



CITY COUNCIL SUMMARY MINUTES

Special Meeting
June 1, 2022

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, Filseth, Stone, Tanaka

Present Remotely: Cormack, Kou

Absent: DuBois

Public Comment

1. Lynn Krug requested Juneteenth become a City paid holiday and that it become a Monday holiday when it falls on a weekend.
2. Sara Temple requested the City of Palo Alto honor Juneteenth as a paid City holiday and when it falls on a weekend, make it a paid Monday holiday.
3. Matt Schlegel implored the Council to help residents electrify their homes and decrease fossil fuel consumption.
4. Aram James said the City Manager should be defunded and the matter of encryption and first amendment rights should be brought back to the Council. He called for an opening hiring process of the next police chief.

Agenda Changes, Additions and Deletions

Mayor Patrick Burt called for a Moment of Silence for the victims of the Uvalde, TX, shooting as well as for the victims and families of other incidents in the country.

Action Items

1. Review and Approval of 2022-2023 Work Plans for the following Boards and Commissions: Parks and Recreation Commission, Planning and

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Transportation Commission, Historic Resources Board, Architectural Review Board and Human Relations Commission

Assistant Director of Community Services Daren Anderson introduced the topic of the Parks and Recreation Commission (PRC) work plan.

Parks and Recreation Commission Chair Jeff Greenfield said the PRC priorities for the year were maximizing recreation opportunities using available resources; equity access and inclusion for programs, parks, and open space; and environmental sustainability and climate change. There are 7 priority workplan projects. They are looking to bring tennis and pickleball court usage policy update recommendations to City Council. There is a new usage policy review and recommendation for e-powered powered bicycles and other mobility devices in parks and open spaces. Work is being done to identify and recommend sites for park dedication, a city gym and wellness center, a skate park, a First Tee partnership at the gold course, and the 10.5 acres at the Baylands.

The PRC is looking to better publicize ways for the community to help support Community Services Department (CDS) programs and projects. The PRC now serves as a community forum for recommendations on urban forestry matters. One ad hoc not associated with a committee will refresh the PRC webpage. Chair Greenfield stated Cubberley could become a top priority for the PRC.

Council Member Greer Stone asked if the intention was to expand the number of pickleball courts. Chair Greenfield said this will be considered while incorporating the needs of the tennis community.

Council Member Stone asked if the current policy bans electric bikes and other mobility devices from parks and open spaces. Assistant Director Anderson said one outdated regulation prohibiting electric vehicles except for handicap use for trails, parks, and open space needs to be updated.

Council Member Alison Cormack said an app showing the availability of tennis courts in the City would be useful.

Vice Mayor Lydia Kou said a balance should be kept between pickleball and tennis courts. Vacant lands should be preserved to accommodate recreational use for the growing community. The potential park sites sent via email should be added to goal #6. Regulations regarding e-bikes should be enforced with penalties to ensure safety on shared pathways. Vice Mayor Kou encouraged work to continue on the former Measure E site.

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Mayor Burt asked for all Council members to have their cameras on when attending meetings remotely.

Council Member Eric Filseth encouraged the PRC to spend time thinking about the long-term strategy for expanding the City's stock of park land.

Mayor Burt expressed concern over the shaping of trees. Chair Greenfield said guidelines for street tree pruning are included in the tree technical manual and can be updated. The tree and landscape technical manual will be undergoing a major revision associated with the proposed tree ordinance change.

Council Member Greg Tanaka asked how the skate park was coming along. Chair Greenfield said an ad hoc is working on the project. Assistant Director Anderson said a community meeting will be held on June 15 at 6:30 p.m. that will guide further discussion and Council action.

Mayor Burt moved the discussion toward the Planning and Transportation Commission (PTC).

Planning and Transportation Commission Chair Ed Lauing said the PTC mission now includes robust community engagement and a forum for public comment. The PTC would like to initiate a traffic study session to discuss and hear public comment on high-concern or high-collision areas. The PTC would like to propose the creation of a structured framework for planning of future Palo Alto neighborhoods.

Mayor Burt asked how the Cal Ave. parking program, the Cal Ave. in-lieu parking program, and the downtown in-lieu parking program could be knitted together. Chair Lauing said many of the projects are already underway. Council can give feedback as to priorities.

Council Member Stone asked when the economic development manager and consultant would be brought on board. City Manager Ed Shikada said recruitment has closed and the candidates are being reviewed.

