



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting

August 17, 2020

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

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

Absent:

Closed Session

1. PUBLIC EMPLOYEE APPOINTMENT
Title: City Auditor
Authority: Government Code Section 54957 (b)

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

MOTION PASSED: 7-0

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

Council returned from Closed Session at 7:28 P.M.

Mayor Fine announced no reportable action.

Minutes Approval

1. Approval of Action Minutes for the August 03, 2020 City Council Meeting.

MOTION: Mayor Fine moved, seconded by Council Member Cormack to approve the Action Minutes for the August 03, 2020 City Council Meeting.

MOTION PASSED: 7-0

Consent Calendar

MOTION: Vice Mayor DuBois moved, seconded by Council Member Cormack to approve Agenda Item Number 2.

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2. Resolution 9912 Entitled, "Resolution of the Council of the City of Palo Alto Amending Utility Rate Schedule E-15 (Electric Service Connection Charges), and Utilities Rules and Regulations 2, 15, 20, 27 and 29."

MOTION PASSED: 7-0

Action Items

- 2A. PUBLIC HEARING / QUASI-JUDICIAL. 2353 Webster Street [18PLN00339]: Appeal of Director's Approval of an Individual Review Application to Demolish an Existing One-story 1,593 Square Foot (SF) Home and Construct a Two-story Home (Approximately 2,935 SF) With a Basement and an Attached Garage. Zoning District: Single-family Residential (R-1) (Continued From August 10, 2020).

Public Hearing opened at 8:08 P.M.

Public Hearing closed at 9:30 P.M.

Council took a break at 9:30 P.M. and returned at 9:42 P.M.

MOTION: Council Member Kniss moved, seconded by Council Member Kou to add to the conditions of approval:

- A. Reduce the basement depth to 8 feet in total dimension, which includes the exterior wall;
- B. Add Catherine Martineau's recommendations:
 - i. Reporting tree protection compliance during construction. In addition to daily inspection reporting during demolition phase, a mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City Urban Forester beginning with issuance of building permit, using the template in the Tree Technical Manual, Addendum 11. The Contractor and Owner shall implement any corrective actions as directed by project arborist or Urban Forester;
 - ii. Basement and light well excavation should utilize vertical cut, I-beam and lagging or other minimal-cut method that leaves rooting soil intact, if approved by the Urban Forester; and
 - iii. The building permit shall include a comprehensive landscape plan prepared by a landscape architect, approved by both the Project Arborist and Urban Forester. The plan shall include plantings required by Condition Number 13, and in the rear yard

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specify Valley Oak compatible plant species comparable to Tree Technical Manual, Addendum 5, Landscaping Under Native Oaks; and

- C. Allow the plans to go up an additional 2 feet from the ground.

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change the Motion to read, "...to approve the project with the following conditions:"

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER "...Modify conditions of approval to:

- i. Direct Staff to add all recommendations from the Arborist Report as additional conditions of approval;
- ii. Change Condition Number 30 to read, "For the duration of hand demolition within the Tree Protection Zone, the project Arborist shall *be on site* to ensure that tree protection measures, materials and best practices are being employed by the contractor and on-site foreman overseeing the work"; and
- iii. Change Condition Number 32 to read, "The tree appraisal duration period shall be *ten* years from the date of final occupancy...". (New Part D)

SUBSTITUTE MOTION: Council Member Cormack moved, seconded by Council Member Filseth to uphold the Planning and Development Services Director's approval of the Individual Review (IR) application. (File No. 18PLN-00339).

INCORPORATED INTO THE SUBSTITUTE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER, "... and change Condition Number 32 to read, "The tree appraisal duration period shall be *ten* years from the date of final occupancy...".

AMENDMENT TO THE SUBSTITUTE MOTION: Vice Mayor DuBois moved, seconded by Council Member Kou to add to the Substitute Motion:

- A. Direct Staff to add all recommendations from the Arborist Report as additional conditions of approval; and
- B. Change Condition Number 30 to read, "For the duration of hand demolition within the Tree Protection Zone, the project Arborist shall *be on site* to ensure that tree protection measures, materials and best

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practices are being employed by the contractor and on-site foreman overseeing the work."

AMENDMENT TO THE SUBSTITUTE MOTION PASSED: 4-3 Cormack, Filseth, Fine no

AMENDMENT TO THE SUBSTITUTE MOTION: Council Member Kou moved, seconded by Council Member XX to direct the applicant to perform a ground penetrating radar study.

