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The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:32 p.m.

PRESENT: Beecham, Burch, Cordell, Freeman, Kishimoto, Kleinberg, Morton, Mossar, Ojakian

1. Gateway Corridor Project Study Session

Presented by Richard Napier  
City /County Association of San Mateo County

- Project Boundaries-Redwood City to Mountain View
- Multiple Studies underway including vehicle, rail, and other modes of transportation
- Study will not recommend a project for construction
- No EIR or committed funds for a specific project
- Significant public input
- Bringing forward to Council list of ideas from stakeholders
- Palo Alto represented on TAC (Joe Kott) and PAC (Dena Mossar and Yoriko Kishimoto)

Next Steps:

- Consultation with Public Officials
- **Dena Mossar:** Noted the initial public outreach and the extraordinary efforts to involve all stakeholders
- **Yoriko Kishimoto:** Represented City last year. Cited Comprehensive Plan Policies: T-49, lead in regional traffic; T-53, participate in regional solutions not including a southern by-pass; T-50 study and advocate progressive traffic management; T-52, support conversion of traffic lanes to HOU, etc.
- **Hillary Freeman:** Looking forward to continued consultation

ADJOURNMENT: The meeting adjourned at 6:45 p.m.

The City Council of the City of Palo Alto met on this date in the Council Chambers at 7:00 p.m.

PRESENT: Beecham, Burch, Cordell, Freeman, Kishimoto, Morton, Ojakian

SPECIAL ORDERS OF THE DAY

1. Appointment of Candidates to the Historic Resources Board

Council Member Cordell announced she would abstain from the vote due to her absence from the interviews.

City Clerk Donna Rogers announced that Beth Bunnenberg and Susan Haviland were appointed (with 8 votes) and Patricia DiCicco was appointed (with 7 votes) on the first ballot to a three-year term ending May 31, 2007.

ORAL COMMUNICATIONS

Doug Cox, 45 Eldorado Avenue, spoke regarding the upcoming music concert at Foothills Park.

Karen White, 146 Walter Hays, spoke regarding single stream recycling.

Lynn Krug, 322 North Claremont #4, San Mateo, spoke regarding SEIU negotiations.

Tony Spitaleri, spoke regarding contracting out services for the radio shop in Palo Alto.

Mike Brady, 8 La Paloma Way, Campbell, spoke regarding SEIU negotiations.

Hugo Estrada, 2912 Cabrillo Avenue, Santa Clara, spoke regarding SEIU negotiations.

Robyn Scott Forbes, 1434 Woodberry Avenue, San Mateo, spoke regarding SEIU negotiations.

Lisa Myers, 3300 Page Mill Road, Los Altos Hills, spoke regarding SEIU negotiations.

Rebecca Barbee spoke regarding SEIU negotiations.

Norman Carroll, Emerson & University, spoke regarding representation.

Brian Ward spoke regarding SEIU negotiations.

Annette Puskarich spoke regarding SEIU negotiations.

Judy Silva spoke regarding SEIU negotiations.

Eric Fisher spoke regarding SEIU negotiations.

Ed Power, 2254 Dartmouth Street, spoke regarding good government.

#### APPROVAL OF MINUTES

**MOTION:** Council Member Morton moved, seconded by Mossar, to approve the minutes of May 3 and May 10, 2004, as submitted.

**MOTION PASSED 9-0.**

#### CONSENT CALENDAR

Council Member Mossar stated she would not participate in Item No. 7 due to a conflict of interest because her husband was employed by Stanford University.

Council Member Cordell stated she would not participate in Item No. 7 due to a conflict of interest because she was employed by Stanford University.

Council Member Kleinberg stated she would not participate in Item No. 7 due to a possible conflict because her new employer, the American Electronics Association, has an organizational institute at Stanford University.

Council Member Freeman said her first question regarding Item No. 14 was the request for authorization to request an opinion from the Attorney General about the ability of a Council Member to participate in decisions regarding Stanford University, which was what was the Palo Alto's City Attorney's Office opinion.