Council Member Stone asked when the CUP threshold project would be discussed by the PTC. Chair Lauing said that was referred back to Council to be continued for more study.

Council Member Stone asked if grant funding for the on-demand shuttle program would fully fund the program. Assistant Director of Planning and Development Services Rachael Tanner said the program was fully funded and the RP is out for consideration. Council Member Stone asked if there was an

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operational time line. Assistant Director Tanner said she would reach out for an answer.

Council Member Filseth asked if parking standards for the City would be looked at in terms of demand given types of housing and tenants. Chair Lauing said the plan is to generate a lot of data but there has been no data in the last 2 years.

Vice Mayor Kou asked for the PTC to consider collisions between cyclists and pedestrians especially when it pertains to electric mobility devices.

Mayor Burt moved the discussion to the Historic Resources Board (HRB).

Historic Resources Board Chair Caroline Willis said updating the inventory is important to the HRB as it has not been updated since 1978. Chair Willis would like to see the water tower building and the pumping station on Palo Alto Avenue on the inventory list.

Vice Mayor Kou asked how the HRB would be communicating with identified property owners. Chair Willis said that process has not yet been identified. A consultant could organize community meetings and get feedback in finding out where they may hit roadblocks. Assistant Director Rachael Tanner said they are looking to engage a consultant with project management expertise as well as historic expertise.

Chair Willis said there were benefits to being on the historical registry rather than negatives.

Vice Mayor Kou asked if commissioners would be engaging with homeowners or if it would be staff or consultant-led engagement. Chair Willis said HRB members are hoping to be engaged. Outreach has not been defined and consultants will guide the approach.

Mayor Burt introduced discussion by the Architectural Review Board (ARB).

Manager of Current Planning Jodie Gerhardt introduced Architectural Review Board Chair Osma Thompson. Chair Thompson said the ARB will be reviewing projects with priorities are on housing. The ARB will discuss comprehensive plan goals, policies, programs, and design guidelines. Two ad hoc committees, for Cal Ave. and the parklets, have been created, and she added that the South El Camino design guidelines are quite old. The ARB will finalize the objective standards while keeping a pulse on how the objective standards are faring when it comes to the struggles of applicants. Regarding the ARB award ceremony, winners have been selected but the ceremony date has not been established. ARB bylaws will be discussed and

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updated as needed and will include discussion process and conforming with the Council's handbook.

Mayor Burt asked about the timing on the temporary structures and the role of the ARB in the Cal Ave. design process. Chair Thompson said the ad hoc committees would be able to expedite updates to and seek feedback from the Council.

Vice Mayor Kou asked how many ARB commissioners must be Palo Alto residents. Manager Gerhardt said there was no residency requirement. There is a requirement for some of the members to be architects.

Mayor Burt introduced the Human Relations Commission (HRC).

Manager of Human Services Minka van der Zwaag introduced Human Relations Commission Vice Chair Adriana Eberle. The HRC work plan continues the accomplishments made the previous year focusing on priorities within the City. Priorities include public safety. A town hall meeting was held where the public could voice qualities they look for in a new police chief and which issues were important to them which included public hate crimes. The HRC plans to implement avenues to decrease hate crimes and hate-based incidents in the City by having organizations educate the public on what constitutes a hate crime and how best to combat it. The HRC will be working with the City commissions as to the best way to include and consider equity in the commissions. Public health is another priority. The HRC would like to form a partnership with mental health providers, public health, and business associations to get their feedback and respond to any issues that may arise. HRC will provide feedback to City Council on housing and homelessness regarding current rental protection ordinances. Core responsibilities of the HRC include ad hoc committees reviewing and giving input to finding decisions on HSRAP, CDBG, and emerging need funds. HRC's final priority is climate change. HRC will be losing a member and recruitment will find a new 5th commissioner in the fall. The HRC asked for more commissioners and guidance on how to prioritize the work plan.

Council Member Stone asked if the discussion at the town hall meeting regarding the new police chief was useful. Vice Chair Eberle said transparency was a main concern and Commissioners brought a lot of insight. Commissioner perspectives were incorporated into the recruitment advertising for police chief.

Council Member Stone asked if future rental protection ordinances would be considered along with current ones. Vice Chair Eberle said there are other protections the City may want to consider in the future.

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Council Member Stone noted the disproportionate impact of climate change on communities of color and low-income communities and wondered what the impact would be in Palo Alto. Vice Chair Eberle stated the commissioner spearheading this project is stepping down and it will have to be reevaluated.