AMENDMENT TO THE SUBSTITUTE MOTION FAILS DUE TO THE LACK OF A SECOND

SUBSTITUTE MOTION AS AMENDED: Council Member Cormack moved, seconded by Council Member Filseth to uphold the Planning and Development Services Director's approval of the Individual Review (IR) application (File No. 18PLN-00339) and:

- A. Direct Staff to add all recommendations from the Arborist Report as additional conditions of approval;
- B. Change Condition Number 30 to read, "For the duration of hand demolition within the Tree Protection Zone, the project Arborist shall *be on site* to ensure that tree protection measures, materials and best practices are being employed by the contractor and on-site foreman overseeing the work."; and
- C. Change Condition Number 32 to read, "The tree appraisal duration period shall be *ten* years from the date of final occupancy..."

SUBSTITUTE MOTION AS AMENDED FAILED: 3-4 DuBois, Kniss, Kou, Tanaka no

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to change Motion, Part A to read, "Reduce the basement depth to an 8-foot ceiling height and allow 1-foot above grade;"

MOTION AS AMENDED RESTATED: Council Member Kniss moved, seconded by Council Member Kou to approve the project with the following conditions:

- A. Reduce the basement depth to 8-foot ceiling height and allow 1 foot above grade;
- B. Add Catherine Martineau's recommendations:

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- i. Reporting tree protection compliance during construction. In addition to daily inspection reporting during demolition phase, a mandatory Contractor and Arborist Monthly Tree Activity Report shall be sent monthly to the City Urban Forester beginning with issuance of building permit, using the template in the Tree Technical Manual, Addendum 11. The Contractor and Owner shall implement any corrective actions as directed by project arborist or Urban Forester;
 - ii. Basement and light well excavation should utilize vertical cut, i-beam and lagging or other minimal-cut method that leaves rooting soil intact, if approved by the Urban Forester; and
 - iii. The building permit shall include a comprehensive landscape plan prepared by a landscape architect, approved by both the Project Arborist and Urban Forester. The plan shall include plantings required by Condition #13, and in the rear yard specify Valley Oak compatible plant species comparable to Tree Technical Manual, Addendum 5, Landscaping Under Native Oaks; and
- C. Modify conditions of approval to:
- i. Direct Staff to add all recommendations from the Arborist Report as additional conditions of approval;
 - ii. Change Condition Number 30 to read, "For the duration of hand demolition within the Tree Protection Zone, the project Arborist shall *be on site* to ensure that tree protection measures, materials and best practices are being employed by the contractor and on-site foreman overseeing the work."; and
 - iii. Change Condition Number 32 to read, "The tree appraisal duration period shall be *ten* years from the date of final occupancy...".

MOTION AS AMENDED PASSED: 4-3 Cormack, Filseth, Fine no

- 3. ~~Staff and Utilities Advisory Commission Recommend the City Council Adopt a Resolution Amending the City's Electric Supply Portfolio Carbon Neutral Plan and Electric Utility Reserves Management Practices. (THIS ITEM HAS BEEN CONTINUED TO AUGUST 24, 2020)~~
- 4. ~~PUBLIC HEARING/LEGISLATIVE: Adoption of Several Ordinances Regarding Accessory Dwelling Units and Junior Accessory Dwelling Units Amending Palo Alto Municipal Code Titles 16 (Building) and 18 (Zoning). Amendments Include Repealing Section 18.42.040 (Accessory and~~

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~~Junior Accessory Dwelling Units); Adding a new Chapter 18.09 (Accessory Dwelling Units and Junior Accessory Dwelling Units); Updating Chapters 18.04 (Definitions); 16.58 (Development Impact Fees); 16.04 (California Building Code); 16.06 (California Residential Code); and 16.14 (California Green Building Standards Code). Environmental Assessment: Exempt From Review Under the California Environmental Quality Act (CEQA) Pursuant to Q&A 3 August 17, 2020 MATERIALS RELATED TO AN ITEM ON THIS AGENDA SUBMITTED TO THE CITY COUNCIL AFTER DISTRIBUTION OF THE AGENDA PACKET ARE AVAILABLE FOR PUBLIC INSPECTION IN THE CITY CLERK'S OFFICE AT PALO ALTO CITY HALL, 250 HAMILTON AVE. DURING NORMAL BUSINESS HOURS. Public Resources Code Section 21080.17 and CEQA Guidelines Sections 15061(b)(3), 15282(h), 15301, 15302 and 15305 (THIS ITEM HAS BEEN CONTINUED TO SEPTEMBER 14, 2020)~~

Adjournment: The meeting was adjourned at 12:13 A.M.