Interim City Attorney Wynne Furth said there were no conflicts to the Political Reform Act, under Government Code Section 1090, which pertained only to contracting. The City Attorney's Office believed there was a possibility of a remote interest, but did not believe there was the kind of direct interest that would prohibit contracting. They believed there was a possibility of remote interest that would preclude Council Member Kleinberg's participation, although the City Attorneys were not in a position to provide her with such a level of assurance that she could participate in the

discussions. The Attorney General, who regularly issued opinions on Section 1090, was in a position to do so.

Council Member Freeman said her second question was regarding Item No. 16. The agenda showed three recommendations coming from the Finance Committee, but the staff recommendation only showed two recommendations. She needed clarification as to which recommendation was to be voted on.

Assistant Director of Public Works Mike Sartor said the initial Finance Committee recommendation was to include a portion of the bond buy-down to reduce the assessments to property owners in the parking district. The Parking Committee preferred having the entire bond buy-down be for the actual bond and not include an assessment reduction on an annual basis.

Council Member Freeman registered a "no" vote on Item Nos. 2, 3, 10, 12 and 16.

Council Member Kishimoto registered a "no" vote on Item No. 10.

Council Member Morton noted a correction on Item No. 2. The first reading was on May 10, and not on May 03, 2004.

**MOTION:** Vice Mayor Burch moved, seconded by Council Member Ojakian, to approve Consent Calendar Items Nos. 2-5, 7-16.

Beth Bunnenberg, 2351 Ramona Street, spoke regarding Consent Item No. 15. She supported extending the Transfer Development Rights (TDR) Program to the City-owned historic structures. The Historic Resources Board (HRB) had requested historic designation that would lead to TDRs. TDRs were valuable incentives and should be coupled with the protection of historic features.

Assistant City Manager Emily Harrison clarified Council Member Freeman's question regarding Item No. 16. The recommendation being adopted on the Consent Calendar was staff's amended recommendation.

Council Member Cordell addressed Item No. 10 and asked if other municipalities had been contacted to see what contractors had been used to upgrade their elevators.

Public Works Director Glenn Roberts said research had been done. He said normally work on elevators took place during the construction of new buildings. To upgrade an elevator in a 30-year-old building was an unusual situation and very few companies were available to do the job.

## LEGISLATIVE

2. Ordinance 4826 entitled "Ordinance of the Council of the City of Palo Alto Streamlining Planning Procedures by Adding Chapters 2.21 (Architectural Review Board), 18.76 (Permits and Approvals), 18.77 (Procedures for Permits and Approvals), and 18.78 (Appeals), Deleting Chapters 16.48 (Architectural Review), 18.90 (Variances, Home Improvement Exceptions, and Conditional Use Permits), 18.91 (Design Enhancement Exceptions), 18.92 And 18.93 (Appeals), and 18.99 (Administrative Approval of Minor Changes in Projects), Adding Sections 18.88.200 and 18.88.210, and Modifying Cross-References in Various Other Code Sections"
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4. Resolution 8428 entitled "Resolution of the Council of the City of Palo Alto Approving Increases in Palo Alto's Contribution Commitment Levels for FY 2005, 2006 And 2007 to the Funding of Operation and Maintenance for the Central Valley Project Power Facilities and Authorizing the City Manager to Execute Exhibit C, Revision 7 to the Agreement"
5. Resolution 8424 entitled "Resolution of the Council of the City of Palo Alto Approving Donation of Surplus Fire Equipment to Oaxaca, Mexico"
7. Ordinance 4828 entitled "Ordinance of the Council of the City of Palo Alto Amending the Budget for the Fiscal Year 2003-04 to Accept and Expend \$57,036 from a State Grant and the Leland Stanford Junior Excess Cost Agreement Funds into Capital Improvement Program (CIP) Project PE-00018, Sand Hill Road Bridge Seismic Retrofit"
8. Resolution 8425 entitled "Resolution of the Council of the City of Palo Alto Authorizing the Entering and Execution of the Direct Payment Services Agreement with the State Department of Community Services and Development - Home Energy Assistance Program"






9. Ordinance 4829 entitled "Ordinance of the Council of the City of Palo Alto Authorizing the Negotiation and Execution of the Western Area Power Administration Custom Products Contract and to Subscribe to the Day-Ahead Firming Service Product Under Specified Terms and



Conditions During the Period January 1, 2005 Through September 30, 2010, Inclusive”

