



PLANNING & TRANSPORTATION COMMISSION MINUTES

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

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Wednesday, December 14, 2005
REGULAR MEETING at 7:00 PM
Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL: 7:06 pm

Commissioners:

Patrick Burt – Chair (7:25pm)
Karen Holman – V-Chair
Lee I. Lippert
Paula Sandas – 8:00 PM
Phyllis Cassel
Daniel Garber
Annette Bialson - absent

Staff:

Steve Emslie, Planning Director
Melissa Tronquet, Assistant Deputy City Attorney
Andy Coe, Interim Deputy Director
John Lusardi, Planning Manager
Heba El-Guendy, Engineer
Susan Mickelsen, Planner
Clare Campbell, Associate Planner
Zariah Betten, Executive Secretary
Michele Stahlhut, Planning Intern

AGENDIZED ITEMS:

1. 850 Webster Street (Channing House)
2. Zoning Ordinance Update: Pedestrian and Transit Oriented Development (P/TOD)
Combining District
3. 2785 and 2747 Park Boulevard – Continued
4. 195 Page Mill Road and 2825, 2865, 2873, 2891 and 2901 Park Boulevard – Continued

APPROVAL OF MINUTES: Minutes for Meetings of October 26 and November 9, 2005

Vice-Chair Holman: I would like to call the meeting of the Planning and Transportation for December 14, 2005 to order. Would the Secretary call the roll, please? Thank you.

Chair Burt and Commissioner Sandas will be joining us during the meeting.

The first item on the agenda is Oral Communications. If anyone in the public has an item they would like to speak to that is not on the agenda if they would come forward, turn in a card you are welcome to speak at this time.

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

6
7 Vice-Chair Holman: Seeing none we move to the second agenda item, which is Agenda
8 Changes, Additions and Deletions to the agenda. Do any Commissioners or Staff have any?
9

10 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional
11 items added to it up until 72 hours prior to meeting time.
12

13 Mr. John Lusardi, Planning Manager: No, Madam Chair.
14

15 Vice-Chair Holman: Thank you very much. So given that we will move to item one, 850
16 Webster Street. It is a request by Channing House for a Planned Community Zone Amendment
17 to modify the permitted uses to include utility facilities specifically wireless communications
18 facilities for an existing state licensed retirement facility. Zone District is PC 4048.
19 Environmental Assessment is Exempt from CEQA per section 15301. Would Staff like to make
20 a presentation?
21

22 **NEW BUSINESS:**
23 **Public Hearings.**
24

- 25 **1. 850 Webster Street (Channing House):** Request by Channing House for a Planned
26 Community Zone Amendment to modify the permitted uses to include wireless
27 telecommunications facilities. Zone District: PC 4048. Environmental Assessment:
28 Exempt from CEQA per section 15301.
29

30 Ms. Clare Campbell, Associate Planner: Thank you. Good evening Commissioners. The first
31 project is a request for a Planned Community Zone Amendment to add utility facilities as a
32 permitted use. The Channing House, an existing retirement residence, would like to be able to
33 add wireless communication facilities, which is a subset of the utility facilities used, to their
34 property. Currently there is one wireless communications proposal for this site for a roof-
35 mounted facility that would be concealed within a false chimney. With the approval of this
36 amendment this proposal and all future wireless communication proposals would require
37 architectural review for approval only.
38

39 Just a reminder, the PC Amendment process includes tonight's initial meeting then the item goes
40 back to the Architectural Review Board then it will come back to the Planning Commission
41 before it goes to the City Council for final action.
42

43 Staff recommends that the Planning and Transportation Commission recommend that the City
44 Council approve the Planned Community Zone Amendment as shown in the draft ordinance
45 attached to the Staff Report. This concludes Staff's Report. Carl Braginsky from the Channing

1 House is here tonight and prepared to make a brief presentation. We also have representation
2 from Metro PCS just in case there are any technical questions. Thank you.

3
4 Vice-Chair Holman: Thank you. Mr. Braginsky would you state your name and address for the
5 record? You have five minutes to speak.

6
7 Mr. Carl Braginsky, Channing House, Palo Alto: I reside in Half Moon Bay and I work at 850
8 Webster Street. I am the Executive Director at Channing House. Our Board of Trustees has
9 reviewed this issue and voted at a meeting, July 11, 2005, to approve the installation and
10 amendment of our PC to proceed with this project.

11
12 We feel it would provide a public benefit in that it would provide additional coverage for cell
13 phone usage within the City.

14
15 Vice-Chair Holman: Thank you. Does anyone on the Commission have any questions for Mr.
16 Braginsky? Seeing none, I thank you very much.

17
18 Mr. Braginsky: Just a general comment. You will note in your report we will be coming before
19 you actually in January at another meeting to review and look at addition of a new building at
20 our facility. So just to let you know that I will be in front of you again next month.

21
22 Vice-Chair Holman: Thank you. Do any Commissioners have any questions for Staff at this
23 time? I have one clarifying question. The Staff presentation said that this would be going to the
24 Architectural Review Board and then back to us if I understood the presentation. Just briefly,
25 could you describe the project? I was understanding that this was a Staff level architectural
26 review and maybe I misunderstood.

27
28 Ms. Campbell: For the PC Amendment process to add this new use the process requires that it
29 goes to the Architectural Review Board and then back to Planning Commission and then to City
30 Council for final action.

31
32 Vice-Chair Holman: Okay, so it is just the architectural review itself that is Staff level. I see a
33 discrepancy on the Staff here.

34
35 Ms. Campbell: I think for the reviews of the project after we get the amendment finalized that
36 would be Staff level review but that is not related to the amendment of use.

37
38 Vice-Chair Holman: Right, and that is what I was referring to, sorry for the unclear question.

39
40 Commissioner Cassel.

41
42 MOTION

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44 Commissioner Cassel: I would like to move the Staff recommendation.

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46 Vice-Chair Holman: Do I hear a second?

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SECOND

Commissioner Garber: Second.

Vice-Chair Holman: Staff recommendation moved by Commissioner Cassel and seconded by Commissioner Garber. Do you wish to speak to your motion?

Commissioner Cassel: I have just two comments. This use is currently a permissible use in the standard zone in which this PC site is located and it is located in an area where there are RM-15 and RM-30 units around it. The height that is needed for getting good attainable service is there with the building already in existence.

Vice-Chair Holman: Commissioner Garber, would you care to speak to your second?

Commissioner Garber: No, thank you.

Vice-Chair Holman: Commissioner Lippert.

Commissioner Lippert: I have a question for Staff before I vote on this. The review is basically going Planning Commission, Architectural Review Board and then back to the Planning Commission and then the City Council but the review of the actual improvements are going to be done at the Staff level, correct? Will those be coming back to us as part of the Planning Commission review before it goes to the City Council?

Ms. Campbell: No.

Commissioner Lippert: So those will not be seen by this body at all.

Ms. Campbell: That is correct.

Commissioner Lippert: And the reason for that?

Ms. Campbell: Well for the purpose of this PC Amendment we are adding this use as a permitted use so we would not have to do another PC Amendment for any new projects that are coming forward for this type of use.

Commissioner Lippert: Okay. The reason I am asking this question is that we still don't have a section of the Zoning Ordinance Update that clearly describes, well that actually has been adopted, that clearly describes the configuration or allowable wireless communication towers. So in some ways what I hear is that it is we are sort of designing it on the fly so to speak. The applicant is just sort of designing it on the fly. That is the way I perceive it.

Mr. Lusardi: Staff is in the process of preparing an update to the Zoning Ordinance to address telecommunications and wireless facilities. We expect that to come before the Planning Commission early next year and to the Council. With respect to the design of wireless facilities

1 and telecommunications facilities when it is done at the Staff level what we are saying is we
2 have the discretion based upon the design of the project. Here is one that is basically designed to
3 be concealed within an architectural element so it is not visually apparent and not visually
4 impacting. If a proposal were to come in and we thought it would have a visual impact, if it were
5 an antenna or something, we have the discretion to take it to the ARB for their review and
6 comment under the PC ordinance process.

7
8 MOTION PASSED (4-0-0-3, Commissioners Bialson, Burt and Sandas absent)

9
10 Vice-Chair Holman: Okay, seeing no other questions or comments we will vote on the motion.
11 All those in favor? (ayes) Opposed? Obviously none. We have a unanimous vote on that with
12 Commissioner Cassel, Commissioner Garber, Commissioner Lippert and Vice-Chair Holman
13 voting in favor and Chair Burt, Commissioner Sandas and Commissioner Bialson not present.

14
15 Item number two obviously is next and our Chair is supposed to arrive any moment. I think we
16 will go ahead and get started with item number two which is the Zoning Ordinance Update for
17 the PTOD, Pedestrian and Transit Oriented Development Combining District. Would Staff like
18 to make a presentation?

19
20 **2. Zoning Ordinance Update:** Planning and Transportation Commission recommendation
21 to City Council for the approval of an ordinance to adopt a new PAMC 18.66 Pedestrian
22 and Transit Oriented Development (P/TOD) Combining District. The boundaries for the
23 P/TOD zoning district are generally Cambridge Avenue to the north, El Camino Real to
24 the west, Caltrain rail line to the east, and Lambert Avenue to the south. Environmental
25 Assessment: Comprehensive Plan Environmental Impact Report.

26
27 Mr. Lusardi: Madam Chair, we need a couple of minutes to setup.

28
29 Vice-Chair Holman: Thank you. If there are any members of the public who want to speak to
30 this item now would be a good time to fill out a card and turn it into the Secretary. We have six
31 cards and at least one more coming.

32
33 Mr. Lusardi: Members of the Commission the item before you is the Pedestrian Transit Oriented
34 Development overlay chapter of the Zoning Ordinance Update for the California Avenue area.
35 Staff is recommending that the Planning Commission recommend that the City Council adopt the
36 California Avenue Pedestrian Transit overlay district.

37
38 Tonight we are presenting the revised Pedestrian Transit overlay district ordinance based on
39 Planning Commission and ARB direction and comments. We want to also clarify some concerns
40 that have been raised during this process regarding the land use itself and the zoning that we are
41 proposing. We want to provide additional information that was requested at the prior meetings
42 with the Planning Commission and ARB. Rick Williams from Van Meter Williams and Pollack
43 will be participating in this presentation.

44
45 Prior to tonight's meeting the Planning Commission received a revised Transportation section for
46 the addendum to the Comprehensive Plan Environmental Impact Report. You also received the

1 redline version of the Design Criteria that has revisions from the Planning Commission and ARB
2 Study Session, you received a copy of the draft ordinance and correspondence that was
3 submitted relative to this item.

4
5 Regarding the background for this particular Zoning Ordinance Update its intent is to implement
6 the Comprehensive Plan new land use type in the ZOU. In October of 2005 the GM District
7 through the adoption by the City Council of the Manufacturing, Offices and R&D Districts
8 prohibited residential uses and there is a large GM District within this area that we are trying to
9 address. Essentially, that put us out of compliance with respect to our Housing Element and the
10 Housing Inventory Sites. November 9, the Planning and Transportation Commission provided a
11 preliminary review of this land use. On December 1 Staff presented to the Architectural Review
12 Board the development standards, the design criteria and the process that we are proposing
13 within this ordinance. December 7 the Architectural Review Board and Planning Commission
14 held a Study Session to look at the standards and criteria, the process and the uses. There are
15 three Housing Inventory Sites in here, two of them are in the GM zone, which prohibits housing,
16 which is the reason we are moving forward with this. There are two multi-family projects that
17 are pending in this area on those Housing Sites and we want to bring, again as I indicated, the
18 sites into compliance with the Housing Element and the Comp Plan.

19
20 I want to speak briefly to the intent of the Pedestrian and Transit Oriented zone because I think
21 there may be some misconception about its intent and what it is to generate as far as land uses
22 go. Its primary intent is to create and enhance a pedestrian environment. The goal is to improve
23 the pedestrian and bicycle safety in that area as well as generate housing that would support a
24 pedestrian and transit oriented district. It is to facilitate public transportation use for trains and
25 buses in that area with housing and residential uses and mixed uses. It is to provide for a mixture
26 of uses and housing types. When we say mixture of uses we are talking about uses that would
27 support a transit oriented area and support a residential community there and a neighborhood. It
28 is also to accommodate the Housing Element housing opportunities, which were adopted by the
29 City Council without substantially increasing residential units in the area. That is an important
30 point. The goal of the Pedestrian Transit Oriented District is not to substantially increase
31 housing that was already contemplated through the Comprehensive Plan and the Housing
32 Element. It is basically to effectuate a pedestrian and transit oriented environment and land use
33 there. Another important goal and intent of this listening to the Planning Commission and
34 hearing some concerns is it is also important that we protect the single family neighborhoods
35 around the proposed Pedestrian Transit Oriented District.

36
37 The process and the boundaries that we have laid out within the ordinance. First we want to
38 distinguish this Pedestrian Transit Oriented District on California Avenue from the Downtown
39 one and we will be bringing that back later next year. The Pedestrian Transit Oriented District is
40 a combining district. It is essentially an overlay that requires a rezoning for each site. The
41 adoption of this particular chapter would not rezone any particular site. It would just put the
42 Pedestrian Transit Oriented District overlay in play for that to be applied to the site. Application
43 of a particular Pedestrian Transit Oriented District overlay on a site would require Planning
44 Commission and City Council review and approval and it would address such things as uses and
45 intensity, development statement and a development program. It would also eventually require
46 an Architectural Review Board review and recommendation based on the context-based design

1 criteria that this Commission and the ARB has addressed and looked at in the last couple of
2 weeks.

