eliminating binding arbitration would be contentious. He was interested in the possibility of refining that process through labor negotiations.

Mayor Stone shared interest in looking into possible reforms to that process. He shared the concerns raised by Council Member Lythcott-Haims and Council Member Veenker. He expressed his disquiet over the silence and delays of the internal investigation of the Alvarez case. He asked for clarification on why the video was ignored during the investigation.

Mr. Gennaco explained they had insight into a changed course as a result of some discussions that were had at the executive level of the department with regard to auditing body worn camera. He talked about why it was not explored during the investigative process. He described it as a mistake that was addressed in the recommendations.

Chief Andrew Binder remarked at the time when that direction was given the policy allowed for that supervisor to look at the video under those circumstances and that would still be his expectation today.

Council Member Lythcott-Haims provided a hypothetical situation regarding Council members' concern that within the police department it can be hard to be a member of a certain group. She asked what would be the most appropriate way to ask whether there was any foundation for a sense that there may be systemic issues preventing members of that group from being treated equitably in the police department. She supported the idea of delving into the merits of binding arbitration.

Mr. Gennaco thought doing a survey or general inquiry could result in complications because of the size of the agency but there may be ways to get at those thoughts without having to do that.

City Manager Shikada described the role of the Independent Police Auditor in the dimensions of that question.

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Council Member Veenker wondered if some slight modification could be instead of selecting the arbitrators each time, they could consider whether they had a panel of three that would rotate through by availability to strike a balance.

## Public Comment:

1. Winter D. made the point that no one was suggesting to eliminate due process but are suggesting a fairer process for those affected by the folks that at times binding arbitration works against the interest of the community. She thought this required more review.
2. Aram J. (Zoom) described a missing datapoint which was that firearms are more likely to be pointed at black and brown people. He did not agree that the City Council is not responsible for overseeing the police department. He did not see diversity in the police department.

## Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 7.

**MOTION:** Vice Mayor Lauing moved, seconded by Mayor Stone to approve Agenda Item Numbers 6-14.

**MOTION PASSED ITEMS 6, 8-14:** 7-0

**MOTION PASSED ITEM 7:** 6-1, Tanaka no

Council Member Tanaka explained that his issue with this item was that it was basically giving a blank check to the City Manager. He thought they should shop around.

6. Approval of Minutes from April 15, 2024 and April 22, 2024 Meetings
7. Approval and Authorization for the City Manager to Execute Purchase Orders with Pre-Qualified Vendors for Electric Distribution Transformers for the Grid Modernization Project (EL-24000) in an Annual Amount up to \$4,000,000 through FY 2026, and Increasing the Total Aggregate Not-to-Exceed Purchase Order Amount for FY 2022 through FY 2026 from \$10,000,000 to \$16,000,000, with all Purchases Subject to Assigned Purchase Order and Availability of Funds; CEQA Status: Exempt under CEQA Guidelines Sections 15302, 15303 and 15183.

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8. Approval of Contracts with the City of Los Altos and Town of Los Altos Hills to Provide Regional Animal Care and Control Services; (CEQA status – not a project.)
9. Approval of General Service Agreement Contract Number C24189229 with Xerox in an Amount Not to Exceed \$382,165 to Lease Printing Equipment for the Print Shop for a Period of Three Years; CEQA Status: Not a Project
10. Adoption of a Resolution to Extend the Interim Parklet Program to July 31, 2024; CEQA Status - Categorically Exempt (Sections 15301 and 15304(e))
11. LEGISLATIVE: Adoption of an Ordinance Updating Chapter 18.15 (Density Bonus) of Title 18 (Zoning) to Reflect Recent Changes in State Density Bonus Law and Revising Regulations for Provision of On-Site Affordable Rental Units Under the City's Inclusionary Housing Ordinance; Recommended by the Planning and Transportation Commission March 13, 2024. CEQA Status: Exempt under CEQA Guidelines Section 15061(b)(3).
12. Policy & Services Committee Recommendation Regarding State and Federal Legislative and Budgetary Updates and Positions on Pending State Legislation
13. Adoption of a Resolution to Appoint Katherine Murdock of Baker Tilly US, LLP as City Auditor; CEQA status – Not a Project
14. Approval of Contract Amendment Number 6 to Contract C18171057 with AECOM to increase compensation by \$297,206 for a new total not to exceed of \$3,894,034 and Extend the Term for Six Months for Additional Studies, Outreach, and Support for Rail Grade Separation Projects along Caltrain Corridor; CEQA status – statutorily exempt under CEQA section 15262 (feasibility and planning study).

