



CITY COUNCIL

DRAFT SUMMARY MINUTES

Special Meeting
April 11, 2022

The City Council of the City of Palo Alto met on this date in the Council Chambers and by virtual teleconference at 5:02 P.M.

Present: Burt, Cormack, DuBois, Filseth, Kou, Stone, Tanaka

Absent: None

Special Orders of the Day

1. Select Applicants to Interview for the Parks & Recreation Commission.

Public comment: None

MOTION: Council Member Cormack moved, seconded by Mayor Burt to schedule interviews with all applicants for one vacancy on the Parks and Recreation Commission.

Council Member Cormack stated interviewing all the candidates was consistent with past practice.

Mayor Burt concurred.

MOTION PASSED: 7-0

Study Session

2. Annual Earth Day Report Study Session

Public Works Director Brad Eggleston announced Ms. Luong who presented on the Sustainability Climate Action Plan (S/CAP) and the City's Greenhouse Gas Emissions (GHG) goals.

Manager Environmental Control Programs Christine Luong mentioned the Intergovernmental Panel On Climate Change (IPCC) Report was released on April 4, 2022. The report strongly indicated that countries must drastically accelerate their efforts to slash emissions. The report highlighted many tools have already been established that will slow global warming. The S/CAP Ad Hoc Committee was formed by Council on April 19, 2021. The Ad Hoc Committee has held eight public meetings as well as eight internal meetings. At those meetings the Ad Hoc Committee discussed deliverables including

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updates to the S/CAP Goals, Key Actions and the 3-year Work Plan. The remaining decisions to be made included the residential building electrification pilot program and long-term plan as well as the final S/CAP Goals, Key Actions and 3-year Work Plan. The Ad Hoc Committee identified that residential building electrification was one of the key areas to focus on to help the City reach its 80 percent greenhouse gas reduction by year 2030 (80 x 30 goal). Another key area was to electrify transportation. The electrical grid infrastructure must be improved to meet the electrification goals. Permitting and inspection for residential buildings must be able to scale efficiently for broader implementation. Recently, the City started piloting Solar APP+ which provided safe and affordable home solar through permitting automation. The APP was limited to residential roof mounted photovoltaic (PV) systems up to 38.4 kilowatts. The S/CAP Ad Hoc Committee formed an S/CAP Ad Hoc Working Group to draw upon the expertise of community members. The S/CAP Working Group formed four teams who focused their work on engagement, technology, finance and community scale. Each team was led by one Council Member, one Staff member, one member from the Utilities Advisory Commission (UAC), one working group member and additional community members. The S/CAP Ad Hoc Committee and Staff developed a revised S/CAP and Residential Building Electrification Strategy Development Timeline. The timeline represented a planning horizon as opposed to hard and fast deadlines. Regarding GHG, cities are responsible for 70 to 75 percent of global energy related carbon dioxide emissions. The COVID-19 Pandemic had caused impacts to emissions globally and those impacts were included in the 2022 Greenhouse Gas Emissions inventory. Not included in the inventory was consumption-based emissions. In the year 2020, the City emitted 38,385-metric tons of carbon dioxide from residences, commercial, industrial, transportation, wastewater and municipal sectors. Current residents emitted 5.7 metric tons of carbon dioxide per resident compared to 14 metric tons of carbon dioxide per resident in the year 1990. The California Air Resources Board 2017 Scoping Plan Update recommended that local governments have a goal of 6 metric tons of carbon dioxide per capita by the year 2030. Staff acknowledged that the year 2020 was the start of the COVID-19 Pandemic and that the reductions may be temporary. Without the impacts of the pandemic, emission reductions were predicted to be a 42 percent reduction compared to the year 1990. This equated to a 6.7 metric tons of carbon dioxide equivalent per resident. To meet the 80 x 30 goal, the City must meet its GHG emission target of 156,000 metric tons of carbon dioxide equivalent. The main sources of GHG emissions for the City included was from natural gas consumption from buildings and gasoline and diesel vehicles. Next steps for the S/CAP Update included the launch of the Climate Pledge, coordinating the Working Group teams, refining the proposed S/CAP goals and key actions for all eight areas, integrate the Working Group's

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recommendations into the Residential Building Electrification Pilot and draft the S/CAP Report.

Mayor Burt mentioned 2-years ago 33 percent of new vehicles purchases were electric vehicles (EV). The S/CAP Ad Hoc Committee recognized the greatest challenge for transportation will be to have fewer single passenger vehicles and provide more charging stations in all areas within the City including multi-family residential. Also, to modernize the electrical grid to handle EV charging.

Council Member DuBois asked how does the City determine GHG from Vehicle Miles Traveled (VMT) and how does EV adoption move that number.

Mr. Eggleston explained Staff used a model to calculate VMT. The model evaluated registered vehicles and estimated their fuel usage as well as the number of EV in the City. Also, the model evaluated folks coming into Palo Alto to visit as well as commuters.

Council Member DuBois was interested in knowing how the City accounted for idling and traffic congestion. He recommended the City leverage cell phone data to understand commuting patterns and idling. He invited Council Members not on the S/CAP Ad Hoc Committee to provide comments on the Work Plan. The S/CAP Ad Hoc Committee was focusing on improving electrification for all types of buildings. The S/CAP Ad Hoc Committee will be presenting a pilot program to the Council in September of 2022. He acknowledged that the City was behind in its 90 percent of zero waste diversion goal.