3
4 The boundaries of the California Avenue Pedestrian Transit Oriented District. The goal is to
5 create boundaries that provide and promote walkability to train stations and pedestrian
6 environment, to include the housing opportunity sites and as I said earlier to exclude low-density
7 residential. I just want to talk a little bit about that because I think there were some concerns
8 raised about how this would affect surrounding low-density residential neighborhoods. With the
9 chapter in Section 18.66.070 under the Boundary Amendment Process it is expressly written in
10 there that prohibit the boundaries being enlarged that would include a low-density or single
11 family residential neighborhood. That was at the direction of this Commission and we agree
12 with that prohibition of expanding this into a low-density or single-family neighborhood. In
13 Section 18.66.050 there is also design criteria that Rick Williams will be presenting that we think
14 affords protection against any adjacency or transition into the low-density residential
15 neighborhoods. When you look at the boundaries here there is one area where there is a direct
16 transition to a low-density residential neighborhood, in the Pepper Avenue neighborhood. That
17 is about a two block long boundary that would create that kind of transition. We think we have
18 development and design criteria that would successfully address that kind of transition and those
19 kinds of sensitive issues. The boundary falls on only that one block length adjacent to single
20 family for the entire Pedestrian Transit Oriented District. There is also provision in this chapter
21 or village residential land uses which is a lower density residential land use than the multi-family
22 and we think provides a transition. Also included in the Environmental Impact Report
23 Addendum I want to point out that in the Transportation section we pointed out with respect to
24 some of the neighborhoods around that area particularly the neighborhood that is south of the
25 proposed area on Lambert there are traffic calming devices provided on Park Boulevard, there is
26 a half-closure provided on Park Boulevard to the south of Lambert Avenue. This closure
27 prevents commercial related traffic including traffic generated by Fry's from proceeding south
28 along the residential street sections. The aforementioned traffic calming devices will remain and
29 additional devices may be considered as development is proposed on this collector street. I want
30 to reiterate that there is no intent to remove any of the traffic calming devices in that
31 neighborhood with respect to this district.

32
33 Curtis is now going to address some of the land uses and some of the development standards
34 with respect to the Pedestrian Transit Oriented proposal.

35
36 Mr. C. Williams, Contract Planner: Thanks John. Commissioner. I am going to go through
37 some of the sections of the ordinance here fairly quickly. It is pretty similar to the presentation I
38 made last week but just to be on the record I want to refresh your memory.

39
40 The allowable land uses that have been designated for the proposed zone, PTOD zone, include
41 two types of residential multi-family being predominant and then also the use of village
42 residential particularly in those transition areas getting closer to lower density neighborhoods.
43 Secondly, mixed use is provided for. This mixed use is one, which is predominantly residential
44 but could support some nonresidential. We have specified a list of potential nonresidential uses
45 mostly retail/personal services, restaurants/cafés but there is also allowance where it is not
46 prohibited by existing R overlays or other reasons for some office, R&D or community uses.

1
2 We have made provision for live/work units and have spelled out a half dozen or so specific
3 criteria for those to qualify. Also made provisions that a hotel or more than one hotel potentially
4 could be located in the area and laid out some specific criteria for those as well.

5
6 Again, the process John alluded to would allow the Planning Commission and Council as the
7 zoning request is made to review these uses and intensities and feel comfortable with them
8 before allowing a rezoning.

9
10 The basic development standards that are included in Table 2 of the draft ordinance include
11 residential density and these are what we call basic development standards. The next slide I am
12 going to talk about bonuses and increased intensity. The basic density limit would be 40
13 dwelling units per acre. The FAR limitation would be 1.0 to 1 for residential and 1.25 for mixed
14 use and the maximum nonresidential portion of the mixed use would be limited to .35 FAR so
15 that it would be predominantly a residential use. The height maximum 40 feet. We have added
16 to the table from last week the open space criteria that was in the context-based design section
17 last week so that you have the 100 square feet or 200 square feet per unit depending on the size
18 of the project as well as having increased the minimum dimensions to six and 12 feet instead of
19 five and ten as they were last week.

20
21 Parking criteria, the existing code allows discretion for the Planning Director to reduce parking
22 in proximity to transit stations and other transit facilities as well as for mixed use and for
23 affordable housing and for other purposes. So we would continue that but we would also make
24 some provision that where average unit size is relatively smaller, less than 1,250 square feet, or
25 for particularly affordable projects, more than 25 percent affordable, that there would be some
26 additional provisions including not requiring guest parking and/or not requiring a landscape
27 reserve. There are some sections that require that for the parking reduction. Again, we have
28 provided in the Development Standards from some live/work unit criteria and hotel criteria.

29
30 The limitations on density, floor area and height could be allowed to go higher depending on the
31 density being proposed and the percentage of below market rate units that would be proposed by
32 the applicant. In this case when we talk about below market rate we mean in accordance with
33 the Comprehensive Plan and the City's criteria for BMR units including that they be
34 substantially consistent in quality and size as the market rate units in the project. So from a
35 density standpoint the basic density is 40 units per acre, there is a provision and this tracks
36 almost precisely the Comprehensive Plan wording for BMR density bonuses of one BMR unit
37 for every three – one for every additional BMR unit that is created three market rate units could
38 be created. That is up to a maximum of 50 dwelling units per acre. FAR and height are not
39 related necessarily to whether the allowable density is being exceeded but we do think it is
40 important that we be looking at projects that have a relatively high density and that we aren't just
41 granting bonuses for increased height or for floor area for lesser density projects so we just get a
42 lot of larger units. So we have suggested a threshold of 30 dwelling units per acre before
43 someone could request a bonus and then a scale basically of either FAR increase or height
44 increase for each additional five percent of BMR that is provided above and beyond the basic
45 requirement. So for example if we have a 15 percent basic requirement which is the case in most
46 instances, 15 percent of the units being BMR units then if they go to 25 percent instead of 15

1 percent that would allow in this case 1.2 FAR instead of the 1.0 FAR for a residential project.
2 The same thing in terms of height in terms of getting that kind of incremental increase.

3
4 I just want to correct a mistake on the PowerPoint slide, it is a maximum of 50 feet for the height
5 not a maximum of 40 feet and the FAR maximum is 1.5 to 1. These are bonuses that would be
6 out there and we hope would encourage some additional BMR units but we certainly don't
7 expect that this is going to be the norm for someone to be requesting additional floor area or
8 height primarily because most of the market product out there is not reaching 30 units per acre.
9 It is much less than that.

10
11 Rich is going to talk more about the context-based design criteria. We spent a lot of time with
12 you and the ARB last week on that and did make a number of changes based on your comments.
13 I think those were shown in the redline handout that we gave to you for that section.

14
15 We did conduct an addendum to the Comprehensive Plan EIR for this zoning district. We did
16 that based on some very similar methodology that was used for both the Comp Plan EIR and the
17 Housing Element Addendum to the EIR. The Comp Plan EIR for this area, the Cal-Ventura area
18 of the Comp Plan, projected an additional 309 units would be built under the Comp Plan through
19 the year 2010. The Housing Element Addendum projected an additional 135 units beyond that
20 which is 444 total. So we have operated with that as kind of the baseline and determined that
21 making what we consider to be some realistic assumptions about the parcels that are most likely
22 to potentially develop then have projected that there may be 70 or so additional units that could
23 be above and beyond that number. That is not above and beyond where we are right now but it
24 is above and beyond what that number would be. We believe that a few of the reasons that that's
25 justified is that the projected development under the Comp Plan and Housing Element has not
26 occurred nearly as intensely as had originally been projected. So all that we have at this point in
27 that area is 81 units at Sunrise, the one residential project that has come through. The growth
28 projections that were used in the Comprehensive Plan from ABAG have been reduced fairly
29 significantly and so we have concluded that the impacts associated with these additional units are
30 not significant relative to the impacts that were already attributed to the Comprehensive Plan and
31 the Housing Element Addendum. Susan Mickelson is here to answer questions about the details
32 of that particular review.

33
34 Chair Burt: Can I just add for the record that Commissioner Burt joined us during the Staff
35 presentation?

36
37 Mr. C. Williams: The Commission and ARB have asked some questions previously that we
38 want to try to respond to here as well. The first one I just briefly highlighted in terms of what the
39 incremental housing units and potential impacts might be of this zoning district being provided in
40 this area. Again, we can get into more of the discussion details of that but it is primarily
41 embodied in the Addendum to the EIR.

42
43 A second question was kind of what are the land uses and square footage of non-residential out
44 in the area right now or maybe a breakdown of that. Unfortunately we really don't have the
45 means to ascertain in any form that we are comfortable presenting to you what those are. We
46 don't have a business license process and such that would allow us to know those numbers. All

1 we can basically give you at this point is that we have visually gone through the area, I think
2 most of you are probably very familiar with it, there do seem to be at least today quite a number
3 of and primarily along California Avenue and a couple blocks either way the types of retail and
4 personal service type uses that would serve residential. I think we talked last time about it might
5 be appropriate in the future to extend the R retail shopping overlay down Park Boulevard away
6 to also mandate some of that retail support use. But not in other areas, we don't want to steer
7 away from and drive retail off of California Avenue either. So we would be glad to answer
8 questions about that but we really don't have specific detail about the square footages.
9

10 Examples of project FARs and heights in the vicinity as well as prototypes of sample projects
11 that might be able to be accommodated under these standards Rick Williams is going to discuss
12 both of those and show some additional slides relative to that. So I am going to turn it back to
13 John to wrap up a little bit about Caltrain.
14

15 Mr. Lusardi: One of the questions that came up during the review process is what is the status or
16 the future of the Caltrain service at the California Avenue station. It averages about 839 daily
17 rides according to the last annual survey in February 2005 from Caltrain. This number is the
18 count of people that get on and off the train at the California Avenue station. The ZOU Staff did
19 coordinate with Caltrain Service Staff over the last couple of weeks to discuss our proposal and
20 how that relates to the California Avenue station. As noted in the addendum to the
21 Environmental Impact Report Caltrain conducts an annual boarding survey. The 2000 boarding
22 survey showed this station ranked by boarding as eleventh which is less than the station at
23 University Avenue which was second and Redwood City which was seventh. It was greater than
24 such stations as San Carlos which ranked twelfth and Burlingame which ranked fifteenth.
25 According to Caltrain the California Avenue station has maintained a steady ridership. The
26 California Caltrain station is served by both Stanford and Santa Clara Valley Transportation
27 Authority and including the Stanford University Marguerite Shuttle system. As I indicated there
28 are no current plans or indication that the Caltrain is planning to close the California Avenue
29 station but long-term operations they would not address. There isn't a defined threshold for
30 increasing service to particular stations. Decisions related to particular stations are made a
31 system-wide basis and are based primarily on end-to-end service times, efficient use of resources
32 and total ticket sales. I do want to point out that in our discussions with Caltrain they did point
33 out with respect to the transit oriented land use that they have identified encouraging transit
34 oriented development as one of the objectives for its short-range transportation plan. Transit
35 oriented development policies promote land uses near transit stations, along transit lines and at
36 the same time they encourage additional use of transit services. Ideally a transit oriented district
37 policy would result in increased Caltrain ridership, reduced development parking requirements
38 by agencies and developers and new housing and commercial development at stations. So what
39 we are proposing here is also consistent with Caltrain and their policy on transit oriented
40 development.
41

42 One of the Commissioners earlier asked that we also address a comment that was in the
43 correspondence presented to us earlier regarding the walk to work program at Stanford West. It
44 was in one of their earlier correspondence asking what exactly is the walk to work program? It is
45 part of Stanford's TDM program. We did some contacts earlier this afternoon. What we believe
46 this refers to is a cash incentive program provided by Stanford. It is not specific to Stanford

1 West but to the housing on the Stanford campus. What it basically says is on an annual basis a
2 resident can submit a parking permit and if he can submit that a parking permit is not needed for
3 his use or for his residence because other means of transportation are available and it is not just
4 walking it could be bicycle or transit and based upon that they would then receive \$25.00 per
5 quarter as an incentive not to use a car and not to require a parking space. That is essentially
6 what that program is at the Stanford campus. I just wanted to clarify that at a Commissioners
7 request.

8
9 With that I am going to turn this over to Rick and Rick is going to go through some of the
10 additional information we provided and some of the updates and revisions that were made to the
11 design criteria based on Commission and ARB discussion.

12
13 Mr. Rick Williams, Van Meter William Pollack: Thank you very much. Commissioners, we
14 will go over just very briefly so that we note it again because it was an important piece that the
15 overlay district boundaries as we have defined them have very explicitly not incorporated the
16 single family, low-density areas and are both fitting around the Comprehensive Plan desire for a
17 straight 2,000 foot radius and really are defining it and modeling it in a much more precise
18 manner where we think we will be able to see pedestrian transit oriented development in the
19 future building on what we already have within the California Avenue area.

20
21 Also, as we discussed at great length previously as well is that the process that we are really
22 looking for is one that its goal is to create that sense of place and that sense of character and
23 uniqueness and not try to set up a series of regulations that are so prescriptive that we won't be
24 able to obtain that overarching goal. Really the focus will be on the pedestrian quality and the
25 bicycle quality of the environment. The applicant would apply for the rezoning of the property
26 to the Pedestrian Transit overlay district and that while the Planning and Transportation
27 Commission and the City Council are considering this from a land use and intensity and
28 particular uses at the same time the Architectural Review Board will be able to review a
29 preliminary design of that application so that you don't see absolutely along with it but the words
30 and the numbers but that there is a preliminary concept design that goes along with that
31 particularly for the ARB to review at its very preliminary nature. We don't want them to be too
32 committed to a fundamental design before they have considered that overall land use. Then they
33 then address those fundamental questions of the design process through future review board
34 review. Once the Planning and Transportation Commission recommends and the City Council
35 acts the ARB will then go through a final design review process and they will be able to use both
36 their current ARB guidelines as well as the new context-based design criteria as well as the step
37 five illustrations and diagrams that are built off of that context design criteria to really define and
38 give substance to the Pedestrian and Transit overlay district and really outline those critical
39 issues which you have discussed at the previous meetings.

