



PLANNING & TRANSPORTATION COMMISSION MINUTES

=====MEETINGS ARE CABLECAST LIVE ON GOVERNMENT ACCESS CHANNEL 26=====

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*Wednesday, August 30, 2006
Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301*

ROLL CALL: 5:35 pm

Commissioners:

*Patrick Burt
Karen Holman - Chair
Lee I. Lippert – Vice-Chair
Paula Sandas
Arthur Keller
Daniel Garber
Samir Tuma*

Staff:

*Steven Emslie, Planning Director
Donald Larkin, Senior Deputy City Attorney
Curtis Williams, Chief Plan./Transp. Official
Amy French, Current Planning Manager
Clare Campbell, Planner
Gina La Torre, Associate Planner
Julie Caporgno, Advance Planning Manager
Zariah Betten, Executive Secretary*

AGENDIZED ITEMS:

SPECIAL MEETING:

1. Zoning Ordinance Update: Commercial zones, Mixed Use requirements and Performance Standards for commercial, industrial and multifamily zones.

REGULAR MEETING:

SPECIAL ORDERS OF THE DAY: Selection of Chair and Vice-Chair

2. 850 Webster Street

APPROVAL OF MINUTES: Minutes of Regular Meeting of June 28, Special Meeting of July 12 and Regular Meeting of July 26, 2006

SPECIAL MEETING AT 5:30 PM

Chair Burt: Good evening, we will be convening the meeting. At this time we will be convening the meeting of the Planning and Transportation Commission for Wednesday, August 30, 2006 this being a Special Study Session from 5:30 until seven o'clock. Would the Secretary like to call the roll? Thank you.

Just so everyone knows our agenda tonight we are going to have a study session on the Zoning Ordinance Update discussing commercial zones, mixed use requirements and performance standards for commercial, industrial and multi-family zones. Then we will adjourn the study

1 session at about seven o'clock and then reconvene the Planning Commission for its regularly
2 scheduled meeting, which will start with the selection of a Chair and Vice-Chair and then we
3 will go onto 850 Webster, which is known as the Channing House PC. Just so everybody knows
4 what the process will be tonight.

5
6 Our first item is the study session on the Zoning Ordinance Update. Curtis would you like to
7 introduce the Staff Report?

8
9 ***STUDY SESSION:***

- 10
11 **1. Zoning Ordinance Update** - Study Session to discuss Commercial zones, Mixed Use
12 requirements and Performance Standards for commercial, industrial and multifamily
13 zones.

14
15 Mr. Curtis Williams, Chief Planning and Transportation Official: Yes, thank you. Chair Burt
16 and Commissioners we are here tonight to talk to you about the commercial zoning districts, the
17 associated mixed use development standards that go with those and a separate chapter on
18 performance standards to provide for additional controls adjacent to residential areas in
19 particular. I would like to make a couple of introductory comments before getting into the
20 substance of the report.

21
22 First of all I would like to introduce some other people that have been helping work on these
23 criteria. Julie Caporgno, Advance Planning Manager over the ZOU. Clare Campbell, Planner
24 who has been helping with it. Kevin Gardner who you have seen several times before on zoning
25 items and urban design is a planning consultant. Whitney McNair who is our newest addition to
26 help out on the planning of the Zoning Ordinance Update who recently left the City of Mountain
27 View to become a consultant and we are happy to have her helping out.

28
29 I also wanted to note for you that, and I think Commissioner Tuma will need to make a
30 disclosure here in a minute, we do have one Commissioner that has a conflict with the
31 Community Commercial, CC, zone which is where Stanford Shopping Center is located. So our
32 suggestion tonight is going to be that we run through the whole Staff Report for you, that you
33 discuss everything but hold any comments or questions related to the Community Commercial
34 zoning district. Once you have concluded all of that discussion then Commissioner Tuma can
35 excuse himself and we can have some discussion relative specific to your additional thoughts on
36 that zoning district.

37
38 Chair Burt: Great. I have neglected to welcome our two new Commissioners, Arthur Keller and
39 Samir Tuma. We look forward to you joining us.

40
41 Mr. C. Williams: I think it probably would be appropriate at this time for Mr. Tuma to disclose.

42
43 Chair Burt: So Samir you want to go ahead and disclose your conflict area?
44

1 Commissioner Tuma: Yes. My wife is employed at the Business School at Stanford University
2 and so I will be conflicted out on matters related to Stanford and as I understand it the
3 Community Commercial District would impact some of the Stanford lands.

4
5 Chair Burt: Thank you.
6

7 Mr. C. Williams: Thank you. So we are here tonight to talk to you about the commercial, mixed
8 use and performance standards. As you may recall we came to you a little while back with the
9 work program for the Comprehensive Plan Update and indicated at that time that we are going to
10 try to kind of streamline our Zoning Ordinance Update efforts and focus in on a few key changes
11 in each area, maybe not as ambitious as we had hoped initially but try to move through this so
12 that we can get into the Comprehensive Plan Update. That is the spirit with which we present
13 these to you tonight.
14

15 We also have had some direction from the City Council as you will hear in a minute for revising
16 the zoning or rezoning some properties and also making some changes here in the ordinance to
17 limit residential use in the commercial zones and a desire to get that done and in place by
18 November 7, which is when Proposition 90 is on the state ballot. Just in case it would pass that
19 this would hopefully precede that and could be effective and we would be at less risk in terms of
20 potential litigation for the rezoning. I would be glad to explain any of that to you or let Don, our
21 attorney, explain that to you if necessary.
22

23 Chair Burt: Curtis, I should have made one other clarification. After the Staff presentation we
24 will be opening public comment period on this item prior to the Commission having its
25 discussion. We can have any preliminary questions by the Commission as we would in a
26 regularly agendized item.
27

28 Mr. C. Williams: Okay. This is a study session so we are looking for your input and thoughts
29 and where we should on these items. There isn't any action that the Commission can take
30 tonight but we will be coming back on September 27 with the requisite ordinances to implement
31 these actions.
32

33 So we are talking about the commercial zoning districts, the mixed use standards and
34 performance criteria tonight. There are a number of Comprehensive Plan policies that deal with
35 these issues specifically to create new mixed use zoning types, to look at existing and potential
36 incentives to encourage mixed use development on commercially zoned lands, to better address
37 land use transitions from commercial to single family residential and a few others as well as
38 establishing new performance and architectural standards to minimize those negative impacts
39 where those transitions occur.
40

41 We began this process in talking about this mixed use and other land use types in mid 2003 with
42 some community workshops and joint study sessions with the Commission and Council that we
43 held that year. We then followed that up with some priority statements for each of those land
44 uses that we came to Commission with, the Commission modified those, and they are embodied
45 in the Staff Report. We also brought to the Commission in August of 2004 some potential
46 changes to mixed use as well as to village residential at that time that we had some input on.

1 Most recently we have taken these draft mixed use standards to the ARB a couple of times and
2 they have passed them along and supported them at their last session.

3
4 We have also had some preliminary community outreach regarding these criteria, mixed use and
5 commercial and the performance criteria. We held meetings last week with some local architects
6 and developers as well as with some representatives from Palo Alto neighborhood organizations.
7 We have provided you with a list of some of the comments that were made at those meetings and
8 some of the concerns that were expressed. We have put some language in Frank's memo to
9 indicate that this process was occurring and this meeting is occurring. The regular public notice,
10 we listed this in the Palo Alto Online Community Calendar as well as the Chamber of Commerce
11 website. We have established on the ZOU website a mixed use specific website to address some
12 of the criteria related to mixed use.

13
14 The commercial districts in town as you can see by the map take up a relatively small percentage
15 of the community and are focused in Downtown along El Camino Real, California Avenue area,
16 and the Stanford Shopping Center with a few others like Midtown and Charleston Center and
17 along portions of San Antonio Road. The districts are: Neighborhood Commercial (CN),
18 Service Commercial (CS), Community Commercial (CC), and then a variety of that in California
19 Avenue area CC2, the Downtown which is Commercial Downtown (CD). Then there are related
20 districts for ground floor retail and pedestrian overlays that are existing too. We have not
21 modified those in any way or in any place that those apply today. Those are intended to remain
22 in place with these commercial changes.

23
24 The key revision that we are discussing with commercial or that we are suggesting initially on
25 the commercial portion of the zoning is that we will create basically two commercial chapters.
26 One will include CN, CS and CC zones and the other will include the CD, the Downtown
27 Commercial. It primarily deserves a separate chapter for all of the complications, the transfer of
28 development rights and seismic and historic bonuses it brings with it. So it made sense to break
29 that out separately. The basic uses and standards in these zones are not proposed to change with
30 some very limited exceptions that I will talk about in a minute.

31
32 The main change probably is, and this is at Council direction on August 7 when we talked to
33 them about trying to preserve commercial uses in town, to limit residential use that is now a
34 permitted use in all of our commercial zoning districts. To limit that to mixed use only so that
35 we can preserve particularly the retail components of those sites and to preclude then an entirely
36 residential use on a commercially zoned site with the exception that where we have designated as
37 a housing opportunity site in the Housing Element that that would be allowed to proceed as a
38 fully residential development.

39
40 We have also suggested and this came out of the Council meeting as well that there was concern
41 that that not just turn back into a lot of office use instead of the residential. So we have thrown
42 out for your consideration the potential to require a conditional use permit for office uses in the
43 CN, CS, and CC zones. We didn't include the Downtown or the Cal Avenue areas because of
44 their ground floor restrictions, which virtually all zones have now but also just because those are
45 primary uses in those areas. We didn't feel like it was appropriate to burden them with
46 conditional use requirements. We would like to hear from you about that. We think there are a

1 lot of constraints already on office uses now that we have virtually all the ground floor areas
2 covered by retail restrictions in all of our zones. So it may not be necessary to have any further
3 restrictions.

4
5 We have also suggested a CUP for late night commercial uses meaning from ten at night until six
6 in the morning in the CN and CS zones where they are adjacent to residential development. This
7 is primarily so that we would have an opportunity to look at each case and try to prescribe some
8 specific conditions to assure that the various operations of that business were not adversely
9 impacting the residents.

10
11 One additional development standard change is to reduce the front setback along El Camino Real
12 to allow the buildings to come up closer to the sidewalk and create a more pedestrian oriented
13 frontage. That comes directly from some policies in the Comprehensive Plan that have been
14 converted into the El Camino Real Design Guidelines and avoids then the requirement or the
15 need to get exceptions to allow that to occur, which has been happening quite frequently with the
16 ARB.

17
18 Then the last thing is we haven't made any specific suggestions here but we are aware that hotels
19 are attractive revenue producing source for the city. We would like to be sure that we in some
20 way, shape or form have some incentives built in at least perhaps increasing floor area ratio for
21 hotels and we are interested in ideas you might have about other ways to be sure that we are
22 retaining and encouraging hotel use in appropriate locations. Hotels are permitted uses in all of
23 our commercial zones except for the Neighborhood Commercial (CN) zone.

24
25 So that is basically the list of changes for the commercial other than the mixed use changes we
26 are going to talk about. Again, there are no real changes in standards as far as setbacks and
27 heights and FAR and such.

28
29 The mixed use area is one that back a couple of years ago Kevin Gardner and Rick Williams, and
30 by the way Rick couldn't be here tonight. We hope he is able to make it on September 27. They
31 began back then looking at a constraints analysis to analyze using today's standards how is
32 mixed use constructed, what can be done under those criteria and what those general constraints
33 are. They came up with several concerns and recommendations about how to avoid highly
34 restricting, particularly on smaller lots, these mixed use projects many of which we have been
35 seeing lately. Many of them resulted in poor design in terms of sort of a wedding cake effect,
36 very restrictive in terms of getting a second story in and those kinds of considerations and
37 inconsistencies with what the Comprehensive Plan was trying to do in setting the buildings way
38 back off of the street instead of bringing them up to the front. So some of the key
39 recommendations that we have tried to incorporate into the tables that you have before you
40 include eliminating the multi-family overlay. Right now multi-family zoning is applied on top of
41 the commercial zoning for mixed use and results in a number of constraints not only to the
42 residential portion but also to the commercial portion. It many times artificially creates an
43 infeasible situation. So removing those and just providing as we have here standalone mixed use
44 criteria.

1 Second, as far as setbacks and daylight planes we want to continue to have those setbacks and
2 daylight planes when we are adjacent to residential uses but the way they were applied and have
3 been applied they kick in even when you are next to commercial or industrial uses. So our
4 suggestion is to only require those setbacks and daylight planes when adjacent to residential use
5 and to otherwise retain the existing commercial setbacks for mixed use in other situations, which
6 generally are very minimal setbacks.

7
8 Thirdly, the front setback as we mentioned trying to bring the building up closer to El Camino or
9 other streets particularly arterials and provide for an effective sidewalk and pedestrian oriented
10 requirements rather than having the building setback and separated from the pedestrian. The
11 building height – currently there are requirements to reduce the building height to 35 feet when
12 within 150 feet of a residential zone. We have suggested reducing that to 50 because in a lot of
13 these small lot situations there are actually intervening lots between the lot being proposed to be
14 built on and the residential zone. So you may have a commercial lot right next door and then a
15 residential lot 150 feet away but you are still getting nicked for the reduced height in those
16 situations. So our suggestion is that if there is a residential lot next door then there ought to be a
17 reduced height but if it is not the case then we can continue to retain those commercial maximum
18 heights.

19
20 Project open space is currently required in the multi-family zones, not in the commercial zones,
21 and we have tried to create somewhat of a hybrid where we retain a minimum amount of open
22 and landscaped area on the site and then specify that each residential unit has to have a couple
23 hundred square feet of usable open space. We have defined usable much more specifically as far
24 as being accessible to the residential area and in locations where it serves that function. We also
25 have allowed it to be rooftop gardens or on top of podiums or that kind of area.

26
27 Finally, one of the impediments to mixed use, and this is called out as a policy in the
28 Comprehensive Plan, is Site and Design Review that requires review by the ARB, the Planning
29 and Transportation Commission and the City Council. We have had a handful or a half-dozen
30 project in the last couple of years go through that process on smaller sites. It has taken awhile
31 for them to get through although it seems that almost all of those have been very highly
32 supported and have been actually model projects in many instances for mixed use. So our
33 feeling is that for at least the small projects that it would be more appropriate to just have them
34 go through the ARB process and not go through the full Site and Design Review. We have
35 defined small project here at least as an initial take as four residential units or less. So if it were
36 a larger project than that then it would still be required to go through the Site and Design Review
37 process.

38
39 The mixed use criteria – the mixed use section of the commercial zoning ordinances will also
40 have very similar context-based design criteria that you saw in the PTOD looking at streetscape
41 treatments and building façades and frontages, massing and setback consistent with the El
42 Camino Real Design Guidelines which again are really built off the Comp Plan policy and
43 direction. The low-density residential transitions with the daylight planes and setbacks and
44 screening and project open space and parking design and sustainability and green buildings.
45 Those diagrams and text that you saw in the PTOD are going to be tailored for mixed use but a
46 lot of that will be very similar because a lot of those principles will apply here as well.

1
2 The last area we want to touch on briefly at least is the performance standards. This is what we
3 anticipate to be a separate chapter that would apply these protective criteria to not only the
4 commercial districts but also to the industrial and multi-family zones where those are adjacent to
5 lower density single family residential. They address issues like trash disposal and recycling, the
6 location of the those, lighting, noise, parking configurations, how access to the site takes place,
7 air quality, dust, odor, smoke concerns, and hazardous materials. So the kind of nuisances that
8 can surround a commercial or industrial or multi-family use and how to minimize those from
9 impacting those residential properties. So a lot of the language is the same is what we have now
10 in Chapters 18.28, which deals with multi-family and 18.64, which deals with commercial and
11 industrial. A lot of those have been retained and a lot of that general language we have tried to
12 be more specific in some locations like providing specific foot candle levels at the property line
13 for lighting, addressing the late night uses and activities with both the use permit and some other
14 general language. Specifically placing equipment out of setbacks from a noise standpoint and
15 demonstrating compliance with the noise regulations. We want to go back after our community
16 meeting the other night and do some more work on that to try to require the applicant to
17 demonstrate up front how that is going to happen. Avoiding conflicts with pedestrian and
18 bicycle access and avoiding use of residential streets for employee access and particularly for
19 delivery access. Controlling odors and dust and then for hazardous materials trying to provide at
20 a minimum some notice to residents when there are changes or increases to the types of
21 hazardous materials that are stored in close proximity to those residences. Again, from our
22 community meeting the other night with Palo Alto neighborhood folks we want to do some more
23 work with the Fire Department and with them in trying to define best how that can happen, what
24 the timeliness is of any kind of disclosure and notice for those kind of changes to industrial sites.
25

26 A sort of side issue but it has commercial use and we are bringing it up and addressing it here is
27 the Fry's Electronics site. You probably all know that Council has been very concerned about
28 trying to retain that and at their manager's direction we have made an initial effort to try to find
29 some ways to encourage them or help them in their current situation. One of those is to allow
30 them to have better signage since they are so hidden off of El Camino. We are preparing specific
31 language to come to you with to allow sites that are large retail sites that don't have frontage on
32 arterial roadways to have the opportunity to have larger signs than the one that Fry's has right
33 now, which is not very visible. The second thing is the amortization period that is currently in
34 the ordinance. We would suggest removing that, still retain the fact that until there is a rezoning
35 of the property that it is a nonconforming use and it is still limited to some of the truck access
36 and other conditions that are in that section of the code but we will be bringing that to you as
37 well either packaged as part of this ordinance or perhaps as a separate companion ordinance next
38 month.
39

40 So for our next steps we anticipate coming back to you on September 27 with a draft ordinance
41 incorporating all of these issues. Then we tentatively have a date of October 16 to go to the
42 Council hoping again to be there before the November 7 date. Julie, did you have anything you
43 wanted to add? Okay. So we would be glad to take any questions and then you can go to the
44 public hearing.
45

1 Chair Burt: Thank you, Curtis. We might want to go straight to the public and the reason for
2 doing so is one of the speakers has requested that he try to speak by 6:00 due to another
3 engagement. If that is okay with the Commission I only have two speaker cards so far but we
4 may see a few more come forward.

5
6 In that case our first speaker is Martin Bernstein to be followed by Art Liberman.

7
8 Mr. Martin Bernstein, Palo Alto: Thank you Chair Burt. I live in a CDC zone and on your
9 Attachment C, 18.49.020 I would like to make a suggestion for an additional comment. It is on
10 page two. Trash Disposal and Recycling, under requirement B you have four points. I would
11 like to suggest you consider adding a fifth point. It is a quality of life issue. My suggested add is
12 trash disposal and recycling structures shall have locked gates and work enclosures. The reason I
13 am suggesting this is there are such structures near my home and late night/early morning there
14 are people that come through and remove recyclable material. At three in the morning it is very
15 disruptive and noisy and it is not a good situation to have when there is residential in the CDC
16 zone. That is my recommendation to add to that. Those are my comments. Thank you.

17
18 Chair Burt: Thank you. Art Liberman to be followed by Denny Petrosian.

19
20 Mr. Art Liberman, Palo Alto: Thank you. I represent a community of residents in Barron Park
21 who live near the interface between a residential zone and a research park zone. We are very
22 concerned with the risks from hazardous materials using the adjacent sites. We have met with
23 Curtis and we have met with Fire Marshall, Dan Furth. We appreciate their willingness to add
24 performance standards on hazardous materials to the zone update but we feel that the proposal
25 doesn't go far enough. I sent you a letter explaining why and have suggested modification to the
26 performance standard.

27
28 To summarize we feel that residents should be involved in the decisions about some projects
29 using the most hazardous materials in sites adjacent to their homes. These are projects, which
30 use or store such large quantities of particularly hazardous materials that if misused or released
31 in the case of a natural disaster have the potential of causing them serious harm. These residents
32 should not be frozen out of the decision-making as happens now in the current policy or would
33 happen in the performance standard that is proposed by Staff. On the contrary these residents
34 ought to be notified before permits are issued and be able to participate in the public design
35 process. We think this is common sense and it is good zoning practice. Our suggestion is just a
36 suggestion that we thought makes good sense would use the State of California regulation
37 Title 19 also called the California Accidental Release Prevention Program as a guide to
38 determine which projects would require this extra review. This regulation is California's
39 implementation of the US Emergency Planning and Community Right to Know Act and the
40 Clean Air Act and was passed following the Bhopal disaster in India. They effect and discuss
41 and apply to offsite consequences.