ADMINISTRATIVE

-  10. Contract Between the City of Palo Alto and Novo Construction Inc. in the Amount of \$1,489,572 for the Civic Center Elevator Upgrades – Capital Improvement Program Project PF-01002
11. Award of Contract Between the City of Palo Alto and ERS Industrial services, in the Amount of \$180,275, for the Reclamation Plant Filter Repairs Project at the Regional Water Quality Control Plant (Wastewater Treatment Capital Improvement Program Project WQ-80021)
-  12. Award of Contract Between the City of Palo Alto and Ray L. Helwig Plumbing & Heating, in the Amount of \$119,355, for Cubberley Gymnasiums 'A' and 'B' Boiler Replacement – Capital Improvement Program Project PF-04010
-  13. Agreement Between the City of Palo Alto and the Palo Alto Downtown Business and Professional Association (PADBPA) for the Operation and Administration of the Downtown Palo Alto Business Improvement District (BID)
14. Request for Authorization to Request Opinion from Attorney General Regarding Ability of Council Member to Participate in Decisions Regarding Stanford University

COUNCIL COMMITTEE RECOMMENDATION

15. The Policy and Services Committee recommends to the City Council Implementation of a City-Owned Historic Building Incentive Program. (Direction to Director of Planning and Community Environment to present an ordinance for future public review)
16. Approval of the following Staff recommendation after meeting with property owners regarding disposal of the University Avenue garage project surplus of \$4,041,756:
  1. Use \$3,541,756 of the surplus to redeem a portion of outstanding bonds and to pay associated redemption costs.
  2. Retain \$500,000 of the surplus in a new Maintenance Fund to fund long-term capital improvements to the Lot R (High/Alma South) and Lot S/L (Bryant/Lytton) garages.

Resolution 8426 entitled "Resolution of the Council of the City of Palo Alto Determining Improvement Fund Surplus and Ordering its Disposition - University Avenue Area Off-Street Parking Assessment District"

Mayor Beecham announced Item No.6 was removed by staff and would not be voted on that evening.

**MOTION PASSED** 9-0 for Item Nos. 4, 5, 8, 9, 11, and 13-15.

**MOTION PASSED** 8-1 for Items Nos. 2, 3, 12, 16, Freeman "no."

**MOTION PASSED** 6-0 for Item No. 7, Cordell, Kleinberg, Mossar "not participating."

**MOTION PASSED** 7-2 for Item No. 10, Freeman, Kishimoto "no."

Council Member Freeman addressed Item No. 10 and 12 and asked why there were only single bids per contract. She noted bids were higher than staff's estimates. The elevator contact bid was 43 percent higher and the broiler replacement bid was 21 percent higher. She addressed Item No. 16 and had concerns about the legality of listing an agenda item that was not being voted on by Council.

Council Member Kishimoto questioned why there was only one bid received for Item No. 10. She said the City was a public agency dealing with taxpayer's money and obligated to receive at least two bids per contract.

#### REPORTS OF COMMITTEES AND COMMISSIONS

17. Parks and Recreation Commission and Palo Alto Historical Association Recommendation to City Council to Name the South of Forest Avenue Park as Palo Alto Heritage Park

Community Services Director Richard James said the staff report (CMR:309:04) described the process in detail, and he felt a presentation was not required. He announced he and the Parks and Recreation Commission (PARC) Chairperson Edie Keating were present to answer questions.

**MOTION:** Council Member Morton moved, seconded by Ojakian, that the City Council approve the recommendation from the Parks and Recreation Commission, the Palo Alto Historical Association (PAHA) and staff to name the park land, which is currently referred to as the South of Forest Avenue Park, the Palo Alto Heritage Park. Staff will return at a later date with an ordinance for approval via the consent calendar dedicating the park land at

the corner of Homer Avenue and Waverley Street as the Palo Alto Heritage Park.

Council Member Morton said renaming the park "Palo Alto Heritage Park" honored those who initially worked at Medical Foundation and brought the people together who were associated with the area

**MOTION PASSED 9-0.**

18. Parks and Recreation Commission and Palo Alto Historical Association Recommendation to City Council to Rename the Arastradero Preserve as Enid Pearson-Arastradero Preserve Park

Community Services Director Richard James said staff report (CMR:308:04) provided a detailed description of the process, and he felt a presentation was not required.