40
41 Again, the context-based design criteria, the considerations that we are looking at, and I am
42 going to run through just the highlights of them now, we have modified those in response to the
43 last few meetings that we have had include promoting walkability and connectivity as part of the
44 pedestrian environment and the quality of that as well. The street and building façade and how it
45 relates to the street promoting a strong relationship with sidewalks and the street. The massing
46 and articulation, minimizing the massing's impact on the pedestrian environment and on the

1 adjacent neighbors as well as providing articulation which we are still working on some of the
2 diagrams on but what we heard at that meeting was to really focus on breaking down the scale so
3 that there it can appear like a series of buildings. It is really about the scale and character of the
4 area that we are trying to promote and create. So it is not just articulating it to get a rhythm and a
5 pattern within one overall building. The low-density residential transitions are one that we had
6 spent an extensive period of time on during the El Camino Real Design Guidelines and we will
7 build on those with the additional ability to use the village residential as the predominant land
8 use for that transition adjacent to single family residential. The project open space, provide
9 usable open space both in amount as well as size and character. Our preliminary studies have
10 actually shown that we would anticipate the open space to be much more extensive than any of
11 the minimums that we anticipate or have outlined. Parking, although we are maintaining the
12 fairly standard parking regulations it is really about the parking design, location and how the
13 parking should or should not impact the building design and the character of the building. That
14 is an important piece of it because it is how you treat where the parking is going and how you
15 treat it within the building impacts the pedestrian orientation. The large sites, and there are a few
16 larger ones, within this area are really about the building pattern and consistency with the
17 surrounding neighborhood. It is breaking down the scale of that through connectivity and the
18 building massing, etc. will be addressed within the context-based design criteria. As with all the
19 other zoning regulations the sustainability criteria and green building practices will be
20 incorporated in and there are other specific comments that people had regarding creek protection
21 and restoration of sorts that we have also incorporated in and will be incorporated in. The
22 historic preservation has been built in of course to all of the ordinance.

23
24 Specific questions and recommendations from the previous meeting on the context-based design
25 that we have incorporated into the design criteria. The railroad adjacency, and we have dealt
26 with this in a couple of different ways that you will see illustrated, we have specifically added
27 wording regarding the design, the articulation, the setbacks and how to both minimize the sound
28 reflection to adjacent properties as well as looking at the design quality from both the train and
29 from across the tracks so those are being incorporated into the step five criteria as well. The
30 street presence of open space we have incorporated in the concept of the open space being
31 something that can be seen from the street and that it should be located to activate the street
32 façade and increase the eyes on the street whenever possible. Then we have also increased the
33 bike language, the design of the project should promote pedestrian walkability and bicycle
34 friendly environment, wider sidewalks have been incorporated in as well as verbiage of along
35 Park Boulevard to reinforce the street as a pedestrian and bike linkage to the multi-modal station
36 facilities. We have also added, as I noted, the creek language incorporating open space
37 connections and pedestrian and bikeways to natural amenities. I have to admit that the creek in
38 the area wouldn't be considered in my book right now to be a natural amenity but it could be in
39 the future. It has way too much concrete for that right now. Also to provide the protection for
40 creeks and riparian vegetation and integrate storm water management measures into it so that in
41 the future we could see a much healthier creek environment there. Again, we have emphasized
42 the transitions to existing lower density development or single-family neighborhood in the one
43 location that we have had but we also expect it in other areas although that will really be using
44 the village residential as one of the transition locations for that.

45

1 We started to develop a couple of the residential FAR studies and this came about in a couple of
2 different ways. It was both about building types and usage as well as what the maximum floor
3 area ratio might be and how the massing might be taken into account. In the top diagram we are
4 illustrating a residential floor area ratio of 1.0 and that is a maximum. It is on a 1.3-acre site. As
5 a note we had said that for projects over one acre that there could be two building types on it or
6 unit types and what we have looked at here and illustrated as a maximum would be both a tuck-
7 under kind of townhouse type of product as well as a podium development which has a
8 courtyard. This is an open space piece here with a little bit of parking along it but predominantly
9 open space in the piece as well visible from the street. It breaks down the scale of the overall
10 development into multiple types of buildings. That would be one type of an illustration with a
11 1.3-acre site. Again, it also has a treatment adjacent to the railroad tracks where it is broken up
12 into a series of masses as well. The second would be if you take that same residential and
13 maximize the bonus FAR with a 1.5 on that same site in essence you get a three story building on
14 the street that steps back to four and then a lower building on the back, or it could be a reversed.
15 You have a fairly substantial interior courtyard, you have openings from both sides particularly
16 one we wanted to illustrate to have a break in the massing from the railroad tracks, and there
17 could also be one from the street. So we have illustrated that as well as a setback from the street
18 for a residential product, from the back of sidewalk from residential product.

19
20 We then illustrated on the same site just so that people can see it in its relationship a mixed use
21 FAR of 1.25. Here you can see both retail shown or a commercial frontage on the ground floor,
22 nonresidential frontage. It is fairly contiguous. There is a few stories of residential above that
23 and then there is also a two story of residential behind and these would be more townhouses,
24 these would be more flats and corridor building. So it again has two different building types in
25 essence on a podium. Because of the commercial you do need to park this site as a podium in
26 order to meet the parking requirements. The other piece of it is that you will note that there is a
27 substantial amount of open space within that overall development. The other piece here is a
28 mixed use with taking the maximum density bonus. This basically to show the difference in the
29 diagram incorporates a maximum height limit of 50 feet, it steps it back after that third floor and
30 then it incorporates just a slight amount of more development over here on the townhouse side
31 and the rest of it remaining essentially the same. So basically what you are getting with that
32 bonus is this floor and this floor piece here. Again, I think that floor area ratio is one that you
33 have seen frequently in the Palo Alto area.

34
35 The context-based design step five examples that we have begun to illustrate, and these will be
36 brought to the Council at greater length as well and I am sure you will be seeing these, are the
37 railroad adjacency. There is a lot of discussion about making sure that the articulation of the
38 back of the buildings, in essence the railroad face, are also of a strong quality, that there is a
39 landscape treatment and that it isn't just a wall against the railroad tracks. There can be open
40 space, there can be landscaping and the podium relationship can be low so that it isn't just a wall
41 along the back of the tracks. You would then use the building in essence to absorb any noise
42 coming from the tracks. The railroad adjacency then can change where you have a public right-
43 of-way or a street or a path along it. That has been illustrated that it should be treated basically
44 as a front of a building. If it is a residential or a commercial site you would have the retail or
45 residential frontage, this one being illustrated as residential, with stoops that project into what
46 would in essence be a residential setback so that the building does have an orientation to the

1 street and then that treatment along the other edge, which is the railroad track edge, for safety
2 generally Caltrain will require some sort of fencing but that can also be a transparent fence. It
3 doesn't have to be solid and you can use the building again to absorb the acoustical issues. That
4 orientation is one that you will see for example across the street from the Caltrain station in
5 Mountain View they have some brand new row houses and townhouses that look out onto the
6 Caltrain station from there.

7
8 Also the context-based design step five examples this is a modification from the mixed use
9 diagrams that went through with the El Camino Real Guidelines and the mixed use regulations.
10 This is a transition to R-1. There are going to be a couple of different variations to this but we
11 wanted to illustrate this first in noting that there will be a daylight plane that will define the
12 building envelope to the rear, the setbacks and also the massing to ensure both the privacy and
13 the scale relationship to the adjacent buildings in the R-1 and R-2 zone.

14
15 Also, the context-base design is illustrating the orientation to the street. What I was noting
16 before and now you can see in a sectional form here is the concept of having a setback for the
17 building massing not explicitly defined but illustrated with stoops and entryways oriented to the
18 street, that there is a living space relationship to the street that is slightly raised, that there is
19 landscaping and a streetscape treatment that is somewhat defined. That definition is then
20 redefined when you have a retail/commercial frontage so that you take that setback and make it
21 into a wider sidewalk, you have defined it here to include a wider sidewalk, streetscape elements
22 and then the store fronts oriented to the street. So these are examples of the step five regulations
23 that will fit in similar to the other zoning categories.

24
25 We also have gathered as quickly as we could some of the statistical information on a variety of
26 the projects that you find in Palo Alto and surrounding communities. We wanted to highlight a
27 couple of these. Here at 101-161 California Avenue, Palo Alto Central, it is mixed use, its height
28 is 50 feet and it can be defined as transit oriented. At El Camino Real a very recent project the
29 floor area ratio is .78 it is 60 percent residential and 40 percent nonresidential. It is a very
30 difficult site to work with and the height there is 35 feet. On High Street this one is much larger
31 than any of the developments that we would anticipate here with almost a 2.5 floor area ratio.
32 The height is I believe 50 feet with about six feet in some locations for some projections beyond
33 that. This has again 60 residential units including ten BMR units, underground parking, etc.

34
35 Chair Burt: Question, Rick. Do you know the FAR of Palo Alto Central?

36
37 Mr. R. Williams: We did not get that. Some of the information we weren't able to access. We
38 may be able to get it at a later date.

39
40 Other developments, University Park, this is probably much more consistent. This is actually the
41 top end of what a floor area ratio would be able to be within the Pedestrian Transit Oriented zone
42 for an all 100 percent residential development with all of the BMR units included at a 1.5 FAR.
43 This is a 45-foot height limit and University Park at 325 Channing is at that location. So that
44 would really be the largest top end of the all residential envelope. The Park Place in Mountain
45 View which has retail on the ground floor and three and some four-story elements but
46 predominantly three stories above that hits at just over 50 feet at its highest points it is 55 feet.

1 That floor area ratio that isn't on here is a little misleading I actually picked it up just before it is
2 at about 2.0 FAR. So it is a little higher than what we would anticipate seeing as well. The other
3 Downtown projects are more in what we would anticipate seeing within a residential
4 development of a maximum of 1.5. So the 1.5 FAR for an all residential is actually within and
5 around the surrounding communities is actually a little bit lower on the envelope than what you
6 would find in some other communities but more consistent with what you find within Palo Alto
7 which has always had a slightly lower FAR than some of the surrounding communities have. I
8 believe that might be it. That concludes the examples that we have. I will gladly answer any
9 questions you might have as well as with Staff.

10
11 Chair Burt: Thank you for the presentation. I would also like to note for the record that
12 Commissioner Sandas has joined us. Commissioners, do you have questions for Staff or the
13 consultants before hearing from the public? Lee.

14
15 Commissioner Lippert: I have raised this question before and I am going to ask it again. In our
16 multi-family residential development regulations we have a minimum lot size. Why don't we
17 have a minimum lot in these development regulations?

18
19 Mr. Lusardi: From our perspective I think it would be limiting in our objective to try and get a
20 mixture of housing types. I don't think it is all that constraining. If the Commission felt that
21 way I don't know that we would have a minimum lot size number that we would come up with at
22 this point. Maybe Rick can address how that would affect a potential development site as far as
23 generating different types of housing types.

24
25 Commissioner Lippert: Before Rick jumps in and answers the question, if we had a minimum
26 lot size what would it in fact encourage smaller property owners to combine lots and move
27 forward with a much more desirable result?

28
29 Mr. R. Williams: If I can just give you a little history on it and then I will let Staff answer as
30 well. That has been the thought for many years on the parcel aggregation and the ability if we
31 limit it to a larger size then people will aggregate the parcels. I think that what you find is that
32 particularly on the smaller parcels that you would hope to possibly aggregate you find that the
33 property owner's individual needs, desires, etc. generally don't match particularly well with the
34 absolute adjacent parcel. Although they have had those goals say in Mountain View for
35 extensive period of time the only way they were able to actually get any parcel aggregation was
36 to basically have the city do it themselves either through some sort of an eminent domain process
37 or by a friendly taking or friendly purchase from the city. So they actually have had policies in
38 place to attempt to do that and they have had zoning, which gives you greater densities for
39 greater parcel sizes for an extensive period of time. They haven't actually found that it has really
40 encouraged parcel aggregation to nearly the extent that anyone would have hoped it to do. So
41 what we generally find is that it might help in one instance or another a small amount but you are
42 better off allowing each parcel owner to evaluate it on their own criteria and then take advantage
43 of it to the extent that they can on even the smaller parcel that they have.

44
45 Mr. C. Williams: If I could just add a couple more thoughts to that. This is an overlay so
46 essentially the property owner has the choice of requesting application to the property or

1 developing under the underlying zoning. So there are options there. I think our fear is that to put
2 a minimum lot size on a lot of people won't take advantage of combining the lots and then we
3 will have a lot of little gaps where we haven't had an opportunity to apply some of the pedestrian
4 friendly type approaches along those frontages and also it may discourage, most of the pedestrian
5 oriented diagrams that Rick and company have come up with have fairly narrow distances from
6 door to door along the street and that kind of thing, which you can require through a larger
7 project but it sort of is naturally there when the smaller lots develop too. So I think we see that
8 there is some advantage to having a minimum lot size but there also could be some
9 disadvantages and we are not comfortable suggesting that there should be one at this point.

10
11 Commissioner Lippert: Well, in the RM-15, 30 and 40 districts we do have a minimum lot size
12 which is I think 8,500 square feet. Would this overlay zoning not open up the door to somebody
13 who has a lot that is smaller than 8,500 square feet to sort of go around the process and go in
14 through this overlay zone to develop it to a higher density than what would be allowed for RM-
15 15, 30 or 40?

16
17 Mr. C. Williams: I think that is one of the issues we were trying to address with the revisions to
18 the multi-family zones was trying to provide mechanisms for some of those lots to have more
19 opportunity for development. So this could do it instead of that, probably so. If we are looking
20 at 8,500 as being the minimum lot size I don't know that that's much of a problem. I guess I was
21 more envisioning like a half acre or something like that that would really start to require a lot of
22 smaller lots to be combined. I don't know if we know how many of those smaller lots exist.

23
24 Mr. Lusardi: No I don't but I do want to point out that you are right that the RM-15 and 30 have
25 a minimum lot size of 8,500 square feet. When we did the research we found out that almost 50
26 percent if not over 50 percent of those parcels are substandard in lot size. So that also creates a
27 development dilemma in those multi-family districts. I think we are trying to avoid that kind of a
28 situation here where we have such a mixture of lot sizes. We have an underlying zone that they
29 might develop under rather than under the transit oriented zone. So I think we are trying to avoid
30 that kind of a situation of creating a lot of de facto nonconforming lots by coming up with a
31 minimum lot size.