## City Manager Comments

City Manager Shikada introduced the new City Auditor Katherine Murdock. He then gave a slide presentation discussing May being Mental Health Awareness Month, City Council priority objectives series, Tour Caltrain Electric Train Event and notable tentative upcoming Council items.

## Action Items

15. PUBLIC HEARING / QUASI-JUDICIAL. 800 San Antonio Road [23PLN-00010]: Recommendation on Applicant's Request for a Rezone from Service Commercial to Planned Community/Planned Home Zoning (PC/PHZ). The Project Includes Construction of 75 Residential Condominium Ownership Units Including 15 Below-Market Rate Units

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(20% of the Units) in a Five Story Building with Two Levels of Subterranean Parking. A Subdivision Map will be Required. An Addendum to the Previously Certified Environmental Impact Report for the Housing Incentive Program Expansion and 788 San Antonio Mixed Use Project (SCH # 2019090070) was Prepared. Zoning District: CS (Commercial Service).

Emily Kallas, Planner, gave a slide presentation about 800 San Antonio Road Project, PHZ application, background/process, ARB and PTC review, project location, a project overview, below market rate allocation, project renderings, streetscape, height, potential easement – At Places Memo, tree replacement, parkland dedication fees, CEQA review and the recommended motion.

Mark Donohue, Applicant, provided a slide presentation about the San Antonio Road housing, location, current and future site plans, tour around the building,

## Public Comment:

1. Herb B. described reasons he believed this project should be rejected because it depends upon planned home zoning.
2. JP, Canopy, (Zoom) talked about the tree canopy of San Antonio Corridor. He announced that Canopy was eager to work with Council to ensure that all new projects include the latest in nature-based and human-powered technologies to mitigate extreme weather.
3. Penny E. (Zoom) had sent a letter provided suggestions for revising the language of the draft ordinance and land use record to ensure that the decision to incorporate up to 24 feet of public easement for future expansion of bicycle and pedestrian infrastructure along San Antonio Road. She urged Council to add this language before approving the document so the purpose of the easement for bike, ped and transit facilities and the amount of space will be legally documented in the land use record.

Council Member Lythcott-Haims wanted to know how eligibility for BMR is computed when it is a purchase. She wanted an example of how equity for the BMR units will be ensured. She was interested in how they would prepare for the potential future they will wish they had made room for around bikes, peds, tree canopy and Safe Routes to School when approving a project that is one of the first out of the box. She opined they did not need to have a bucket of in lieu fees but actually be replanting trees at a 1:1 ratio.

Ms. Kallas explained it is calculated based on the same income level brackets that are established by HCD for rental and the monthly payment calculation is calculated differently to represent a mortgage payment. She stated the tree replacement ratio was calculated as it would be for any project.

Planning Director Jonathan Lait did not recall how the downpayment works but there are rules and procedures established on how that takes place both locally and through state guidance. He explained all they have at the moment are the development standards in place for most typical developments. He said this is a PC application, so it is legislative as well as discretionary.

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They believe they have taken into consideration anticipated future needs relative to future multimodal access that may be needed along San Antonio with the condition they advanced to City Council in the supplemental memo. Those questions will be considered in the San Antonio Road Area Plan.

Mr. Donohue explained the actual count for the different bedroom types and there was nothing different about materials being used in a BMR unit.

Vice Mayor Lauing asked the City Attorney to address the PHZ question from the member of the public. He asked if they were comfortable as is with the 24-foot bike infrastructure.