42
43 The current zoning issues that are associated with the designs primarily affect the issues
44 associated with good building practices and safe fire and hazardous material practices of the site
45 itself. This applies really to offsite consequences. Tables one to three in this regulation list
46 certain hazardous materials and threshold limits of those quantities. These are particularly

1 hazardous materials that are used in substantial quantities. In addition this Act puts the burden
2 on the applicant to determine the offsite consequences and the area affected from the worst-case
3 accident. The City may wish to use other ways this was our suggestion.
4

5 I don't want to repeat further the arguments in the letter. Instead I want to show you what the
6 current policy as allowed happened in our city. This is an example of how I think current zoning
7 policy in the past has put many residents at risk. I have four figures. The first figure shows an
8 outline of a project proposal by CPI at 811 Hanson Way. In this project they proposed adding
9 two hydrogen tanks and other cryogenic liquid tanks. Over the past few years they proposed
10 substantial modifications to their facility involving hazardous material usage. There were
11 substantial changes in these projects. They paid over \$80,000 in permit fees alone. I have
12 superimposed on the figure the areas where the most hazardous chemicals are stored and where
13 they are used. These upgrades will begin in 2003/2004. Now the second figure is exactly the
14 same facility on the same scale. This is a Google Earth photo that shows the extreme proximity
15 of the hazardous material storage building, which is over there on the left. It is a small building
16 just to the right of that pink highlighted area. The other most hazardous area is the hazardous
17 chemical usage area in the plating shop. This is where they have a lot of hazardous materials
18 usage. Also in the basement are the hazardous waste storage facilities.
19

20 So let me just remind you that no resident was notified by the City of the proposed project work
21 at CPI. This is the hazardous material storage area and the writing that you 'toxic, flammable,
22 corrosive cyanide, acids, alkaline, liquids and solids' is on the labeling that can be seen on
23 actually the plans that were submitted to the City by CPI so it therefore describes the materials
24 that are in that storage area. So no resident was notified by the City. The project was considered
25 minor, as most of the work was interior in Building 2, which is this building here. So there was
26 no ARB Board process.
27

28 Okay, I need to sum up. Next graph, please. On the second of February there was a leak or an
29 accident in which there was a hazardous gas material leak. This is where we, the residents, really
30 became aware of the circumstance. So the proposal that we suggest which is Title 19 which
31 would require CPI or the City in fact to notify residents in this area, this is .2 miles, this is 1,000
32 feet from this area. This is the area where residents if there were a worst-case accident which
33 they must identify in the RMP which they submit under Title 19, these are the residents that
34 would be affected. Beyond this area residents would be able to take effective action and leave
35 the zone with reasonable safety. So the final sum up of what I have to say...
36

37 Chair Burt: Well, Mr. Liberman, we have to hold to the time limits although I do have a follow
38 up question for you. Are you recommending that for future projects this process is what would
39 be followed or are you talking about some thing retroactively?
40

41 Mr. Liberman: No, we are talking about the future. We realize this is in process, this is in place
42 but if in other areas in the city where companies are using such substantial amounts of
43 particularly hazardous materials and they have to file an application with the County of Santa
44 Clara, the Department of Environmental Health monitors this program, and the Palo Alto Fire
45 Department has material and is aware of this that they would be required to notify residents who
46 would be in an area which might be seriously affected by an accident.

1
2 For example, this company has 400 or 500 hazardous chemicals that they use. There are only
3 two that they use which are in substantial quantities and of substantial hazards that would be
4 affected. So it is not just any time a company moves a bottle or a small vessel or a little of that
5 and this. They have 500 gallons of nitric acid. They have 400 pounds of potassium cyanide. So
6 these are extremely hazardous materials and there are substantial quantities that they have at the
7 present time. They were allowed to build this facility very close to a residential area without
8 notification. So we think in the future residents should be notified.

9
10 Chair Burt: So, let me just try to understand. You have brought up some important issues but as
11 far as what recommended changes you and your neighbors are suggesting other than notification
12 there then needs to be a process. One of the things you may have seen alluded to as a conditional
13 use permit that is a mechanism. Have you gone to the point where you are making
14 recommendations beyond notification in terms of either offset or conditional use permit or are
15 those things you merely want to identify that there is a problem and are looking for us to suggest
16 any possible ways to address this in the future?

17
18 Mr. Liberman: What we think is notification is the first step and then once interested and
19 affected residents would be notified they should be able to have their voices heard in the decision
20 about the details of that particular plant. Just as in the Architectural Review Board process
21 people who are going to be seeing a building have a right to say well, this is unsightly can it be
22 changed in this way or that way? So we think these residents if affected should have a right to
23 some sort of hearing perhaps in front of this body, we don't know if there is an alternative, where
24 the details of such a project would be put out and alternatives for example this particular
25 hazardous material could be put in this area or this particular process could be put in that part of
26 the project. All of this done before the project is approved, before the permits are issued, before
27 we have to go back to a company and say we had a leak and we are really upset with it and so
28 therefore you end up with a process which is a better one for everybody.

29
30 Chair Burt: Thank you. Commissioner Garber you also had a question.

31
32 Commissioner Garber: No, you have covered mine. Thank you.

33
34 Chair Burt: Commissioner Lippert.

35
36 Commissioner Lippert: Could Staff clarify for me, is this not in the CN or the CS zone, correct?

37
38 Mr. C. Williams: It is not but the performance criteria chapter that we are proposing would
39 cover industrial, commercial and multi-family.

40
41 Commissioner Lippert: Okay.

42
43 Mr. C. Williams: So it would cover that as well.

44

1 Commissioner Lippert: Let me ask Mr. Liberman, every building that every commercial project
2 is reviewed by the Architectural Review Board for certain criteria. Would that not be a public
3 hearing where those issues could be addressed?
4

5 Mr. Liberman: Those are new buildings in which I think the criteria is that there is visible
6 change the structure, to the character of the building. If in fact you take an existing building and
7 you change the use of the building and instead of it being an office building it becomes a
8 manufacturing facility using substantial amounts of hazardous materials then the Architectural
9 Review Board process, as I understand the ordinance would not apply.
10

11 Commissioner Lippert: Only if those are stored internal to the building.
12

13 Mr. Liberman: Right. If this building were half a mile away from a residential area then that is
14 one issue. If it is in fact in an adjacent zone adjacent to a residential zone then I think it is quite
15 another.
16

17 Chair Burt: Just to make sure Mr. Liberman that you know also that I am not sure that the
18 triggering mechanism that you described would do any good in this circumstance because that
19 was a remodeling of the same use. So if we were to address your concerns we have to go in
20 some way other than that because those uses were preexisting there. There was a plating facility
21 there and hazardous material storage in those same areas. So in any event I just want to clarify
22 that for you and we thank you for bringing up this issue.
23

24 Denny Petrosian to be followed by Lynn Chiapella.
25

26 Ms. Denny Petrosian, Palo Alto: I want to really support strongly Mr. Liberman's comments and
27 concerns because I have the same ones, not particularly for the storage of large dramatic
28 chemicals but the everyday operation of ordinary businesses that nevertheless use hazardous
29 materials like dry cleaners. In a mixed use it would not be appropriate to have a dry cleaner right
30 under or next to a housing unit because those chemicals that are used in the dry cleaners are
31 regularly vented into the air never mind they are not supposed to be. They are among some of
32 the most cancer causing, etc. chemicals that there are. Also, spray paint shops. This is
33 problematic in a mixed use. So how you are going to balance these uses I don't know but auto
34 repair and spray paint would not be appropriate in a mixed use. Everyday we are reading
35 newspaper stories about the collection of heavy metals in our bodies and the bodies of newborns
36 and so forth. So I hope that this will be really carefully paid attention to.
37

38 I guess looking at the performance standards it makes me more worried than less. Why would
39 we allow anything belching smoke that would require air scrubbers in a mixed use next to
40 residents or noise generating equipment or loading docks for a lot of delivery trucks? Why are
41 we allowing this in the first place? Okay. Late night operations. Why would we have late night
42 until six in the morning next to residences?
43

44 For the El Camino, that is my main concern, it was mentioned somewhere that we should allow
45 the height limit to increase. This is a thin strip of commercial which is supposed to reflect the
46 neighborhoods behind. It is not appropriate for taller buildings to be there. It would be very out

1 of scale and injurious to those neighborhoods that are right behind that thin strip of commercial.
2 The purpose of the Neighborhood Commercial on El Camino, the strip, is to reduce traffic
3 congestion number one, and to reflect the residences behind to make a walkable neighborhood
4 for us. I live there and over the last 30 years we have finally succeeded in seeing a healthy
5 business district that is now a walkable neighborhood developed where you have not only
6 neighborhood serving businesses but tax revenue generating regional businesses like the carpet
7 stores and the tile stores. Those are still possible in there and they are there and they are
8 generating revenue for the City. So this is a very carefully balanced area. It is also a major bus
9 line. People are on and off the bus and I am one of those bus riders. It is very important to have
10 the sidewalk setback be wide enough to accommodate people who are walking.

11
12 Also, I think that on the Fry's site issue I think if you cavalierly delete the amortization period
13 you are doing it without regard for the impact on the integrity of the amortization regulations
14 themselves and how they relate to other property owners. You might have some unintended
15 consequences and set very bad precedents here by just saying let's just get rid of the amortization
16 period. Also it would be a bad precedent to allow bigger or more signs on El Camino. Those of
17 us in the 1970s remember that El Camino had a lot of large obnoxious signs that were distracting
18 to traffic and so forth. Fry's has a lighted sign on El Camino. It is not an impulse destination. It
19 is a place that people know that they want to go and they know where it is. They don't need a
20 big obnoxious sign on El Camino. So I think that needs to be looked at and the precedent for
21 other large obnoxious signs would be really unfortunate.

22
23 So I hope that what I said was clear and helpful. Since a lot of us here in the audience where
24 involved in the original zoning of the CN and reasons why it was really, really important. Also,
25 keep the office limit, please, the 5,000 square foot limit. Otherwise your CN zone if you don't
26 have that limit it can be interrupted and broken up by big office developments and you will break
27 the continuity and you will weaken the viability of that zone on the El Camino.

28
29 Conditional use permits are also critical to keep the uses compatible because again we had a lot
30 of experience with obnoxious horrible uses.

31
32 Chair Burt: I think we have one question for you. Vice-Chair Holman.

33
34 Vice-Chair Holman: I do. You said there might be unintended consequences by eliminating
35 amortization at Fry's. Can you give an example or two?

36
37 Ms. Petrosian: I cannot because I am not personally familiar enough with all of those regulations
38 except – and I am not sure how many other businesses in Palo Alto right are presently on an
39 amortization schedule, nonconforming and so forth. They might want to come up to you and say
40 hey, get rid of ours too. Or in the future it might be really important to put a business on an
41 amortization schedule and your ability to do so might be weakened in a general way because
42 they say well you took Fry's away you just take ours away.

43
44 Chair Burt: Thank you. Lynn Chiapella to be followed by Mark Sabin.

45

1 Ms. Lynn Chiapella, Palo Alto: Basically I am supporting what Mr. Liberman and Denny
2 Petrosian also said. I do believe a CUP for offices and I will give you an example why. In a
3 Neighborhood Commercial zone for example an office went in that said they would have three
4 dentists and a little lab and they would have a parking lot that would accommodate that. They
5 have eight dentists, eight technicians or assistants, they have two or three ladies who make the
6 reservations and they have apparently a dental lab in the back as well. That makes all of the
7 parking on Colorado and Byron and maybe even over to [Brice] taken up all the way down to
8 where I live every single day with their parking because three offices does not compute the same
9 kind of parking requirement as eight. Granted they have 2,000 square feet and you can squeeze
10 in as many cubicles and cubbyholes as you want. You need a CUP to get a handle on how many
11 offices do you have in the building. You have no idea how many offices are in there at this
12 point. I think there are nine not counting the dental hazardous waste. You need a CUP to get a
13 handle on what chemicals are there, the business could change, could the chemicals change?
14 You need to have a CUP or something where those kinds of things are at least recorded
15 somewhere in the city so you actually know and our residents can find out easily without a
16 lawsuit, without having to go through the courts or some other mechanism which right now it is
17 very difficult to find out what is going on and it is getting harder everyday in the city to find out
18 what is going on.

19
20 The next area is the ARB often makes these conditions. The ARB is not the best-equipped group
21 to add conditions about nuisances. Most of the conditions they have added many of them have
22 not been enforceable because they are not specific enough that the enforcement officer knows
23 what to do when he gets there. The consequence of that is that those of us who live next to those
24 areas have late night noises, two in the morning, three in the morning with deliveries. There is
25 no slated delivery but somehow the truck arrives and there is nothing been said in the ARB or in
26 any condition along the way because it was assumed it would all happen during the day but it
27 doesn't.

28
29 The next area that I would like to address is that small mixed use developments have a very
30 dramatic impact on the neighbors. Personally I would rather see a bad design where they are set
31 back from my property than at four to six feet away all of a sudden a 35 foot building appears.
32 In our area most of us live in one-story homes and some of these want to build with that six-foot
33 side yard setback and a big commercial project has a huge impact when that happens. So I think
34 that needs to be looked at closely.

35
36 The noise problem generated from these projects is quite spectacular. At least two or three times
37 a week we have midnight, one, two, three, four, five in the morning noises every week, week
38 after week. There is a second problem that is never looked at which is that you can't clean the
39 streets. On the streets that are most impacted by dirt and garbage and problems from businesses
40 you can't clean them because they are all parked up with these businesses that we don't know
41 how many employees they have, we have no business license, we have no idea who is doing
42 what where. So I think you need to be very careful when you write these zoning ordinances that
43 they are actually applicable and enforceable. Thank you.

44
45 Chair Burt: Thank you. Mark Sabin to be followed by Romola Georgia.

46

1 Mr. Mark Sabin, Sunnyvale: Good evening. I would concur that it really is important to
2 understand the relationship that commercial and office space has in supporting retail and how
3 that makes it much more viable. So I am pleased that that is being recognized. There are some
4 other things that I would like to see recognized and concerns me. It goes more to the type of
5 housing we try to encourage in this community. Certainly now that the median price of a home
6 is getting to the point of \$1.4 million in this town it really puts a lot of pressure on folks who
7 can't afford to qualify for a home big enough to look in other than Palo Alto to find housing or as
8 a result try to find rental housing. We are beginning to see the trickle down impact of that in that
9 rents are beginning to go up considerably now. So I would encourage the City to look at creative
10 ways to address that issue. For instance like in San Jose where if a housing development is
11 willing or able to create housing at a certain point below the median in a higher density unit
12 development it waives the BMR requirement. Certain creative things like that where you may be
13 losing some BMR but you are providing much more opportunity than you otherwise would to
14 address the needs of what I would call the middle. That is people who wouldn't qualify for a
15 BMR unit but have no way of being able to qualify for a loan for a median price home in this
16 town. Those are the people who live to make this town work and I think it is important that their
17 needs be addressed as well as the retail and the commercial and all the other folks. It is a definite
18 need in this town.

19
20 In regards to Fry's I have had the opportunity to spend some time there over a number of months
21 in this last year. It is important that those needs be met. Frankly, I was amazed at the scope in
22 terms of how far people drive to shop at that place. I was also quite amazed at how many times
23 people on the front desk have to tell people how to get there. So I think the signing issue is an
24 important issue because there are plenty of people who call on their cell phones saying they
25 couldn't find this place. So they had to talk to those folks. I know the community is upgrading
26 its infrastructure as well. I don't know if it has been done in that area but certainly if there is an
27 opportunity for redevelopment of that to meet the future needs of Fry's that issue would be
28 addressed but don't let go of the possibility of having mixed use even in a location like Fry's as
29 well. It is interesting to go to IKEA. That is a big box and it takes your breath away when you
30 go down University and see that big blue box. One thing that is really interesting about the
31 IKEA site is when you go into the parking area they have created a situation where in the parking
32 they also incorporate the shipping and receiving in that site. So in effect the parking terrace acts
33 as a buffer for all that activity. If you were to do something like that in some of the commercial
34 zones where the parking structure could buffer some of the upper levels that might create some
35 housing opportunities I think you could really do something that would preserve retail and also
36 create some unique and creative opportunities for housing as well. I would just like to see that
37 sort of thing happen because I don't think there is enough focus being made in this town to make
38 sure that we are providing housing opportunities for as broad a range of people who contribute to
39 this community as we can. Thank you very much.

40
41 Chair Burt: Thank you. Romola Georgia to be followed by Bob Moss, our final speaker.

42
43 Ms. Romola Georgia, Palo Alto: Hi, I live adjacent to that CPI area where we were talking about
44 the hazardous materials earlier. I want to tell you just a little bit about some of the quality of life
45 issues that we are contending with just so you have a sense of what it is like.

46

1 I know you talked about evening noise and other kinds of issues and I know that construction is
2 prohibited in neighborhoods on weekends and I don't know if that is true if the noise issues
3 pertain to weekends also. I just want to tell you that on a Sunday recently they have a large
4 pressure tank that I think have hydrogen or something in it and we hear a large whoosh every
5 time it goes off. One Sunday it was going off repeatedly over and over and over again. So that
6 is sound-wise what that is like. I was told that the penalty for infraction of the noise ordinance is
7 only \$100.00 so it seems that it is not really strong enough to require many applicants to reduce
8 that necessarily. There are also construction and truck kinds of activity noises on weekends as
9 well as late nights.

10
11 I don't know quite how to go into this but on the block where we live which is just exactly
12 adjacent to that there is a lot of talk about illness. It is just hard to know if our block is really any
13 different statistically from any other block but there have been large numbers of cancers on our
14 block. I know that the toxics have been stored there over many, many years and we have no way
15 of knowing but it is there. People talk about it and it is curious. We just wonder about that. So I
16 just want you to understand that the impacts of living next to an industrial area which we weren't
17 aware that it was there when we actually moved in impacts the lives of Barron Park residents
18 considerably. Thank you.

19
20 Chair Burt: Thank you. Bob Moss to be followed by our final speaker Jean Olmstead.

21
22 Mr. Robert Moss, Palo Alto: Thank you Chairman Burt and Commissioners. I would like to
23 address primarily the CS and CN zones, which are two zones dear to my heart. I have
24 disagreements with some of the Staff recommendations on the changes. Specifically, footnote
25 six, which talks about allowing sites along El Camino in the CN zone to have a 40-foot height
26 and FAR of one. Almost every CN property along El Camino, in fact almost anywhere in the
27 city and most of the CSs are directly adjacent to single-family homes. These would be
28 incompatible with the single-family neighborhood. I suggest just deleting footnote six.

29
30 Second, there is talk about reducing the setbacks on the street to as little as five feet. When we
31 created the CN zone we explicitly required a 20-foot front and side yard setback for safety
32 reasons. Many of the streets that intersect El Camino for example Kendall, Barron, even
33 Matadero if you had buildings built right up to the property line you would have difficulty safely
34 entering El Camino. It creates a traffic hazard. That is why we wanted to have setbacks. Now,
35 when we said that the Staff 25 years ago said well, we can't have different setbacks for corner
36 lots versus mid-block lots so we will have 20 feet throughout which is why you have that. If you
37 are going to require buildings to built close to the street in order to change the appearance at El
38 Camino and I am not sure why we need all that but if you really want to do that the corner lots
39 absolutely, positively must have adequate setbacks for traffic safety. I am telling you this in a
40 public meeting so that the Council and everybody else will be aware of the fact that there is a
41 potential traffic hazard. So if you do allow properties to be built up to the street line and there is
42 later an accident the City may be liable.

43
44 Now in terms of what you should have as a default residential in a CN zone. We have had
45 RM-15 for years and it has worked. Now we are talking about going to RM-30. You should
46 have the lowest possible residential zone in a mixed use for two reasons. The first one is we are

1 trying as the City Council has said to encourage retention of retail. The more the baseline is for
2 residential, residential is worth more than retail and has been for decades, the more incentive
3 there is for the developer not to retain retail and to replace it with housing. Secondly, the higher
4 the baseline density the more market rate units you are going to have. We don't lack for market
5 rate residential what we need is more BMR. If you have a lower baseline residential then the
6 developer can get a bonus by building additional BMR units and you will end up with a total
7 density which is closer to say RM-20 in which a higher proportion, a higher number, are BMR.
8 You want to have a lower baseline density in order to encourage additional development to be
9 BMR units not market rate units. I brought this up some months ago with – I won't mention who
10 – but members of Staff, and I got basic agreement that having a lower baseline multi-family
11 development unit would end up eventually providing more BMR units on a percentage basis.
12

13 In terms of what you should be doing with properties within say 50 feet of residential rather than
14 150 feet I didn't see any justification for reducing the zone if impact. Unless you can come up
15 with a compelling reason for reducing that from 150 feet to 50 feet why not leave it alone?
16 Again, the commercial CN and CS almost all over town are quite close to residential. One of the
17 basic principles of good planning and land use is to protect residential properties and not have an
18 excessive encroachment. So why not leave the 150 feet? I would like to hear why not. Thank
19 you.
20

21 Chair Burt: Thank you. Jean Olmstead.
22

23 Ms. Jean Olmstead, Palo Alto: I would like to ask you to take a serious look at two other issues.
24 I hoped someone else would have brought them up but I am going to do my best. Footnote three,
25 Bob Moss has got you on the right page already I think. I have seen that phrase before.
26 Residential density shall be computed based upon the total site area irrespective of the percent of
27 the site devoted to commercial use. I think that phrase could lead to a tremendous amount of
28 development. I remember when you were talking about the Hyatt. It meant we could have
29 gotten 480 apartment units on that land. Please look at that issue. FAR gets doubled in mixed
30 use that doesn't seem to control it.
31

32 My other concern is that I don't really feel open space is the top of a building and I would like to
33 know you opinions on that issue too. Thank you.
34

35 Chair Burt: Thank you. So at this time we will be returning to the Commission. Curtis, did you
36 have something you wanted to share?
37

38 Mr. C. Williams: If I could just clarify a couple of points here. I just want to be sure everybody
39 understands. I think there were a couple of misunderstandings of the proposed regulations.
40

41 First of all there was concern about small mixed use and being adjacent to residential and six feet
42 away there would be a 35-foot high building. What we are proposing is that if you are next to a
43 single-family residential zone that you essentially mirror the setback and the daylight plane on
44 this mixed use property. In fact it is more than that. We have a ten-foot setback in those
45 situations and then the daylight plane. So we don't have six feet and the project is going to have
46 to step back it is not going to be able to go up 35 feet adjacent to the single family residential.