Council Member Cormack said the member size of the HRC was decided on mainly due to a lack of applicants. She urged there to be a focus on inclusion and belonging in regard to hate crimes.

Mayor Burt said there were areas of the S/CAP that overlap in the climate arena with the HRC's efforts on equity.

Vice Mayor Kou emphasized recognizing Juneteenth.

The Council took a break at 7:31 PM and reconvened the meeting at 7:41 pm.

2. PUBLIC HEARING: Adoption of Two Ordinances Implementing the Objective Standards Project, Including: 1) New Chapter 18.24, Contextual Design Criteria and Objective Design Standards; 2) Modifications to Affordable Housing (AH) Overlay District to Eliminate the Legislative Process; 3) Changes to Remove Inconsistencies and Redundancies, and Streamline Project Review Throughout Title 18.

Assistant Director Tanner introduced Consultant Jean Eisberg who presented the project overview. The existing subjective design criteria was transformed from context-based design criteria into objective standards. Updates to Title 18 help to identify the City's design priorities and clarify those as objective regulations. Work with the ARB has helped refine and add objective design standards. Webinars with the community helped to understand concerns. Design standards apply only to multifamily projects or mixed-use projects with at least 2/3 residential and only to districts that allow multifamily housing.

Existing criteria was compared to the new proposed objective standards. Gaps were identified including a lack of privacy criteria. Privacy standards include windows being made opaque and located away from potential privacy impacts for existing residents and balconies designed to not look down onto existing private open spaces. Standards would apply when a new project is proposed close to an existing residential project. Applicants would

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be encouraged to establish a deeper setback. These standards would not apply to other commercial projects or non-housing development projects.

The menu of options regarding façade composition was expanded. Contextual height transitions reduce apparent mass. Daylight planes would be required to new developments near residential housing in commercial districts. Other updates to Title 18 include a new streamlined review process for housing development projects only meeting objective standards. Instead of the architectural review process, they would go through one study session with the ARB. The staff report for that session would rely more on the objective standards checklist rather than subjective findings.

The affordable housing overlay allows more flexible development standards for 100-percent affordable projects. Applicants were not taking advantage of this opportunity due to the onerous legislative process. The proposed process would allow projects that meet affordability criteria to automatically qualify for flexible design standards.

Housing development projects would be required to meet all typical zoning standards as well as the new design criteria and objective design standards. They would undergo CEQA review as applicable and streamlined review through one ARB study session. Other projects, including commercial and discretionary housing projects, would also need to meet zoning regulations for development envelope and go through context-based design criteria, CEQA review, and the standard architectural review. In the Staff alternative approach, all projects would go through the new design criteria and objective standards in order to streamline the review and clarify the City's design priorities for all applicants. New design standards would apply to all projects regardless of configuration of use or split of residential and commercial.

Public Comment

1. Jeff Levinsky encouraged the Council to stick to their previous direction to staff regarding objective design standards. The rule prohibiting long-term surface parking in front of buildings is an enormous change from the existing law prohibiting open parking which applies only to RM-40 projects with 6 or more units. The wording in the new standards is far from objective and should be fixed. Standards are unclear where it tries to define different types of housing. Abutting and adjacent are not used correctly.

Ms. Eisberg stated there is not expected to be a lot of surface parking with redevelopment. They do not want to see any surface parking between the front lot line and the building. Regarding public comment referencing packet

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page 116 regarding parking, those are existing regulations with old language that were relocated. In response to the comment about packet page 66 regarding privacy spacing, the standards are proposed to apply to new projects with a facing window or balcony that is within 30 feet of the abutting facing window or balcony. Privacy standards do not apply to buildings over 30 feet apart. Abutting properties have a shared lot line.

Mayor Burt asked if subjective language is allowed if it is carryover language. Assistant City Attorney Albert Yang said the section cited on packet page 116 is applicable to all development in the City including commercial projects where the subjective standards could be applied more freely. Subjective elements may not be able to apply to housing development projects but there are additional objective standards for those types of projects. New housing development projects should go to Chapter 18.24. There are new objective design standards that apply to housing development projects. A specific set of regulations apply to projects where subjective criteria cannot be used to deny or reduce project density.