Betsy Allyn spoke of Enid Person's role in the development and adoption of the Palo Alto's Parks Dedication Ordinance and her contributions in securing Palo Alto parklands and open space.

Emily Renzel, 1056 Forest Avenue, spoke of Enid Pearson's role and contributions to the community in the preservation of the Arastradero Preserve.

Tom Jordan, 474 Churchill Avenue, said in 1965 a provision was made in the Charter where park matters could be voted on by the people. Several park matters were placed on the ballot that year and through Enid Pearson's efforts all changes passed unanimously.

**MOTION:** Council Member Kishimoto moved, seconded by Cordell, that the City Council approve the recommendation from the Parks and Recreation Commission, the Palo Alto Historical Association (PAHA), and staff that Arastradero Preserve be renamed the Enid Pearson-Arastradero Preserve and, if so, that the City Council approves the following:

1. Adopt the resolution renaming the Arastradero Preserve as the Enid Pearson-Arastradero Preserve;
2. Introduce the ordinance amending Palo Alto Municipal Code Section 22.08.330 to formally rename the dedicated park land called the Arastradero Preserve as the Enid Pearson-Arastradero Preserve; and

3. Direct staff to include the costs of implementing the recommendation (approximately \$10,000) in the 2004-05 Community Services Department budget.

Council Member Kishimoto said Council needed to respond to the newly adopted guidelines of naming and renaming a park and open space. The requirement was to meet one of three conditions in naming a park after a person. The person must have made: 1) lasting and significant contributions to the protection of natural or cultural resources of the City, 2) substantial contributions to the betterment of a specific facility or park, or 3) substantial contributions to the advancement of recreational opportunities within the City. Enid Pearson met all three of the conditions. A higher threshold was set for renaming a park. The reasons had to be compelling. When renaming a park, the City had to consider commemorating a person only if the person had made major overriding contributions to the City and whose distinctions had not been recognized. The Parks and Recreation Commission (PARC) endorsed Ms. Pearson's conclusion about monumental impact on Green Space, her role as author of Park Dedication Charter Initiative, her significant contributions to the community, and the preservation of Arastradero Preserve and other parks and open space in Palo Alto. She added a follow up motion to dedicate a plaque and a Park Dedication Ordinance to commemorate other key contributors to Arastradero Park Preserve and the Open Space District.

Council Member Cordell commended Policy & Services (P&S) Committee for the development of the naming and renaming policy. It was a Palo Alto process that worked efficiently, quickly and thoughtfully.

Council Member Morton echoed former Council Member Renzel's comment that the term Arastradero Preserve was the name the community recognized and supported by its vote. He felt Foothill Park, the Baylands, and Arastradero Preserve should stand-alone for the community at large and represent the community.

**SUBSTITUTE MOTION:** Council Member Morton moved, seconded by Mossar, to retain the name the "Arastradero Preserve" and to honor Enid Pearson by naming the gateway to the preserve after her.

Council Member Mossar felt the decision to rename the Preserve should be delayed until after the City had completed its acquisition of the final acreage to complete the Preserve. She suggested naming an undedicated building in honor of Ms. Pearson.

Council Member Kleinberg favored the State's policy of not naming or renaming a park after a person who was still living for reasons it could be

viewed as political and/or irrelevant issues. She had great respect for Ms. Pearson but had spoken to leaders and members of the community who also had tremendous affinity for the Preserve. Some were dismayed the property was being named in honor of someone still alive when they felt they had as much to do with the property. She did not support the main motion or naming the gateway after Ms. Pearson.

Vice Mayor Burch supported the main motion. He said renaming the Preserve would be honoring Ms. Pearson but in common plain usage would still be referred to as the Arastradero Preserve.

Council Member Freeman supported the main motion.

Council Member Ojakian opposed the substitute motion and supported the main motion.

Mayor Beecham supported the main motion and opposed the substitute motion.

### **SUBSTITUTE MOTION WITHDRAWN BY MAKER**

**MOTION PASSED** 7-2, Kleinberg, Mossar "no."

**MOTION:** Council Member Kishimoto, seconded by Council Member Ojakian, to direct staff to research and return to Council with procedures to have a plaque at the Enid Pearson-Arastradero Preserve to honor the key people, who were involved in the Preserve.