1
2 Secondly, I am not quite sure where a couple of Mr. Moss' things are in here. Maybe I am not
3 seeing them. His comments were first of all the CN districts he mentioned having a 20-foot front
4 and side setback and it doesn't. It has a ten-foot front setback and no side setback as long as it is
5 a commercial use. If it is residential then you get into the residential RM-15 standards right now
6 when you do that with a 25-foot front setback and I think it is a ten-foot side setback. So that is
7 not accurate as far as what the existing standards are. Then also he mentioned that the default
8 density is RM-30, 30 units per acre, and that is not correct. It is currently 15 units per acre and
9 that is what is in the table here a maximum of 15 units per acre for the CN zone. I just wanted to
10 make sure those were understood. Thank you.

11
12 Chair Burt: Okay. We have had some valuable input from the public but at the same time we
13 had an hour and a half set aside for this study session and it is less than 20 minutes until seven
14 o'clock and the Commission hasn't begun any of its discussion. So this is both a question to
15 Staff and to the Commission. We have people arriving for the Channing House meeting
16 scheduled to be at seven o'clock. Should we consider setting a target time of continuing this
17 study session until 7:30? Does that seem reasonable to Staff?

18
19 Mr. Don Larkin, Senior Deputy City Attorney: You will have to start the regular meeting at
20 seven o'clock because that is what we agendized.

21
22 Chair Burt: Well, we didn't start this one on time either. We often don't start our meetings
23 exactly on time.

24
25 Mr. Larkin: We should try to be very close. If we go over by a few minutes that will be okay
26 but setting a 7:30 time would be basically changing the agenda in midstream.

27
28 Chair Burt: So Curtis and Steve if we then don't have adequate time for the Commission to
29 discuss and comment as we were intending to do tonight what alternatives do we have?

30
31 Mr. C. Williams: Well, I think the most obvious alternative is to continue it to hopefully a week
32 from now if you can find a date that works for most of you and be able to continue the discussion
33 at that time. That would probably be the best.

34
35 Chair Burt: Lee.

36
37 Commissioner Lippert: Is it a possibility that we could adjourn this meeting and then reconvene
38 after the Channing House project if it is not too late?

39
40 Mr. Larkin: I don't think that would be appropriate in this case. I think the best is to set another
41 time to hear it.

42
43 Chair Burt: Okay. Why don't we dive into the meeting and then as we get close to adjourning
44 this study session discuss when we might be able to continue. We may have a better sense of
45 how much more time we need. Arthur.

1 Commissioner Keller: Thank you. Since I am going to be gone for the next few weeks I figure I
2 might as well get in my word edgewise now before I leave because I probably won't be able to
3 be here for the time that we reconvene.
4

5 A couple of points. I had submitted some questions to Curtis, which he gave some answers to
6 and I will try to go over those very briefly so it doesn't take up much time. One question was the
7 relationship between the CC(2) zoning and the PTOD zoning and what the differences of those
8 are. You want to briefly mention?
9

10 Mr. C. Williams: Yes, the PTOD zoning and this is specific to mixed use the main change is the
11 FAR. The maximum FAR is 1.5 with all the bonuses and such. Then in the CC(2) it is 2.0 and
12 then it can go as high as 3.0 if 60 percent or more of the project is residential. So it is higher in
13 CC(2).
14

15 Commissioner Keller: Thank you. I think one of the things that I heard from the City Council
16 when they came up to this a couple of weeks ago was that they wanted the mixed use to include
17 retail. I think it is very important that for mixed use that the type of commercial use be retail and
18 we need to define that. I don't think that is in the stuff that I read tonight. In addition I think that
19 if there currently is existing retail use then the new mixed use should at least have that amount of
20 retail and not less. My understanding is that if you have retail as a current use and then you do a
21 mixed use project that it is possible that the retail could be reduced in order to make more room
22 for office or more room for residential. So I think that the minimum amount of retail should be
23 at least the previous use of retail.
24

25 The other point is a question for my fellow Commissioners to think about. Whether we should
26 prohibit new housing on properties with the automobile dealership overlay zone because it is an
27 interface with which first of all we want to retain auto dealerships and secondly we want to think
28 about the interface between the auto dealership and residential use. Regarding one of the
29 speakers tonight from the audience a question is whether to prohibit new housing within a
30 specified distance of preexisting storage of hazardous materials with the potential to cause
31 significant bodily harm upon accidental release. So I think that is one of the other considerations
32 that my fellow Commissioners will need to think about.
33

34 I think that for housing opportunity sites I am wondering whether it is possible to acquire mixed
35 use on housing opportunities provided that the mixed use allows for the number of units that are
36 specified in the Housing Inventory. So for example if the Housing Inventory indicates six units
37 and it is possible to build those six units in a mixed use can the mixed use designation still
38 apply? I don't know the answer to that but that is one thing to consider.
39

40 Late night uses, I am wondering why we should not also require a CUP for the CC(2) zone
41 because that is California Avenue and there is residential near California Avenue. So including a
42 CUP for CC(2) makes sense to me. Also, if there is a commercial property adjacent to an R-1
43 zone whether there are issues with respect to the R-1 zone of sight lines just as we IR for second
44 stories and things like that for adjacent residential we have a similar kind of thing for adjacent
45 uses to a commercial uses to an R-1 zone particularly for residential use, should there be some
46 similar process? That is my final comment.

1
2 Chair Burt: Thank you. So appreciating that Commissioner Keller may be gone when we have a
3 follow up meeting it is great that he had an opportunity to have all of his comments. For new
4 Commissioners what we typically do is go one or two comments, go around the room, and make
5 a couple more but tonight we have a little different circumstance so no problem there at all. So
6 who would like to go next? Samir.

7
8 Commissioner Tuma: I just wanted to make a comment tonight because it is something that is a
9 little bit time sensitive if we are going to continue the discussion to another night. Between now
10 and September 27 when we come back I would like to hear a little bit about what the additional
11 community outreach plans are with respect to the ZOU in particular and also any community
12 outreach that is planned for the possibility of eliminating the amortization for the Fry's site.

13
14 Mr. C. Williams: I will take the second one first. For the Fry's site we are going to have to
15 because that is specific to that site notify everyone just as if it were a site-specific zoning change.
16 So everyone within 600 feet would receive notice of that. I guess we would probably check with
17 the Ventura neighborhood organization to see if they wanted to sponsor a meeting, which we
18 would be glad to do to come and talk to everyone at that.

19
20 For the overall we are going to continue to try to canvas through the means we have used. We
21 will talk to some of the individual neighborhoods that are closest to mixed use areas particularly
22 and see if they have a desire. We don't want to have a meeting just for the sake of a meeting but
23 if they are interested in doing we will set that up. If there are two or three interested maybe we
24 can combine it into one. If they tell us no they don't think there is an interest then we won't.
25 That is one of the reasons we had the meeting with Palo Alto Neighborhoods Group was to get
26 on notice and let them notify their membership and then come back to us and tell us who they
27 thought needed to do that.

28
29 Commissioner Tuma: Thank you.

30
31 Chair Burt: Lee.

32
33 Commissioner Lippert: I have two questions and they are both related to housing in these zones.
34 For the CC(2) zone which we have basically rezoned as allowing an overlay of PTOD does it
35 make sense to even permit residential unless the site is rezoned PTOD? Why not just say in CC
36 you can't have residential above commercial unless you look at the big picture and buy the
37 whole loaf rather than say a quarter or three-quarters of a loaf?

38
39 Mr. C. Williams: I think that is an interesting approach. I think the one thing it does though is it
40 essentially takes their existing floor area ratio and reduces it because the PTOD is zoned 1.25
41 maximum FAR. Right now they can do 2.0 FAR. So we could do that but I think that would be
42 a pretty serious restriction not that anybody is doing residential mixed use anyway out there. It is
43 something we could look at and I am just concerned that there may be a number of property
44 owners that have serious concern about that and we would need to canvas them and let them
45 know that their FAR is being reduced.

1 Commissioner Lippert: Okay.

2

3 Chair Burt: Can I ask a follow up question on that?

4

5 Commissioner Lippert: Sure.

6

7 Chair Burt: Curtis, in the CC(2) that Commissioner Lippert was talking about could you clarify
8 what the ground floor retail requirements are?

9

10 Mr. C. Williams: Well they are both ones that apply generally throughout the community but in
11 addition to that the R-Retail overlay applies over almost all of that area which requires retail on
12 the ground floor for all of that CC(2) area. It is almost co-terminus with the area. Then the only
13 way you can have an office otherwise is if there is an existing office that is basically being
14 replaced.

15

16 Chair Burt: Karen.

17

18 Vice-Chair Holman: A clarification of that. I have brought this up before. Is it specifically that
19 the entire ground floor must be in retail or could there be some manipulation of that so that the
20 street-facing ground floor could be retail but behind that could be some other use?

21

22 Mr. C. Williams: The way it is written right now it is all of it. What it says is that the permitted
23 use is office on the second floor and above and then it makes these exceptions for office only
24 where you have existing office and I think there are a couple of other exceptions with existing
25 housing that could be turned into office. So there are some limited exceptions but the allowance
26 for office at least as far as another alternative is only on the second floor and above.

27

28 Chair Burt: Thank you. Lee.

29

30 Commissioner Lippert: One other question. In the tables that you provided us for the CN and
31 the CS, the mixed use comparison tables, you talk about the residential densities and the
32 maximum residential FAR. Basically in the CN you get .5 FAR for residential and then you get
33 .6 in the CS. The overall density or the overall FAR is .9:1 in the CN and 1:1 in the CS zone.
34 Doesn't it make a little more sense to maybe look at housing density in relationship so that
35 perhaps you allow for a higher density? You get that additional ten percent FAR perhaps in
36 either zone. So in other words if in for instance the CN zone you decided to go to a density of 30
37 units per acre, higher density, more units, you would get an additional ten percent there and that
38 would be consistent with what we have done in some other areas such as the SOFA II area.

39

40 Mr. C. Williams: I think that is probably worthy to look at. I am concerned that what we have
41 tried to do is minimize the changes to avoid getting into a lot of additional complex analysis and
42 dragging the process along too far. So I think we would have to develop that formula. Is it 20
43 units per acre? Is it 30 units? We would have to have that discussion. I am not sure that it is
44 worth it for a .1 increase in FAR. If it were something more substantial then yes that probably
45 would be worth looking at.

46

1 What we have suggested here is that it happen on El Camino. On El Camino it be allowed to be
2 consistent with the CS, which is 40 feet of height and 1.0. It is not a lot more but what it does do
3 essentially is more readily allows for a three-story building with some quality retail space on the
4 first floor than a CN at 35 would. It would be either crammed to get three stories or it would be
5 restricted to two stories. So we thought that was a better approach than trying to relate it more
6 specifically to density. I agree, if it were more of a difference in that FAR then that density issue
7 would probably be more pertinent.

8
9 Chair Burt: Dan.

10
11 Commissioner Garber: Just a couple of points and then a couple of questions. The things I
12 would be interested in pursuing further are ways to incent BMR, which has been discussed by
13 some of the speakers as well as some of the Commissioners already this evening. If there are
14 ways that we can take advantage of that we haven't thus far I think that would be a good thing to
15 build into the zoning.

16
17 Two, we haven't discussed hotels although hotels are an allowable use in these zones. If there
18 are ways to incent them to occur through FAR bonuses or other opportunities I would be
19 interested to see what suggestions the Staff might have for those.

20
21 On the question of height along El Camino it is true that El Camino is wide and can certainly
22 sustain higher buildings on either side. The trouble of course is that you usually have residential
23 adjacent to them. It is not clear to me how frequently or how often that is but I would be
24 interested to learn if there are opportunities where it makes sense for that to occur. The emphasis
25 of retail at grade is also very important.

26
27 A couple of questions. I wanted to follow up on your meeting with the architects and developers
28 group. There is a comment here that the parcels along El Camino are shallow making it a
29 challenge to develop properties. Was there any further discussion about that comment? Is there
30 anything that substantiates that in some way?

31
32 Mr. C. Williams: Well, I think the main point was being able to move the buildings up towards
33 El Camino was a benefit because of that. They weren't hit by this 25 foot setback and losing the
34 front 25 feet on a shallow lot.

35
36 Commissioner Garber: I see. So they had increased lease space.

37
38 Mr. C. Williams: The same thing as far as on the sides being able to go more to the sides if there
39 was not residential on the sides. If they were commercial properties then they could go all the
40 way out to the side and that would be helpful.

41
42 Commissioner Garber: So this isn't in the context of the parcel itself is too narrow but that the
43 opportunity to have greater leaseable space is a benefit.

44
45 Mr. C. Williams: Well it is both. The parcel itself being shallow is very directly limiting what
46 they could do if you push them back from the street and they have a rear setback. Usually the

1 residences along there are to the rear. One of the benefit of pushing the building towards the
2 front is you get more space and setback in the rear.

3
4 Commissioner Garber: That is it for the moment.

5
6 Chair Burt: Paula.

7
8 Commissioner Sandas: Two things. Curtis, first I wanted to thank you for making some
9 clarifications here at the meeting when you felt that clarification was necessary. It is great to
10 have it on the record at the time that something questionable comes up. I just have one small
11 question regarding eliminating the multi-family overlay. What are the constraints created by the
12 current implementation of mixed use?

13
14 Mr. C. Williams: The primary constraints are the 25-foot front setback that kicks in when you
15 put that multi-family overlay you immediately get the 25-foot front setback so you can't move
16 the building toward the street. Secondly, daylight planes that apply to multi-family generally
17 regardless of what the use is on either side. So you have a three story commercial building on
18 one side and a three story commercial building on another side when you do that mixed use
19 project you start kicking in setbacks and daylight planes that don't really relate and don't protect
20 something the way they would if it was single family residential which we want to retain.

21
22 Chair Burt: Karen.

23
24 Vice-Chair Holman: I am not going to ask you to answer any of these because in the interest of
25 time I am just going to throw out the questions and a few comments too if that is agreeable to
26 Staff. One suggestion actually whether we use the meeting or not I think it would be prudent
27 given the complexity of this that we schedule another meeting after September 27, as soon
28 thereafter as possible and prior to the Council meeting in November to finish up this item. I
29 think it would just be a prudent thing and if we don't need it we can always cancel it. So that is
30 one.

31
32 There are several references in the Staff Report and also in the development standards where
33 residential use, residential development, residential zones are used. I think some clarification or
34 some standardized language should be used there because there are properties that are zoned
35 maybe commercial but because we have had a situation where housing has been allowed in every
36 zone we could have significant impacts on somebody's residence even though it is in a
37 commercial zone. If that makes sense – do you follow? Okay.

38
39 In the performance standards under Other Notes it says, performance standards will be included
40 for mixed use in commercial districts when adjacent to low density residential uses, R-1 and R-2,
41 to address noise, access, odors and such. It seems a bit discriminatory that they are not also
42 implemented for multi-family use. Okay.

43
44 When there is new mixed use development there is nothing that I can tell that would preclude a
45 reduction in the number of living units. Someone could redevelop for instance if there are let's
46 say, I'll make up something, four living units on a site they could redevelop as mixed use but

1 they could produce only two living units in response to the new development. If I am wrong so
2 be it but I think it is a question that needs to be answered. Also I think some things should be
3 considered to mirror the size of the units that maybe currently exists. At least look at this. For
4 instance if you have the units that are there that are 800 square foot units and if we are putting in
5 units that are 2,000 square foot units we are making our community that much less affordable
6 and that is not a sustainable practice.

7
8 Something that I have brought up before on a number of occasions is that we consider as a part
9 of this a recommendation for first source hiring for transportation impacts and that we
10 incorporate compatibility guidelines from SOFA II as we have done in other locations. We have
11 also in the past discussed implementing quotas, which I don't think we will probably get done
12 for this, but if we come back to this I think we should take a look at that. Regarding open space,
13 landscape, rooftop gardens I would like to see more inclusion of landscape requirements that
14 would be edible, sustainable garden kinds of development. As I mentioned to Staff previously I
15 don't know that we are going to get it done but I think we ought to at least look at the possibility
16 of eliminating the CC(2) zone and changing it to something else that is more similar to our
17 existing zones or adapting one of the other zones slightly because it is the only place where it is
18 applied and it is a functionally unattainable development standards. I think I had one more to
19 throw out here. If it occurs to me quickly I will come back to it. Actually one last comment. I
20 did agree with many of the comments that came up from members of the public. I will let it go
21 at that for now. Thank you.

22
23 Chair Burt: Dan.

24
25 Commissioner Garber: Were we going to excuse our one Commissioner who is excluded for
26 comments that relate to Stanford?

27
28 Chair Burt: Well, if we have those comments that are directly related to Stanford then we will
29 need to do that. Do you have ones that you are going to want to make on that subject, Dan? In
30 that case, I have comments that I think are not related to Stanford and then we can make that
31 adjustment.

32
33 Looks like we might not need another special meeting. I will try to be as brief as possible. First
34 on the hotels I think that it is a very important arena. We need to not only look at incentivizing
35 potential sites for new hotels given that hotels are such low trip generators and high revenue
36 generators for the City but given that other cities have caught on to that reality it is difficult to
37 attract hotels without good incentives. We also need to look at how we can retain the hotels that
38 we have. The Hyatt Ricky's site has been often cited as a circumstance where it was opposition
39 to a hotel that caused that hotel to leave but that wasn't it at all. It was basically that we allowed
40 the elimination of the hotel and entirely residential to be permitted on the site. So we need to
41 look at ways we might provide hotel property owners with certain incentives but at the same time
42 not lose the hotel if we do that.

43
44 A quick item on the Staff Report on page four regarding setbacks when mixed use is adjacent to
45 residential uses. It said that the setbacks would match the setbacks for the residential zone. I
46 think it should be something along the lines of 'similar to' a matching is not necessarily

1 desirable. I think the concept we want is we don't want something radically different from what
2 the residential setback is.

3
4 I would like to concur with what Arthur brought up that we should be looking where we do have
5 auto zones that we are concerned about the interface of the auto and the housing. This kind of
6 leads into this other issue of the hazardous materials (hazmat) concern. This is in areas you may
7 know that my professional career has been deeply involved in. In the situation that they were
8 describing which is actually not a General Manufacturing zone but what we have is remnants of
9 General Manufacturing that exists in our Research Park. We used to not appreciate adequately I
10 think the incompatibility of these uses. A year and a half ago the Commission looked at our
11 General Manufacturing zone and a different Commission at that time didn't recognize that we
12 needed to try to prohibit schools adjacent to hazardous materials facilities. Lo and behold in that
13 time period since then we had a daycare center go in a few doors down from a hazardous
14 materials facility. Then over this last weekend we saw that very hazardous materials facility had
15 extensive citations and fire and all the sorts of risks that are there. We need to be able to have
16 sites in our city to retain a central manufacturing services and not have incompatible uses next to
17 them. So both parties benefit from having proper setbacks. We are not going to be able to
18 change preexisting conditions for the most part unless there is a complete reconstruction of a site
19 and then that might be an opportunity to do so. We should look for opportunities to have
20 setbacks and perhaps if it is a situation where we have a very extensive reconstruction even if it
21 is internal then that might trigger a conditional use permit or something that isn't over onerous to
22 an existing use that has been permitted for a long period of time but we try to look for ways that
23 we can move in a direction that is toward more compatibility of those uses or setbacks I should
24 say of incompatible uses. That might be either a manufacturing or as one of the members of the
25 public cited a cleaners. We had that discussion a few years ago at Mid-Town.