Council Member Cormack articulated that Staff has done the bulk of the work for the S/CAP Ad Hoc Committee. She highlighted that the community has been advocating for the Solar APP+ for a long time. She requested that Staff explain UAC's role in the S/CAP teams.

City Attorney Molly Stump mentioned the entire UAC will be involved with the S/CAP teams and will report back to the full UAC periodically.

Mr. Eggleston clarified the community scale team had not been established yet and predicted a dedicated UAC Member will not be on that team. Only three UAC Members will be involved, one per team.

Council Member Cormack felt the Climate Pledge will be an opportunity for the community to take action. Also, holding a workshop in the fall of 2022 will educate folks how to make better choices in their homes. She concurred the Ad Hoc Committee had a strong focus on removing natural gas from residents' homes. The City will have to do a heavy lift to modernize the electrical grid to handle the influx.

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Council Member Stone agreed 50.6 percent was decent but inadequate. He inquired how the 50.6 percent reduction compared to other cities that are comparable in size.

Ms. Luong remarked she compared several cities to Palo Alto in the past and Palo Alto was doing better than many of them.

Council Member Stone asked if the City maintained its GHG course, how close would the City be to meeting the 80 x 30 goal.

Ms. Luong answered previously the City was on track to reach 70 percent reductions from the year 2030. The City must make policy decisions and wait for the technology to catch up to meet the 80 by 30 goal.

Council Member Stone mentioned the timeline was reasonable and realistic for the adoption of the S/CAP. He expressed concern about the likelihood of meeting the 80 x 30 goal with such a late adoption date. He inquired if Staff believed the City could meet the 80 x 30 goal if the City followed the timeline.

Mr. Eggleston answered yes but acknowledged it will be a heavy lift.

Ms. Luong noted the S/CAP plan was separate from some of the Work Plan initiatives that were already underway.

Council Member Stone wanted to know how dependent the plan was on modernizing the electrical grid and how long will the project take.

Mr. Eggleston emphasized modernizing the grid was critical to the plan and the work has not be scoped out as to what level of upgrades need to take place. Staff continued to explore it and expected the work to span over several years.

Council Member Stone agreed electrification should be the main priority and exploring ways to bring EV charging into multi-family structures. He felt the City could do a better job of educating the community about rebates for the purchase of an EV. He suggested the City partner with Santa Clara County and explore additional rebates for specific income levels who purchase an EV. He strongly supported having community events where folks can explore how they can convert their natural gas utility in their kitchen to electric.

Mr. Eggleston added the City can only reach 70 percent of the 80 x 30 goal if the City is successful in implementing everything in the S/CAP.

Council Member Filseth asked when will the City know how much reductions is needed in the transportation and natural gas emissions to meet the 80 by 30 goal.

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Mr. Eggleston mentioned the breakdowns were included in the Staff report from the April 2021 Council meeting.

Assistant Director Utilities /Resource Manager Johnathan Abendschein noted most of the reductions were seen in the transportation section.

Mr. Eggleston predicted the natural gas sector will be reduced by half because the assumption was all residential will have electric appliances.

Council Member Filseth highlighted that the Ad Hoc Committee will have to compare the plans and proposals with what is required to meet the 80 x 30 goal and see if they match up.

Vice Mayor Kou inquired how much did the City depend on Pacific Gas and Electric's (PG&E) grid for electricity.

Mr. Abendschein explained the City received energy from PG&E's transmission system. Staff was exploring a second point of connection to PG&E transmission system to increase reliability.

Vice Mayor Kou asked what about brown outs and black outs.

Mr. Abendschein confirmed the amount of energy needed by the entire State of California fluctuated throughout the year. During the brown outs and black outs, there was not enough generation on the electrical system. The state grid operator has done substantial work and continued to do work to reduce the risk of rolling black outs in the future.

Vice Mayor Kou understood PG&E was growing their electric grid.

Mr. Abendschein stated their work focused on wildfire risk. Also, they were rebuilding their grid to allow for solar generators and other renewable generators to come online.

Vice Mayor Kou understood modernizing the grid was only for Palo Alto.

Mr. Abendschein confirmed that is correct.

Mayor Burt added the State of California had an aggressive plan to retire several natural gas plants and convert them to battery storage plants.

Vice Mayor Kou commented there will be a reduction in community confidence if there continued to be black outs and an unreliable electric grid. She encouraged strong public outreach so the public understands that there are efforts underway to make the electric grid sufficient and reliable. She asked what incentives does the City provide.

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Mr. Abendschein stated the focus of the incentives was to put EV charges in multi-family structures. The Home Efficiency Genie provided a home electrification assessment for residents. Also, there were incentives for heat pump water heaters and various efficiency measures. Those will be expanded in the near future to other appliances.

Vice Mayor Kou inquired if the City was encouraging the State of California to provide more grants and funding for rebates.

Mr. Abendschein mentioned there were different incentives for income qualified homeowners. The City received funding through the State's Cap and Trade Program to fund building electrification and EV projects. Also, the City takes advantage of grant funding and partnerships.

Vice Mayor Kou was pleased to hear about the natural environment and the exploration of those components.

Council Member Tanaka supported the proposal to have Ad Hoc Teams. He mentioned nuclear power can play a huge role in the City's S/CAP goals and strongly encouraged the City to explore nuclear power as a solution. He acknowledged the main issues with solar and wind power was there were not a lot of options on how to store the energy. Also, most cities could not support hydro power and the State of California was currently in a significant drought. He mentioned nuclear power can desalinate water at Diablo Canyon. Also, there was already support of having high power transmission lines from Diablo Canyon to major metropolitan areas. This approach would help the drought as well as reduce the amount of carbon output. He strongly encouraged the City to support and move forward any State legislation that explored or encouraged the use of nuclear power.