Ms. Furth said staff could proceed by going to the appropriate staff and Commissions and to return to Council with an Action item.

Council Member Kleinberg did not support the motion.

Vice Mayor Burch did not support the motion.

Council Member Mossar did not support the motion.

Council Member Cordell supported the motion.

Council Member Ojakian supported the motion. He spoke to people who were appreciative of only having their name recognized on a plaque.

**MOTION FAILED** 4-5, Cordell, Freeman, Kishimoto, Ojakian "yes."

### **UNFINISHED BUSINESS**

19. Public Hearing: The City Council will consider an application by Tony Montooth for a revised Conditional Use Permit (CUP) to allow the sale of alcoholic beverages (beer, wine, alcohol) at Antonio's Nut House located at 321 California Avenue [04-UP-02]. This request for an amended use permit has been filed in conjunction with the existing appeal request [03-AP-08] by Tony Montooth of the Director of Planning and Community Environment's approval of an amended Conditional Use Permit in July, 2003 to allow alcoholic beverage service as a conditional use.

**MOTION:** Council Member Council Member Ojakian moved, seconded by Morton, to continue the item to the Council Meeting of June 21, 2004.

**MOTION PASSED** 9-0.

#### PUBLIC HEARING

20. Resolution 8427 entitled "Resolution of the Council of the City of Palo Alto Confirming the Report of the Advisory Board and Levying an Assessment for Fiscal Year 2004-05 in Connection with the Downtown Palo Alto Business Improvement District"

Manager Economic Resource Susan Arpan gave an overview of staff report (CMR:290:04). She said the Palo Alto Business Improvement District (BID) was established on January 12, 2004, by City Council. On May 10, 2004, City Council preliminarily approved the Palo Alto Downtown Business and Professional Association (PADBPA) report and the Resolution of Intention to Levy the assessments for 2003-04. On May 26, 2004, the required public notice was posted in the local newspaper with the Resolution of Notice of Intention and the map of BID boundaries regarding reauthorization of the BID for 2004-05. Council was asked to approve the contract with the PADBPA. The annual contract was automatically renewed at the time of the annual reauthorization of the BID. Council was asked to take the following actions to: 1) hear testimonies from BID businesses, 2) calculate percentages of any protest on the assessment or activities, 3) consider adoption of the Resolution confirming the annual report, and levying the annual assessment for 2004-05. There were no written protests at the time.

Stephanie Wansek, Cardinal Hotel, PADBPA Advisory Board Chairperson gave an update of 2003-04 BID budget and activities and upcoming plans for 2004-05 as outlined in Attachment 2 of staff report (CMR:290:04).

Council Member Morton for clarification asked if the BID was looking at a signature event similar to the Snowman and Sleighride.

Ms. Wansek said the event would be created and supported by the downtown marketing merchants. It would not necessarily be a Christmas event but one the community would look forward to annually.

Council Member Morton clarified the Palo Alto Recreation Foundation in cooperation with the downtown merchants created the Snowman and Sleighride event. It had a great history and he looked forward to PADBPA's participation in a similar event.

Mayor Beecham declared the Public Hearing was open at 8:48 p.m.

Marc Dickow, Jungle Digital Imaging, 542 High Street, said he wanted to see more businesses open in Palo Alto for tax base and support. The BID would be helpful to the community, and he asked for Councils continued support.

Faith Bell, 536 Emerson Street, spoke of enhancements for beautification of the City such as signage, seasonal flowers and street cleaning. In regard to the tree lighting in the downtown area, she said PADBPA'S would not want to take over City services but would work to enhance the areas covered by the tree lights. A website design was in process as well as completion of a survey of new businesses to update City's database.

Mayor Beecham declared the Public Hearing was closed at 8:53 p.m.

**MOTION:** Council Member Kleinberg moved, seconded by Burch, to adopt a resolution to approve the 2004-05 Budget Report and to levy the annual assessment for the Palo Alto Business Improvement District for 2004-05.

Council Member Kleinberg said the PADBPA's efforts was added support to the Mayor's effort in helping retailers in the community.

Vice Mayor Burch said he felt it was a great program and voiced his continued support.

Council Member Morton echoed Council Member Kleinberg and Vice Mayor Burch's comments.