26
27 I think the issues that were brought up on trash containers we should look at. Then on the Fry's
28 site we have had a recognition of the importance of retaining Fry's. I think a moderate increase
29 in what we would allow in signage for what is kind of an unusual circumstance a very large retail
30 area that doesn't have any frontage on a main arterial. I think everybody agrees we don't want to
31 have massive signage in the community but I think I would support a moderate increase there so
32 that it is not hidden at the same time. Then the Staff Report talked about rooftop gardens as an
33 offset or an allowable area for the open space requirements. I am a very strong advocate of the
34 rooftop garden concept but I don't think we want to move in a direction where we are having
35 rooftop gardens replacing the open space requirements that we already have. There might be
36 some way that we can build incentives. What we want to do is create circumstances where we
37 utilize those spaces as many of us know if we look at an aerial view of our community the
38 largest, over half of all of our square footage is consumed in the developed lands outside of the
39 open space areas is consumed by asphalt, concrete and tar paper or whatever our rooftop
40 materials are. So we have some opportunities to really address some of those things. There is a
41 whole national movement in this direction but I don't want to lose existing open space
42 requirements on ground floor in order to incentivize or create that improvement. Let's see, on
43 the front setback issue I think it is worth exploring whether we can have greater setbacks on
44 corners for visibility on entrances to arterials. I think that is a valid point. One other thing is
45 Mark Sabin had brought up the point and he has in the past used the description of 'attainable'
46 versus 'affordable' housing. We have done a lot of good things for below market unit affordable

1 housing and then we are left with the two extremes of very expensive housing and BMR housing
2 and not much in between. It is very difficult as we all know to address this but one of the ways
3 we may be able to do it and we have looked at in the past is unit size and have a mixture of sizes
4 in a development. You are not going to get in the attainable or moderate price unit you are not
5 going to get a huge unit but at least you may have the opportunity to buy a unit if the sizes are a
6 mixture. So those I think cover my comments. Karen.

7
8 Vice-Chair Holman: I do have two more if I could, please. The Sight and Design Review I am
9 not certain I am in support of eliminating the Sight and Design Review but I do see a loophole
10 here in the Staff proposal which is small being four residential units or fewer. It could still be a
11 considerable size development and still have only four residential units depending on a number
12 of things like the sizes of the units for instance. So I think at a minimum that loophole needs to
13 be closed.

14
15 Then one other thing is on page five of the Staff Report the first full paragraph talks about
16 parking requirements for mixed use are not proposed to change but Staff suggests changing the
17 shared parking to be considered for ten spaces rather than the currently required 30 spaces. I
18 would like to see some data that would support why we would do that as we have some areas
19 that have parking concerns anyway. So I would like to see some data as to why we would
20 propose that or do it. Thank you.

21
22 Mr. Larkin: I think it is probably about time that we move on to the regular meeting. They are
23 conferring on a continuation date that we can continue this discussion.

24
25 Chair Burt: What dates are being considered and maybe we can simply do a shorter study
26 session prior to one of the regularly scheduled meetings?

27
28 Mr. C. Williams: It sounds like maybe the best option is maybe before your September 13
29 meeting to start that at six instead of seven. That way we can be working on some of these
30 things and be pretty far along and then get your additional input at that time and still turn it
31 around.

32
33 Chair Burt: Should I close the public hearing at this time?

34
35 Mr. Larkin: This is a study session so there is nothing to close.

36
37 Chair Burt: But the intention would be that we would not be reopening public hearing.

38
39 Mr. Larkin: I should clarify. We took public comments early because at the time public
40 comment time came around there were two cards. Normally when there are more than two or
41 three speakers we would put public comments to the end of the meeting that way if we did reach
42 the end of our time period we could continue that during Oral Communications in the regular
43 meeting. Unfortunately most of the cards came in after we opened that oral communications this
44 time.

1 Chair Burt: Well I think there was a high value to the public comments. So I think it influenced
2 the discussion of the Commissioners. So I wouldn't necessarily want to do that myself.
3 Nevertheless the issue is in our next study session do we feel that we have given the public
4 adequate opportunity to comment and we can use that hour fully for Commission discussion.
5

6 Mr. Larkin: We need to offer the opportunity for the public to comment but in the next study
7 session you could do that at the end of the study session.
8

9 Chair Burt: Or shorten the amount of time each speaker can have.
10

11 Mr. Larkin: Yes.
12

13 Chair Burt: Okay. So does that seem like an acceptable approach to continue it to September 13
14 at six o'clock? And then I am sorry Arthur who will not be here at that time does have one other
15 quick comment that he does want to include. Since he is not going to be here I want to give him
16 that opportunity.
17

18 Mr. Larkin: As long as it is quick.
19

20 Commissioner Keller: Thank you. The quick comment is that I noticed in terms of the usable
21 open space that for five units it is 200 square feet per unit which is 1,000 square feet, for six units
22 150 square foot per unit that is anomaly so six units is 900 square feet. So it seems to me that
23 you shouldn't get less by getting more space – I mean more units get less space. That should be
24 a minimum of 1,000.
25

26 Chair Burt: Okay. Karen.
27

28 Vice-Chair Holman: I was just going to suggest that we actually consider meeting at 5:30
29 because it is so much material and our comments tend to bring up other comments and questions.
30 So I am not really sure an hour is going to suffice so I would suggest 5:30.
31

32 Chair Burt: Commissioners, what do you think about 5:30? Okay. Is that all right with Staff,
33 5:30?
34

35 Mr. C. Williams: It is fine.
36

37 Chair Burt: Okay, so that ends our item number one, which is the study session on the Zoning
38 Ordinance Update. It will be continued to Wednesday, September 13 at 5:30 PM.
39

40 We will adjourn the study session and now convene the Regular Meeting. Do we need a quick
41 break? We will take a very quick five-minute break and then convene the regularly scheduled
42 meeting.
43

44 **REGULAR MEETING AT 7:00 PM**
45

1 Chair Burt: At this time we would like to convene the meeting of the Planning and
2 Transportation Commission for Wednesday, August 30, 2006. This is our Regular Meeting.
3 Would the Secretary like to recall the roll? Thank you.

4
5 At this time we provide the public an opportunity to speak on items that are not on the agenda.

6
7 **ORAL COMMUNICATIONS.** Members of the public may speak to any item not on the agenda
8 with a limitation of three (3) minutes per speaker. Those who desire to speak must complete a
9 speaker request card available from the secretary of the Commission. The Planning and
10 Transportation Commission reserves the right to limit the oral communications period to 15
11 minutes.

12 Chair Burt: I do not have any speaker cards I just wanted to make sure people knew that that
13 opportunity does exist.

14
15 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional
16 items added to it up until 72 hours prior to meeting time.

17
18 Chair Burt: We have no other agenda changes, additions or deletions, correct?

19
20 Mr. C. Williams: Yes.

21
22 Chair Burt: So we have one Special Order of the Day, which is selection of this coming year's
23 Chair and Vice Chair for the Planning and Transportation Commission. So prior to proceeding
24 to the regular agenda item, which is 850 Webster, we will conduct our business of electing a new
25 Chair and Vice-Chair.

26
27 **SPECIAL ORDERS OF THE DAY**

- 28
29 • Selection of Chair and Vice-Chair

30
31 Chair Burt: At this time I would like to open to the Commission suggestions for nomination.
32 Dan.

33
34 **MOTION**

35
36 Commissioner Garber: I would like to nominate Karen Holman to be our Chair. May I speak to
37 that?

38
39 Chair Burt: Yes. I should have clarified. We will first select the Chair and then the new Chair
40 will preside over the meeting from then on. Is that our protocol, Don? From that point on the
41 new Chair would preside over the Vice-Chair selection and the balance of the meeting.

42
43 Mr. Larkin: That is the way it was done the one time I have presided.

44
45 Chair Burt: I believe that is correct. So this is nominations for Chair. Let's go ahead and see if
46 there are any other nominations and then give people an opportunity to speak to the nominees.

1
2 SECOND

3
4 Commissioner Keller: I will second.

5
6 Chair Burt: Thank you. I see no other nominees. Dan would you like to speak?

7
8 Commissioner Garber: I would. I think there are three critical attributes that I would look for in
9 a Chair and they are first amongst them as demonstrated by recent comments the preservation of
10 institutional knowledge, perhaps even beyond a year, domain expertise and leadership acumen.
11 Karen has been on the Commission for five or six years and she has demonstrated and developed
12 her leadership both in her work on the SOFA I Working Group as well as the SOFA II Working
13 Group where she was a Co-Chair. She has also served on many local boards and most recently
14 and currently on the Museum of the American Heritage Board. She takes the responsibility to
15 serve Palo Alto's public very seriously and is a good role model. Karen's seemingly
16 photographic memory or at the very least her meticulous eye for detail that she has exhibited
17 over the many years and certainly over the year that I have been here continues to lend great
18 continuity to this Commission's proceedings and I would be most pleased to serve under her.

19
20 MOTION PASSED (7-0-0-0)

21
22 Chair Burt: Thank you. Any other comments? Well I think those are very well put. I would
23 like to call the vote. All those in favor? (ayes) Opposed? So that passes unanimously.

24
25 Karen, I would like to welcome you to being our new Chair. If you might allow me just a
26 moment to say thank you to the Commission, the Staff, and the public for this last year and the
27 honor I have had of serving as Chair. A lot of my friends think I am crazy to say this but I have
28 enjoyed it. It has been a very great group to work with and the citizens of Palo Alto are active
29 and very valuable participants in our process. It is an excellent Commission to work with and I
30 welcome the new Commissioners and I very much appreciate the outstanding Staff that we have
31 had and all the support that they have provided us. So thank you all very much. We will now
32 just for the moment let Karen take over without yet moving seats I think.

33
34 Chair Holman: Thank you I appreciate that very much and I am honored and privileged to take
35 over from Pat the job of Chair. I think it only fitting to also say a few words about Pat who has
36 been Chair Burt twice and been on the Commission I think it is eight years which is quite a
37 considerable contribution of public service and has done so very articulately with a great
38 commitment to not only time but great commitment to interest in forwarding the public good
39 through our Zoning Ordinance Update through all this long while and all the other projects that
40 have come through and also a commitment to the environment and basically just good process,
41 common sense and respect for fellow Commissioners. I really appreciate that and want to thank
42 him for his leadership and tutorial that he has provided. So thank you.

43
44 At this time we would entertain nominations for Vice-Chair and I see Commissioner Sandas'
45 hand is up.

46

1 MOTION

2

3 Commissioner Sandas: Yes, I would like to nominate Commissioner Lee Lippert for Vice-Chair.

4

5 Chair Holman: Are there any other nominations?

6

7 SECOND

8

9 Commissioner Garber: I will second the motion or the nomination.

10

11 Chair Holman: Would you care to speak to your nomination?

12

13 Commissioner Sandas: Well, I was told specifically that I would not have to speak to my
14 nomination so I would just like to say that Lee's qualifications speak for themselves. He will
15 make a fine Vice-Chair.

16

17 Chair Holman: Commissioner Garber.

18

19 Commissioner Garber: With Paula's permission I would like to talk just a little bit about some
20 of Lee's qualifications. He has been on the Commission for a little bit more than two years but
21 prior to that he was on the Architectural Review Board for two terms until that was interrupted
22 and he was appointed to this Commission. He was also on the SOFA II Working Group. He is a
23 licensed architect and a member of the AIA. Part of his role was Vice-President of
24 Communications of the AIA's state chapter where among other things he helped define and
25 make policy recommendations in smart growth and sustainability in the capital of the state. He
26 has also participated in several local charettes both in Palo Alto, Menlo Park and East Palo Alto.
27 I think in particular because of his intimate knowledge of the City's building environment and
28 zoning he provides the Commission with really invaluable insight especially now when the
29 Commission is looking at the remainder of the ZOU effort. Thanks.

30

31 MOTION PASSED (7-0)

32 Chair Holman: Anyone else like to make any comments? Then we will vote on the Vice-Chair
33 nomination of Commissioner Lippert. All in favor? (ayes) Okay. So we welcome
34 Commissioner Lippert as the new Vice-Chair.

35

36 So with that we will go to item number two on this evening's agenda, 850 Webster Street. A
37 request by Channing House for review of a Planned Community Amendment of a 32,185 square-
38 foot Health Care building for the Channing House, including 27 skilled nursing units, 26 assisted
39 living units, associated dining and activity spaces and a 16,437 square-foot underground garage.
40 The request includes a variance to allow the building to encroach into the required daylight plane
41 from two sides facing the west and south property lines. The draft Environmental Impact
42 Assessment (initial study) and Negative Declaration have been prepared and the public review
43 period closed on July 5, 2006. Does Staff have any opening comments, remarks or presentation?

44

45 **NEW BUSINESS**

46 **Public Hearings:**

1
2 **2. 850 Webster Street*:** Request by Channing House for review of a Planned Community
3 Amendment of a 32,185 square-foot Health Care building for the Channing House,
4 including 27 skilled nursing units, 26 assisted living units, and associated dining/activity
5 spaces and a 16,437 square-foot underground garage. Review processes to implement
6 this project would involve a Planned Community (PC) amendment and a Variance.
7 Environmental Assessment: A Negative Declaration has been prepared Zone District:
8 PC-2007.
9

10 Ms. Gina La Torra, Associate Planner: Good evening. The project proposal before you is for a
11 new building adjacent to and on the same parcel as the existing Channing House Senior Living
12 building. The proposed building would be used by the Channing House for senior assisted and
13 skilled living uses. The new two-story building would be 32,185 square feet plus a 16,437
14 square foot underground garage. The project proposed to reduce the total living units by two and
15 adjust the allocation of the unit type such that the new building would include 26 skilled living
16 and 27 assisted living units. The existing Channing House building would be converted to all
17 independent living with 205 units.
18

19 The new building would be located where there is currently an at grade parking lot and those
20 parking spaces would be relocated to the underground garage in the new building.
21

22 The project has been revised since it was last presented to the Commission. In summary the
23 building and garage have been reduced, the landscape plan now encompasses the entire site, the
24 setback and building elevations have been revised or adjusted, and the DEE request for an
25 encroachment into the PC required daylight plane has been changed to a variance request as you
26 mentioned. The ARB has reviewed the project and recommended approval based on the
27 conditions and findings included in Attachment B of the Staff Report.
28

29 I want to highlight some key issues that were mentioned in the Staff Report for your discussion
30 and consideration tonight. As I stated the DEE request is now a variance for the encroachment
31 of the second floor into the daylight plane along the common west and south property lines. The
32 daylight plane is a requirement for PCs adjacent to residential buildings. The Staff Report
33 provides a comparison of the PC daylight plane requirements to the daylight plane requirements
34 of the adjacent residential zones. Staff requests that the Commission consider the applicant's
35 request and make a recommendation to Council based on the required variance findings.
36

37 I wanted to make one correction to the FAR that was listed in the Staff Report. The FAR table
38 on page three, the numbers were transposed 2.8 should read as 2.38. That is 0.45 less than was
39 previously reported.
40

41 I want to also let you know that the ARB and Staff of the Transportation Division had requested
42 that the alley be closed for a two week trial period so the applicant could further study traffic
43 operations. The applicant has completed the study as designed by the Transportation Staff and it
44 is included in Attachment I of the Staff Report. Staff has reviewed the study and finds that it is
45 comprehensive enough and there are no significant impacts anticipated by the partial closure of
46 the alley. Thirdly, the Channing House has informed me that the story poles have been taken

1 down so if you did not have an opportunity to view them or feel that it is important for Council
2 to do so you may wish to give a timeline to the applicant for when they should install those.

3
4 Staff did receive a request for ADA accommodations from Larry Wertman. His letter was
5 included in the packet of public comments. In response to that request Amy French, Manager of
6 Current Planning, will summarize Larry's comments during the public comments portion of this
7 hearing. So with that I would like to open it up for questions of Staff and also allow the
8 applicant to present the project.

9
10 Chair Holman: Are there any questions of Staff at this time? So the applicant has 15 minutes to
11 make their presentation. I have three cards for the applicant. If I could get a little clarification.
12 The card from Sandy Sloan says to respond for applicant is that intended to be closing comments
13 or how is that intended to be used?

14
15 Mr. John Northway, Applicant: Yes.

16
17 Chair Holman: Okay, so you have 15 minutes, Mr. Northway.

18
19 Mr. Northway: Thank you. Congratulations Chairman Holman and Vice-Chairman Lippert.

20
21 Members of the Commission, I am John Northway. I am a former Board Member at Channing
22 House. I wanted to introduce the project team that is here that will be available to both give
23 some presentation and also answer any of your questions. Carl Brazinsky is the Executive
24 Director, Tom Brutting is the Partner-in-Charge Architect, Lisa Wong is the Project Architect,
25 Sandy Sloan is our Attorney, and Linn Winterbotham is our Landscape Architect.

26
27 Since we were here the last time we have had two ARB meetings ending with a unanimous
28 approval on the building design. We have had three additional neighborhood meetings for a total
29 of five neighborhood meetings. The building has been reduced in height, size and setbacks.
30 Measures have also been put into place to try to mitigate some of the inconveniences of
31 construction which Carl will go through with you. The building has been reduced in size as
32 much as possible and to still meet Channing House's needs and provide the needed services for
33 the residents. It is as small as it can get right now. The alley has been blocked off and the traffic
34 report and parking report has been prepared which I believe you have.

35
36 We have not been able to satisfy all of the neighbor's wishes, as I am sure you will hear tonight.
37 We tried very hard to accommodate as many as we possibly can within the constraints of
38 meeting the program requirements and all of the OSHPD requirements. We hope tonight you
39 will joint the ARB in endorsing the project, approving the variance and sending the project on to
40 the Council for final approval.

41
42 The residents of Channing House are also neighbors to this building. They share the same
43 concerns regarding construction and impact on their lives, as do the adjacent neighbors. They
44 had promised to hold Carl Brazinsky and the project team to high standards throughout the
45 construction phase and I am sure when you listen to them tonight you will see that they are a

1 group that absolutely will uphold these standards. I would like now to introduce Tom Brutting
2 and he will go through the project.

3
4 Mr. Tom Brutting, Applicant: Thank you John and good evening Commissioners. It is a
5 pleasure to be here this evening. I am the Principle-in-Charge at HKIT Architects in Oakland. It
6 has been a definite pleasure working with the Channing House group, the residents and in
7 particular a collaborative effort that we have had both in working with them, the neighbors and
8 the various Boards and Commissions that we have been through so far.

9
10 Just to orient you a bit, I am sure you are all familiar with the building. We have proactively
11 throughout the process looked at many alternatives. We talked about that several times in the
12 past with what could one do, what could one actually look at and I would like to very quickly say
13 that with all the time we spent on master planning it became very evident that the existing floor
14 plate of the building is just not efficient for healthcare. Indeed with the parking lot in back here,
15 you can see the general layout of the building this being Homer over here, the parking lot to the
16 rear of the large building, Channing House, is where the proposed building will go deemed itself
17 the most appropriate spot for healthcare in terms of assisted living and skilled nursing, moving it
18 out of this very inefficient floor plate back into that area. Our new site plan here takes into
19 account not only the existing building, our new building to the back, but the entire community
20 around it. We spent a lot of time surveying the buildings, looking at the density of the
21 neighborhood, looking at the scale of the neighborhood, looking at the heights of each one of the
22 buildings around us, and you can see many buildings right in here in particular are very close
23 together. The proximity is very close together. As a matter of fact, in looking at the zoning for
24 that site if it was current to the zoning that would have been there before the PUD there could be
25 much larger, much taller building than we are proposing to do at this time.

26
27 The landscape plan is very important in terms of what we did in terms of working with the
28 neighbors and working with Channing House residents as well to make a very pleasurable layout
29 for not only our parcel in back that we are developing but the entire property. We actually have
30 two places in front, one here and one here, where there will be benches and nice landscaping
31 provided. The driveway entering into our building is located here. You can see the open space
32 that is provided for the new healthcare center that is between the existing Channing House
33 building and the new healthcare center in back. This is the drive that we just spoke about off of
34 Homer. The existing garage area that has primarily all of our parking and functions like the
35 emergency generator and other service oriented things that need to satisfy the needs of this
36 healthcare center. I will say that in each level we have a direct connection into the Channing
37 House building. The main entrance into the building for guests and other people coming from
38 the outside will still be through the main entrance of the Channing House building. We have a
39 secondary point over here but that is just a secondary point for staff to go through.

40
41 The first floor assisted living, the residential rooms are located at the perimeter against the
42 neighboring properties. All of the service functioning and the community space are located
43 toward Channing House proper. What we have done is extensively move the building back as
44 much as possible to conform to the RM-30 adjacent to the west and the RM-15 to the south. So
45 we have actually moved back the building on the first floor here and here. We have also further
46 articulated the building to make it we believe more interesting. That did come through many of

1 the meetings that we have had both here and with ARB. I will say that the ends of the building
2 here and here do project ten feet from the property line which are an exception to that but if you
3 were to look at the overall plan you will see for instance a condominium slips between that so it
4 is not actually infringing on the building directly.

5
6 Now on the second floor we have the skilled nursing where there is the most dramatic change in
7 terms of setbacks. We brought the building back 20 feet on this side and 17 feet on this side. So
8 we condensed all of our program area to just about the limit that we could. As John said, we are
9 pretty sparse with being able to cut back any further at this point but so far we have met all of
10 our requirements. For people who are involved with healthcare you know that there are very
11 specific square footage requirements for skilled nursing in particular.

12
13 This is the front elevation of the building looking along Homer. We have actually included some
14 of the adjacent buildings and with that you see the scale of Channing House over here. This is
15 looking at materials and looking at the frontage of the building and the landscaping and then
16 some of the other sides. We have actually differentiated the building by first floor/second floor
17 cutting back and articulating with angles so that way the windows don't face directly onto
18 adjacent properties but are rather angled to the properties. These are the other two elevations
19 here looking to the west and to the south in this direction. These are three-dimensional images
20 we put together. We think these are really good ways of being able to envision what the
21 buildings actually will look like. This is the view from Homer, as you would be driving down in
22 the direction of traffic. As was pointed out we did realize the FAR is 2.38 not 2.83 and I think
23 that is a good diminishing of the building from even where we were before.