Mayor Burt mentioned nuclear power was not a source of energy available to the City and smaller nuclear technologies were not yet available. He mentioned the existing transformers in the City were not large enough to supply electric power for all electric homes. Staff recommended to explore how to update the transformers more systematically instead of the current approach of replacing them one at a time. He noted there are various ways to mitigate the demand on the electrical grid and that was an area the technology team will be exploring. Also, the technology team will be exploring distributed generation and distributed storage. Microgrids will also play a role in providing more reliability to the electric system. One concept to help moderate and low-income folks convert to electric was on bill financing. He inquired how the metric ton of putative methane emissions was calculated.

Ms. Luong explained Staff used the Clear Path calculator to make the calculation. Putative emissions was based on a rate that came from the

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Utilities Department that is placed in the calculator. The calculator produced the amount as equivalent to carbon dioxide.

Mr. Abendschein confirmed that is correct.

Mayor Burt noted that residential natural gas declined by 5 percent despite many folks working from home during the COVID-19 Pandemic. The hybrid work model had drastically reduced VMT during the COVID-19 Pandemic. He predicted that VMT will be greater than what was originally projected. He understood the projects to reach the 80 x 30 goal did not include materials that are consumed and construction materials.

Mr. Eggleston confirmed that is correct.

Mayor Burt mentioned that concrete was 7 percent of all global emissions. When the City reaches its 80 by 30 goal, that only included materials the City generated. The City currently used Scope Two of the GCP basic protocol to make its calculations which was more comprehensive and ahead of what other cities used. He noted the 80 by 30 goal was no longer considered an aggressive plan towards climate change compared to recent studies. Regarding solid waste diversion, he mentioned nobody knows what happens to the material that has been labeled as diverted. Over the year's folks have come to understand many of the materials are not being handled in environmental sound ways.

Public Comments

Rebecca Eisenberg appreciated the presentation and found it very helpful. She stated the City should focus on transportation emissions and urged the City to provide free and available public transit. Also, to provide more housing near jobs and bike lanes.

David Coale wanted Staff and Council to not ask how the City was doing compared to neighboring cities. The Staff and Council should instead ask how the City was doing compared to the goal. He wanted to see the electrical grid upgraded locally rather than pursuing a second connection. Also, the City should be using the impact of methane in the 20-year timeframe which was more aligned to the S/CAP timeframe. Natural gas emissions should include the leakages that takes place outside of the City.

Aram James remarked that nuclear energy was not a good approach for the City to pursue due to safety concerns.

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Mayor Burt remarked there are many upcoming events related to Earth Day and they were listed on the City's website.

NO ACTION TAKEN

Agenda Changes, Additions and Deletions

None.

Public Comment

Rebecca Eisenberg encouraged Council to stay informed about the administerial process within the Planning and Development Services Department. Regarding the project at 123 Sherman Avenue, the housing was demolished and the developer proposed to place a commercial structure in the middle of a condominium complex.

Aram James expressed frustration that the Council supported the Police Chief's recommendation regarding radio encryption. He demanded that the three police finalist for the Chief of Police position be cross examined by Council Members and the public.

Consent Calendar

Council Member Tanaka registered a no vote on Agenda Item Number 5, 6.

MOTION: Mayor Burt moved, seconded by Council Member DuBois to approve Agenda Item Numbers 3-10.

Public Comment: None

3. Approval of Contract Number C22181467 with Bureau Veritas Technical Assessments LLC, for an Amount Not to Exceed \$359,779 for a City Facility Condition and Electrification Assessment and Use of Brightly Cloud-based Capital Planning Software, Capital Improvement Program Projects (PE-20002 and TE-13004) and Budget Amendments in the Electric Fund and Capital Improvement Fund.
4. Approval of the Economic Recovery Advisory Report as Recommended by the Policy and Services Committee.
5. Adoption of **Resolution 10028** Authorizing an Installment Sale Agreement with the California State Water Resource Control Board for Financing of the Design and Construction of the Secondary Treatment Upgrades Project Funded in Wastewater Treatment Enterprise Fund

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Capital Improvement Program, Project WQ-19001, at the Regional Water Quality Control Plant.

6. Approval of Amendment No. 1 to Professional Services Contract Number S22183902 Teri Black and Company, LLC to Increase the Not-to-Exceed Compensation by \$180,000 (to \$265,000) and to Extend the Term of the Contract to January 2024 for City Wide Executive Recruitments and Approve a Budget Amendment in the General Fund.
7. Approval of Amendment Number 4 to Contract Number C14152163 With Townsend Public Affairs for State Legislative Advocacy to Extend the Term for one Additional Year and add \$102,000 for a Total Not-to-Exceed Amount of \$901,000.
8. Easement Vacation at 14244 Amherst Court, Los Altos Hills, CA.
9. **SECOND READING:** Adoption of an Ordinance Dedicating 0.64 Acres of Land Adjacent to 3350 Birch Street to Become Part of the Boulware Park (FIRST READING: February 10, 2020 PASSED: 7-0).
10. **SECOND READING:** Adoption of an Interim Ordinance Establishing Objective Urban Lot Split Standards and Further Refinements to SB 9 Development Standards; Authorizing the Public Works Director to Publish Objective Standards Regarding Adjacent Improvements Related to SB 9 Projects; and Direction Regarding Listing Properties Eligible for Historic Status (FIRST READING: March 21, 2022 Council Meeting, MOTION PASSED: 6-0, DuBois absent); Adoption of Resolution Approving Objective Standards for Urban Lot Splits.