**MOTION PASSED 9-0.**

- \*21. Public Hearing: The City Council will consider an application by BAR Architects on behalf of Yoav Shoham and Orit Atzmon for Site and Design Review of property located at 820 Los Trancos Road to allow construction of a 11,006 square foot, two-story, single-family residence, a 2,294 square foot accessory sports building, swimming pool, landscaping and other site improvements. *\*This item is quasi-judicial and subject to Council's Disclosure Policy*

Project Planner Steven Turner gave an overview of the project and the Planning and Transportation Commission's (P&TC) review criteria and recommendations as outlined in staff report (CMR:203:04)

Planning and Transportation Commissioner Karen Holman said there were recommended changes by the P&TC where the applicant would need to come back with the suggested recommendations before the project could be approved.

Mayor Beecham declared the Public Hearing opened at 9:08 a.m.

Yoav Shoham, property owner, 4058 Orme Street, gave an overview of the home and its surroundings. He emphasized the natural landscape of the project would be preserved.

Richard Beard, San Francisco, 1660 Bush Street, project architect, gave a summary of the project design and materials used. He said a geothermal mechanical system with high performance, non-reflective, glass would be used to sustain energy conservation.

Andrea Cochran, spoke regarding the project's landscape. Many trees would be preserved and orchard type trees added. A sensitive scheme would be used to retain the existing natural landscape with low water usage to maintain native plant materials.

John T. Law, 830 Los Trancos Road, Portola Valley, was a neighbor and a 40-year architect in Palo Alto. He said he had seen several proposed designs for the site. He felt the design was an excellent piece of architecture and was in favor of the design.

Herb Borock, P.O. Box 632, said public records needed to indicate which property the waste water system would be connected to and if property was being annexed to another waste water system such as the West Bay Sanitary District.

Mr. Shoham clarified the system was connected to the Coolberg Pump Station that went through the Layman property and Agusti properties. A cost-share agreement was approved by the West Bay Sanitary District and was in the process of securing the annexation. A backup plan was incorporated to install a leach field if necessary.

Mayor Beecham stated his colleagues did not have any disclosure statements nor site visits.

Mayor Beecham declared the Public Hearing closed at 9:23 p.m.



Council Member Morton as a point of clarification asked if approximately 13,300 square feet was being approved which included an 11,000 square feet home and a 2,200 square feet sports building.

Mr. Turner said that was correct.

Council Member Kishimoto questioned the color of the home.

Director of Planning and Community Environment Steve Emslie said it would be darker than what was indicated on the color board and the applicant had to return for staff's review for a darker color palette.

Council Member Kishimoto questioned the OS zoning of having only 3.5 percent of the site that could be covered with impervious construction. Roads, tennis courts, barns, outhouses, and swimming pools would be subject to severe limitations. She asked whether roads were included.

Mr. Emslie said the P&TC had concerns regarding the use of impervious coverage as a regulator for the maximum size of a home. Revised building techniques would be explored that resulted in larger amounts of impervious coverage and review calculating access roads in the lot area.

Ms. Holman said the P&TC said as environmental technologies had improved, roads and driveways become pervious and the buildings became "bloated," resulting in larger construction projects in the OS Districts.

Council Member Kishimoto asked whether Councils approving or disapproving a project would set precedence to influence what was being reviewed for the OS District.

Mr. Emslie said he did not believe it would. Council, on the recommendation of the P&TC, could set zoning regulations at a level to implement the Comprehensive Plan policies. Previous actions on permits implementing a previous set of rules would not set any precedence to establish new rules provided they were consistent with the Comprehensive Plan.

**MOTION:** Vice Mayor Burch moved, seconded by Council Member Ojakian, to approve the following in connection with 820 Los Trancos Road:

1. Negative Declaration and Addendum, in accordance with the California Environmental Quality Act.
2. Site and Design Review application to allow construction of a residential structure in the Open Space District, with the findings

and conditions of approval contained in the Record of Land Use Action.

Additionally, conditions would be added that the sports building would not be converted to a residence, and the building color shall be revised to a darker shade of brown.

Vice Mayor Burch said he preferred having the site as open space but felt the project design was sensitive to the environmental use of the site. He asked the applicant to consider using Solar Photovoltaic in the design.