24
25 Just to reiterate what John said we had two and actually a third preliminary meeting with ARB.
26 We worked very closely with materials and worked very closely with the ins and outs of the
27 building to make it very interesting and we think very compatible with the neighborhood as well.
28 Also, we have been to OSHPD, to Sacramento, recently and they are very positive about the
29 building, very complimentary about the design of the building. So we are very glad to be on the
30 road in that way too because that approval process will take us much longer than even Palo Alto
31 will be in terms of getting the building through.

32
33 Then looking in the other direction from Homer you can also see that the building steps back
34 here considerably. So we have had some detail that we have added along the band of the
35 building between the first and second floor.

36
37 So with that I just want to skip on to one next slide here and show that we did some extensive
38 shadow studies as well. Virtually the new building has very little if any impact compared to
39 what is there right now. We are very fortunate to find out that in looking at these various times
40 of the years our building really did not have an impact on adjacent properties. So we were very
41 pleased to find that out.

42
43 Then I would like to point out just some aerial shots looking down on the neighborhood. As you
44 can see right in this area which is just to the south of our new building very condensed, very
45 dense series of condominiums and buildings that are generally two stories, very similar to ours.

1 We did check that the height of our building doesn't go much higher if at all above the ridgeline
2 of these adjacent buildings.

3
4 So with that I would like to say that we have very extensively looked at ways to mitigate
5 concerns. We have certainly taken into account the fact that Channing House has, as John said,
6 held us to a very high standard on this building. They have very similar concerns. They were
7 very strongly interested in the architecture and the layout and mainly the servicing of the
8 building that this would be a healthcare center that will be sustainable for them for many, many
9 years. I will just conclude by saying that with sustainable design that is a part of our practice.
10 We look at that very closely. We try to incorporate as much as we can in terms of long-term
11 sustainable design, green architecture. So with that John do you have any concluding words or
12 Carl?

13
14 Mr. Carl Brazinsky, Executive Director of Channing House: At previous meetings there were
15 concerns about construction logistics in light of the previous project we had from 1999 to 2001,
16 which was our seismic retrofit. We did a draft construction logistics plan, which was sent off to
17 the Planning Division and Public Works. At that time they did not have any comments. Some of
18 the elements of the plan include construction fencing would have a ten foot barrier, temporary
19 walls to shield as much as possible construction debris from the neighbors, no parking zones at
20 different points in the construction would be carefully worked out, and notification obviously to
21 neighbors and meeting with neighbors during the process, delivery, excavation and construction
22 activities Monday through Friday from eight to five, and one of the key elements which both our
23 residents and the neighbors are concerned about is construction parking of construction vehicles
24 and construction workers. At this time because of the time lag of the process and the project if
25 we were to be granted approval for the building we would not probably start construction until
26 2008 and during the time prior to starting construction we would identify the areas where
27 temporary parking would be held and work that out very carefully and lease parking elsewhere
28 and transport workers to the job site.

29
30 During the construction process we anticipate for the first six to eight months of construction,
31 and we anticipate it would be a 19 month job, there would be about 15 to 20 vehicles needing
32 parking during that time. We would need to find temporary space for those vehicles. Once the
33 excavation of the lot would be conducted we would actually utilize the excavated lot for some
34 construction parking itself so that contractor's vehicles could use that.

35
36 The other issue related to construction logistics is the fact that we would have to temporarily
37 replace the 37 spaces in the current lot because it would be under construction. We would
38 anticipate doing that in the current underground parking as well as the above ground parking and
39 provide valet parking for residents. We have committed a certain amount of resources and
40 budgeting for this. We think we can handle the overflow for the 19 months on the current
41 property of the 37 spaces.

42
43 Then as I mentioned earlier we would want to meet with neighbors on an ongoing basis and have
44 a hotline with the contractor and project manager for construction related problems during the
45 course of the project. Thank you.

1 Chair Holman: Thank you. If you would, please fill out a card for the Secretary that would be
2 very helpful. Commissioners, do you have any questions for the applicant at this time?
3 Commissioner Burt.

4
5 Commissioner Burt: I wondered if the applicant could expand a little bit about the landscaping
6 redesign for the entire site that I understand has been done.

7
8 Mr. Linn Winterbotham, Landscape Architect: When we started the project we really hadn't
9 looked at the existing site and were just working around the new building. As we realized there
10 was going to be disruption to the existing site we included that in the design. It is mostly drought
11 tolerant shrubs and groundcovers. We are adding three specimen oak trees to the properties. We
12 have some crape myrtles for color. The intent really is to try and create as much variety and
13 texture as possible to make it seem like the adjacent residential homes. I don't want to say that it
14 would look like we went to [Summer Lands] and got a car full of plants but we are trying to
15 emphasize variety and interest.

16
17 Commissioner Burt: At our last meeting I raised the issue of the potential for treating some of
18 this front passive landscaping as a more interactive space that would become with a visual and a
19 practical amenity for both the residents of Channing House and something that would help
20 enhance the neighborhood and be a quasi-public space. The response that I thought that we
21 received at the time was that Channing House was receptive to that and would incorporate some
22 of those approaches. Has any of that been done?

23
24 Mr. Winterbotham: We did add two seating areas on Webster one at each corner. It is shown in
25 the upper left hand corner. It is a small concrete pad with three benches for gathering and sort of
26 enjoying the neighborhood. We have similar type benches in front of the existing building and it
27 has been very popular.

28
29 Commissioner Burt: Thank you.

30
31 Chair Holman: Commissioner Garber.

32
33 Commissioner Garber: I am wondering if Staff has a map of the zoning that is around the
34 building and could refresh the Commission as to what the adjacent zoning is.

35
36 Ms. La Torre: Yes, that should be Attachment....

37
38 Commissioner Garber: Would you put it on the overhead?

39
40 Ms. La Torre: What Amy is pointing to is the PC zoning at 850 Webster. Surrounding that are
41 RM-15 apartments and RM-30 single family and multi-family units.

42
43 Commissioner Garber: Thank you.

44
45 Chair Holman: Commissioner Tuma.

1 Commissioner Tuma: For the applicant following up on Commissioner Burt's question about
2 landscape plan. Has that plan been vetted with the surrounding neighbors and what has the
3 discussion been and what has their feedback been?
4

5 Mr. Winterbotham: We did discuss it with the neighbors at one of the meetings. Most of the
6 discussion had to do with obviously the landscaping around the new building and the impact to
7 the neighbors. There were sort of mixed feelings. Some of the neighbors wanted to have as
8 much density as possible and some didn't want to interrupt their sun on their property. So we
9 made a commitment at that time that we would work with them. We have a plan in place that
10 has been approved by ARB but we are going to continue to work with the neighbors to try and
11 accommodate their individual needs where possible.
12

13 Commissioner Tuma: Okay. A similar question and this is probably for another one of the
14 applicants. With respect to the building materials and color palette that would be used I noticed
15 that the ARB had made that one of the conditions was that they would be involved in that
16 process. Where are you in that process and also again with respect to the neighboring
17 community in order to address some of the visual aspects?
18

19 Mr. Brutting: Good question. We picked a tile that would be used in the building to be
20 compatible with brick that currently exists to the back of the Channing House structure. That as
21 far as we know hasn't been controversial or talked about to a great extent. It was more the
22 stucco colors that we will be using and we are certainly open on that. We do know that we
23 would like to work both further with Channing House and the neighbors on getting those
24 compatible colors. Right now they are rather neutral in tone. We are trying to keep them warm
25 in particular for the palette that they are and they are lending themselves more toward the green
26 base but we are certainly open to looking at differences on that.
27

28 Commissioner Tuma: Okay, but have you had the discussions with the neighbors about the
29 particular palette that you are looking at and affirmatively gone out and asked them for their
30 feedback?
31

32 Mr. Brutting: We have presented it and frankly at the neighborhood meetings there hasn't been a
33 lot of talk and response to that but it has been shown.
34

35 Commissioner Tuma: Could you hold it up? Thank you.
36

37 Chair Holman: Commissioner Burt.
38

39 Commissioner Burt: There was also mention by the applicant of sustainability concepts and
40 green building standards. Could you share with us a little bit more on what you have done in
41 those regards?
42

43 Mr. Brutting: What we do with every project in our firm is to have a sustainability charette when
44 we first begin a project. A building of this type in particular is constrained by the lot that we are
45 using, the size that we are using, we are limited somewhat by direction orientation with it. In
46 particular what we garner from the sustainable charette in this regard is what can we do with

1 energy sources, what can we do with materials in particular? So we try to use as much as
2 feasible in terms of long-term sustainable materials. This will not be a Lead Certified building at
3 all but we try to incorporate, we have a checklist that we go through, actually we have a checklist
4 that we are happy to provide at any point as to what we have gone through to look at those.

5
6 Commissioner Burt: At the tail end of our study session you may have caught a little bit of
7 discussion on our interest in moving projects toward utilizing a greater amount rooftop gardening
8 both as an amenity for tenants and as a sustainable practice. Has your firm worked with those
9 concepts and has there been any consideration of incorporating those concepts in this project?

10
11 Mr. Brutting: That is a very good question. I would say that currently I have five mid-rises or
12 high-rises in San Francisco and surrounding areas that have rooftop gardens on them. It is very
13 common that we do that and we look at it as a way to provide good open space for residents
14 especially in small confined spaces where you can't provide it otherwise. Channing House itself
15 has a very nice roof garden area existing on top of the building, an outdoor area that is well used
16 and utilized. So there wasn't a great need for the residents who live in the high-rise in particular.
17 Frankly, the assisted living and the skilled nursing folks generally would not get up to rooftop
18 gardens. So we have adjacent patio space or balcony space for them to use.

19
20 Commissioner Burt: Thank you.

21
22 Chair Holman: Commissioner Keller.

23
24 Commissioner Keller: Following up on Commissioner Burt's question. I notice that this large
25 document on page A-2 that there are two labels identified as area for photovoltaic cells one
26 which is right near the word 'center' and one on top of the word 'health.' When I look on page
27 A-14 which is the Channing House Healthcare Center sheet the area for photovoltaic cells which
28 was to the right if you will near Homer is there but the other space is labeled as 'air handler
29 units.' Could you explain that?

30
31 Mr. Brutting: In each project we do consider photovoltaics because they are very widely used
32 and again we have them on several buildings either under construction or completed. Right now
33 it is a matter of at the stage we are in we are not sure whether we can implement them or not.
34 Although they are still in the background, we still would like to use them as a matter of how one
35 pays for them over time, the rebates one can get in order to do that. So I would say right now as
36 part of the concept we do have air handlers it is whether we can use photovoltaics ultimately to
37 incorporate that reasonably into the design or not.

38
39 Commissioner Keller: Is there any issue with respect to placement of these photovoltaic cells in
40 proximity to a building that is as high as 142 feet?

41
42 Mr. Brutting: Not at all. As a matter of fact the photovoltaics that are currently on the market
43 are quite attractive. If you happen to go to Moscone Center and you are able to look down on the
44 top of the building they are actually implementing those throughout San Francisco right now.
45 The current ones are blue material and they are actually being used as wall surfaces. So they are

1 quite aesthetically pleasing. They don't glare and they are not problematic for even the residents
2 in Channing House being in the high-rise structure.

3
4 Commissioner Keller: Is there an issue for shading from the existing Channing House property
5 onto this?

6
7 Mr. Brutting: That is a good question and we would have to investigate that further to know
8 what angle or what position to put them in in order to make that efficient and effective.

9
10 Commissioner Keller: Thank you.

11
12 Chair Holman: I have a couple of questions as well if there are no other questions from other
13 Commissioners. One of them regards the setbacks on our page three of the Staff Report under
14 Height and Setback Requirements it has zone PC 2007 it has existing and then it has proposed.
15 It has ten feet across from existing and it has nothing across from proposed. So can I get
16 clarification from either Staff or applicant on that, please?

17
18 Ms. La Torre: It is the same parcel so the ten feet would apply all the way around. So it would
19 be a ten-foot setback from all property lines.

20
21 Chair Holman: Okay, I took it that the existing building though, it is stating that the existing
22 building is ten feet away currently?

23
24 Ms. La Torre: No, I didn't list what the existing setbacks are.

25
26 Chair Holman: That is what I was trying to get at. Okay. So what is the existing building
27 setback?

28
29 Mr. Brutting: The high-rise building?

30
31 Chair Holman: Yes.

32
33 Mr. Brutting: We would have to look at that we have not really examined that to be honest. I
34 know it is definitely more than ten feet.

35
36 Ms. La Torre: I would say it is about 20 feet from Homer and Channing and the parking lot is
37 included in there so possibly 40 to 50 feet.

38
39 Chair Holman: Okay, thank you for that clarification. Then I had a question that goes along
40 with Commissioner Keller's question which has to do with noise. I know we have a noise
41 ordinance but I also personally think it is not quite as adequate as it could or should be so I have
42 concerns about the chiller and air handler units that are being proposed. So what do you have
43 included in your plan that would address the noise in terms of type of equipment, insulation, and
44 those kinds of mitigations?

1 Mr. Brutting: Again, a good question. The ARB was also very concerned about that as were the
2 people at Channing House and the neighbors. We have actually sized and selected the
3 equipment already that we would use. We have gone through that step. We know the noise
4 levels and we had an acoustic report written by Charles Salter and Associates out of San
5 Francisco. They concluded that the noise level would be comparable to a computer fan running.
6 It is minimal. They said as a matter of fact the traffic in the surrounding area would be louder
7 than the noise generated from the equipment.
8

9 Chair Holman: So if I could get clarification on that. So if it is less than a computer fan what I
10 am trying to get at is there is an accumulation of noise.
11

12 Mr. Brutting: It is cumulative.
13

14 Chair Holman: Cumulative it would be no louder than that.
15

16 Mr. Brutting: Yes.
17

18 Chair Holman: That would be a report that you would be providing to Staff or does Staff already
19 have that?
20

21 Ms. La Torra: That has already been provided and the ARB reviewed that.
22

23 Chair Holman: Okay, great. This is a question for Staff or applicant. I imagine it is quieter than
24 traffic but there is also an issue on ongoing noise. It is like water dripping. If it is really that
25 quiet it is probably not an issue but was that considered or addressed?
26

27 Mr. Brutting: It was and it was considered that this would run generally 24 hours or some
28 equivalent, it would turn on and off during the day, and again it would not be perceivable to
29 neighbors or surrounding area.
30

31 Chair Holman: Okay, thank you. Commissioner Keller. Okay, Commissioner Burt.
32

33 Commissioner Burt: I have a follow up question on the rooftop garden issue. I appreciate the
34 points that you made that in this circumstance the value of a garden, as an amenity for the
35 tenants, probably does not apply on this building. We as a city are just in midstream on two
36 programs that may impact future ways that we look at projects like this. One is in our Zoning
37 Ordinance Update we have upcoming this fall the landscaping section. Then second we have
38 what is called the Mayor's Green Ribbon Task Force, which is getting reading to present to the
39 Council and its focus is CO2 emission reduction. So in addition to providing an amenity there
40 are a couple of other prospective benefits from a rooftop garden. One is the net environmental
41 impact of cooling of the community as a result of having greater vegetation and the carbon
42 emissions. Then finally, the visual screening. This project is a PC that is 40 years old or so and
43 we have it. It is a building that would not come close to being allowed under our present PCs but
44 it is existing and it is what it is. I was struck when I looked at this view angle that you have that
45 when I go by that building it stands out. It is much larger in mass and it is much more
46 monolithic than anything else we have in the vicinity. From this view angle it seems that rooftop

1 gardening might create the potential for additional visual screening and actually help redress an
2 impact that we have right now of that building standing out along with the other broader
3 environmental reasons for looking toward that. Is that something that you would be able to take
4 another look at for those reason?
5

6 Mr. Brutting: We could certainly examine that. I think anything is well worth looking at again.
7 It would be a matter of it being a usable garden and if it is the elevator getting up to that location
8 and other exiting concerns in terms of getting off of that space. If it is merely a green space or
9 something to provide an amenity for people to look down on that becomes a different type of
10 thing. I am hesitating because I really don't know how OSHPD looks at rooftop gardens. They
11 may be very much in favor of them but if it is not usable how do they apply to a grass roof or
12 some of the other sustainable type things that we do these days? Good question. I think it is a
13 question that we would just pooh-pooh or push away at all. We certainly would be willing to
14 look at it. I think the effectiveness, the maintenance of it, and its overall character of what it
15 needs to be is something that has to be taken into consideration.
16

17 Commissioner Burt: Okay, thank you.
18

19 Chair Holman: I think Commissioner Tuma had a question.
20

21 Commissioner Tuma: This is a question for Staff and it has to do with the surrounding daylight
22 planes for the surrounding zoning areas. In both items one and two in Attachment C it is
23 indicated essentially that the proposed project follows the daylight plane regulations of adjacent
24 residential zoned properties. I noticed on page four of the memo, and this may be a very small
25 issue but I just want to make sure it is clarified to the public, it says that it would meet the
26 daylight plane requirements of the adjacent RM-15 and RM-30 properties except at the corners.
27 Can you clarify where we are on this? Does it in fact meet those or is there an issue there?
28

29 Ms. La Torre: The project would not meet the daylight planes at those building corners. If you
30 look at the building plans and as the architect mentioned at three corners of the building, actually
31 four, a portion of the building has a ten-foot setback so that area of the building would encroach.
32

33 Commissioner Tuma: This just may be my naiveté here but how is it that we can then make the
34 finding that it follows the daylight planes of the adjacent residential zoned properties?
35

36 Ms. La Torre: I guess I should clarify that. It meets the daylight plane of the RM-30. It would
37 not meet the daylight plane of the RM-15. Let me put this up on the overhead. In this area right
38 here that is the same at both corners and possibly the architect could explain that a bit better but
39 his is the RM-30 daylight plane and this is the RM-15. The building is then setback at this line
40 and it would meet the RM-15. So at the corners it will encroach into the RM-30.
41

42 Commissioner Tuma: Okay, thank you.
43

44 Chair Holman: Commissioner Keller, you had a question?
45

1 Commissioner Keller: Yes. I had a question of Staff. I was reading through all this and have
2 been wondering where the documentation of the daylight plane is for this particular zone. Is it
3 generic to PCs or is it particular to this zone?
4

5 Ms. La Torra: It is generic to PCs and it is in the PC Zoning Ordinance section of the code.
6

7 Commissioner Keller: Great, thank you. The other question that I have is on the ordinance
8 number 2007 which originally setup this PC it appears there is a requirement in the lot that is
9 where the building is proposed to be built, the new section of the building, for a minimum of 55
10 spaces. It says property across alley. I am wondering what happened to that? Where did it go
11 from there?
12

13 Ms. La Torra: We don't have plans of where those spaces were lost. What we do know is that
14 the original PC was for a maximum number of units, which the Channing House has not ever
15 reached. Let me just look up that number.
16

17 Commissioner Keller: I think it was 320.
18

19 Ms. La Torra: Yes, thank you.
20

21 Chair Holman: If I could say, if we have more clarifying questions of Staff that we should
22 continue with those otherwise we should probably go to the public and have the public hearing.
23 So if it is a clarifying question for Staff is that the case Commissioner Lippert?
24

25 Vice-Chair Lippert: Yes. With regard to the required findings for a variance I am having
26 difficulty getting my hands around it, which is that it states in here specifically because of special
27 circumstances applicable to the subject property and this is what all those are. This site is pretty
28 large and I find it very difficult to say that there are constraints on this site that would make this
29 project not happen on the site in other ways. So why would we be granting a variance here?
30 There is not an unreasonable hardship in terms of what is being asked for here. Why not just
31 shift the whole building over?
32

33 Ms. La Torra: These are draft findings for the variance so that can certainly be part of your
34 recommendation of the project.
35

36 Chair Holman: Okay, if there are no other clarifying questions for Staff then I will go to the
37 public. Currently we have nine cards so if we could have each speaker take three minutes. If
38 there are any other members of the public who would like to speak this would be a great time to
39 turn your cards in. Our first speaker is Diana Steeples.
40

41 Ms. Diana Steeples, Palo Alto: I am a resident at Channing House and a long time resident of
42 Palo Alto. I have just had the opportunity to read in your memo staff packet what I said last time
43 and I thought I said it pretty well. So I think I just invite you to reread it and I will just highlight
44 a couple of thoughts I have had.
45

1 I can't stress enough the importance of Channing House having for several populations an up-to-
2 date, comfortable, well designed, and private spaces for the residents who would need assisted
3 living or skilled nursing care. I am realizing that this facility, which is so badly needed because
4 what we have now is so out-of-date, is not just for the residents currently living in Channing
5 House but the residents to come. We are having new residents coming in now quite frequently
6 and it is their needs, their assurance that they are going to have the kind of care and the kind of
7 environment that they want. It is also an environment that needs to be satisfying and provide the
8 special facilities and privacy for families, for spouses, for adult children, for the friends they
9 have in Channing House who will be able to walk right over and visit and keep up the
10 friendships and loving relationships that make a great deal of difference in how they will feel and
11 how they will respond to care and treatment. So there will be many residents of Palo Alto in the
12 future who will be affected by this. Think of people you know in Palo Alto who are now
13 beginning to look at the issues of their aging parents. Channing House may not be the right
14 place for them but it is a very desirable and wonderful place to have that kind of assurance that
15 those healthcare facilities will be there when you need them.