32
33 Chair Burt: Dan.

34
35 Commissioner Garber: Lee, I am just curious, are you going on this thought because you are
36 concerned about trying to achieve the amount of density that has been suggested that we would
37 like to get? If you could maybe talk a little bit more about that.

38
39 Commissioner Lippert: That really comes under when we are beginning to debate or discuss the
40 merits of the plan here. In short what I am trying to find out is where the loopholes are right now
41 and how you sort of use this to get around or what it means in terms of abusing the system so to
42 speak.

43
44 Commissioner Garber: Okay, thanks.

45
46 Chair Burt: Karen.

1
2 Vice-Chair Holman: I have a housekeeping question. We had a number of things at our places
3 this evening and Attachment B is a redline version so that is very, very helpful to have that. The
4 other two items which are the ordinance and the design criteria are not redline versions so what I
5 am wanting to know is there anything different between what was left at our places and what we
6 have reviewed prior to the meeting. There is a cover page including the ordinance number on the
7 ordinance item that was left at our places. I am trying to find out is there something that we are
8 overlooking or is there a reason that these were at our places when we already had them. So if
9 somebody could clarify that would be really appreciated.

10
11 Mr. Lusardi: The two documents that we sent to the Commission subsequent to your Study
12 Session with the ARB was revisions to the Transportation Element of the Addendum and we
13 have given you a redline version of what those changes were. We also sent to you a redline
14 version of the criteria that we changed subsequent to the ARB Study Session. So you have those
15 two documents in their full text and you also have them with the redline version so you could see
16 the changes that happened. The ordinance that is in front of you contains all of those changes.
17 So you should have all of the redline versions of the changes that we made subsequent to the
18 ARB/Planning Commission meeting.

19
20 Vice-Chair Holman: So these two documents include nothing that we have not already seen,
21 these two things that were at our places tonight?

22
23 Chair Burt: John, I don't think we actually received the redline versions.

24
25 Mr. R. Williams: I think the redline one that I have is the one that I printed from the email.

26
27 Mr. Lusardi: We emailed them to you yesterday. The redline version with the design criteria
28 and the redline version with the transportation section. I think we provided hardcopies. We may
29 have not provided the hardcopy for the design criteria tonight. That may be what we missed but
30 we emailed you those changes. We can get you a copy now if you want.

31
32 Vice-Chair Holman: I am trying to clarify this. What we had in our packet that was delivered to
33 us did not include redline versions. So subsequently Staff provided to us on email redline
34 versions and that is very, very helpful. What I am trying to be absolutely clear about is that these
35 that were left for us tonight for the ordinance and the design are not redline versions. So I want
36 to be able to trust that there is nothing in these documents that we have not already seen.

37
38 Mr. Lusardi: That is correct.

39
40 Vice-Chair Holman: Thank you very much.

41
42 Chair Burt: I have one or two questions related to Caltrain. The Baby Bullet schedule has
43 reduced the frequency of stops at the California Avenue station. Is that correct and if so, by how
44 much?
45

1 Ms. Michelle Stahlhut: The Caltrain reduced the number of stops in August. It reduced it by 50
2 percent. They reduced the number of trains by 50 percent and then coordinated the service to
3 make it all more efficient. The next ridership count comes out in February 2006 and so we don't
4 have those numbers.

5
6 Chair Burt: Okay, that was what I was trying to understand. We had some ridership counts cited
7 earlier those were prior to the reduction in the schedule frequency. So then my follow up
8 question is that in your discussions with Caltrain given that this station was just below the break-
9 off point for where they decided to have stops for the Baby Bullets based on ridership if we have
10 additional transit oriented development and prospective ridership have they given any indication
11 on their future intentions of having increased stops or are we going to be stuck forever with the
12 lower frequency of stops that now exists under the Baby Bullet scenario?

13
14 Mr. Lusardi: When we talked to them they would not make any kind of a long-term commitment
15 and that is not just the Caltrain station it is all the stations. They wouldn't make that kind of a
16 commitment. They do annual surveys as far as ridership goes. I think as Michelle pointed out
17 they don't have necessarily a threshold for that. So we don't have any information from Caltrain
18 as to what the long-term commitment might be with respect to that station.

19
20 Chair Burt: It strikes me that we may want to either on our own or encourage them to in the
21 future quantify ridership per train as opposed to total ridership. They could prove themselves
22 correct by cutting the trains down to one a day and prove that there is very little ridership at a
23 given station but actually we may want to make sure that the metric is reflective of the actual
24 demand rather than reflective of a reduced supply of trains.

25
26 Mr. Lusardi: We could certainly address that and pursue that. I think also to emphasize what
27 Caltrain has told us a pedestrian or transit oriented land use is a very important land use to them.
28 So us moving forward with that is a very proactive measure telling Caltrain that we want that
29 station, we want that station to be an important station by promoting this transit oriented use. So
30 I think that also goes hand-in-hand with how they address ridership and those kinds of things is
31 the kind of land uses that are being developed around these stations.

32
33 Chair Burt: Thank you very much. One quick final question from Commissioner Holman.

34
35 Vice-Chair Holman: A follow up to that. I previously inquired about Mountain View. There
36 have been mixed reports, depending on what you read, about the success of that transit oriented
37 development because of the less frequent train service. Can Staff respond to that particular? We
38 did have examples of other locations like San Carlos and such. Can you respond to the Mountain
39 View?

40
41 Mr. Lusardi: We don't have any information on that. Maybe either Rick or Kevin might have
42 some sense of what that land use is and how successful it is.

43
44 Mr. R. Williams: What I had done to try to gather some additional information was speak with
45 some of the planners at the City of Mountain View both from kind of a land use designation and
46 they have a transit oriented district. It has gotten a lot of accolades and won a lot of awards

1 itself. What they found at that station, at for example the San Antonio station, is that they get
2 pretty strong ridership from the adjacent residential neighborhoods. The numbers that we have
3 are still from some of the previous counts they haven't done any updated ones. They get above
4 15 percent ridership at the Caltrain station there from the people that are commuting. That is
5 some information that they have done kind of independently so it isn't quite done in an official
6 manner. However, they have also been pretty successful with their transit oriented district in
7 some instances although one of the things that has occurred is that they have gotten much more
8 success in the residential component than they have in their commercial component because their
9 commercial-nonresidential was oriented more towards office. So the development that has
10 occurred has been predominantly residential in nature. So they are getting the ridership and they
11 Caltrain, VTA, BART are all finding that the residential developments are supporting transit use
12 to a much greater extent than office developments are.

13
14 Vice-Chair Holman: One last quick follow up to that. What was anticipated? I know they have
15 won a lot of design awards and some of those that I know of at least were three, four or five
16 years ago. What was anticipated for the success of this development and how might we relate
17 that to what we are proposing? Do you have any ideas on that?

18
19 Mr. R. Williams: I think that what they have found is that the development has not occurred at
20 their maximum densities that they were allowing. That the market in essence pushed the density
21 down slightly from what they would have like to achieve from an overall standpoint. So they
22 zone things a little bit higher than they got. So that was an important piece of kind of the overall
23 information. So that even though they were providing a maximum zoning intensity they weren't
24 seeing the maximum zoning because of the unique quality of the developments that they were
25 getting.

26
27 Vice-Chair Holman: I was still on the transportation aspect of it in terms of ridership.

28
29 Mr. R. Williams: They have actually gotten I think similar ridership to what they had anticipated
30 getting. Again, the ridership levels have actually been going up over the last few years. The last
31 recent survey that BART, VTA and Caltrain did with Bob [Cervero] have illustrated about a 15,
32 16 or 17 percent ridership from those surveyed within the areas within a transit oriented district.
33 So that is actually fairly close to some of the national standards that you find unless you have a
34 very exemplary development. I think what they found is that if you had just calculated on
35 numbers they have a few less riders than they anticipated because the intensity of the
36 development was a little bit less than they had anticipated.

37
38 Chair Burt: Thank you. At this time we would like to hear from members of the public. We
39 have 11 speaker cards and even though that is a pretty hefty group because of the importance of
40 this issue we would like to go ahead and allow the public to have the full three minutes. So each
41 speaker has up to three minutes but is not obliged to take all three minutes. Thank you. The first
42 speaker is Irene Sampson to be followed by Bruce Knoblock.

43
44 Ms. Irene Sampson, Palo Alto: I am speaking tonight for the League of Women Voters of Palo
45 Alto. The League supports with enthusiasm the proposed Pedestrian Transit Oriented
46 Development California Avenue overlay district, which is before you tonight in connection with

1 the Zoning Ordinance Update. The League commends the thorough, deliberate and rational
2 preparation for this ordinance that has occurred including excellent Staff and consultant work
3 and productive study sessions with the Planning and Transportation Commission and the
4 Architectural Review Board. The overlay zoning authorized in the ordinance will encourage
5 housing as well as business development in an area within easy reach of the California Avenue
6 train station, the El Camino Real bus lines and the Stanford Marguerite Shuttle. New multi-
7 family housing development will have a mutually supportive relation with California Avenue
8 businesses, with shopping opportunities within easy reach of residents and an improved customer
9 base for the businesses. The League's housing position supports many of the criteria that are to
10 be applied to development within the overlay district. We particularly support the allowable
11 density of 40 dwelling units per acre or up to 50 when bonuses are provided for numbers of
12 affordable housing units greater than the required inclusionary zoning percentages. We believe
13 the allowable height, 40 feet, or up to 50 feet with bonuses for increased number of below
14 market rate units are in keeping with existing building heights in the area. We believe that the
15 Planning Staff and the ARB review of proposed developments following the specific design
16 criteria in the ordinance will provide the necessary control. The League supports the criteria
17 designed to provide attractive buildings, to encourage pedestrian activity and to be compatible
18 with existing development. We also support the encouragement of a variety of types of
19 residential units and of green building design. We support the attention to transition to areas of
20 existing single-family homes. Increased density and transit oriented districts is increasingly
21 important to reduce sprawl to outlying rural areas and the longer time consuming commutes for
22 city workers. Further development of this overlay district will take place over a period of years
23 perhaps decades but the groundwork is being laid tonight and the League supports this program.
24 Thank you.

25
26 Chair Burt: Thank you. Bruce Knoblock to be followed by Raminder Bajwa.

27
28 Mr. Bruce Knoblock, Palo Alto: Good evening. I am here representing Essex Property Trust.
29 We are an owner of one of the properties that falls within this district so we have a vested
30 interest obviously in what happens here. I just wanted to say we have eagerly been watching this
31 thing sort of being shepherded through the process and are supporters of the proposed overlay
32 district. So I am just here to advocate support for it and hope that at some point this gets done.
33 We would really like to build a nice project within the district. We own a parcel that is just over
34 an acre and it is right close in. Just as a matter of record I worked at Summerhill Development at
35 the time that Palo Alto Central was built. I was trying to remember because the Mountain View
36 project came up and whether it was successful or not. Palo Alto Central was built in two phases
37 and I think it was in the late 1980s maybe mid-1980s phase one and phase two in the late 1980s.
38 As I recall it was a very successful project as a development project. I think a huge amount of
39 the success was based on the fact that it was very close or at actually the train station. Thank
40 you.

41
42 Chair Burt: Thank you. Raminder Bajwa to be followed by Annette Ashton.

43
44 Mr. Raminder Bajwa, Palo Alto: I think a lot of what is being proposed I think is supported and
45 is very good. I live on Olive and I am a little concerned about the inclusion of Olive Avenue in
46 the overlay zone given that it a lot of the other R-1 zoned areas are not. This area also is

1 peripherally in the 2,000-foot radius. This area for people, some young families have moved in
2 here in the last few years, for people who are interested in R-1 zoned areas and want to be close
3 to the California Avenue area and benefit from that this is one of the few places that they can
4 take advantage of. It already is a popular bike path and people walk and bike along that street
5 and changing its character, which is likely to increase traffic, will probably adversely affect that.
6 In addition I would also like to add that in keeping with your goals of transitional to low density
7 housing Agilent when it built its headquarters there they worked with the neighborhood to have
8 berms and low profile lights in the parking lot so as to not disturb the neighborhood. Some of
9 those criteria also would be considered in your proposal. Again, overall I would say I support a
10 lot of what is being done with the exception of the inclusion of the Olive Avenue section
11 especially also if you consider that it tends to segment and leave – it affects all of the viability of
12 the remaining area on Olive that is left over as a result of this. Thank you.

13
14 Chair Burt: Thank you. Annette Ashton to be followed by Sheri Furman.

15
16 Ms. Annette Ashton, Palo Alto: Good evening. I am speaking for Midtown Residents especially
17 the eastern part. These areas proposed tonight are attractive sites for housing and the vacant
18 parcel and a very attractive site for a small hotel. I am here tonight to express some concerns
19 raised by our eastern residents for your discussion.

20
21 First, why are we rushing to convert industrial GM sites to housing when just last week the
22 Council Planning Study Session focused on how to bring more sales tax generators into the City?
23 We are losing these businesses while encouraging development housing units that cost the City.
24 Putting in the zoning will encourage California Avenue to be redeveloped into more expensive
25 high-end and force out local businesses on California. There will be some ground floor retail. I
26 ask the question, will they be successful?

27
28 Some additional concerns. We feel the zoning is much too generous. Although these densities
29 were defined in the Comp Plan we need to carefully balance between these Comp Plan
30 objectives on TOD and the Comp Plan objectives on compatibilities to adjacent areas. Ask
31 yourself, is this the right area to apply these high-density principles? Our eastern neighborhood
32 thinks not. Height at the maximum of 50 feet with bonuses is right across from Alma, from R-1
33 and parts of the zone are next to low-density residential. The eastern part of Alma is 20 feet
34 lower than Park Boulevard. Already expressed the last time that 30 feet development caused the
35 neighborhood concern. They feel the development will loom across their houses and definitely
36 destroy views of the foothills. They have expressed concerns about light and noise even the 30
37 feet. Density, RM-50 we have seen a couple of examples. Do we want this in South Palo Alto?
38 Traffic impacts will be significant. This is a dangerous street. We are talking about giving
39 easements on sidewalks. Well, why don't we talk about encouraging or demanding wider
40 building setbacks? Where are bikes to ride on this narrow street, on the sidewalk? The
41 processing is rushed. How can you approve the concept without a developed form code or
42 development standards such as daylight planes and setbacks? I think you need more work.
43 Open space, substantial increase in units, and other incentives for the development of excess
44 units. How is Staff going to make these calls when a developer brings their plans in? It looks to
45 the public like we are giving these folks a blank slate.