Director Lait explained that they have rebranded Planned Community Zoning as Planned Home Zoning. He thought they were fine in terms of consistency and compliance with their PC zoning regulations set forth in the code. They believed the wording included in the supplemental memo is sufficient to address their needs regarding the 24-foot setback.

Council Member Veenker was concerned if they had sufficiently preserved options for future bike lanes and such on the supplemental memo and recommendation of the additional condition of approval if there approved site improvements that preclude them. She suggested taking out of request by the City and add the condition to request it now.

Director Lait answered the reason they do not ask for it now is that they do not know what the future multimodal transportation solutions might be. He explained the applicant is not allowed to build a structure in the 24-foot setback without the City's approval. The site improvements are nonstructural improvements. He stated they need to be judicious in the land they acquire and avoid having to impose upon the property owner the need to unnecessarily modify their front yard.

Council Member Burt asked if the area plan was intended to have a Nexus study. He noted a need to make a distinction that what was cited was a difference in canopy in the south, not number of trees. He opined that in urban settings like this, mini parks should be considered. He reminded everyone that on September 25 they would electrify Caltrain which means San Antonio Station will have three trains per day during the peak hours and two from 5:30 in the morning until after midnight making this corridor a viable transit Caltrain route. He thought there was a need to revisit and update the EIR. He asked if they have to wait until they have the area plan to enact a requirement that projects in this corridor set aside the easement.

Director Lait indicated they were exploring an infrastructure financing plan as part of the area plan. He agreed to come back with an answer offline to the question of enacting a requirement that projects in this corridor set aside the easement.

Council Member Kou asked how many of the parking spaces for the BMR units are mechanical lift parking. She agreed that they need to see more trees in the area with a recommendation of high-density development. She explained why she would feel more comfortable to be pushing forward with an easement and using the language Ms. Ellson provided in the draft ordinance.

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She thought they should consider a moratorium for anything else that comes in so they can start working on their coordinated plan and then decide that area more thoroughly so it will contain all the things they want rather than in terms of what developers come in with.

Ms. Kallas answered there was a large percentage of the parking being provided in a parking lift system but because there is enough parking for all of the units based on the zoning code number of required parking spaces, it is anticipated that they will be assigned equally across the BMR and regular market units.

Director Lait noted that one distinction on this particular application was because it is a PHC application.

City Attorney Stump talked about strategies for financing. She talked about the constitutional principles that apply where government is only allowed to require the private property owner to provide property for a public facility when the need for that property has a connection to that specific development and is roughly proportional to the impact of that development. That may create more limitations in terms of simply planning and imposing.

Council Member Veenker was concerned about the last sentence talking about if there is a conflict between the approved site improvements and the bike lanes. She thought the default should be that they end up with the bike lane.

**MOTION:** Council Member Veenker moved, seconded by Vice Mayor Lauing to take the following actions:

1. Consider the Addendum to the previously adopted Environmental Impact Report (Attachment F), and;
2. Adopt an Ordinance rezoning the subject site from Service Commercial to Planned Community/Planned Home Zoning (Attachment B) as recommended by the Planning & Transportation Commission, and;
3. Adopt the Record of Land Use Action approving the Architectural Review, based on findings and subject to conditions of approval as recommended by the Architectural Review Board (Attachment C).
4. Add additional condition to the Record of Land Use Action to include: "Within 120 days of request by the City, the applicant shall dedicate a Public Access Easement over a portion of the 24-foot front yard special setback for multi-modal transportation improvements in a form acceptable to the Planning and Development Services Director, Public Works Director, and City Attorney. Any future easement may require the removal of site improvements to facilitate multimodal transportation improvements or Comprehensive Plan policies."



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**MOTION PASSED:** 6-1, Kou no

## Study Session

16. Review the Workforce Recruitment Strategic Plan and Recommendations for Improvements in the Recruitment Process

**Item Removed from the Agenda for Discussion and Provided as an Informational Report.**

Adjournment: The meeting was adjourned at 11:00 P.M.