Council Member Ojakian asked if there were size restrictions in the West zone.

Interim City Attorney Wynne Furth said the only numeric standard of limitations was the impermeable surface calculation. The project had to meet the numeric standards then make the required findings in the site and design review.

Council Member Ojakian said the applicant met all standards.

Council Member Morton asked if there was a history of approving shopping center size residences and could a policy change be made to change the requirements.

Ms. Furth said Council Members were entitled to present their views on the matter but to avoid discrimination as to which projects were approved. She advised when Council was making a decision they would need to consider as to whether it were correct, fair, and equitable and what decisions were made in prior similar cases. Discretion and consistency should be considered.

Council Member Morton asked whether consistency was a factor staff and the P&TC had considered in terms of approval.

Mr. Emslie said yes. Site parameters of adjoining properties and recent approvals were taken into account to reach site and review findings.

Ms. Furth said Council had considered and rejected size limits on structures in the area when the district was adopted.

Council Member Morton supported the motion but asked to go on record that he was reluctant due to its magnitude in size.

Council Member Kishimoto reluctantly supported the motion. She said she could have voted "no" to both parts because the cumulative impacts had not

been adequately reviewed. The new policy to replace impermeable driveways with building space had not been formally adopted but was informally used. She urged staff and the P&TC to take a closer look when the project came up for consideration in the fall. For the record, she stated the possible "no" vote on the next project.

Council Member Freeman said she was in agreement with the design and in keeping with the surroundings except for the sports building. The pictures showed the building to be visible from Los Trancos Road. She was concerned about not having cumulative impact information available on building intensification in the OS District.

Council Member Kleinberg supported the motion. She echoed Council Member Freeman's concern regarding the visibility of the sports building and asked if the building could be screened with landscaping.

Council Member Cordell said the project fit legally and was sensitive to the OS District. She supported the motion. She felt it was important to respect property rights as long as the people were sensitive to the issues that came with open space.

**MOTION PASSED 9-0.**

22. Public Hearing: The City Council will reconsider an application by Cartmell/Tam Architects on behalf of David Ditzel for Site and Design Review to allow a 1,677 square foot addition to an existing 3,433 single-family residence located at 4010 Page Mill Road and construction of a new swimming pool, including a request for the following variances: a 29'6" side yard setback where a 30' setback is required, construction of an exterior stairway and landing having a 46' front yard setback and construction of a new garage having a 69' front yard setback where a 200' setback is required, and a total impervious area of 13.5%, where 3.5% is normally the maximum allowed. *(Item to be continued to 06/14/04 at the request of the applicant)*

**MOTION:** Council Member Council Member Ojakian moved, seconded by Kishimoto, to continue the item to the Council Meeting of June 14, 2004.

**MOTION PASSED 8-0, Burch absent.**

COUNCIL COMMENTS, QUESTIONS, AND ANNOUNCEMENTS

Council Member Freeman asked if staff would respond to the concerns of the public member regarding the legal issues of the Foothill Park concert.

Assistant City Manager Emily Harrison stated the concert must abide by the requirements of the Palo Alto Municipal Code (PAMC).

Council Member Kishimoto announced the celebrated return of the weekend Caltrain service and the beginning of the Baby Bullet Express service.

Vice Mayor Burch noted Mayor Beecham and Council Member Council Member Ojakian attended the Palo Alto Police Reserves dinner on Saturday night and recognized the important services they provided for the community.

CLOSED SESSION

The meeting adjourned to a Closed Session at 9:53 p.m. to discuss Closed Session Item No. 24.

23. Item removed at the request of staff

24. Public Employment

Position: City Attorney

Authority: Government Code Section 54957

The City Council met in Closed Session to discuss matters involving public employment as described in Agenda Item No. 24.

The meeting reconvened into open session.

Mayor Beecham reported the Council voted (7-2, Council Member Ojakian, Morton voting "no") to extend an offer of employment to Gary Baum for the City Attorney position. The offer will be made and brought back to the Council on July 14, 2004.

FINAL ADJOURNMENT: The meeting adjourned at 10:30 p.m.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

NOTE: Sense minutes (synopsis) are prepared in accordance with Palo Alto Municipal Code Sections 2.04.180(a) and (b). The City Council and Standing  
06/07/04 97-450

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