MOTION SPLIT FOR THE PURPOSE OF VOTING

MOTION TO APPROVE ITEM 3,4, 6-10 PASSED: 7-0

MOTION TO APPROVE ITEM 5-6 PASSED: 6-1

Council member Tanaka stated his concern regarding Item Five was that Palo Alto had a bigger share of the cost compared to the bigger City of Mountain View. Regarding Item Six, there was no competitive bidding for the contract and incentives for performance for recruiters was a better approach than paying a fixed hourly fee.

City Manager Comments

Ed Shikada, City Manager announced that were not major changes regarding the COVID-19 Pandemic and recovery. There were many Earth Day events happening throughout the month of April and the events were listed on the

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City's website. Regarding the Cubberley Artist Studio Program, the program was for work studios that were available to artists at below-market rates. The program was taking applications through June 6, 2022. Upcoming items coming to the Council at their April 18 meeting included a joint study session with the Palo Alto Youth Council, a discussion about the ballot measure polling results and downtown planning grant acceptance. On April 20, 2022 the Rail Committee will resume their meetings.

Action Items

11. TEFRA HEARING: Regarding Conduit Financing for the Silicon Valley International School Project Located at 151 Laura Lane and 1066 East Meadow Circle, Palo Alto, and Approving the Issuance of a Tax Exempt Loan by the California Municipal Finance Authority for the Purpose of Financing and Refinancing the Acquisition, Construction, Improvement, Equipping and Maintenance of Educational, Support and Administrative Facilities Owned and Operated Within the City by Silicon Valley International School.

Assistant city Manager/Finance Director Kiley Nose reported the item before the Council was an issuance of debt. The item did not pertain to the City's debt and if approved would require no obligation from the City's finances.

Public Comments: None

MOTION: Council Member Cormack moved, seconded by Mayor Burt to adopt a Resolution approving the issuance of the bonds by the California Municipal Finance Authority (CMFA) for the benefit of Silicon Valley International School.

MOTION PASSED: 7-0

The Council took a break from 6:45 – 6:55 PM.

12. Public Hearing: Adoption of Ordinance Clarifying Ambiguities in Height Transitions, Adding RMD to the list of Residential Districts and Amending the Setback for the RM-40 Zone District.

Planning and Development Services Director Jonathan Lait mentioned due to public comment that had recently been received. Staff made several discreet changes to the ordinance.

Consultant Jean Eisberg stated the project aimed to create Objective Design Standards where the City currently used Subjective Design Criteria. Other changes were being proposed for Title 18 to remove ambiguity and streamline

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project review. The objective of the meeting was to discuss height transitions and RM-40 setbacks in the ordinance. Staff will return on May 16, 2022 to discuss other elements of the Objective Design Standards. At the January 24, 2022 City Council meeting, Council motioned to retain the 25-foot setback for RM-40 and adopt a height transition for ambiguous height standards. Staff will be addressing Part C of the motion at the May 16, 2022 Council meeting. An expanded version of the crosswalk between existing and proposed standards was posted on the City's website and would be updated based on the Architectural Review Board's (ARB) recommendations. Since the January 24, 2022 meeting, Staff has held two community meetings. Staff received the same feedback at both community meetings which was concerns about privacy, massing and when abutting existing residential homes. Also, there was a desire from the public to have equivalent standards regardless of zoning district. The existing height standards included a general standard and then a reduced height when adjacent to an abutting lower density residential zone. RM-40 and PC Zones were exempt from the reduced height limit provision. The existing policy also included variation in the horizontal depth across the different zone districts. Also, the RM-40 Zone was treated differently than other zone districts. Staff incorporated in the draft ordinance the recommendations made by the Council's at their January 24, 2022 meeting. The draft ordinance proposed to make the RM-40 front and side setbacks objective, to change the horizontal depth to a standard of 150-feet and allow the Director of Planning and Development Services to reduce the horizontal depth upon ARB recommendation. Senate Bill (SB) 35 projects could request a horizontal depth reduction waiver and still be subject to ministerial approval. Other revisions to the draft ordinance included adding reduced heights for non-residential uses abutting RM-40 sites, add RMD Zones to the list of zones in the PD districts where reduced heights are required and remove previously proposed "abutting" from the height standard. A member of the public recommended to apply height transitions to both abutting and "leapfrog" conditions, add RM-40 Zone to the list where reduced height limits applied, remove the potential reduction from 150-feet to 50-feet by the Director of Planning and Development Services and correct the PC Zone list of zoning districts and references to "abutting". Staff disclosed Council did not provide feedback on the first three items of the comments at the January 24, 2022 hearing and Staff supported comment four.

Council Member Cormack wanted to understand how other cities treat high-density areas.

Mr. Lait shared Staff had not explored surrounding jurisdictions. Through his experience, it was common to have comparable commercial standards apply to high density sites.

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Council Member Cormack understood that at the January 24, 2022 meeting Staff did not recommend to change the heights to maintain privacy.

Ms. Eisberg confirmed Staff will be coming back in May 2022 with additional standards for privacy and site lines.

Council Member DuBois inquired if the definition of "abutting" should be clarified.

Mr. Lait remarked Staff did not believe an amendment was needed to determine "abutting" and that topic was not agendized.