16
17 Then the final point is just the staff that work, the aides, the nurses, the people that bring the
18 meals, so many people who work on the second floor where these facilities are now are
19 wonderful, caring people. I am amazed at their quality but their working conditions are not very
20 good. They are not efficient and they are not comfortable and they are getting old. In many
21 cases the skilled nursing provides three people in a room. That simply is not adequate for today.
22 So those are my main points. Thank you.

23
24 Chair Holman: Thank you. The next speaker will be Steve Ludvik and the speaker after him
25 will be Elisabeth Rubinien.

26
27 Mr. Steve Ludvik, Palo Alto: Good evening. I am the owner of 541 Channing, which is adjacent
28 to the alleyway between Channing Place and Channing House. I wanted to address the traffic
29 study that was discussed this evening and direct you to the submission that we made from
30 Channing Place regarding the traffic study. Given the shortness of time I would like to request
31 an extension of that study through September. The reasons for the extension are as follows: the
32 study was made in the past two weeks of August where many people were on vacation and the
33 residents were not notified of the proposed barrier. When we saw the barrier it was basically a
34 removable barrier made of some sawhorses with some signs on them. They were actually moved
35 during the study. We did receive the spreadsheet from Channing House, which contained their
36 observations. We don't think that accurately reflects what occurs and what is likely to occur in
37 the traffic patterns in the alleyway. The other issue is that we don't think it is entirely objective
38 for Channing House to have done that study and we think that we should consider a more
39 independent resource to do that study.

40
41 There are two examples I would like to highlight for you. We don't have visuals and simulations
42 but we did feet-on-the-street approach. This is a picture of the alleyway and a truck that is
43 parked in the loading dock. You can see over here another truck that is moving into Channing
44 House double parked on Channing Avenue. The other, which I can't show you this evening, is a
45 video that was taken which shows the recycling truck that went into the alleyway and then
46 backed out into Channing Avenue. The driver stopped all the traffic on Channing Avenue. We

1 have a video, which we would be happy to submit if there is a mechanism for doing that. The
2 bottom line is that we don't feel the traffic study is adequate or representative of what will occur.
3 It is a key entryway to the proposed development and we ask your consideration of extending the
4 study. Channing Place has offered to assist in that in some manner but it should be done by an
5 independent resource. Thank you very much.

6
7 Chair Holman: Thank you. Elisabeth Rubinfien is the next speaker to be followed by Tom
8 Clewe.

9
10 Ms. Elisabeth Rubinfien, Palo Alto: Hi I live in a single family dwelling on the corner of the
11 Channing House property. I would like to focus today on the question of the mass and scale of
12 the proposed building and the request for the variance. I think there is really not much to discuss
13 in terms of the Channing House residents' need and the value to the neighborhood or the value to
14 the City of the services that might be offered.

15
16 On page three of the report here there is data about the FAR requirements in different zoning
17 areas. It is a little hard for me to understand but clearly the Channing House building already
18 and the new proposed Channing House building exceed the allowance for any of the neighboring
19 zonings. That is because it is a PC and there is no limitation on the FAR. However, there is a
20 limitation on the daylight plane precisely as a mechanism to constrain the mass of the building at
21 the edges of the property as it nears its property line. Residential areas, RM-15 or RM-30, have
22 much stricter FAR limitations. The PC zone has a much stricter daylight plane limitation. If you
23 remove the daylight plane limitation and make it an RM-15 or RM-30 daylight plane limitation
24 without also limiting the FAR you are essentially saying there is not much to limit the scale that
25 comes right up close to the ten foot or 13 foot space between you and your neighbors. That is
26 my main concern. I think there has been a lot of progress made on creating little ins and outs on
27 the building but I would like to speak actually not as a neighboring resident because a lot of the
28 discussion keeps going to how it looks from our fence line which no one else is going to see. I
29 am more concerned about honestly how it looks as you walk along Homer. If you imagine, I
30 don't have a nice picture to show you, but that three-dimensional image was a pretty clear image.
31 It is two stories straight up to the height of the ridgeline of the neighboring residential buildings.
32 A ridgeline of course is setback it is not right at the height of the face of the building and it is
33 very close to the edge of the property to the sidewalk, about ten feet I think or something close to
34 that. Basically if you looked at the pole study when it was up the building fills end to end what
35 until now has been an ugly parking lot. It doesn't allow for corners or interjections of garden or
36 plazas or anything like that that would make it fit in a little more easily on the street side. The
37 gardening that is proposed is in fact minimal aside from the trees that are there. The benches that
38 are proposed to make nice seating areas are on Webster. The front face of the large Channing
39 House building that already exists not on Homer where a whole new building is going in that is
40 going to fill up a third of a block. I think I will stop there because that is the end of my time and
41 that is the main point that I had. Thank you very much.

42
43 Chair Holman: Thank you. The next speaker is Thomas Clewe to be followed by Barbara
44 Gordon.

1 Dr. Thomas Clewe, Palo Alto: Good evening. I am a graduate of Stanford Medical School 50
2 years ago. I have been a citizen of Palo Alto over 40 years. I have been a resident of Channing
3 House for eight years. I will be very brief because I have no special knowledge of the technical
4 questions being discussed here tonight, however, I do have considerable knowledge of the need
5 for the construction of an improved, more up-to-date, state-of-the-art healthcare center for
6 Channing House and of the planning that has gone into this proposal. I hope we can get on with
7 this process ASAP. Thank you.

8
9 Chair Holman: Thank you. Barbara Gordon to be followed by Herb Hamerslough.

10
11 Ms. Barbara Gordon, Palo Alto: Good evening. I have spoken before as a volunteer patient
12 advocate in our nursing center for the need to update our facility. Having just spent a week
13 myself in the assisted living I can say now from personal experience that the nursing care is
14 outstanding but our facility definitely needs updating. If we want to attract future residents and
15 also nurses to work at Channing House we need to get with it. I do feel with the neighbors.
16 Many of us residents in our 80s and 90s strongly support the project but aren't looking forward
17 to the disruption. Lastly, I feel Channing House administration and architects have worked in
18 good faith to make this as palatable for the neighborhood as it can ever be. Thank you.

19
20 Chair Holman: Thank you very much. The next speaker is Herb Hamerslough to be followed by
21 Gil Pease. If anybody else wants to speak if you would turn in your card now that would be
22 really great. Thank you.

23
24 Mr. Herb Hamerslough, Palo Alto: Good evening. I am a resident of Channing House.
25 Congratulations to the new Chair and Vice-Chair. Everything has been said pretty much. I
26 would echo Barbara, Tom and Diane. This is a much-needed project. This is our fifth
27 appearance before the Planning Commission and the ARB. There is a lot of technical stuff to be
28 decided. I strongly urge passage so we can continue on to the City Council for approval. We
29 have a long ways to go with OSHPD in Sacramento. A great majority of our residents want this
30 new healthcare facility. Many of us are hoping in case it is needed as the years go by that we do
31 have an up-to-date facility to take care of ourselves. Thank you.

32
33 Chair Holman: Thank you. Gil Pease to be followed by Carl Otto.

34
35 Mr. Gil Pease, Palo Alto: I am resident of Channing House. I have been living in the Palo Alto
36 and environs for the last 50-plus years. I initially purchased a house in what you will recall was
37 the Barrett & Hill development back in 1950. In driving through that area now you will find that
38 about every third house is two stories and a very large house compared to the original homes that
39 were built there. This is probably still in spite of the variance in this community one of the most
40 harmonious communities in all of Palo Alto. All we are asking for is to be able to advance and
41 expand, as have the other communities in Palo Alto. We pledge that we will continue to be good
42 neighbors. We need your favorable consideration. Thank you.

43
44 Chair Holman: Thank you. Carl Otto to be followed by Joan Jack.

1 Mr. Carl Otto, Palo Alto: Good evening honorable members of the Commission. I am a resident
2 of Channing House and currently Vice-President of its Resident's Association. You have before
3 you a request for a variance for the daylight planes, a request for our proposed new health center
4 building to limited not by planes rising one on two but rather by planes rising one on one, and a
5 request for us to use the same planes that are now effectively being used by our neighbors to the
6 south and the west. When you are considering this request I would like to ask that you
7 remember that this proposed building and the existing buildings adjacent to the site are less than
8 30 feet high, that are buildings are setback from the property line. These facts minimize the
9 impact that virtual daylight planes have on actual conditions both on the ground, between
10 buildings and on vertical surfaces of the first and second stories of nearby structures. In fact, if a
11 solid fence is built on the property line it can be shown that the daylighting of nearby ground and
12 vertical surfaces is actually lessened by assuming a one to two plane compared with a one to one.
13 Finally, when landscaping is considered with ten and 20-foot tall trees included the issue of
14 daylighting between buildings becomes a very moot point. Channing House needs this new
15 facility not only for its current residents but as you have heard from others for our future
16 residents. I am convinced that it is coming into existence will be a plus for Palo Alto and I hope
17 you feel likewise. Thank you for your attention.

18
19 Chair Holman: Thank you, Mr. Otto. Joan Jack to be followed by Amy French. Amy will
20 speak to why she is commenting tonight.

21
22 Ms. Joan Jack, Palo Alto: My congratulations as well. I have been on the Board at Channing
23 House for about five years. My husband and I live about three and a half blocks from Channing
24 House. I have also been on the healthcare task force for several years and for the past six years
25 or so this dedicated, educated, and responsible group of people of whom I was one have
26 researched the possibility of providing a much needed and improved healthcare center for
27 Channing House. During this time residents were interviewed, sites were explored, and expert
28 advice was taken into consideration. The plan before you was determined after all this
29 preparation as the most appropriate, doable, and acceptable option. I urge you to consider it.
30 Thank you.

31
32 Chair Holman: Thank you. Amy, you are speaking for a member of the public and I will let you
33 explain what the situation is and why you are doing that and thank you.

34
35 Ms. Amy French, Current Planning Manager: Thank you. I am speaking on behalf of Larry
36 Wertman who has identified himself as a disabled individual who requested reasonable
37 accommodation pursuant to the ADA. I am going to summarize because his letters are in your
38 packets. You have received all of his concerns but I will summarize them in the public hearing
39 setting. Larry feels the sky view from inside his owner-occupied home and all owner-occupied
40 homes are a basic right, that the building is going to block the sunlight into his condominium and
41 result in the loss of any sky view from the first floor windows, that the Channing House has
42 avoided addressing this subject, and the Channing House sun study results are misleading, the
43 Channing House options that were studied he thinks blocked the Channing House residents
44 views so they were not pursued, the loss of privacy and quality of life with the anticipated feeling
45 of being in a jail cell in his condominium, he is concerned the Channing House has anticipated
46 the City reducing the building so they proposed a bigger building. He had a question about the

1 existing parking lot use and why it is used so minimally. He says Channing House is one of the
2 few ten-plus story buildings. It has the highest FAR around. Channing House shouldn't hurt the
3 existing residents and he is against the requested exceptions. So that pretty much summarizes his
4 concerns. Thank you.

5
6 Chair Holman: Thank you. So for Channing House, Ms. Sloan you will have three minutes to
7 respond and make closing comments.

8
9 Ms. Sandy Sloan, Applicant: Thank you, Chairman Holman and congratulations also. I am
10 Sandy Sloan, attorney for Channing House. I would like specifically to request the variance and
11 answer some of the questions that were raised by some of the Commissioners.

12
13 The zoning code in Section 18.76.030 specifically allows variances for a site with physical
14 constraints resulting from natural or built features and that is very important realize it is not just
15 the land but a variance can also be contemplated because of the built features. In this case as the
16 Staff has pointed out it is an L-shaped parcel and the only available buildable area is next to
17 residential property. More important are the physical constraints of the building that exists. It
18 has an underground driveway that goes into the underground parking lot. It has an existing pool
19 and existing foundations. If you look at the plans you can see that the proposed building cannot
20 be moved closer to existing Channing House. It also cannot be moved closer to Homer street
21 because of the setback.

22
23 To clarify about the RM it is confusing. If this site were zoned RM-30 the daylight planes would
24 be in full conformance. If the site were a residential site but still a PC zone the proposed
25 building would meet the daylight planes of the RM-30 when it is adjacent to the RM-30
26 buildings and would meet the RM-15 daylight planes except at the corners. In this case the
27 reason that the constraints are so great is because almost all PCs in Palo Alto are commercial
28 buildings and again if this building were classified as a multi-family use and it essentially is
29 residential in character then it would meet the daylight planes of the PC ordinance except at the
30 corners and it would meet it fully if it was an RM-30.

31
32 Finally I want to say that the general plan in Policy H-18 specifically says to support housing
33 that incorporates facilities and services for the healthcare transit or social service needs of
34 household with special needs including seniors. So the general plan itself is saying that seniors
35 with healthcare services are a housing or residential character. If we could just have one more
36 minute I think Carl Brazinsky wanted to address the traffic operations which Channing House
37 itself was asked to look at again.

38
39 Mr. Brazinsky: Thank you. In relation to the traffic study we did I would like to point out first
40 of all that Channing Place Condominiums does have access to the alley only to half of the alley.
41 At any time I think we would have the right to close off the alley for our own purposes. Be that
42 as it may when we did the study we did know and understand that there were some vehicles that
43 occasionally park on Channing Street and we make every effort to get them to park appropriately
44 when we find that out. So we are aware that occasionally vehicles do park in the street making
45 deliveries and they do it more out of convenience than anything else. Thank you.

1 Chair Holman: Thank you. I think we have a question for the applicant from Commissioner
2 Keller.

3
4 Commissioner Keller: Thank you. I notice it has been pointed out by several people including
5 Commissioner Tuma that the proposed building impinges on the daylight plane adjacent to the
6 RM-15 property in the corners. In looking at Figure A-6 of this chart it appears that those two
7 corners are as a result of two double rooms, one each. I am wondering if the applicant had
8 considered converting those double rooms to single rooms in order to remove any impingement
9 on the daylight plane adjacent to the RM-15. I am less concerned personally about the RM-30
10 impingement adjacency.

11
12 Mr. Brazinsky: One of our biggest concerns is making sure we have the right size facility, 53
13 beds. Originally we proposed almost entirely private rooms and we did combine some rooms
14 and make them double rooms. So it would be very difficult for us to switch that from a two-
15 person room to a one-person room.

16
17 Commissioner Keller: Is there something magic about 53 beds that I am not understanding?
18

19 Mr. Brazinsky: Well, we need to approximate basically 25 percent of our total capacity, in other
20 words, we have approximately 190 residents and we need about 25 percent of that total as
21 healthcare in addition to those 190 units.
22

23 Commissioner Keller: So 51 beds are not 25 percent?
24

25 Mr. Brazinsky: No. We think 53 beds is the appropriate size for this. We would like to ask that
26 you consider this corner. I think the best thing I can say is in those particular areas, in the corner
27 areas, it is not adjacent to the building itself of the condominiums across the property.
28

29 Commissioner Keller: You pointed out 25 percent of 190 rooms and my math says that that is
30 47.5, is that correct?
31

32 Mr. Brazinsky: I guess what I was trying to say is that as a guideline we feel we need a slightly
33 larger amount.
34

35 Commissioner Keller: Thank you.
36

37 Mr. Brazinsky: We have already reduced the size of healthcare center quite a bit.
38

39 Chair Holman: Thank you. Are there any other questions for the applicant? Commissioner
40 Garber.
41

42 Commissioner Garber: This is for the applicant's architect. This photo rendering of the
43 streetscape here is this showing mature trees or mature vegetation on it?
44

45 Mr. Brutting: Yes.
46

1 Chair Holman: Commissioner Garber, could you describe which streetscape you are alluding to?
2
3 Commissioner Garber: It says 'new scheme' I am not seeing a page number. It looks like the
4 second to the last page in the packet that was handed out this evening. You could actually take
5 either.
6
7 Mr. Brutting: Excuse me. Are you talking about the rendering on Homer?
8
9 Commissioner Garber: Yes, that one or the one that precedes it.
10
11 Mr. Brutting: Those are not mature on those two rendering.
12
13 Commissioner Garber: So the mature trees would look more like the mature trees we see down
14 the block.
15
16 Mr. Brutting: Correct, that's right.
17
18 Commissioner Garber: Thank you.
19
20 Mr. Brutting: You are welcome.
21
22 Chair Holman: Commissioner Lippert is that a follow up to that?
23
24 Vice-Chair Lippert: Yes. I have a question that is related to the double rooms that project into
25 the daylight plane. Why not simply make those single rooms and take the two single rooms that
26 are over the ramp and cantilever them out over the ramp and make those double rooms?
27
28 Mr. Brutting: It is very difficult in the timeframe we have to explain all the square footage
29 constraints we have. We actually did several layouts trying to find the best way of
30 accommodating all the rooms and the beds required. Lisa went through several of those and
31 could explain that. Essentially we cantilevered the building as far as possible toward Channing
32 House. We have actually moved it over. One thing that is not evident in the skilled nursing
33 portion in particular is that we tried to recoup some areas in the existing building for skilled
34 nursing that would not be necessarily OSHPD regulated. We met with them as I said and they
35 pushed a couple of things back in again. So it is a matter of space constraints with square
36 footages both for assisted living requirements and for the skilled nursing requirements including
37 the room sizes. Lisa probably could elaborate having gone that.
38
39 Ms. Lisa Wong, Applicant: That is correct. We are also concerned with some structural
40 constraints in terms of cantilevering those and we are working with clearances to get into that
41 garage below. So the line that is created on that face of the building toward Channing House we
42 are sort of looking at those things as well as the things that Tom has described.
43
44 Vice-Chair Lippert: I am still not seeing this. I am looking here at your sheet A-6. What I am
45 looking at here is towards plan south you have two double rooms that project into the daylight
46 plane. Then I look to the area towards the northern part of the building facing Channing House

1 and you have two single rooms there. Why can't those two single rooms cantilever out over the
2 ramp? They are up high enough that they clear the ramp and be made into double rooms.

3
4 Ms. Wong: We would have to look at the structural. That is a lot cantilevering there that you are
5 talking about in order to make them large enough for double rooms. In the design of the double
6 rooms you will note that the one on the corner that is closest to Channing House is sort of the
7 desirable plan for a double room in the way that the beds have more privacy from each other. If
8 we just extend those single rooms out they will be very long narrow rooms and we need to keep
9 the width that we have shown there because of the design of the dining and activity room space
10 requirements that we have both for OSHPD and for Channing House's resident needs. That
11 would be the constraint there over the driveway.

12
13 Mr. Brutting: We also have constraints as to how much room is required by regulation DSS or
14 OSHPD regarding space around a bed, space provided beyond the bed. In order to extend those
15 out not only do we have the structural constraints of cantilevering out that far but also
16 desirability trying to get window space and privacy between the two beds who are sharing
17 together. It is not that easy in this configuration to have a long singular room that extends out
18 and try to maintain something where one person used to walk by another person in order to get to
19 the other bed.

20
21 Vice-Chair Lippert: Thank you.

22
23 Chair Holman: Commissioner Keller.

24
25 Commissioner Keller: Thank you. Following up on Commissioner Lippert's comments I notice
26 that the room to the upper left of this chart appears to have the same width as the single room
27 that is immediately adjacent to it below that to the bottom if you will in the plan. The single
28 room over there looks like it is the same as the two single rooms that Commissioner Lippert
29 referred to, therefore, the cantilevering that would be necessary for going from the single rooms
30 that Commissioner Lippert referred to to the double room that is in the upper left hand corner
31 looks like it is as shown on that diagram. So I am not sure how many feet that is but it looks like
32 it certainly would work for one of the double rooms here. So at least that double room would be
33 replaced by an equivalent double room in orientation. So I am wondering am I wrong here, am I
34 confused?

35
36 Mr. Brutting: First of all, that double room does not cantilever.

37
38 Commissioner Keller: I understand it does not cantilever but your comments were about the
39 square footage and orientation. So I am asking about the square footage and orientation.

40
41 Mr. Brutting: Well, this room is deeper.

42
43 Ms. Wong: It is slightly deeper. It is very similar. This is slightly larger than the single room
44 that you are talking about. We would still have the cantilever issue, which would be a large
45 cantilever, and as I said before the desirable double room design is more in keeping with the one
46 closest to Channing House. If you will notice the only double unit that is like that with the beds

1 side-by-side is in that upper corner and that is done because of the constraints we have put on
2 ourselves to move the building back from the neighboring properties. In terms of ease of use of
3 the room and comfort and privacy of the people in the room it is more desirable to have a larger
4 double room that you can give each patient more privacy and not have to walk right by the beds
5 to get to one another.