46

1 Finally, I talk about timing. Many of our residents wanted to come tonight but they couldn't
2 because of the timing in the middle of the holiday sessions. The study session was one day
3 before elections. In the future it would be preferable to have these kinds of things reviewed by
4 the neighborhood so their comments could be addressed before bringing this to you. My last
5 comment is why are we rushing rezoning on the parcels tonight before the Council approves this
6 element? Thank you.

7
8 Chair Burt: Thank you. Sheri Furman to be followed by Doug Moran.

9
10 Ms. Sheri Furman, Palo Alto: Good evening. Believe it or not I read every word of this stuff
11 and although I appreciate the work the Staff has done and I am in agreement with this zoning and
12 that this is the appropriate place for it on the other hand having read this at great detail I do have
13 some concerns. I want to go over those tonight and apologies in advance because they are going
14 to be a little disjointed because they are essentially notes.

15
16 Part of me is asking why the push for these potentially 50 foot buildings and 50 units per acre?
17 You look at these plans in relationship to the street and it just seems overly dense to me.
18 Imagine Park Avenue with 50 foot buildings on each side with minimal or no street setback. It
19 would be like traveling through a canyon. I am sure you are all familiar with Park. It is not a
20 very wide street. If we widen the sidewalks and have bike lanes and then that entrance onto Page
21 Mill there are going to be big traffic concerns. There is a potential of nearly 1,000 new residents
22 on just the portions of Park covered in the next two agenda items with at least that many vehicles
23 with the density bonuses. Although the report states there is no impact to views or vistas Annette
24 pointed out a 50-foot building on top of a 20-foot higher elevation is a pretty big impact. Also,
25 how can you pass this without form codes or standards? There are no daylight plane or setbacks
26 included in anything I have seen. Even allowing for design flexibility shouldn't there be some
27 explicit standards. How can project plans be submitted without knowing what the standards are
28 for the zoning? Is it 'anything goes' just to fulfill BMR requirements? Talk about compatibility
29 is achieved when the apparent scale and mass of new buildings is consistent with the pattern of
30 achieving pedestrian transit oriented neighborhood. Again, I am not sure how well pedestrians
31 and bicycles fall in here.

32
33 I actually have a lot of other comments however, since my light came on, what are we really
34 trying to achieve? Is it more BMR units, more affordable housing, a reduction in car usage?
35 How can we allow exemptions from development impact fees when the City is facing revenue
36 challenges? This zoning encourages the conversion of nonresidential to residential thus
37 encouraging the loss of sales tax generating businesses. No one can force developers to include
38 retail and most likely any mixed use will be R&D.

39
40 The other thing it is supposed to encourage is people to live where they work but there is no way
41 to ensure that those who actually move in there will live close to their work or take the train or
42 public transportation. So I am concerned about giving the parking – all sorts of things. My point
43 is I know you want to finish the Zoning Ordinance Update but I believe we are long overdue for
44 a Citywide comprehensive look at the balance of housing and all of this. So please consider this
45 PTOD very carefully before you allow such density and incentives in exchange for questionable
46 returns. Thank you.

1
2 Chair Burt: Thank you. Doug Moran to be followed by Peter Lockhart.
3

4 Mr. Douglas Moran, Palo Alto: I too would like to express my concerns about the proposal and
5 especially the process. It seems to have very much the feel of a preconceived result that went
6 and then they worked backwards to get justifications and ignored a lot of very troubling details
7 about what was going on. The California Avenue train station ridership that they didn't note that
8 that was before the cutback. There are a lot of concerns about the California Avenue train. The
9 cutback in the schedule is because of the structure of the tracks there. As you have more Bullet
10 trains you can't have local trains in between. So as the number of Bullet trains goes up you are
11 going to get fewer local trains and they don't have freedom to schedule local trains. So that is a
12 real constriction on there. It is not ridership that sets how many trains they can have here or
13 there. Similarly they are all out of other basic assumptions here that seem to be generic
14 assumptions and don't pay attention to the specifics of California Avenue. They are of very
15 questionable relevance for example the assumption of heavier transit use. Palo Alto has about
16 three percent usage but the experience says that this not because of choice but rather the transit
17 very poorly serves people who live here. People coming from Europe and the east who expect to
18 use transit just find it to be impossible. There is a different understanding of the Caltrain, again,
19 no remedy in sight. Bad assumption about high density and below market units being higher
20 users of transit. The slide said 'ideally' it very much said 'ideally' however, at a talk a year ago
21 by San Mateo transit people who run Caltrain they said their profile of the Caltrain user was high
22 income it was not a transit dependent person. It was somebody commuting up to a very high
23 paying job in the city or elsewhere. Palo Alto has not looked at what the profile of people are so
24 the people we are going to get coming into these apartments may very well have to be car users.
25 The assumption for a lot of transit oriented development is that you are at in high density a good
26 road network. This is not a good network and the holdback proposals I have submitted analysis
27 showing we have real problems with transit in that area and that the level of service estimate for
28 Park and Page Mill is level of service E. You look at bicycle, I ride through that intersection it is
29 dicey right now it will be very bad if you put a lot more of transit in there. As Annette Ashton
30 mentioned I worry that although the intent may not to bring in more housing units I worry that
31 you are going to push people out of California Avenue because you will make it very useful to
32 put in more housing on those buildings, they will take down existing buildings, put up new ones.
33 The Starbuck's new building replacing Kirk's has very high rents and that is a big concern and
34 the California Avenue people are not here in large part because they are very busy with
35 Christmas. Thank you.
36

37 Chair Burt: Thank you. Peter Lockhart to be followed by Claire Elliott.
38

39 Mr. Peter Lockhart, Palo Alto: I want to enthusiastically support this proposal. I think it is time
40 to be proactive. I moved to Palo Alto in 1958 brought along by my parents at that time. I have
41 seen a lot of changes and a lot of flatness in procedure. I moved to Olive Avenue in 1973. I
42 have come and gone a few times but mostly there and have had three children born in that house.
43 I met my wife and that was our honeymoon house and I still have that house. We see this
44 pedestrian transit overlay as a prime opportunity to reduce the fragmentation that exists in the
45 area. This is an exceptional opportunity. It can bring much needed focus to an architecturally
46 confused area and provide much needed housing where residents cannot only easily walk or bike

1 but they can more easily bike and walk. We frequently walk down to California Avenue to meet
2 friends, to shop at Molly Stone's or just for the evening's entertainment because it is a fun
3 neighborhood to walk around. It is sometimes it is actually quicker to walk than it is to hop in
4 the car and ride there. It works. We see pedestrians carrying their little bags with their business
5 attire and their casual shoes marching up and down the street often in conversation. So we know
6 that the transit concept works reducing the fragmentation and giving more flexibility and design I
7 think is imperative. Flexibility and design can allow some very, very creative solutions. Maybe
8 we can take Ash Street all the way through and ignore some of these other problem areas. There
9 are many amenities that I believe can be brought to the area that aren't there now. I have
10 actually said a lot of things I already wanted to say. On occasion I can bike through Palo Alto
11 High School for an early morning exercise and that is easy to do. Crossing Ash Street, crossing
12 Page Mill that is pretty dicey and I think that could be improved very well. I am encouraged by
13 the new light shining in City Hall. I want to thank the Planning Commission and the Staff and
14 their associates for this breath of fresh air and the hard work they have done. I hope we can
15 become progressive again. Thank you very much for your hard work and I want to
16 enthusiastically support this amendment.

17
18 Chair Burt: Thank you. Claire Elliott to be followed by Sanford Forte.

19
20 Ms. Claire Elliott, Palo Alto: Hi I live on Chestnut in what we call the South of Fry's
21 neighborhood. I support transit oriented development. I think it is a great idea. I am a little
22 concerned about how it will work in reality. I would like to see more incentives for taking
23 transportation. I read the idea of providing transportation passes but disincentives also for taking
24 cars. One idea would be to charge for the parking that would be provided with the units.

25
26 I am also concerned about providing affordable housing. I think some of the houses that are
27 already there for instance on Olive Avenue are probably lower cost than even below market rate
28 units would be in condominiums. I have heard that what we really need, and I am not sure this is
29 true, is more low-income housing. So I don't know whether any of these units are going to be
30 apartments or if they are all designed to be condominiums but I would support the Commission
31 looking at that and evaluating what is really needed there.

32
33 Then the last thing is I am concerned about safety. My children often bicycle down Park
34 Boulevard. My son went to summer school at Paly and my daughter likes to go down for bagels
35 and when we are coming back especially it is very hazardous along where you have to merge in
36 the center between where cars are turning right on Page Mill and cars going straight on Park. I
37 don't know if anybody has looked at this but I would love to see if there is any way of getting
38 some right-of-way for an easement for two-way bike lane along the train tracks between the
39 businesses or the residential units and the train tracks.

40
41 I am a little concerned about the bonuses for less parking for below market rate units. It seems
42 like it would be better to provide incentives for reducing the amount of cars being used and not
43 for who is buying the units. I think that if there is less parking available and there are no
44 incentives for reducing the number of cars they are going to park along Park Boulevard which
45 makes it even less safe to bicycle along there. Thank you very much.

46

1 Chair Burt: Thank you. Sanford Forte to be followed by Bob Moss.

2
3 Mr. Sanford Forte, Palo Alto: Hi I live in Evergreen Park just beyond the border of the proposed
4 segment and am a co-owner of a business on California Avenue. I support, in fact heartily
5 support, the program. I would endorse what the first speaker said from the League of Women
6 Voters. I would also caution the Commission to consider some of the reservations that following
7 speakers have had relative to things like daylight plane and setback. We need a little bit more
8 detail in the plan before I think it goes forward in this way.

9
10 In terms of development on California Avenue it is true that more residential development
11 probably would force a change in the commercial nature of the street. I think that can be
12 controlled and it is a policy thing that I think the Commission can send a strong advisory to the
13 Council about. I think we can ask the Council to do things like as suggested by the last speaker
14 provide incentives for people who don't own cars. I think we can find ways to compel
15 developers to put retail into some of these spaces. I think we can ask the Council to force limited
16 use permits so that we don't end up with 20 or 30 of one kind of business in a commercial
17 district so we end up with good retail diversity to support a comprehensive intra-segment
18 development as has been proposed.

19
20 The 50 foot height limit I don't have a problem with I think in fact we should be looking at
21 adopting policies or recommending to the Council that we look at more nurturing developers
22 who are willing for instance to go with more BMR housing or demand that we go with smaller
23 units. Frankly, I would like to see a higher density in the proposed development so that we end
24 up with smaller units, more affordable units, we have 40 percent of it or 50, lots of seniors are
25 going to be looking for other places to live as they sell their \$2.0 million homes that they moved
26 into 20 years ago and so on. So overall I am in support. I think we need to flush out some
27 details and we have to think about comprehensive recommendations to the Council relative to
28 policy to make this thing work once it starts to flesh out over the next five, ten, 15 and 20 years.
29 Thanks a lot.

30
31 Chair Burt: Thank you. Bob Moss to be followed by Harold Hohbach.

32
33 Mr. Robert Moss, Palo Alto: Thank you Chairman Burt and Commissioners. I also appreciate
34 all the work and activity that the Staff and consultants have gone through to try to achieve a
35 successful overlay zone but I am afraid you are not there yet. There are a number of problems.
36 You have heard about some of them. Commissioner Lippert is correct when he talks about the
37 need to have a minimum lot size. I think it is only appropriate that we have minimum lot sizes,
38 daylight planes and setbacks specified explicitly for all zones be they overlay or generic.

39
40 Another thing I am concerned about is the context specifically with the lower density residential.
41 I go back a long way when it comes to land use and zoning issues. Let me take you back to 1975
42 through 1980 when the initial Comprehensive Plan and Land Use Map were developed, the first
43 modern ones. One of the basic principles that was adopted at that time was to have transitions
44 between residential, especially R-1, and higher density uses. By transition it was explicitly
45 indicated that that would mean lower density development. In the ordinance they talk about low-
46 density residential transitions where it looks more like residential, it is less massive, that is not a

1 transition. It doesn't talk about reducing the height. It doesn't talk about reducing the density.
2 It doesn't talk about making it more compatible, truly compatible, with R-1. The way you do
3 that is to reduce the outline that you have of the overlay district. If you look for example on the
4 east side you are adjacent, you are abutting, on College Avenue R-1 homes. That is totally
5 unacceptable. That should be moved back to Cambridge or back to California Avenue. The
6 same is true on the south and the east. Those boundaries should be pulled back to Ash and Olive
7 basically around Agilent so you do not have direct overlay zones with densities as high as 50
8 units an acre right next to single family homes.

9
10 Furthermore, the height in the periphery should be reduced. The maximum height along Park,
11 which overlooks and is directly adjacent to low density residential along Alma should be no
12 more than 35 feet. That should be true of the periphery all around this overlay zone.

13
14 Finally, I would like to see a reduction in the maximum height to no more than 40 feet for the
15 next setback and not allow it to go to the 50 foot density until you are in the center of that
16 overlay zone. Thank you.

17
18 Chair Burt: Thank you. Harold Hohbach to be followed by Sally Probst.

19
20 Mr. Harold Hohbach, Atherton: Good evening ladies and gentlemen. I represent the Courthouse
21 Plaza Company, which is one of the sites that is being considered. I have been through a lot of
22 this and I fully support what the City is doing here in the Pedestrian Transit Oriented overlay.
23 We are near the California Avenue business district. I think any development we have is going
24 to get more people to live and work in the California Avenue area. They need more business in
25 that area and I think building more housing where people walk to shop at Molly Stone's, barber
26 shops, everything is right there and they can walk and not have to drive.