Council Member DuBois recalled the discussion was about touching on the corner of a property and Staff was stating "abutting" meant any boundary point in common.

Mr. Lait confirmed that is correct.

Council Member DuBois asked about how Variances are applied.

Mr. Lait clarified the ordinance proposed that applicants requesting a Variance would have a hearing with the ARB for recommendation.

Council Member DuBois inquired if the 150-foot height transition could be claimed as the hardship and could justify a Variance.

Mr. Lait answered yes but Staff would evaluate the findings and circumstances. He predicted it was unlikely that type of scenario would happen.

Public Comments

Jeff Levinsky (In Person) concurred that his letter highlighted several areas where the ordinance did not meet the objectives of the Council's January 24, 2022 motion. He mentioned at no meeting has any member of the public supported the new process to allow the Director of Planning and Development Services to make the determination regarding height. The definition of "abutting" was an ambiguity and should be discussed further.

Liz Gardner mentioned the comments in the letters from the public were recommending more protections for residents who live in R-1 Zones. She wanted to understand how many units were included in the multi-family definition. She strongly encouraged Council to make their decision based on families and individuals who live in the structures. Also, to design structures that are livable mixed-use communities and integrate them into the community.

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Rebecca Eisenberg mentioned the height rules applied to both commercial and residential developments. The Council and Staff needed to treat residential structures differently than commercial buildings. She echoed the previous speaker regarding higher height limits for family uses.

650****002 represented many RM-40 residents who felt under treat by the proposal. He did not support allowing the Director of Planning and Development Services to have the authority to reduce the height depth to 50-feet. Under Special Requirement (b), the word "abutting" should be removed and the RM-30 and RM-40 should be listed and treated the same way as all other zone districts. The City should maintain the Context Design Base Criteria as much as possible.

Hamilton Hitchings agreed that commercial and residential buildings should be treated differently and location mattered in terms of height. Height transitions were very important in maintaining the quality of life for residents. He echoed the concerns about allowing the Director of Planning and Development Services to reduce the height transition. He recommended to remove the language or limit it to 100 percent affordable housing or BMR multi-family. He cautioned the City about counting roof top gardens as open space and that the City should remove work force housing from the Code.

Vice Mayor Kou did not support allowing the Director of Planning and Development Services the discretion to reduce the height transition zone upon ARB approval. All resident's quality of living should be the top priority. The definition for "abutting" should be clarified.

MOTION: Vice Mayor Kou moved to:

1. Direct staff to return to the Council with the following modification: Change current "abutting" definition 18.04.030(a)(2) to: "Abutting" means having any property or district lines or boundary points in common;
2. Change 18.13.040(a) Table 2 footnote (2) to retain the phase "and the context-based criteria outlined in Section 18.13.060"
3. Change 18.13.040(a) Table 2 left column under Maximum Height (ft) to: "Portions of a site within 150 feet of a residential district or a site containing a residential use in a non-residential district (9)."
4. Change 18.16.060(a) Table 3 left column under Maximum Height (ft) / Standard to: "Portions of a site within 150 ft. of a residential district or use (9) where that district or use is located within 50 feet of the site"

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5. Remove from 18.16.060(a) Table 3 Footnote (9) and 18.16.060(b) Table 4 Footnote (5) the phrase "150-foot measurement may be reduced to 50 feet at minimum, subject to approval by the Planning Director, upon recommendation by the Architectural Review Board pursuant to criteria set forth in Chapter 18.76."
6. Change 18.16.060(b) Table 4 left column under Maximum Height (ft) / Standard to: "Portions of a site within 150 ft. of a residential district or use (5) where that district or use is located within 50 feet of the site"
7. Change 18.18.060(a) Table 2 left column under Maximum Height (ft) / Standard to: "Portions of a site within 150 feet of an abutting residential district or use."
8. Change 18.18.060(b) Table 3 left column under Maximum Height (ft) / Standard to: "Portions of a site within 150 feet of an abutting residential district or use (4)."
9. Change 18.20.040(a) Table 2 left column under Maximum Height (ft) to: "Portions of a site within 150 ft. of a residential district or use (5)" and then the next row should be "Portions of a site within 40 ft. of a residential district or use (5)"
10. Change 18.30(J).090 Table 1 left column under Maximum Height (ft) to: "Portions of a site within 150 ft. of a residential district or use."
11. Change 18.30(K).070 Table 1 left column under Maximum Height (ft) / Standard to: "Portions of a site within 150 feet of a residential district or use (5) where that residential district or use is abutting or located within 50 feet of the site."
12. Retain and correct current wording at the beginning of 18.38.150 to be: "Sites abutting or having any portion located within 150 feet of any RE, R-1, R-2, RMD, RM, residential use, or any PC district permitting single-family development or multiple-family development shall ..."
13. Change 18.38.150(b) to be only: "All Other Uses. The maximum height within 150 feet of any RE, R-1, R-2, RMD, RM, residential use, or applicable PC district shall be 35 feet."
14. Staff to make any typographical corrections consistent with the intent of the above adjustments

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Mr. Lait noted Item One of the motion had not been agendized.

Mayor Burt recommended the motion include items that the Council direct Staff to bring back to Council at a future meeting.

Mr. Lait remarked the remaining items were agendized.

Vice Mayor Kou provided a revision to Item One to allow it to remain in the motion.

Mr. Lait commented that some of the changes were concerning for Staff in terms of State Law.

Council Member DuBois noticed the motion reflected the changes proposed by the member of the public.