6
7 Mr. Brutting: If I remember correctly, and Lisa correct me if I am wrong here, cantilevering out
8 would impact vehicles getting down into that garage.

9
10 Ms. Wong: Actually no, I think you are okay.

11
12 Commissioner Keller: I don't know whether cantilevering would do that because this is on the
13 second floor. I notice it appears to me somewhere on the order of four to five feet that is what
14 my eyeball tells from looking at the amount of cantilevering. I am not sure how significant that
15 four to five feet would be.

16
17 Mr. Brutting: It could be. We would have to have a structural engineer look at that but those are
18 not easy numbers to bring out that are especially cost effective in order to do that. There is quite
19 a bit of a cantilever already that we have there that is not evident by just looking at that page.
20 You have to go back to the previous page.

21
22 Mr. C. Williams: Madam Chair?

23
24 Chair Holman: Yes sir.

25
26 Mr. C. Williams: If you don't mind I would just interject I am just a little concerned. I
27 understand you are trying to be helpful and come up with creative solutions. I think you have
28 made your point that you think there may be other ways to do this and it sounds like from the
29 applicant's standpoint they need to look at that. So maybe it is more productive to leave it at that
30 and ask them if they are willing to take a shot at making those changes and if not then move in
31 the direction you would like to go with it.

32
33 Ms. Sloan: The answer to that is no. Really it is not. This has been studied and studied and if
34 they have given you their best responses and would much rather you just act on it tonight and
35 move it on. Thank you.

36
37 Mr. Brutting: Thank you.

38
39 Chair Holman: I have one other question I am not sure if it is for Staff or the applicant. It has to
40 do with when the pool was built and when the parking garage project was done. Was there any
41 change to the location or expansion or width of that ramp?

42
43 Ms. La Torre: I don't have an answer to that, no.

44
45 Mr. Brutting: The answer is no there were no changes to the ramp.
46

1 Chair Holman: So didn't become wider?
2
3 Mr. Brutting: No.
4
5 Chair Holman: Okay. When was pool built, do you know?
6
7 Mr. Brutting: I believe it was completed about 2001.
8
9 Chair Holman: Was this project anticipated at that time? Perhaps you don't have an answer to
10 that.
11
12 Mr. Brutting: I would say the project was anticipated at that time, yes.
13
14 Chair Holman: Okay, thank you.
15
16 So Commissioners if we have any further question of Staff this would be the time to do that.
17 Commissioner Keller.
18
19 Commissioner Keller: I notice that in the document we were given it says on Attachment A,
20 Planned Community Ordinance Amendment will be provided at places and maybe I am confused
21 but I haven't seen it.
22
23 Mr. Larkin: You don't have it and the reason for that is that you have the original ordinance
24 number 2007, you have two resolutions that purport to amend that ordinance, and then another
25 ordinance that says see attached and we don't have the attachment anymore. So it is going to be
26 something that we are going to take your direction and then we will prepare an ordinance for
27 Council that reflects the direction that we receive tonight.
28
29 Commissioner Keller: Thank you.
30
31 Chair Holman: Any other questions for Staff or are we ready for Commission discussion?
32 Commissioner Burt.
33
34 Commissioner Burt: Yes, the Staff Report alluded to the alley providing access for both
35 Channing House and for Channing Place's underground garages. Then I believe I understood
36 the applicant's representatives to state that Channing Place does not necessarily have a right to
37 that easement that Channing House could close that off. First, did I understand that correctly and
38 second, is that accurate?
39
40 Ms. La Torra: Channing Place does have an easement agreement for the portion that is going to
41 remain open. The Channing House owns all of it but they can close off the remaining portion of
42 it that they are proposing. Sandy Sloan actually maybe could answer that as well.
43
44 Commissioner Burt: I think that clarifies it for me. So the portion of the alley that will remain
45 Channing Place has an easement right to.
46

1 Ms. La Torra: Correct.

2
3 Commissioner Burt: Okay. That is fine for me for right now.

4
5 Chair Holman: Other Commissioners have questions of Staff? Then we are ready for
6 Commission discussion. Who would like to start that? Commissioner Lippert.

7
8 Vice-Chair Lippert: What I am still having difficulty getting my hands around is the variance
9 findings. While these rooms that are double rooms are desirable and while the number of beds
10 that they want is not a requirement but something that is also desirable I am looking at what the
11 neighboring property owners are losing by granting this variance. This is one of the largest
12 single parcels in Palo Alto even though it is L-shaped it is not a constrained site from the point of
13 view of the size of the lot, the dimensions of the lot. I find it very difficult to say that there is an
14 unreasonable hardship being placed upon this site. In fact most recently they built a swimming
15 pool in an area that they might otherwise have brought this building closer in towards the
16 Channing House site itself. What we are really debating here is whether two maybe three beds
17 and the rights of the adjacent property owners in terms of granting this variance out weigh the
18 additional beds there. Now I can see that there are ways of making this building work either by
19 shifting it, manipulating it, pushing, pulling, tugging, but bringing it closer in to the site. It may
20 cost them a little bit more to do that but it would in fact preserve the rights of the adjacent
21 property owners. The daylight plane is one of the few constraints that are placed upon PCs that
22 generally we prefer to uphold.

23
24 Chair Holman: Other comments? Commissioner Garber looks prepared.

25
26 Commissioner Garber: I don't know about prepared. In general I do not find much change to
27 the comments that I made on March 22 when the project was first presented to the Commission.
28 I don't find many differences from my comments then to now. There are some benefits. I was
29 just walking through the comments that I made in March and I will just make a couple of points
30 relative to them.

31
32 There are a number of things which are important to the project but I think actually what I want
33 to do is preface all of this by recognizing the uniqueness of Channing House in the City of Palo
34 Alto and that it provides a very unique use that has great value to the community. It is unique
35 not only in its use and the value but for better or worse it is architectural presence within the
36 community. It is a strikingly large building in an otherwise residential neighborhood. Because
37 of its value, we should as a community, find ways to continue to care, support, and find ways to
38 help them improve the property because of the benefits that it gives the community.

39
40 So back to my comments that were originally made in March. First of all the concept or the
41 strategy of mirroring the setback and daylight planes that are on the adjacent properties to utilize
42 those same criteria for the property that is being developed I think makes sense and is the right
43 thing to do. In particular as part of the issues here are that the existing buildings don't actually
44 meet that zoning. I understand that is because the zoning changed after those buildings were
45 built and so a number of them are not in conformance. However, the concept here needs to be

1 what the zoning is for the land as opposed to what actually exists on them. I think that is very
2 important to recognize here.

3
4 The other thing that I think is extremely important is that there are conflicting issues within the
5 general plan but the one that is taking precedence for me here is that the policy in the plan that
6 asks for abrupt changes in scale in neighborhoods to be mitigated has been a sore thumb for this
7 particular property. It is exacerbated by the fact that right at the moment there is an empty
8 parking lot, which allows you to see at least from the position I'm actually looking at the model
9 now to see the height of the building. Having a building there that is taller helps mitigate that
10 effect. Is it larger than the other buildings that are around it? Absolutely, but it helps because it
11 steps up in the scale of the neighborhood and therefore keeps that abrupt change from happening.
12 Now the downside that has been pointed out is that the FAR ends up very large. In my view I
13 believe that that's acceptable because of what it does and how it supports the plan in the way that
14 I just described.

15
16 Further there was buried in the original proposal the question as to whether this is the right place
17 to do the addition. I think a convincing argument was made back in March for that. At that time
18 the discussion also included the schemes that tried to utilize the existing building of Channing
19 House to put these new uses into and the recognition is that that building could not house these
20 functions as they are now being housed in the proposed new building here.

21
22 The other comments that I think were very important and I think have been integrated well are
23 mitigation of the actual construction activity as well as the mitigation of the ongoing operation of
24 the building, which I think has also been addressed. The changed from the DEE as was
25 originally produced to a variance along with the changes that have been made architecturally to
26 pull back the second floor go a long way to making the variance acceptable in my mind. The
27 findings I think although finding number one is primarily what we have been talking about here
28 it maybe marginal but I think it is the right thing to do. The exceptions that would allow these
29 two corners to be in place short of the architects finding a clever way to get around them are in
30 my mind acceptable. I think that summarizes most of my comments then as well as my
31 additional ones. Thank you.

32
33 Chair Holman: Thank you. I discover that I actually have one more question for Staff and it is a
34 clarification if you could, please. The setbacks for the adjacent zonings, RM-15 and RM-30, on
35 page three of the Staff Report it says that it is 20 feet along Channing and 16 feet along Homer
36 but the proposed project has a setback of ten feet and yet there is no variance requested for that.
37 So am I mis-reading that or should that also be requiring a variance?

38
39 Ms. La Torra: It is a PC zone so the setback is ten feet.

40
41 Chair Holman: So that supersedes the setbacks of the residential even though the daylight plane
42 still applies from the residential zones?

43
44 Ms. La Torra: They are asking for a variance for encroaching into the PC daylight plane. The
45 findings for what their proposal is would meet the RM-30 and RM-15 zoning. It isn't changing
46 the zoning though. Does that make sense?

1
2 Chair Holman: It does, thank you. Commissioner Sandas.

3
4 Commissioner Sandas: Thank you. I wanted to echo much of what Commissioner Garber said
5 or at least what I understood him to have said. I neither have difficulty with the corner daylight
6 plane issue and please forgive me ahead of time because I was not here on March 22 when this
7 first came so I am playing a little bit of catch up. Being that that piece of property on which
8 Channing House sits is zoned PC as it is and the use of that piece of property is what it is and
9 being that our community, our world, is aging I would hate to see us recommend any reduction
10 in the number of beds in the assisted living facility at Channing Place. I think that ultimately
11 there will be a greater need than just for 53 beds at some point. I will recommend
12 recommending to forward the application to Council at some point.

13
14 Chair Holman: Commissioner Tuma.

15
16 Commissioner Tuma: A couple of things. One is I just wanted to acknowledge the value of the
17 contribution that I believe Channing House makes to the community of Palo Alto both Channing
18 House itself in terms of providing a terrific environment, it possibly could be improved, but
19 nonetheless a facility where seniors can live and live in a vibrant community that we have. I
20 would also like to acknowledge the contribution that many of the residents of Channing House
21 make as individuals who participate in the community, provide services, and I think it is a
22 terrific, terrific environment that both helps the City of Palo Alto and I think Palo Alto provides a
23 nice community where people can continue to live in a vibrant environment and not have to
24 move out somewhere. I know that is important to a lot of seniors.

25
26 I do have some concerns regarding particularly the FAR numbers here and the daylight plane
27 issue. I think we need to be careful to maintain the neighborhood characteristics that people
28 assume are going to be there as they purchase an adjacent property. I think the setting is
29 important to maintain this. I think it is important to take a look at the impact on neighboring
30 people who live around the facility and understand what the impact of doing a given project is
31 going to be.

32
33 That being said I think that from my, and I also wasn't here at the previous meeting although I
34 did review public record in great detail, and having heard what we have heard tonight I am
35 convinced that the applicant has done a very good job of trying to mitigate some of the impact
36 that we have been discussing. I am pleased about the progress that is being made on both the
37 choice of colors and materials that are going to be used as well as the plants and trees and other
38 things that are going to mitigate some of the impacts that we have talked about tonight. So I am
39 pleased to see that. I think also while we could all sit up here and talk about moving this room or
40 moving that room I am going to tonight defer to what I consider to be the experts who seem have
41 worked on this in great detail, looked at a lot of different combinations as to what the
42 arrangements could be, and I think that I am convinced that they have done what they can in
43 terms of making it work. There are going to be impacts but I think that they have done a good
44 job of working with the community as well as the design and layout of the rooms within the
45 facility. With regard to that another item that gives me some level of comfort that the end

1 project here will work is that the ARB will continue to be involved with the selection of
2 materials and working with the community. That is where I am.

3
4 Chair Holman: Thank you. Commissioner Keller.

5
6 Commissioner Keller: Thank you. I think that Channing House is a wonderful resource for the
7 community. I am certainly in sympathy with the idea of providing some expansion of the
8 facilities for Channing House in order to provide assisted living and skilled nursing in a more
9 modern facility that is appropriate to the current requirements for that. I think that being said I
10 think we have to be concerned about the interface between the new facility that is being proposed
11 and the adjacent property. Earlier tonight we had a whole discussion about mixed use and the
12 requirements there and although that is not exactly relative to this nonetheless there is precedent
13 that I think is important in terms of mirroring the adjacent use. So I am not concerned about the
14 adjacent uses next to RM-30 but I am concerned about the adjacent uses next to RM-15. I am
15 not convinced that the two additional bed spaces provided by the encroachment in the RM-15
16 daylight plane justify the encroachment on the neighbors. So I think that there are other ways of
17 handling this, which I would leave up to the applicant to try to figure out. I believe that the
18 applicant has the best expertise to figure out how to accommodate this. I would be in favor of
19 moving this forward but without allowance impinging on the RM-15 daylight plane.

20
21 Chair Holman: Commissioner Burt.

22
23 Commissioner Burt: I will just say that whatever motion goes forward there are four what I
24 believe are small conditions of approval that I hope would be included. One is that story poles or
25 some semblance of story poles would be provided for review of this project between now and
26 when it goes to Council. I appreciate that there may be some physical constraints to actually
27 erecting poles and they may have to do some other means to simulate the actual lines of the
28 building. Second, as the Staff Report had suggested as a possibility that some of the problems in
29 the shared alley access could be mitigated by signage and curb painting and that that be included.
30 Third, that Staff including the City Arborist work with the applicant between now and
31 presentation to Council to explore the feasibility of rooftop gardens and additional improvements
32 to the public space landscape amenities beyond what has already been done. Then finally that
33 there be a plan that the applicant and Staff agree to to mitigate the construction parking and the
34 construction debris. I don't know if the debris means a central location for Burger King
35 wrappers or what but something that tries to address those common problems of construction.

36
37 Chair Holman: Okay then I have a few comments to make. I think there is no doubting the truly
38 incredible facility and benefit that Channing House provides to the community. I don't think
39 anyone would ever dare say otherwise. There are some constraints to the project that – let me
40 say it this way. There are some concerns that still abide I think with at least some of us about the
41 project. One of them certainly is the Homer streetscape with a setback of ten feet and I think it
42 was a 31-foot height and it is straight up. That is very inconsistent with the rest of the residential
43 area there. It is very incompatible. Even though I don't know what the height of that house is
44 next door at Cowper and Homer but I know it has a pitched roof. I mentioned this at the last
45 meeting. There is a great difference in the perception of a building that has a pitched roof and
46 one that has a flat top. There is a great difference there. I think there has been a lot of

1 improvement made in the project. I absolutely want to acknowledge that there has been a lot of
2 improvement in terms of transition. But that streetscape on Homer is troubling to me.

3
4 Earlier as Commissioner Keller mentioned we had talked about mixed use. This is not a mixed
5 use project but this is with that setback and this building while I think it is quite attractive it is
6 something I would expect to see more likely in a much more urban commercial neighborhood
7 and that is what disturbs me about it.

8
9 I am troubled also because there are constraints on the property. The reason I asked the question
10 about the parking garage ramp and the pool, when those projects happened and was this project
11 anticipated, was I believe it is also true that property owners can't create their own hardships. So
12 that is a factor here. If the pool was built with this project in anticipation and now the pool is a
13 constraint I don't know to what extent I can't answer that but that is a concern.

14
15 I think there has been comments made about while the facility is a wonderful facility it sounds
16 like they could still meet the requirements if they did eliminate some of the units which could
17 actually improve the daylight plane issues while still meeting their needs, maybe not their wishes
18 but their needs. While the wishes are admirable we also have requirements and obligations as a
19 Commission that we have to really seriously be able to make the findings or legal requirements
20 for variances.

21
22 One point that I will make and not try to get an answer to it but the applicant mentioned that
23 during the construction that there would be valet parking provided. I am not really quite sure
24 how that would work because people have to come and cars have to come and go from
25 someplace to someplace. So I am not quite sure how that would work and maybe there could be
26 some clarification for that provided to Council.

27
28 So given that and the other point I would make I guess is that I understand the difficulty as the
29 City Attorney explained why we don't have the ordinance in front of us but it does make our job
30 really more difficult. So if there is perhaps some mechanism by which Commissioners can get a
31 copy of that before it goes to the Council and perhaps individually we could have a way to
32 comment to Council. Some way that we could do that because we are not having opportunity to
33 comment on the ordinance.

34
35 Mr. Larkin: We will get it to you. If you want to come to the Council meeting and comment as
36 a private citizen you are free to do that.

37
38 Chair Holman: That is what I meant as individual Commissioners we could then comment to
39 Council about that ordinance.

40
41 Mr. Larkin: At the Council meeting.

42
43 Chair Holman: And not before. Okay. All right so do we have any other comments or are we
44 ready for a motion? Commissioner Lippert.

1 Vice-Chair Lippert: I have a question for the attorney. Should this be broken down into two
2 components acting on the approval or denial and then the variance separate?
3

4 Mr. Larkin: I think that depends on what the Commission wants to do. That is probably the
5 easiest way to do it given the comments we have heard from the Commission.
6

7 Chair Holman: Could you clarify that then please because the variances are a part of the project.
8 So how can we split that off?
9

10 Mr. Larkin: You are approving the PC Ordinance and a variance. They are two separate things
11 that you are approving. You can approve the PC Ordinance, deny the variance and I don't know
12 where that leaves us it puts us in a confusing situation or you can just approve the project and we
13 go to Council with a recommendation for denial on the variance but since you have already
14 approved the PC Ordinance I don't know how that affects the PC Ordinance.
15

16 Ms. La Torra: If you did recommend denial of the variance it would mean that the design of the
17 building would have to be adjusted and the ARB had requested that it return back to them before
18 it went onto Council so that they could re-study what the building would look like.
19

20 Chair Holman: But we wouldn't have to follow that. We could say we would like the Council to
21 weigh in.
22

23 Ms. La Torra: You could do that, yes.
24

25 Chair Holman: Yes, I think the applicant would certainly prefer that. Also just for clarification,
26 because of the language that you used, I am sorry to be a nit-picker here, but you say we would
27 approve the ordinance but we don't have an ordinance.
28

29 Mr. Larkin: You are approving the PC zoning. You are approving the ordinance in concept
30 even though you don't have the specific language. Actually recommending not approving.
31

32 Mr. Steven Emslie, Planning Director: If the Commission isn't approving anything tonight. You
33 are recommending to Council because this is an action that is reserved for Council. So your
34 actions could be inconsistent or you may provide some additional suggestions you would like the
35 Council to consider should the variance not pass. You could still forward your recommendation
36 on the Council on the PC with suggested modifications.
37

38 Chair Holman: Commissioner Keller.
39

40 Commissioner Keller: A question. Since the ordinance has not yet been drafted under the
41 hypothetical circumstance that this Commission votes in favor of moving the project forward but
42 denying the variance would the ordinance forwarded to Council reflect that choice of the
43 Commission?
44

45 Mr. Larkin: No, the variance isn't addressed in the ordinance. The variance is a separate action.
46 So you could as Steve mentioned make and inconsistent recommendation in which case the

1 Council would have to decide how to act on that. The ordinance itself is going to reflect, if it is
2 recommended, it will reflect the application.

3
4 Chair Holman: Steve, you had something else to say?

5
6 Mr. Emslie: Not unless there is a question.

7
8 Chair Holman: Commissioner Garber.

9
10 Commissioner Garber: I am looking at Attachment C, the Required Variance Findings. Item
11 number one, first paragraph at the end of the paragraph, special circumstances that are expressly
12 excluded from consideration are one, personal circumstances of the property owner and any
13 changes in the size or shape of the property, etc. The applicant's attorney described the reasons
14 that the applicant believes this finding can be found. Does the Staff share that opinion?

15
16 Mr. C. Williams: I think there is some subjectivity but yes we think that the awkward shape of
17 the property is a constraint and that it was not in the same zoning configuration when this change
18 was made.

19
20 Commissioner Garber: You mean the adjacent properties were changed?

21
22 Mr. C. Williams: Right.

23
24 Mr. Larkin: I would just add that the legal analysis that she provided was absolutely correct.

25
26 Commissioner Garber: Is it also true then that the existing shape and location and size of the
27 building can also be understood as a constraint in the same way?

28
29 Mr. Larkin: Yes. Karen mentioned creating the hardship. If the applicant were subdividing the
30 property and then creating a nonconforming parcel that would be creating the hardship. Where
31 the parcel itself is not being changed then that is not what that refers to.

32
33 Commissioner Garber: So does the Staff, I assume in its recommendation that the variance be
34 recommended to Council it too would believe that the exceptions that the variance is covering
35 are marginal and acceptable?

36
37 Mr. C. Williams: Yes. It is a close call. It is an unusual circumstance in terms of the shape of
38 the lot and in terms of the use. The use in this case is driving a lot of this but we do think that
39 those are acceptable findings.

40
41 Commissioner Garber: The amount of the building that actually impinges into the daylight is
42 actually how much on a percentage or linear foot basis?