27
28 The only comment I am going to have with respect to what Staff said is they had one overlay that
29 suggested for residential along railroad tracks and they had an opening along the railroad tracks
30 and I think that is the worst thing you could do because it will funnel the train noise into the
31 courtyard, which I think would be very undesirable for the residents. Otherwise I support
32 everything you are trying to do. Thank you.

33
34 Chair Burt: Thank you. Sally Probst to be followed by Joy Ogawa.

35
36 Ms. Sally Probst, Palo Alto: Greetings. I am glad that you have come to this position. I think
37 you have done a great job of carefully delineating the criteria. I think it isn't clear to some of the
38 public that this is not all of the criteria that apply, that the Architectural Review Board still has
39 its regular standards, setbacks, design criteria, etc. Those have not gone out the window. I hope
40 that there will be enough density in this area so that there will eventually be a stop sign at the
41 corner where you turn to go down around the parking garage to get onto Page Mill, the corner at
42 Park, the corner where those two developments will be developed. I think that would be a great
43 help to the safety of the area, a regular stop light at that corner.

44
45 This is a little off track but I wish that this same overlay could be applied to the San Antonio area
46 near that transit station where the Mayfield Mall development is. I hear from the grapevine that

1 Mountain View is a little unhappy with the density of what Palo Alto is proposing on its less than
2 five acres. I am wondering whether it is possible to still consider using this same overlay design
3 for that transit oriented station. Thank you.

4
5 Chair Burt: Thank you. Joy Ogawa to be followed by Lena Tsakmaki.

6
7 Ms. Joy Ogawa, Palo Alto: Hi I live in College Terrace. Regarding the Baby Bullet stops it
8 seems to me that what Staff is saying is essentially make the zone change, let it get built and then
9 hope and pray that Caltrain will provide the Baby Bullet stops at California Avenue. To me that
10 is just not an acceptable strategy.

11
12 I am very disturbed by the fast tracking of this zoning overlay which has been all Staff driven.
13 This is not done at the direction of City Council. The Commission is not reviewing this at the
14 direction of Council. The timeline was not approved or directed by Council. As I said last week,
15 I am very concerned that Staff is proposing only vague guidelines and we have to trust Staff to
16 interpret and implement those guidelines. According to Staff's proposal when a property owner
17 submits an application to have the overlay district applied to a specific site a preliminary plan is
18 to be submitted. However, a property owner might submit a plan for village residential
19 preliminarily in order to obtain the overlay zoning. Once they obtain that overlay zoning from
20 the City Council what is there within the ordinance to make sure that they do not deviate from
21 the preliminary plan? After the overlay is granted they could insist on a 1.5 FAR or 2.0 FAR
22 hotel and sue the City to get that. All the decisions after the overlay is granted fall on Staff and
23 ARB. After the overlay is granted there is no more Planning Commission or City Council
24 control over what gets built. So please don't create property rights that you don't want to see
25 developed. At the very least, at the very least, make sure that the ordinance includes a provision
26 that requires that the preliminary plan submitted prior to the overlay approval must be adhered to
27 and that any substantial deviation from that plan must be approved by Planning Commission and
28 Council. A substantial deviation would include changing the land use for example for village
29 residential to multi-family or hotel or increasing the FAR beyond say one percent. We need
30 more safeguards here.

31
32 Why would you include Fry's in this overlay district? Not only is it outside the 2,000 foot radius
33 from the train station it seems to me that including Fry's is totally contrary to the
34 recommendations presented two days ago by the Mayor's Retail Committee. The Retail
35 Committee wants to keep Fry's in Palo Alto but by including Fry's in the overlay district you
36 would create instead incentives for that property owner to redevelop before 2019. It seems crazy
37 and self-defeating to me. There is no big need to include the Fry's site it is outside the 2,000-
38 foot radius. Don't include it at least not at this time. After Fry's moves, after there is something
39 definite planned there the property owner can then ask to be included in the overlay district. I
40 don't know why you would want to create this kind of situation unnecessarily.

41
42 I will try to say the rest at another time. Thank you.

43
44 Chair Burt: Thank you. Lena Tsakmaki and then we will be taking a break before commencing
45 with our discussion.

1 Ms. Lena Tsakmaki, Palo Alto: Hi I live on Emerson Street. I would like to exemplify in more
2 concrete terms how the rezoning and the allowance of building of high density, 50-foot high
3 buildings, will affect the adjacent area predominantly the Midtown area where I reside. Before I
4 came to this meeting my specific point was actually the noise level that will be reflected in the
5 Midtown area. So before I came to this meeting I went with a sound pressure level meter in my
6 backyard right outside my windows and measured the noise at Alma and the train reflects to my
7 area. So my backyard is in between Alma and Emerson Street. The average noise level around
8 6:00 PM, which is much less traffic than at 5:00 PM, which is big traffic is around 60 to 62
9 decibels. When the train passes the peak point when it passes in front of my house is 77
10 decibels. So if that is increased and that will be increased no matter what design because the
11 buildings that are now in that area are at one story high. With the examples that I saw they could
12 be a minimum of three and maximum of five buildings fronting Alma Street. So all this noise
13 will be reflected and increased. So even with a minor like five decibel increase that will increase
14 the level of the train to more than 80 or 82 to 85 decibels. That is an unacceptable level. The
15 train and the Alma noise will spread way down in the Midtown area where now it is not being
16 heard. Also one of the noise levels that we get in the area that we live is from the sound from the
17 cars passing underneath the bridge on the intersection of Oregon Expressway and Alma because
18 of the tunnel effect. So with 800 or how many residents is estimated that will live in those
19 buildings they will go down the bridge so that will increase that noise level. Also there was one
20 slide that said that the design will be designed with articulation and appropriate materials to
21 minimize impact of noise. The only material that will minimize the noise level is absorbent
22 material and that is for the interior of houses not the exterior of houses. Also I looked at the
23 various examples and the only one that would help a little bit is the one that is interrupted but
24 then that will only interrupt the noise that is reflected. So that is my point.

25
26 Chair Burt: Thank you. We will now take about an eight or ten minute break and reconvene.

27
28 We will now be reconvening the meeting. I would like to first recognize that given the amount
29 of time we need on this Zoning Ordinance Update item it appears that we will not have time to
30 address items three and four tonight.

31
32 **3. 2785 and 2747 Park Boulevard:** Staff recommendation that the Planning and
33 Transportation Commission initiate 1) amending the land use map of the Palo Alto
34 Comprehensive Plan to change the designation of the subject site from Light Industrial to
35 Transit Oriented Residential, and 2) applying the Pedestrian and Transit Oriented
36 Combining District (P/TOD) to the subject site which is currently zoned General
37 Manufacturing Combining District (GM(B)). The subject site is part of Housing
38 Inventory Site 08-11, which included applying RM-40 standards to this site during the
39 Housing Element update of the Comprehensive Plan. Zoning: GM(B).

40
41 **4. 195 Page Mill Road and 2825, 2865, 2873, 2891 and 2901 Park Boulevard:** Staff
42 recommendation that the Planning and Transportation Commission initiate 1) amending
43 the land use map of the Palo Alto Comprehensive Plan to change the designation of the
44 subject site from Light Industrial to Mixed Use, and 2) applying the Pedestrian and
45 Transit Oriented Combining District (P/TOD) to the subject site which is currently zoned
46 General Manufacturing Combining District (GM(B)). The subject site is part of Housing

1 Inventory Site 08-11, which included applying RM-40 standards to this site during the
2 Housing Element update of the Comprehensive Plan. Zoning: GM(B).

3
4 Chair Burt: So I would like to entertain a motion from the Commission to reschedule those
5 items to a date uncertain.

6
7 MOTION

8
9 Commissioner Lippert: I will move that those items be moved to a date uncertain.

10
11 SECOND

12
13 Vice-Chair Holman: Second.

14
15 MOTION PASSED (6-0-0-1, Commissioner Bialson absent)

16
17 Chair Burt: All in favor? (ayes) Thank you.

18
19 First would Staff or the consultant like to respond to any of the issues raised by the public?

20
21 Mr. Lusardi: Mr. Chair, I think we would. There seems to be a great deal of thought given and
22 concern raised about the issue of prescriptive development standards not being in the Pedestrian
23 Transit Oriented zone and how mixed use and how development might happen under the
24 Pedestrian Transit Oriented zone relative to the existing zoning out there. What I would like to
25 do is ask Rick Williams from Van Meter Williams Pollack to get up and address how
26 development happens and specifically I would like him to also address the existing zonings of
27 CN and CS that occur up and down El Camino where you have no site requirements, no site
28 widths, no site depths, no side yards, no rear yards, no daylight planes. The only real standards
29 that apply in those zones are when you are adjacent to or across the street from residential. That
30 is where some specific standards are and we think we built that in. I would just like Rick to
31 respond to those concerns that were raised by the community about a lack of development
32 standards and how the development and design criteria that are in the PTOD more than
33 compensates for that relative to what the existing zones of CN and CS rely upon with the El
34 Camino Design Guidelines and the ARB Standards of Review. Then I would also like him to a
35 little bit address his thinking on the Fry's site and how the Fry's site might develop under the
36 PTOD, how retail could be preserved under the PTOD rather than the RM-30 that currently
37 exists on the Fry's site.

38
39 Mr. R. Williams: When we looked at the Pedestrian Transit overlay district when we were
40 beginning to formulate this overall strategy one of the things that we felt was that the flexibility
41 in the regulations which you might not have in many other areas of the City in a similar way was
42 really called for here. One of the speakers mentioned the kind of architecturally confused and
43 fragmented qualities of the area. I really appreciated that because that was sort of our insight as
44 well. The purpose and goal and the flexibility of the regulations knowing that Palo Alto
45 historically has always had a strong design review board and Architectural Review Board that it
46 really allows the Board greater strength with the design criteria as outlined in the regulations. It

1 really provides greater ability for them to address the unique issues and adjacencies that are
2 going to occur on any particular site under a particular zoning envelope. As you have a zone in
3 essence what happens is it has many different frontages and you want to be able to handle that in
4 a unique and different way for each of the different adjacencies that it has. We felt that this was
5 the best of the strategies for doing that. We looked at that relative to the development and the
6 way that we handled the CN and CS zoning along the El Camino Real which under its
7 commercial/nonresidential envelope has similar height limits, large FARs and minimal
8 requirements on setbacks and is typically adjacent to single family neighborhoods. It generally
9 backs up on them and is very explicit about that. So we set up a very substantial set of
10 guidelines for how to deal with both commercial and residential mixed use developments along
11 the El Camino Real but those are all guidelines. Those guidelines which aren't in some ways
12 even consistent with the zoning regulations are being used by the ARB to in some ways
13 supercede some of the zoning regulations which are flexible and don't give you the design
14 criteria quality that we are attempting to achieve here. So we have basically taken some of the El
15 Camino Real Design Guidelines inserted them in as design criteria and given the ARB the
16 strength to use those to articulate the envelope of the overall mass and the floor area ratio, the
17 massing of the building and that overall development envelope and really use that to address the
18 adjacencies in an appropriate manner. So we actually think that it is going to come out with a
19 stronger resolution than having to fight over having a regulation that doesn't have a defined
20 setback and then have to fight it out through a design guideline. So I think that this actually has
21 similar if not better teeth to it than the CS and CN zone does.

22
23 We also wanted to mention that and this is particular to both the noise issues and any other
24 environmental issues but I will highlight it with the noise. Having the zoning overlay district
25 does not eliminate in any way the environmental review process. So any of the developments
26 that occur would still have to go through the environmental review process that the City typically
27 would go through. This is consistent with the Comprehensive Plan. So that noise and the noise
28 qualities of the massing of a building could be taken into account and evaluated as part of an
29 overall study but that is a very technical study that should occur on a case-by-case basis when
30 needed. That would be the typical way that the City would handle it because you could build a
31 building of a similar envelope currently on one of the sites and you would have to go through
32 that same process today.

33
34 We actually looked at the Fry's site and noted that currently the zoning is RM-30 and you
35 couldn't build a Fry's building today under the RM-30 zoning because it is a residential
36 designation. That was part of the Comprehensive Plan policies. What this would allow is this
37 gives you the opportunity actually through the rezoning to the mixed use designation to have the
38 Fry's stay in under the anticipated zoning as part of the overlay district. So today if Fry's was
39 going to be maintained you would have to do a rezoning when it would change uses. So we are
40 not threatening Fry's by placing this zoning. We are actually giving it a path within which it can
41 stay there or remain there with maybe the added benefit that as it would be incorporated into a
42 new development you would get the ability to also realize the residential development as part of
43 it. So you could incorporate the Fry's and in our evaluation of the Fry's site there is enough
44 commercial/non-residential capacity to allow that to occur and even a few other shops. So I
45 think we have covered the Fry's issue I think in actually a better path and I think we get maybe a
46 little bit more bang for your buck because you would also get some residential development with

1 it. It wouldn't be maybe just a standalone Fry's it would again be that innovative
2 developer/progressive developer to be able to incorporate Fry's into a mixed use project. Or
3 another commercial use such as a grocery or something that if that was to be the appropriate use
4 to be brought in. So I think that is also there.

5
6 I also wanted to note when the Planning Commission reviews an application for zoning they are
7 going to not just say we want the mixed use zone you have to outline the floor area ratio,
8 basically the building envelope, the intensity that you are going to be developing under so you
9 are also going to be saying that it is a village residential project it is not just that it is an
10 illustrative design but the actual development intensity that is being requested would be part of
11 that. It wouldn't just be that you are asking for the Pedestrian Transit overlay district and you
12 have carte blanche after you see it as just that. So you will be seeing it with statistical
13 information and the types of uses that would be on there and the number of units and things like
14 that it wouldn't be a blank check to then go on is merry way. The concept would be something
15 that you would want the design review committee to be able to address and change and modify
16 as they felt it was appropriate as part of working in to get the appropriate relationships between
17 adjacent existing uses or anticipated future uses as well.