Vice Mayor Kou confirmed that is correct, but noted she included some language after some of the phrases.

Council Member DuBois referred to the At Place Memo that applied only to PC Zones. He requested the Staff to explain their concern if the change were applied to other zones.

Mr. Lait explained some of the areas were not proposed to be changed because there was a limit on the types of changes that can be made to residential development per State Law.

Council Member DuBois restated why the change proposed in the At Place Memo did not apply to work force housing.

Mr. Lait stated the policy direction Staff needed was did the Council want to allow for the concept of leapfrogging where a property is within 150-feet of a RM-20 Zone. The next property within 40-feet is a commercial zone property and then the property after that is residential. If that concept were adopted, Staff could make other changes to the ordinance. He noted the answer to allow or not allow that concept determined the approach the City should take.

MOTION FAILED FOR LACK OF A SECOND

Council Member Filseth found the motion very complicated and wanted Staff to have more time to provide feedback on it.

Council Member Stone found the leapfrogging concept as a tool to leverage zoning to encourage housing over office growth.

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Mr. Lait remarked Staff was not trying to introduce new policy, but trying to understand the existing language of the Code. Staff will announce if any of Council's proposals may conflict with State Law.

Council Member Stone pointed out there are sections where the height transition applied to non-residential buildings and he understood the height transition should apply to residential buildings as well.

Mr. Lait emphasized Staff was not changing the Code for commercial and mixed-use developments.

Manager of Current Planning Jodie Gerhardt reported Staff clarified there was a proposed change to the non-residential which would provide additional protections for RM-40 if it were a non-residential project. The could not be applied to Table Four for residential projects because that conflicted with State Law.

Council Member Stone addressed the unintended consequences for leapfrogging scenario outlined in the Staff report. He wanted to understand if a property could meet its density requirements if it were built out to 50-feet or if Variances would be needed.

Mr. Lait stated in that scenario there was enough development potential under the existing zoning that it would not be problematic.

Vice Mayor Kou remarked the leapfrog concept, without a 150-foot buffer, will become very dense. She stated existing RM-40 should have protections from future RM-40 development and existing PC zones should have privacy and noise protections. She recommended to retain the leapfrog concept and keep the 150-foot height transition to protect resident's quality of living.

Ms. Eisberg mentioned there are two chapters in the code where the leapfrog condition existed. Those were Chapters 18.13 and 18.20.

Council Member DuBois understood the height transition only applied to abutting districts in the downtown and commercial area.

Ms. Eisberg confirmed abutting can include streets and alleys.

Council Member DuBois understood from the previous conversation an applicant would have to go through the City's subjective process if they requested a reduced height transition.

Mr. Lait confirmed that is correct.

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Ms. Eisberg noted if a project was proposed under State Density Bonus Law, then they could request the reduction in the horizontal distance as a waiver under the law.

Council Member DuBois understood that Context Base Design will apply to non-residential buildings and was part of the subjective process.

Mr. Lait answered yes, but Staff believed it should be removed because it was referenced in other places of the Code.

Council Member DuBois mentioned in the ordinance the Context Base Design applied to mixed-family. He inquired if that should have been objective.

Mr. Lait remarked applicants would be subject to the Context Base Design if they opt out of the Objective Standards.

Council Member Cormack requested Staff to explain Council's January 24, 2022 motion regarding leapfrogging and how it was incorporated into the draft ordinance.

Ms. Eisberg explained Staff removed the word "abutting" from the ordinance where they had previously proposed them at the January 24, 2022 meeting.

Council Member Cormack requested further explanation regarding the leapfrog concept.

Ms. Eisberg restated the leapfrog scenario applied in the zones in Chapter 18.13 and Chapter 18.20.

Council Member Cormack inquired where the leapfrog concept would not apply.

Ms. Eisberg stated for all of the other zones the leapfrog scenario would only apply when abutting as currently written.

Vice Mayor Kou understood the commercial zones were along El Camino Real. She asked if those zones allowed housing uses.

Ms. Eisberg concurred they allowed mixed-use.

Vice Mayor Kou mentioned the leapfrog concept was important for zones along El Camino Real. She mentioned her proposed motion did address the CC and CN Zones because it looked ahead to when those zones are redeveloped and could potentially cause impacts to the low-density zones behind them.

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MOTION: Council Member DuBois moved, seconded by Council Member Filseth to:

- A. Approve the proposed changes to the height transitions and other development standards as included in the staff report and At Places memo as follows:

Section 9 – PC District (18.38.150):

Keep "Sites abutting or having...."

Change "...R-1, R-2, RMD, RM-20..." to "...R-1, R-2, RMD, RM..."

Remove "Abutting" where added

- B. Reinsert to Section 18.13.040 Development Standards, as listed in Table 2 Footnote 12 "...and the context-based criteria outlined in Section 18.13.160."

Council Member DuBois supported having a 150-foot height transitions in the residential districts but not in the downtown or CC Zones. The emphasis was that applicants would go through the City's subjective process if they opt out of the Objective Standards.

Council Member Filseth found that the motion reflected what Council asked for at the January 24, 2022 meeting. The important aspects was the leapfrog concept relative to RM districts and RM-40. The process where an applicant can go through the subjective process was consistent with the City's current process. The City's processes must be consistent and robust to accommodate taller structures in the future.

Council Member Cormack inquired how the motion might impact the Affordable Housing Overlay.

Mr. Lait stated the process was consistent with the way the City applied the Affordable Housing Overlay to the Wilton Court Project.