43
44 Mr. C. Williams: While Gina gets you an estimate on that let me just clarify that the amount that
45 impinges into the daylight plane is the two-to-one or one-to-two daylight plane. That is what the

1 variance is from. It is not from the RM-15 or the RM-30 it is from the one-to-two required by
2 the PC Ordinance. So it is considerably more than what is just shown on that RM-15 corner.

3
4 Commissioner Garber: I'm sorry, what is considerably more?

5
6 Mr. C. Williams: The amount of the building that is encroaching into the daylight plane that is
7 prescribed by the PC Ordinance is more than just when you are seeing the RM-15 little corner
8 there. That is not the variance that is being requested. It is considerably more than that.

9
10 Ms. La Torra: So probably the best way to look at it is if you go to page A-11 of the plans. The
11 applicant has shown the required PC daylight plane and then also the RM-30 daylight plane and
12 the RM-15 daylight plane.

13
14 Commissioner Garber: You are on figure number one or two or both?

15
16 Ms. La Torra: Both. So on figure number two that is the Homer Avenue elevation.

17
18 Commissioner Garber: I apologize for interrupting but just to be clear on figure number two
19 which is a north elevation, Homer, the residential house that is which zoning there? That is
20 RM-30?

21
22 Ms. La Torra: Yes, RM-30. So in order to meet the PC daylight plane with the existing building
23 you would have to move it approximately 30 feet over. Do you see how the PC daylight plane is
24 the bottom line shown?

25
26 Commissioner Garber: The line that has the lower slope.

27
28 Ms. La Torra: Correct.

29
30 Commissioner Garber: Now given this is the RM-30 the criteria if we take the Staff's strategy
31 here would be the line of the higher slope.

32
33 Ms. La Torra: Correct.

34
35 Commissioner Garber: Then therefore the building that is being proposed would fit within that
36 daylight plane. Am I understanding that correctly?

37
38 Ms. La Torra: Yes, the daylight plane would meet the RM-30 daylight plane. You would still
39 need a variance to encroach into the PC.

40
41 Commissioner Garber: Understood.

42
43 Commissioner Burt: So the lower slope line, which is unlabeled on this, is really what represents
44 the variance, correct?

45
46 Ms. La Torra: Correct.

1
2 Commissioner Burt: So when the discussion was going on earlier about tweaking the one and
3 the two bedrooms and things those tweaks would not create conformance to the PC daylight
4 plane requirement. It would require a much more substantial change to the project to conform to
5 the PC requirement, is that correct?

6
7 Ms. La Torra: That is correct.

8
9 Commissioner Burt: The RM-30, the existing proposal would conform if we used RM-30 as a
10 reference, which we are not bound to do.

11
12 Ms. La Torra: Right. The RM-30 is for a reference only.

13
14 Commissioner Burt: Thank you.

15
16 Chair Holman: Commissioner Keller and I think we would like to probably get to a motion here
17 pretty quickly.

18
19 Commissioner Keller: Thank you. My question is would it be possible to approve the project,
20 find the variances and require the condition that the daylight plane be RM-15 adjacent to RM-15
21 zone and RM-30 be adjacent to RM-30 zone? Would that be an acceptable way of moving
22 forward?

23
24 Mr. Emslie: With one exception, you are not approving the project you are recommending. You
25 can recommend to the Council that they consider that as an amendment, yes.

26
27 Chair Holman: Okay, are we ready for a motion? Commissioner Garber.

28
29 MOTION

30
31 Commissioner Garber: I will move that the Commission recommend to the Council the Staff's
32 recommendation to us as is and I will read it here. The request by Channing House for an
33 amendment to a Planned Community (PC) to add a 32,185 square foot healthcare building
34 including 27 skilled nursing units, 26 assisted living units, associated dining/activity spaces, and
35 a 16,437 square foot underground garage. The request includes a variance to allow the building
36 to encroach into the required daylight plane on two sides facing the west and south property
37 lines. A draft Environmental Impact Assessment and a Negative Declaration would be included
38 in this motion. I would also include the items that Commissioner Burt has included which are
39 the inclusion of story poles in the near term to help Council make their decision, Staff
40 recommendations regarding the shared alley, and further study and review of the potential of
41 rooftop gardens, and the various construction mitigations.

42
43 Chair Holman: Do I hear a second?

44
45 SECOND

1 Commissioner Sandas: I'll second.
2
3 Chair Holman: Commissioner Sandas, would you care to speak to your second?
4
5 Commissioner Sandas: No thank you.
6
7 Chair Holman: Any comments about the motion?
8
9 Vice-Chair Lippert: I would like to make a substitute motion.
10
11 Chair Holman: Commissioner Lippert
12
13 SUBSTITUTE MOTION
14
15 Vice-Chair Lippert: I would like to make a substitute motion, which is that it is the exact same
16 motion except that we vote on the main motion and the variance separately.
17
18 SECOND
19
20 Chair Holman: I hear no second for that motion.
21
22 I will second for a brief discussion.
23
24 Vice-Chair Lippert: Thank you very much Chair Holman. In looking at the daylight plane issue
25 I feel very conflicted about it. I think that it sets a very serious precedent here. So I think it is
26 real important that it be broken out and discussed as a completely separate item. I think that
27 there are ways of making this plant on the site. It may require a reduction in maybe some of the
28 beds. It may require that the massing of the building change not substantially but a little bit.
29 What it will wind up doing is that the building will become a much more valuable asset in the
30 community.
31
32 Chair Holman: As the seconder I did second it for purposes of discussion but I think it is a little
33 bit messy to do it this way. At the same time I have some of the same concerns that
34 Commissioner Lippert does. So are there any other comments about this motion?
35 Commissioner Burt.
36
37 Commissioner Burt: I will just agree that it is a close call. These are tradeoffs and I wish that
38 there were a solution that could meet the daylight plane requirements and still meet what I think
39 are the needs expressed by the applicant to fulfill their mandate and the valuable community
40 service that we recognize there. I think they have worked hard at it and I am willing to accept
41 their position that in the extensive rework that has been done they can't achieve that without
42 sacrificing units. Because it is such a close call I fully recognize Council may make a slightly
43 different call but for those reasons I will support the original motion.
44
45 Chair Holman: Commissioner Tuma.
46

1 Commissioner Tuma: This is a particularly difficult issue and I guess I was one of the ones that
2 raised it early on. As I have listened to comments from the community and comments from
3 fellow Commissioners I do think there is a balancing that goes on in this instance. I think the
4 impact has been mitigated as I said before as much as it reasonably can be. I have some of the
5 same concerns but I think on balance I would be inclined to support the original motion as made.
6

7 Chair Holman: City Attorney, correct me if I am wrong but the conversation right now needs to
8 be limited to the substitute motion, correct?
9

10 Mr. Larkin: That is right. You will comment and vote on the substitute motion. If that fails then
11 it returns to the original motion.
12

13 Chair Holman: Commissioner Keller.
14

15 Commissioner Keller: I am wondering if I can make a friendly amendment to the substitute
16 motion. The friendly amendment is to instead of removing the variance findings from this are to
17 require that the project meet RM-15 daylight plane adjacent to RM-15 property and RM-30
18 daylight plane adjacent to RM-30 property. I don't think it is reasonable to require that they
19 have no variance at all for PC zoning.
20

21 Mr. Emslie: The motion was to just separate the discussion. So the amendment you are
22 suggesting speaks to the substance of the variance. Right now the substitute motion is just
23 whether or not you are going to separate from the main motion that was made the issue of the
24 variance and the PC. So that has to be decided first before you can get into the issues of the
25 variance and whether or not you support it or some other version of the variance. So I would
26 recommend that the Commission call the question and decide the framework for the discussion
27 so that you can proceed pending that decision.
28

29 Chair Holman: Commissioner Lippert.
30

31 Vice-Chair Lippert: I think the discussion here really outweighs my concern so I will withdraw
32 the motion.
33

34 Chair Holman: So we are back to the main motion by Commissioner Garber. Are there any
35 other comments or friendly amendments to offer to that motion?
36

37 Commissioner Keller: Well, I don't know if Commissioner Garber will take a friendly
38 amendment to require that RM-15 daylight plane will be required adjacent to RM-15 property
39 and RM-30 daylight plane be required adjacent to RM-30 property. If he doesn't accept it as a
40 friendly amendment I would offer it as a substitute motion.
41

42 Chair Holman: Commissioner Garber.
43

44 Commissioner Garber: Thank you. With polite regrets to my new Commissioner I will not
45 support your friendly amendment.
46

1 Chair Holman: This is an interesting and difficult item for all of us and certainly especially for it
2 to be the first item that comes before new Commissioners. You are doing very, very well. My
3 congratulations and also my condolences that this first one is a very hard one. So Commissioner
4 Keller.

5
6 MOTION

7
8 Commissioner Keller: Then I make that motion as a substitute motion.

9
10 SECOND

11
12 Vice-Chair Lippert: I will second that.

13
14 Mr. Emslie: Can I clarify that I believe that the motion is that you would support the variance
15 subject to the PC being modified so the building would conform to the respective RM-15 and
16 RM-30 daylight planes.

17
18 Commissioner Keller: That is correct plus the conditions that were presented by Commissioner
19 Burt.

20
21 Mr. Emslie: That is contained in the main motion so the substitute motion will have to be first.
22 Those conditions are still in the main motion they do not have to be repeated.

23
24 Chair Holman: Would you say that again, please?

25
26 Mr. Emslie: The main motion included the four conditions of Commissioner Burt. That motion
27 still needs to be acted on so you do not have to restate that. Excuse me. The City Attorney did
28 remind me that this would substitute the main motion so you will need to incorporate those.
29 Sorry, it is getting late.

30
31 Commissioner Keller: Thank you. I do incorporate those conditions.

32
33 Vice-Chair Lippert: I accept those.

34
35 Chair Holman: Commissioner Garber.

36
37 Commissioner Garber: So if I understand if we were to pass the substitute motion this would
38 require the applicant to redesign.

39
40 Mr. Emslie: No, it doesn't require the applicant. What you are doing is recommending to the
41 Council that their action include that modification.

42
43 Commissioner Garber: Which would then should they decide to agree with the recommendation.
44

45
46 Mr. Emslie: Right. None of these actions tonight compel action.

1
2 Commissioner Garber: I understand.

3
4 Chair Holman: Any other comments on the substitute motion? I have one possible friendly
5 amendment with my apologies. We are going to just work this thing to death you guys have
6 been through this process for so long. My concern still does exist with the streetscape along
7 Homer and I will refer to my comments earlier. So would the maker of the motion consider a
8 step-back at the second floor on the Homer streetscape?

9
10 Commissioner Keller: I would be interested in considering that but I am not sure what the
11 specifications of the setback that you propose.

12
13 MOTION FAILS (3-4-0-0 Commissioners Keller, Holman and Lippert for and Commissioners
14 Burt, Sandas, Garber and Tuma opposed)

15
16 Chair Holman: I wouldn't be specific about it so I will let it pass. Any other comments on this
17 motion? So we will call the vote on this substitute motion which is approval of the project
18 including the four conditions of approval proposed by Commissioner Burt and included in the
19 original motion by Commissioner Garber with the inclusion of the change of the daylight plane
20 requirement to be reflective of the daylight plane requirement of the adjacent zoning rather than
21 the PC zoning daylight plane requirements. If that is properly stated according to Staff we will
22 vote on the motion. All those in favor? (ayes) Opposed? (nays) So we have three
23 Commissioners in favor, Commissioners Keller, Holman and Lippert and four Commissioners
24 opposed, Commissioners Burt, Sandas, Garber and Tuma.

25
26 So we are back to the original motion. Commissioner Garber do you have anything else to say
27 about your original motion?

28
29 Commissioner Garber: Again, the issues here as everyone has noted are threshold issues. I
30 believe that the benefit of having from an architectural and from a use standpoint, so those two
31 what the institution is and the benefit but just looking at the zoning issues here is that again the
32 larger building presence helps mitigate the impact of the original building. I believe that that is
33 important. I believe that the issues that have been mapped out by the attorney in terms of the
34 constraint although I find them threshold or marginal they do appear as I understand it from Staff
35 and the City Attorney that they are real and they can be considered as constraints to the project as
36 has been found and proposed. The second issue in the finding, the issue of substantial
37 compliance is I believe addressed when you consider the strategy that has been proposed by Staff
38 which is mirroring the setbacks and daylight planes from the adjacent properties. Item number
39 three the consistency with the Comprehensive Plan has been addressed by my previous
40 comments. Finally, number four there isn't anything that is detrimental to public health here. So
41 I think those are the salient issues there which allow us to with some confidence pass this as
42 currently stated.

43
44 Chair Holman: Any other comments? Commissioner Lippert.

45

1 Vice-Chair Lippert: I just want to make it very clear I am not opposed to this project at all. I
2 think it is a desirable project. My opposition in terms of the variance issue was merely from the
3 point of view of looking at planning criteria and whether it was an appropriate application of it. I
4 do think that this is a desirable project. It is something that we want in our community and so I
5 am going to support the motion.

6
7 Chair Holman: Commissioner Garber.

8
9 Commissioner Garber: I would like to acknowledge Commissioner Lippert's comments in that I
10 appreciate the extended conversation of this difficult project and the issues that are being
11 considered here.

12
13 Chair Holman: Commissioner Keller.

14
15 Commissioner Keller: I think that this is project that I feel bad for the people on the RM-15 side
16 of the property. I hope that this is not considered a precedent for future PC applicants to figure
17 that by going through such a process and saying that things can't be redesigned that that will be a
18 reason for the Planning Commission to accept it. Thank you.

19
20 Chair Holman: Any other comments? I will make just one. I will with regret because I think in
21 most regards it is a fabulous project and the need is great but there are concerns also about
22 precedent. The daylight plane is almost less of a concern for me than the streetscape on Homer
23 and I will refer again to the comments I made previously. It looks much more urban with that
24 setback and two story height. So if there are no other comments we will vote on the main motion
25 by Commissioner Garber as previously stated. All those in favor? (ayes) Opposed? (nays) The
26 motion passes on a five to two vote with Commissioners Burt, Sandas, Lippert, Garber and Tuma
27 in favor and Commissioners Holman and Keller opposed.

28
29 So that item will be going to Council on what date?

30
31 Mr. C. Williams: I think October 11 is the tentative date.

32
33 MOTION PASSED (5-2-0-0 with Commissioners Holman and Keller opposed).

34
35 Chair Holman: October 11 is the tentative date. Thank you very much. I really want to thank
36 the members of the public as well as the applicant for coming tonight and giving us your input,
37 feedback, and insight. Thank you very much.

38
39 I think with this many people we need to allow just a minute for them to clear the room. If you
40 all when you are leaving the room if you could do so as quickly or quietly as possible we do have
41 business to conduct. Thank you. Just reminder if you all could take your conversations out to
42 the lobby that would be really helpful.

43
44 Ms. La Torre: I wanted to clarify the date Channing House is going to Council. It is tentatively
45 scheduled for October 10 at Council not October 11.

1 Chair Holman: Thank you very much for the clarification. We will reconvene our meeting in
2 just a moment.

3
4 Okay we have some minutes to approve, minutes from the meetings of June 28, July 12 and July
5 26, 2006. I think we have a couple of people who will not be able to participate.

6
7 ***APPROVAL OF MINUTES:*** Minutes of Regular Meeting of June 28, Special Meeting of July
8 12 and Regular Meeting of July 26, 2006.

9
10 Mr. Larkin: If I could clarify. I am not sure to what extent this is a problem. It has been the
11 Commission's practice that Commissioners who were not in attendance don't vote on the
12 minutes but because we have two Commissioners who weren't even on the Commission it is
13 okay to vote on the minutes if you weren't there because all you are confirming is the fact that
14 you weren't there. So if that is necessary in order to have a quorum that's okay.

15
16 Chair Holman: We do have a quorum. So are there any corrections to the minutes?
17 Commissioner Garber.

18
19 Commissioner Garber: Yes, on Wednesday, July 26 there are two omissions, which I will hand
20 to Zariah at the end here.

21
22 Chair Holman: If they are substantive do you want to read them into the record?

23
24 Commissioner Garber: There is a question on page 26, Commissioner Garber states, "So this
25 site which is introducing a ? of residential use, etc." The question mark is I believe "lot" so that
26 the sentence should read, "So this site which is introducing a lot of residential use, etc." is one.
27 That is it that was the only one.

28
29 MOTION PASSED (5-0-2-0, Commissioners Keller and Tuma abstained; Commissioner Burt
30 absent for the meeting of July 26th and Commissioner Sandas absent for the meeting of July 12th)

31
32 Chair Holman: Okay, thank you. Any other corrections to the minutes? So we will vote
33 approval of the minutes then. All those in favor? (ayes) Opposed?

34
35 Commissioner Keller: I will abstain.

36
37 Chair Holman: Commissioner Keller abstaining since he was not on the Commission at that
38 time which is his prerogative to do.

39
40 Commissioner Burt: I was absent on the 28th so I am abstaining from that.

41
42 Commissioner Sandas: I was absent on the 12th so I am abstaining from that.

43
44 Chair Holman: Okay. Reports From Officials and Committees. Are there any reports?
45 Commissioner Garber.

1 **REPORTS FROM OFFICIALS/COMMITTEES.**

2
3 Commissioner Garber: Since we last met there have been no additional meetings that I have
4 been invited to as a Commissioner from the Palo Alto Housing Corporation however, I have
5 completed the tour of all the BMR housing sites that the Corporation does manage and own.
6

7 Chair Holman: Impressive. Next then are Commissioner Member Questions, Comments and/or
8 Announcements.
9

10 **COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.**

11
12 Chair Holman: Commissioner Keller.
13

14 Commissioner Keller: I will just take this opportunity to say that I will probably not be at the
15 Commission meeting on September 13.
16

17 Chair Holman: Okay, Commissioner Lippert. I'm sorry, Commissioner Garber.
18

19 Commissioner Garber: I just wanted to add my thanks to Commissioner Burt for his nice job
20 this past year. He has provided a wonderful role model for the rest of us for how to do this job
21 should we have the opportunity sometime later and to extend welcomes to our new
22 Commissioners, Commissioner Keller and Commissioner Tuma. Welcome and I hope you will
23 enjoy your stay.
24

25 Chair Holman: Thank you. Commissioner Lippert.
26

27 Vice-Chair Lippert: Actually I was going to say something to wish Gina farewell. I think you
28 will just have to convey it to her that it has really been a pleasure working with her for the last
29 five years, she is moving on. She started as an intern here and she has just grown beautifully in
30 the position of being an Associate Planner, is that correct?
31

32 Mr. C. Williams: She has moved up to now Associate Planner, right.
33

34 Vice-Chair Lippert: Yes, and it is just so very rewarding to see somebody in that position move
35 up.
36

37 Mr. C. Williams: We think so too and she is going for personal as well as professional reasons
38 to Roseville.
39

40 Mr. Emslie: Right, primarily for affordable housing reasons.
41

42 Vice-Chair Lippert: Please give her our congratulations and best wishes, please.
43

44 Chair Holman: One reminder or comment that I had brought up with Staff earlier which is to
45 make certain that the new Planning Commissioners are subscribed to Planning Magazine and
46 those publications but also I'll take this opportunity to check in with other Commissioners to

1 have the report to Zariah if they are not currently getting those publications. Commissioner
2 Sandas is not and Commissioner Lippert is not either. So if you will take those comments and
3 just report them to Zariah.

4
5 Ms. Zariah Betten, Executive Secretary: You have been renewed. Paula, Dan and Lee, your
6 memberships have been renewed except for Commissioner Burt.

7
8 Mr. C. Williams: And we are taking care of Pat.

9
10 Chair Holman: Okay, Commission Representation at City Council. For September we have
11 Commissioner Burt and we would like to have a volunteer for October. Excellent,
12 Commissioner Sandas will do October.

13
14 Commissioner Garber: I will do November.

15
16 Chair Holman: That was Commissioner Garber doing November.

17
18 Vice-Chair Lippert: I will take December.

19
20 Chair Holman: Well, let's just take care of the whole year here. Okay, Commissioner Lippert
21 will do December. Commissioner Burt.

22
23 Commissioner Burt: Well, since I signed up for September I now have weeks that I am going to
24 be traveling on Monday. Actually one is Labor Day so only one. So I could either switch with
25 Commissioner Garber or just have somebody if needed. It is not necessarily the case that there
26 will be a Planning Commission item on that week.

27
28 Chair Holman: Why don't we leave it as is and if you need somebody to step in for you on that
29 one Monday, if that is agreeable to Commissioners? That way we can move forward.

30
31 Commissioner Burt: That is fine. I think it is the 21st that is my questionable date. So we are
32 scheduled through December for Commission Representation at Council that's great.

33
34 Our next regularly scheduled meeting is September 13 with the special 5:30 meeting to continue
35 the commercial zones that we did today at 5:30.

36
37 ***NEXT MEETING:*** Special and Regular Meeting of September 13, 2006 at 5:30 PM.

38
39 Chair Holman: With that the meeting is adjourned and welcome to our new Commissioners
40 once again.

41
42 ***ADJOURNED: 10:00 PM***