18
19 So that was the noise issue I think will need to be addressed during a proper environmental
20 process. The flexibility in the regulations that people perceive actually we feel like we have built
21 in greater strength to the Architectural Review Board. Fry's we feel like we have given a direct
22 path for which Fry's could be retained or incorporated into a new development if it was to be
23 retained. And that daylight planes and setbacks and height limits themselves are not the only
24 things that protect R-1 and single family from adjacent new developments but that the other
25 current zones that you have in the City with building envelopes similar to these are really
26 protected through the ARB review process and we feel that is a strong process with a strong
27 history that would be continued in the future.

28
29 Mr. Lusardi: Mr. Chair, another issue that we have heard raised is the issue of the increased
30 densities especially associated with bonuses for BMR units and how that increase is massing and
31 scale and density of buildings. I think what we are trying to do here, what we are doing here, is
32 we are addressing SB 18.18 which is state legislation which is mandating cities to address those
33 kinds of issues and mandating cities to allow those kinds of densities to happen but in a way that
34 in our mind is very open-ended as far as legislation goes in where it takes a project. We think we
35 are putting better controls on that and still meeting the standards of 18.18. So what I would like
36 Curtis to simply do is just go over how we are addressing and I think we are creating a much
37 safer harbor for the City to still meet the 18.18 in a way that we can measure and implement.

38
39 Mr. C. Williams: Just to refresh everyone's memory, SB 18.18 basically requires that if you
40 want to have higher densities than are permitted under your code that you need to provide for
41 those and they have certain ratios in terms of how many low and very low income units translate
42 into an increase of 25 percent or 35 percent type of density. Then also require that the cities
43 provide other incentives and they specifically name height and parking reductions and floor area
44 and those kinds of things as needing to provide two of those incentives upon the developer
45 showing that those are necessary to achieve his project goals. So that is a very open-ended
46 regulation. We haven't had to deal with it yet fortunately, a specific request under that

1 regulation. What we have tried to do here is say okay, lets create some kind of a mechanism
2 whereby those bonuses are allowed incrementally and lets put a cap on it so we do know that
3 even if all those densities or bonuses are granted that you are not exceeding in this case what the
4 Comprehensive Plan has laid out as the maximum intensities for transit oriented zones. So just
5 to give you an example of some of the effect of that with 40 feet as the base height and 1.0 as the
6 base FAR to get to a 1.5 FAR under the formula we have here would take providing 35 percent
7 of the units as BMR units. To get to 50 feet height would take 65 percent of the units being
8 designated for BMR units. So this isn't something that is going to be easy to achieve for an
9 applicant and most applicants aren't looking to see how many BMR units they can create. If
10 somebody does come in particularly a nonprofit or somebody like that it does provide the
11 flexibility to have the higher density floor area ratio and height. So we are not looking at, and
12 that is why we came in, the basic standards are not 50 feet height and 1.5 FAR. They are 1.0
13 FAR and 40 feet of height and then some real live incentives for how you would have to get to
14 those higher numbers. We think again that that's a much more preferable approach to waiting
15 and seeing what somebody can negotiate out through a development process under state law.
16

17 Chair Burt: Thank you. Any other comments from Staff? So Commissioners we are ready for
18 your questions. Paula.
19

20 Commissioner Sandas: I just have a couple questions since this is I think my personal fourth
21 meeting on this topic. One of the questions I have for Staff has to do with Olive Avenue. Can
22 you speak at all to protecting that street? It is R-1 and we are proposing to include it in the
23 transit oriented overlay. Just keeping the character of that street as a single-family street.
24

25 Mr. Lusardi: Yes, a couple of responses to that. Those rows of houses are small houses on lots
26 that are nonconforming, they are non-complying so they would be very difficult to rebuild in
27 their existing conditions and difficult even to improve upon in some cases. This is a point in
28 fact, most of those lots are owned by one or two property owners who would like to consolidate
29 those lots and redevelop them into housing. We have been very clear with them that that is
30 single family housing that you need to develop under. The other protection that is afforded on
31 that Olive Avenue is the Housing Element. The Housing Element specifically says that you
32 cannot remove rental units and replace them with market rate units unless you replace with over
33 100 percent. So there are protections under the Housing Element as well to preserve the rental
34 units that are there. We do see that Olive Avenue is very important to us in the context of the
35 pedestrian oriented zone. We want to create a residential street there and maintain that character
36 because that is an important walking area or pedestrian area to the transit station so we want to
37 maintain that and improve upon that. The other side of that street is Agilent so that is the only
38 side that we can get a good strong residential component in there.
39

40 Commissioner Sandas: One of our community members who spoke tonight talked about
41 exemption from impact fees. I am curious about that can anybody speak to that issue that there
42 would be an exemption from impact fees?
43

44 Mr. Steve Emslie, Planning Director: Affordable housing is not exempt from impact fees. One
45 hundred percent affordable housing projects are but a BMR component is not they are subject to
46 the same fee. That is based on the premise that the requirement that the developer has to give so

1 they anticipate that and it should be factored into the overall cost of the development project just
2 like the BMR units.

3
4 Commissioner Sandas: The last question is another one of our speakers tonight was asking about
5 ensuring that whatever plan a developer comes in with is actually adhered to. I think the
6 example given was if they came in with village residential and the overlay applied to the piece of
7 property that they wanted to develop that way and then midway changed their plan to a hotel
8 with a 2.0 FAR. How do we ensure that that doesn't happen?

9
10 Mr. Lusardi: Again, the zoning that is approved when the Pedestrian Transit overlay is approved
11 through the Planning Commission and the City Council as we said they are going to be looking
12 at and approving what the densities are on that site and what the uses are on that site. What they
13 are probably not going to be looking at is the design and how it relates to the contextual elements
14 and the environment. That is the ARB's role is to provide that. So the approval of the PTOD
15 overlay on a site will set the densities, the uses and the development program and that cannot be
16 changed unless it goes back to the Planning Commission and the City Council. If you want we
17 can write stronger language of that in the regulations to make sure that that is ensured and
18 adhered to.

19
20 Chair Burt: Lee.

21
22 Commissioner Lippert: Rick Williams, I have a couple of questions for you. I was very
23 surprised to see in your presentation with regard to setbacks and commercial that in your toolbox
24 you didn't present arcading as a way of encouraging pedestrian friendliness. Why?

25
26 Mr. R. Williams: I think you were looking at the street frontage. Actually we haven't seen
27 arcading as a very frequently used piece. We haven't negated it from that and it could be
28 something that is incorporated into the step five envelope but it isn't a very consistent pattern in
29 that area or even along California Avenue to the best of knowledge. So we hadn't anticipated
30 using that but it doesn't eliminate that from being part of the vocabulary either.

31
32 Commissioner Lippert: Okay. I have a question for Staff. Along Park Boulevard and also Birch
33 Street those are really arterial type streets. Can we, in people adopting the zoning, prohibit curb
34 cuts, vehicular access to and from sites off of those streets and insist that they have access off of
35 the perpendicular streets specifically Sherman, Grant, Sheridan and go as far as say Page Mill
36 Road? If you look at the configuration of the sites there, I have a map here, you will see that all
37 of those sites are accessible from the cross streets.

38
39 Mr. Lusardi: I think we have some design criteria language that speaks to that. The answer to
40 the question is yes we can certainly limit access and driveway cuts on those streets as long as
41 access can be provided someplace else and it is sufficient access and it works. That would be
42 addressed through the design review process and through Transportation Planning and
43 transportation review. I don't know if Heba you want to add to any of that but I think we have
44 provisions in there that can address those situations.

1 Ms. Heba El-Guendy, Engineer: In general we evaluate that from a traffic circulation and safety
2 perspective. For instance, as part of the evaluation of the project proposed at the southeast
3 quadrant of Page Mill with Park Boulevard we did recommend certain locations for the access
4 driveways. Even when one is provided off of Park Boulevard, which is the collector street, we
5 try to provide four legged intersections at mid-block to try to concentrate the turning movements
6 at a limited number of locations and also to facilitate the turning movements in and out of these
7 locations.

8
9 Commissioner Lippert: Okay. One last question has to do with street trees. Generally when a
10 developer goes in and they improve a site like this they do a landscape plan. In conjunction with
11 the street tree plantings can we require that they do like an arcade type or double arcade on the
12 sidewalk there by reinforcing the pedestrian nature of say Park Boulevard and Birch Street? So
13 you would have tree plantings both inside the sidewalk as well as along the street.

14
15 Mr. Lusardi: The answer to that is yes I don't see where that would be a problem with a review
16 by our Planning Arborist and our Architectural Review Board. One of the things we would want
17 to have in place to reinforce that is some kind of guidelines. I don't think we want those kinds of
18 specific standards in the ordinance but I think if we had the criteria that we can apply I think the
19 next step would be to come up with some of those streetscape guidelines that can be applied to
20 development by the Architectural Review Board, by the Planning Arborist and by the Staff.

21
22 Chair Burt: Karen.

23
24 Vice-Chair Holman: The ordinance makes provision for being able to expand the PTOD area.
25 Could Staff indicate what sites might be anticipated or what sites might fit the criteria that are
26 laid out in the proposal that would accomplish the goals?

27
28 Mr. Lusardi: Let me first say that the boundaries we established and I thought we were pretty
29 candid about this is we tried to establish boundaries for the Pedestrian Transit Oriented District
30 that we thought were manageable at first, would be acceptable through the process and would
31 basically start the success of the Pedestrian Transit Oriented District and fit the criteria of the
32 Comp Plan in walkability and issues like that. To be honest with you we don't see a lot of
33 expansion happening. We have written into the ordinance that expansion can only happen on
34 contiguous parcels. That is you cannot have a noncontiguous boundary. That is you can't have a
35 little island some place of pedestrian transit. So it has to be contiguous properties. The one that
36 comes to mind, and we have discussed this, is along College Avenue where you have that row of
37 multi-family just on the other side of the parking district. That may be an opportunity where
38 expansion could occur but we drew the line at the parking district because to us that was a
39 natural boundary. To be honest with you I don't see a lot of other expansion sites unless Curtis
40 or Rick sees something and want to speak to it.

41
42 There was some discussion about going across El Camino too but again we think that is going far
43 reaching with respect to what we think are appropriate boundaries at this time to establish such a
44 district. So I guess the discussion begs why have that provision then? One thing that makes
45 people feel better is predictability including developers. It seems to me we are setting up a
46 situation where we could have some speculation and some anxiety in the community. I just

1 don't see why it is advisable. Then the other thing along those lines about predictability is the
2 single family homes along Olive understanding that that's in the ownership of a couple of people
3 and those properties are probably rental, most of them if not all of them and you have to replace
4 them in a two for one. Since this is such low density and it is some of the most attainable
5 housing in Palo Alto I would think that that might be contrary to other Comprehensive Plan goals
6 of maintaining a diverse housing stock. So I guess the question is what is the real argument for
7 including Olive and what would the response be to my question about why add an area of
8 uncertainty in expanding this area or potentially expanding it?
9

10 Mr. Lusardi: I think again we were trying to provide for what we thought was a manageable
11 boundary for the first Pedestrian Transit Oriented District and there might be opportunities for
12 expansion. There was discussion of going across Alma at some point to the multi-family that is
13 over there, some of the I believe medical offices that are over there. I think if that is a concern of
14 the Commission that it is a fear out there, it is unknown, I don't think Staff would be opposed to
15 pulling that out and keeping these boundaries and if we do see success in Pedestrian Transit
16 Oriented District and we see pressure or development wanting to go outside those boundaries we
17 would come back to the Commission and back to the Council and say let's put these provisions
18 back in for these reasons. If you think they are justified you can put them in. So if you really see
19 that that's a concern of yours with respect to the boundaries and we don't see that happening in
20 the near future so I don't think we would be opposed to if you want to really limit it to the
21 existing boundaries. We were just trying to setup what opportunities if and when Pedestrian
22 Transit Oriented development is successful.
23

24 With respect to Olive Street again I think it is a situation where we know we have single family
25 residential down there in that area. As I said, they are nonconforming structures. They are very
26 small lots. They would be difficult to replace. The lifecycles of the houses and the buildings are
27 almost there. We feel strongly that we built in provisions into the Pedestrian Transit Oriented
28 District through village residential to replace those with single family residential. Again, it is
29 going to require a rezoning through the Planning Commission and the City Council to ensure that
30 those Olive street properties are addressed appropriately in the Pedestrian Transit Oriented
31 District. If we don't put this in there I think we are still at some point going to see a rezoning
32 application for that street for some kind of residential development. So we thought it would be
33 much better and much more proactive to address it through the Pedestrian Transit Oriented
34 District than through a rezoning for multi-family or a PC zoning.
35

36 Vice-Chair Holman: I am going to contain my questions to boundaries at this point. When this
37 came to us before I asked about the inclusion of the auto dealership further south in the GM
38 zoning now. Has there been any further consideration of what the benefit is to including that?
39 My reason for bringing it up earlier was it seems like we are adding a development pressure and
40 the response at that time was we can find another place for the auto dealership to move to. That
41 is a concern we have in the community but where would they go? So has Staff given any further
42 thought to that boundary?
43

44 Mr. Lusardi: With respect to the auto dealership we are certainly cognizant of the sensitivity of
45 that issue. We have raised it and we acknowledged it when we came forward earlier with the
46 PTOD to the Planning Commission. The reason it is in there again is it is zoned GM, it is in the

1 center of an area that truly should be or would be pedestrian transit oriented development and
2 that is big reason why we structured the overlay so we don't automatically remove the
3 underlying zoning. So that auto dealership can stay under the GM. Nothing through this process
4 will zone it out unless it is redeveloped. The other thing that I think we look at in that context is
5 yes, that is an auto dealership and we want to preserve auto dealerships and we have been
6 proactive in doing that but I think the owner of that auto dealership would tell you the first thing
7 is that is not the best site for an auto dealership nor for him. His preference would be to go up to
8 get frontage on El Camino or go to the freeway. So that might happen in the far future. If that
9 does happen that auto dealership relocates to a much better site within Palo Alto then the
10 Pedestrian Transit Oriented District is there. But there is nothing in the Pedestrian Transit
11 Oriented District or ordinance to my mind that would force that auto dealership to leave.