Council Member Cormack predicted if passed, the City will have a large amount of legal non-conforming buildings.

Mr. Lait answered there may be some but few.

Vice Mayor Kou inquired if the maker and seconder would reinsert Context Based Criteria in Chapter 18.13. She believed it would make the Code cleaner.

Mr. Lait supported the inclusion but mentioned Staff may return and request it be removed.

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Council Member DuBois supported adding it back in.

Council Member Filseth accepted.

Vice Mayor Kou did not support having neighbors go through an appeal process.

Mr. Lait restated if an applicant does not want to abide by the Objective Standards. The application would go through the subjective process which was the existing process and that process included appeals.

Ms. Gerhardt noted in the current process, there are up to three ARB meetings that are noticed to neighbors in a 600-foot radius of a project. There are a lot of opportunities for dialog among neighbors, the applicant, Staff and ARB before going to the appeal process.

MOTION APPROVED: 6-1, Kou No

13. Review and Approval of Workplans for City Council Committees in 2022.

Finance Director Kiley Nose announced the item was part two of the item that Council approved at a prior meeting regarding the Work Plan for the four Council priorities. The Work Plan detailed the tentative Work Plans for the Council Committees and included annual items, referrals and items Staff was aware were coming over the remaining year. The Work Plans acknowledged that Council may add additional items to the Council Committees Work Plans at any time.

Council Member DuBois noticed there was only one item for the Finance Committee for the August, September and October months. He inquired if the Finance Committee should revisit the Pension Investment Policy and evaluate the Investment Policy for the Section 115 Trust.

Ms. Nose confirmed the Pension Investment Policy was reviewed on a 3-year cycle and Staff would have to confirm the timing.

Public Comments

Liz Gardner requested that Staff identify themselves before speaking. She wanted Council to explore warming and cooling centers for unhoused folks.

Rebecca Eisenberg echoed Ms. Gardner's comment regarding warming and cooling centers. She emphasized Council needed to prioritize the Tree Ordinance.

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Council Member Cormack announced she wanted a referral to the Finance Committee to explore the development of the Cubberley Community Center and include it on the Capital Infrastructure Plan. For the Policy and Services Committee (P&S), she recommended they explore adding to the Architectural Review Board (ARB), Historic Resources Board (HRB) and Planning and Transportation Commission's (PTC) application the following: "Please identify any occasions within the past 2-years that you took a public position on a project or matter that could come before this Board or Commission". Another referral to P&S was to explore limiting individual donations to Council campaigns to \$500. For the Procedures and Protocol Handbook, she recommend Council Members take diversity and action training, to consider a policy restricting Council Members use of electronic devices during public meetings and establish an objective rotation for Mayor and Vice Mayor.

Vice Mayor Kou asked when does the consultant present on the more impactful legislative actions and how does Staff decide which items the consultant should focus on. She strongly encouraged having P&S do a deeper dive into impactful legislation.

Deputy City Manager Chantel Cotton-Gaines remarked Staff can request the legislative advocates to bring more details to the May 2022 P&S meeting regarding impactful bills. Council directed Staff to take a strategic approach of evaluating only the bills that have a high probability of passage as well as bills that will have a high impact to the City.

Council Member Stone understood the Use Of Force Reports will be included in the P&S Work Plan.

Ms. Cotton-Gaines answered she will follow up in a few minutes with the answer.

Council Member DuBois did not believe the Council protocols were agendized.

Council Member Cormack pointed out P&S will be evaluating the protocols at their June 2022 meeting.

Council Member DuBois restated he wanted there to be a review of the Section 115 Trust Investment Policy at Finance Committee.

Council Member Filseth stated the item before the Council bypassed the Council's current process of adding an item to the Work Plan through a Colleague's Memo.

City Attorney Molly Stump confirmed that is correct, but highlighted the intent was not to add new substantive items to the Committee's Work Plans.

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City Manager Ed Shikada agreed.

Mayor Burt stated some of the items were specific and some were at a higher level. He asked how appropriate was it for Council to have very specific referrals.

Mr. Shikada stated if Staff only received guidance through the conversation. Then it would be difficult for Staff to bring a Staff report to a Council Committee and provide a substantive product. The Colleague's Memo was the more appropriate way to propose a substantive item than to bring it up now.

Mayor Burt suggested the Council be judicious in adding items to the Work Plans. He supported having the annual Work Plans presented together.

ORIGINAL MOTION: Council Member Filseth moved, seconded by Vice Mayor Kou to approve the list of tentative topics and regularly scheduled work that the City Council Standing Committees of Policy and Services and Finance expect for 2022.

Mayor Burt commented some of the items may fall under the umbrella of already identified items in the Work Plans.

Council Member Tanaka asked if the Colleague's Memo was the only mechanism to introduce new items.

Ms. Stump explained Council made that rule for themselves many years ago.

Mr. Shikada mentioned the budget process was another way Council can identify new initiatives.

Council Member Tanaka stated a Colleague's Memo shifted the balance of power more to Staff then the Elected Officials. He supported the process of allowing Council to make suggestions and modify the Work Plans. He did not support a ban on Council Members using electronic devices. Given the crime increase within the City, he wanted P&S to consider using fixed license plate readers.

PROPOSED AMENDMENT: Council Member Tanaka proposed amendment add to the workplan that Policy & Services consider the use of fixed license plate readers for crime prevention

Council Member Filseth did not accept the amendment.