Council Member Cormack referenced packet page 40 and said it was draconian to limit a façade to 15-percent windows. Chair Thompson said for buildings within 30 feet of each other, there were options to offset windows, angle glazing away from an abutting structure, or reduce glazing. Reducing glazing is not advisable by any architect. It does not work for multifamily housing, and it is unlikely a developer would do that.

Council Member Stone asked if the subjective privacy guidelines were more restrictive than what is being proposed. Ms. Eisberg said the existing privacy regulations are subjective and are at the discretion of ARB review.

Council Member Stone asked if the 6-foot step-back proposal would be significant enough to provide meaningful privacy protection. Chair Thompson explained that was partly for privacy but also for contextualizing a building façade.

Mayor Burt referenced a passage in SB 330 regarding no personal or subjective judgement by a public official. It is state mandated they cannot have standards that require any subjective judgement. Mayor Burt asked if the ARB would have less discretion and less ability to drive better design if objective standards were applied to commercial projects. Chair Thompson said good design and quality cannot be guaranteed with objective standards.

Vice Mayor Kou questioned the privacy impacts of angling windows up to 30 degrees to face away from abutting privacy impacts. Chair Thompson said the photographs on packet page 39 best illustrate the situation. Vice Mayor Kou asked if the fire department was consulted in terms of ingress and

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egress through windows in case of fire. Manager Gerhardt said building codes would not be violated.

Council Member Filseth voiced concerned over use of the words abutting and adjacent. Staff could change the language when it refers to the parcel line.

Council Member Filseth asked if FAR could be increased to compensate for height limits. Manager Gerhardt said an analysis would have to be done and setbacks may need to be reduced.

Council Member Filseth had questions regarding the appeal process, which was explained by Manager Gerhardt. Council Member Filseth had concerns over sun and shade impacts and Manager Gerhardt stated the daylight plane standards would handle those issues. Council Member Filseth asked if the ARB was confident that the contextual design criteria give them the tools needed to produce quality design for commercial projects. Chair Thompson stated the ARB was satisfied.

Vice Mayor Kou was concerned over the availability of affordable housing projects. She stated she was unable to support modifications to the affordable housing overlay district to eliminate the legislative process. Vice Mayor Kou said they were moving too fast and there was confusion in the language being proposed.

Mayor Burt said the choices were not moving forward or moving forward with what is proposed and then tweaking them.

Council Member Stone asked if they were precluded under state law to make the standards more restrictive. Assistant City Attorney Yang says standards can be changed but they cannot make the overall standards more restrictive than they were on January 1, 2019.

Council Member Stone asked how many 100-percent affordable housing projects are presented to the City each year. Staff said they do not get many and currently there are 2.

Council Member Filseth referenced the affordable housing overlay and asked what the process was to look at traffic and parking issues if they dispense with PTC and Council. Staff said the project would still go to the ARB and concerns would be addressed.

Council Member Filseth asked if the 2850 West Bayshore project would pass the suggested objective standards. Manager Gerhardt said there would have to be changes to it.

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Staff asked Council if they would like to maintain the existing context-based design criteria or go with the new criteria for commercial projects. If the staff proposal was accepted, they would revise the ordinance to include that.

MOTION: Mayor Burt moved, seconded by Council Member Filseth to adopt two ordinances implementing the objective standards project, including: an ordinance creating Palo Alto Municipal Code Chapter 18.24 (Contextual Design Criteria and Objective Design Standards) (Attachment A); and an ordinance adopting related changes throughout Title 18 (Zoning) to implement the new standards (Attachment B).

Vice Mayor Kou asked if the residential mixed-use projects in Attachment A pertain to SB 35 and if so, do other criteria such as living wages or prevailing wages need to be included in the ordinance. Assistant City Attorney Yang said the 2/3 standard is from the Housing Accountability Act and is not a part of SB 35 and the additional requirements do not apply.

MOTION PASSED/FAILED: 5-1, Cormack No, DuBois Absent

Council Member Questions, Comments and Announcements

It was recommended at the May 26 Silicon Valley Regional Interoperability Authority Board of Directors meeting that the organization not take a position on Senate Bill 1000. The board directed the executive director to send a letter to Senator Becker's office supporting the inclusion of cost recovery language in the legislation to comply with any of the new state mandates if SB 1000 becomes law.

Mayor Burt is heading to the U.S. Conference of Mayors in Reno and will be receiving an award on one of the climate electrification initiatives. He was asked to participate on a panel related to electric vehicles and electrification.

Adjournment: The meeting was adjourned at 9:42 P.M.