Vice Mayor Kou asked if the referral should be for P&S or the Finance Committee.

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Mayor Burt answered P&S.

Amendment fails for lack of a second

Mayor Burt recommended during the annual review of Council Procedures and Protocol Handbook. P&S should explore whether the Colleague's Memo is the appropriate approach or should Council move to a different process.

Council Member DuBois inquired if Finance Committee should explore the Investment Policy for the Section 115 Trust.

Ms. Nose recommended the discussion be included in the Pension Funding Policy discussion.

Council Member DuBois asked why the Investment Policy was tied to how much the City funds the Section 115 Trust.

Ms. Nose explained there are intended uses for the Section 115 Trust and that dictated how investments are made.

Council Member DuBois clarified how much funding the City puts into the Section 115 Trust was different than the Investment Policy.

Ms. Nose mentioned Staff sees them as one policy instead of individual policies.

PROPOSED AMENDMENT: Motion by Council Member DuBois, seconded by Council Member Tanaka to add a review of the Section 115 Trust Investment Policy

Council Member Cormack asked if the amendment would allow the Finance Committee to evaluate when payments are made.

Ms. Nose understood the amendment only addressed the investment strategy.

Council Member Cormack pointed out there has been no discussion about when to use the funds.

Ms. Nose mentioned the Section 115 Trust can be used for operational stability and Actuarial Determined Advanced Payments (ADP). Staff could bring forward recommendations to use the Section 115 Trust in a different capacity during the budget process.

Council Member Stone could not support any proposed amendments because he did not support the process. He supported P&S exploring the process further at their June 2022 meeting.

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Council Member Filseth echoed Council Member Stone's comment.

Mayor Burt announced he could only support amendments that clarified an existing item or was a small discreet item. Any other proposals should be brought forward through a Colleague's Memo.

Withdrawn by the Motioner

Council Member Cormack acknowledged the Colleague's Memo was the best approach for structural changes but it took a long time and the process can be difficult. She mentioned Council Members have no opportunity to make changes to Committee's Work Plans they are not a member of. She inquired what method should be used to change the language on the ARB, HRB and PTC's application.

Mr. Shikada recalled there was a project underway to change the Board and Commission Handbook.

City Clerk Lesley Milton remarked the changes to the Board and Commission Handbook were incorporated. She suggested to incorporate the question into the interview process for Board and Commission Members.

Mayor Burt believed the annual discussion of Council Protocols and Procedures could include a discussion about City Boards and Commissions.

PROPOSED AMENDMENT: Motion by Council Member Cormack and seconded by Mayor Burt to add to the Policy & Services topic list a review of the Board and Commission Handbook

Council Member Cormack explained a candidate was interviewed, the candidate was appointed and the candidate had to recuse themselves from an important project. The City missed an opportunity to flag potential conflicts before decisions were made.

Mayor Burt stated the referral is led by the policy decisions of the Council as opposed to Staff generated work. Also, there was no direction on specific policy changes.

Council Member Stone agreed the amendment was appropriate and was tangential to the item already agendized for P&S.

Council Member DuBois supported the comment that this was standard policy to talk in detail about potential changes to the protocols. While he supported the amendment, he expressed concern about discussing conflicts. If a candidate has one conflict, that did not mean they have to be recused from all projects. He supported having Council Members go through diversity

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training but did not support restricting Council Members from using electronic devices nor having a strict rotation for Mayor and Vice Mayor.

Council Member Filseth asked if Staff had concerns regarding the amendment.

Ms. Cotton-Gaines answered no.

MOTION PASSES: 6-1 Tanaka no

PROPOSED AMENDMENT: Council Member Cormack moved to refer to Policy and Services to limit individual donations to Council Campaigns to \$500.

Council Member Filseth declined to accept the amendment.

Amendment fails for lack of a second

Mayor Burt suggested to break up the items regarding Council Procedures and Protocols and the Board and Commission Handbook.

Ms. Cotton-Gaines reported the referral from last week's Council meeting related to the recommendation from the Independent Police Auditor (IPA) will go to P&S as a policy discussion.

Vice Mayor Kou inquired if the diversity training will be available for Council Members or only Staff.

Ms. Cotton-Gaines explained Board and Commission Members will receive the training and it was recommended that one or two Council Members attend one of the three trainings.

AMENDED MOTION: Council Member Filseth moved, seconded by Vice Mayor Kou to approve the list of tentative topics and regularly scheduled work that the City Council Standing Committees of Policy and Services and Finance expect for 2022 including an addition to the Policy & Services topic list a review of the Board and Commission Handbook.

MOTION PASSED: 7-0

Council Member Questions, Comments and Announcements

Council Member Cormack was very pleased to see there will be a mother's nursing room at City Hall.

City Council Adjourned to Closed Session at 9:24 PM

Closed Session

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AA1. CONFERENCE WITH CITY ATTORNEY-POTENTIAL LITIGATION Subject: February 1, 2022 letter from the Law Offices of Randal M. Barnum, representing Andrea Jordan, re allegations of harassment, discrimination and retaliation against the Cities Association and member cities Authority: Potential Exposure to Litigation Under Government Code Section 54956.9(d)(2) One Case, as Defendant.

MOTION: Council Member Filseth moved, seconded by Council Member Kou to go into Closed Session.

MOTION PASSED: 7-0

Council went into Closed Session at 9:24 P.M.

Council returned from Closed Session at 10:13 P.M.

Mayor Burt announced no reportable action.

Adjournment: The meeting was adjourned at 10:13 P.M.