12
13 Chair Burt: Dan.

14
15 Commissioner Garber: I am very interested in the issue of Olive Street but let me branch out
16 into a couple of other questions here. Is there any data that talks about how the zoning of lands
17 with the overlay and with the form code evidence of it improving other communities? We have
18 talked about Mountain View and other ones. Is there any data that talks to us about improved
19 retail, improved housing, improved pedestrian? Maybe it is best for you.

20
21 Mr. Lusardi: I am not aware of any quantitative data and maybe Rick can also address this. It is
22 pretty much certain and known that number one in a zoning ordinance and land use regulations it
23 is very difficult to force market or create market conditions through that kind of regulatory
24 process. What does trigger increased retail and what does trigger stability is increased housing
25 and increased residents. That is a known. I have dealt with that in Downtown San Jose where
26 the redevelopment agency saw time and time again retail failed down there for a lack of housing.
27 The whole thing was restructured to build housing now knowing that the retail will then come.
28 So I think that is what we are trying to do and that is the structure we are trying to set with
29 respect to the Pedestrian Transit Oriented District.

30
31 Commissioner Garber: Rick, did you have something to add?

32
33 Mr. R. Williams: I would concur with that response. In fact I could say right now that in
34 working throughout the Bay Area I only know one city that has strategically decided not to use
35 housing as one of their downtown revitalization strategies and one of their key notes to it.

36
37 Commissioner Garber: Why is that?

38
39 Mr. R. Williams: Every single city in the Bay Area is looking at that to improve their retail and
40 business environment and activity generation in the downtowns. The closest example to a site
41 similar to this that I know of was in 1988-89 in the Jackson Taylor neighborhood in San Jose
42 which was predominantly a light industrial area surrounded, there is a Del Monte factory, there is
43 mostly one story tilt up R&D that had been changed over into some office uses and it was
44 surrounded by small residential single family homes and some multi-family infill over time. The
45 city put in a strategy there to make it a residential strategy to insert a lot of residential because
46 they had the light rail line moving into that area. Back then everybody was saying nothing was

1 going to happen there for an extended period of time. Today they have probably in the
2 neighborhood of 700 residential units that have been put into that area from that plan. There is
3 new retail development along the streets. There are a couple unique affordable housing
4 communities and special communities built up by the Japanese community there. There is a
5 stronger retail presence oriented to the populations that have been moving into that area. But it
6 was a successful strategy, which modified the zoning from an industrial/commercial area that
7 had a mix that was surrounded by single family. The only failure they probably had there is they
8 didn't have as strong an architectural review board as you would have here to get some higher
9 quality building design. They did have an overall strategy, they set the zoning in place and they
10 have gotten a combination of housing at a variety of different densities and some commercial
11 and retail uses associated with that a small amount of retail and commercial use. What they
12 really got was a lot stronger businesses in what were already existing commercial uses. So I
13 think that's probably the best close to home example I know of that really targeted residential
14 from an area that was very similar to area that we are talking about here that had an existing
15 commercial street. That street has improved in its business activity. The pedestrian qualities
16 have improved. The transit support has improved and it is all kind of built up the way that was
17 somewhat envisioned.

18
19 Commissioner Garber: People is the key.

20
21 Mr. R. Williams: People is the key.

22
23 Commissioner Garber: Housing.

24
25 Mr. Lusardi: Can I just also add on to your question about the form code? You didn't have the
26 benefit of prior discussions that we have had with the Commission and ARB. The challenge we
27 have in Palo Alto in developing a form code is we are dealing with infill and refill sites. Most of
28 the form codes that we have gone out and looked at and have been touted as successful form
29 codes have been where an entire area is basically cleared and they are starting all over. They are
30 coming up with very prescriptive form codes. They can do that. We have to deal with infill sites
31 so we have to deal with contextual relationships. So it is much more of a challenge for us than it
32 is in a lot of other what has been touted as successful form codes like Hercules and Petaluma
33 where those form codes are happening. So we have that equal challenge as well in our form
34 code and trying to develop that in the context of these land uses we are coming up with.

35
36 Commissioner Garber: Does the form code provide or create greater criteria to be met than the
37 prescriptive criteria that is a part of other districts?

38
39 Mr. C. Williams: The form code, it is kind of a mix here. In most of the other places that we
40 have seen are very, very prescriptive as far as almost a pattern book level of this is what you are
41 going to build on this kind of a lot. Here, again, we are looking at the contextual thing and there
42 can be a lot of flexibility as we have talked about in how you do that. These diagrams in
43 particular that you saw will illustrate in a moderately prescriptive way how you relate to the
44 street or how you relate to a neighbor but it won't be as design oriented in terms of what the
45 overall shape of your building looks like and what the design style is because a lot of these form
46 codes have that down to it all has to look like a cottage.

1
2 Commissioner Garber: Sure. Seaside Florida.

3
4 Mr. C. Williams: Yes, those kinds of things. So that is where most of those have gone and we
5 are in a different situation dealing really with those contextual diagrams. So at the perimeter of a
6 property it will be fairly prescriptive but not for the whole site.

7
8 Commissioner Garber: But to your point, the reason that you have taken this approach is
9 because of the non-heterogeneous quality of this neighborhood that allows you to stitch the
10 neighborhood back together.

11
12 Mr. C. Williams: Right, not just this neighborhood but throughout the City. That is the issue we
13 have is that we have a very diverse City. We don't have a case where we can really characterize
14 that this is one development type and every time it occurs in the City this is what we want. We
15 don't want that.

16
17 Commissioner Garber: I am sorry to bring it down to such a simplistic level but the hurdles to
18 meet is not simply the prescription or the form code but it is also the process that creates a
19 significantly higher level of quality that is being asked for on the part of the applicant in order to
20 accomplish this as opposed to less. Is that a true statement?

21
22 Mr. Lusardi: Yes. I think what the form code does, and again Rick can address this a little bit
23 better maybe, what the form code does is it provides much more certainty in what development
24 is going to occur with respect to what the expectations are for the City and the community. So it
25 provides more certainty to the developer, more certainty to the community as to what kind of
26 contextual relationships we want to be addressed. It also, and as Rick alluded, is we have a very,
27 very strong design review process in this City and the form code reinforces that process very
28 much up front in the zoning ordinance. One of the things we hear is if you want these things like
29 sustainability, if you want corner treatments put it in the zoning ordinance or tell us up front so
30 we as architects or clients can go tell a developer this is what the City wants, this is what they
31 expect.

32
33 Commissioner Garber: That's it for the moment.

34
35 Chair Burt: Phyllis.

36
37 Commissioner Cassel: I have two relatively minor questions. The development standards that
38 you have developed how prescriptive are they? I noticed you added into this list of things
39 eligible plant vegetation that wasn't here before. Is this going to have to be in every project or is
40 this going to be an option that people can include?

41
42 Mr. Lusardi: Again, I would like to turn to Rick because he is basically the one that really
43 developed this but the answer to the question is Table 2 Development Standards in the ordinance
44 are very prescriptive. They have to be met. The design criteria are more things that have to be
45 considered, have to be included in the project but the way they are included are the design
46 criteria provide some flexibility for the design review process. Not every project has to have

1 every component of these elements but they do have to respond to these elements and explain
2 why they are in or why they are not in.

3
4 Commissioner Cassel: Okay. I had one other technical question. How far is it across Alma and
5 the train station between the properties on one side of Alma and the properties that begin to
6 develop on the west side of the train station?
7

8 Mr. R. Williams: Let's see if I can find it. Very quickly from the front property line to the back
9 property line of the properties facing Park to the front property line of the ones facing Alma it is
10 approximately at least 200 feet.

11
12 Commissioner Cassel: Thank you. People were concerned about shadows coming from a 50-
13 foot building across the space. Is it possible? I know there are noise issues that is a different
14 question. This did come up in the discussion tonight.
15

16 Mr. R. Williams: You know, at five o'clock when the sun is setting there is the possibility of it
17 but I am sure there are other elements that are there as well. So as the sun sets and it goes down
18 at some point it could cast a shadow but there is probably a hill or another element that is casting
19 a shadow as well.
20

21 Commissioner Cassel: No, this is a pretty flat area.
22

23 Chair Burt: Okay. Can I go? Thanks. A couple of questions. One of the speakers talked about
24 the possibility of a bicycle right-of-way behind the parcels along Park. We have this great right-
25 of-way that now exists and bike path that exists from University Avenue down to Churchill.
26 Would it be possible to include a condition on the inclusion of those parcels in these floor area
27 ratios that the property owner grant a right-of-way for a bicycle path?
28

29 Mr. Lusardi: I certainly think we can come up with some language I just don't know how
30 specific it would be but we can certainly come up with language that would require along there
31 that a bicycle path be established and maintained. Again, I will turn to Heba a little bit about this
32 but I think the other thing that the Pedestrian Transit Oriented District would do in providing that
33 kind of successful development I think it also opens the opportunities for us as the City to go and
34 get grants to put in bicycle and pedestrian pathways as well along the railroad much like is up by
35 the PAMF site. So I think it increases that opportunity for us to do it as well as private
36 developers to do it.
37

38 Chair Burt: As long as we have the land.
39

40 Ms. El-Guendy: As John said there is this opportunity but I should mention also that we already
41 have bike lanes along Park Boulevard, which is the main bike route in this area. We are trying in
42 general to improve safety conditions along this corridor. If I may add and address also one of the
43 concerns that a member of the public mentioned for instance the intersection of Park with Page
44 Mill, this intersection doesn't presently operate at level of service E. In fact it operates at level
45 of service C and we are trying to improve pedestrian facilities in this area through the proposed
46 developments and the northeast and southeast quadrants of the intersection. The City

1 implemented earlier this year an in-pavement lighted crosswalk across Park Boulevard at Page
2 Mill. So we are proceeding with general improvements for pedestrians and cyclists along this
3 corridor. So I am not sure there is the need.
4

5 Chair Burt: I think the concern by a member of the public and I think it is consistent with what I
6 have experienced is that when you are moving south on Park and turning onto Page Mill that it
7 functions as if it is a cloverleaf onramp there and cars just whip around there. That crosses the
8 existing bike path there and it does not feel like a safe zone at all. I am not sure how you could
9 make it a very safe zone but we could explore that more but that was the rationale.
10

11 Ms. El-Guendy: That is correct. There are some limitations to that location. Another concern
12 was the two-way stop controlled intersection of Page Mill and Park. It is also questionable that
13 we could convert that to an all-way stop control because the volume on Page Mill at this location
14 is only about 15 percent of the volume on the major street, which is Park Boulevard. We need
15 about 75 percent before we can consider an all-way stop.
16

17 Mr. Lusardi: Just to point out too, Mr. Chair, in the context-based design criteria under
18 Pedestrian and Bicycle Environment, item F, we do have language in there that says wide
19 sidewalks built as easements beyond the property line if need along Park Boulevard to reinforce
20 the street as a primary pedestrian and bicycle linkage to the multi-modal station. I think we can
21 enhance upon that if we want to strengthen the bicycle aspect of it. I think this kind of speaks
22 more like to easements, wider sidewalks for pedestrians but I think we can also address a bicycle
23 path in that same easement fashion.
24

25 Chair Burt: Great. Karen has a follow up to that and then I have another question.
26

27 Vice-Chair Holman: I had inquired about this last time and still not quite clear on why we
28 wouldn't just require a greater setback as opposed to extending the sidewalk beyond the property
29 line because then we, in my mind's eye, are moving the bike lane further out and then also where
30 would trees go? So I am trying to see this designed and I am not seeing it where we are not
31 designing the street, moving the bike lane in and precluding trees of any substantial size.
32

33 Mr. Lusardi: I will give you my answer and then Rick can correct me. I think there are different
34 streets that have different activities in this area so I don't think we can prescribe a certain
35 sidewalk width.
36

37 Vice-Chair Holman: F speaks specifically to Park Boulevard.
38

39 Mr. Lusardi: I think you can do it both ways if you want to but this allows us again to address a
40 development as it occurs. Again, we see it more efficiently to do it through easements rather
41 than a setback requirement. I don't know if Rick has feelings that way or not.
42

43 Mr. R. Williams: Well, part of what we also talked about is this is almost getting to the point of
44 are we doing an area plan versus are we doing an overlay zoning district. A lot of these goals
45 have to do with the public right-of-way that we are augmenting through the zoning district to
46 define widening sidewalks, etc. on private property. This was also a strategy that we used along

1 the El Camino Real where the sidewalks were generally thought of as being too narrow and we
2 were trying to build a more consistent street frontage. I think that one of the things that we said
3 at the last meeting and I think John noted it was that with the pedestrian transit overlay district
4 designated on the area it allows the City Planning Department also to go to Public Works, streets
5 and Traffic Department and look at greater design emphasis to being placed on specific streets.
6 We would have to set the setback in one area of Park possibly different than in another area
7 because the use that you have in that building would impact how you would want to treat it. If it
8 was a commercial use on the ground floor and it was a mixed use development you would want
9 to bring the commercial up to the back of the sidewalk. Whereas if it is a residential
10 development you are going to want to set it back further from the sidewalk. So it is not going to
11 be the same depending on the use that you end up having that particular area. So I think that
12 what the overlay district does is says the City is placing additional particular emphasis on this
13 area for bikes, pedestrians and access to transit similar to say the Downtown area. Then that
14 emphasizes to the City to also look at the public infrastructure improvements to support that
15 consistent with the zoning for that area. So it is somewhat like doing a plan even if you were
16 doing a very specific plan for the area what you would then be doing is determining whether or
17 not your implementation of a corridor or a street improvement would be on a case-by-case
18 parcel-by-parcel basis or what would probably be a better way of implementing a bike path or a
19 bike lane or something other than just a wider sidewalk or a consistent landscape treatment you
20 would want to not do that on a case-by-case basis as it happens happenstance. You would want
21 to treat that as more of a Public Works project along the public right-of-way.

22
23 Chair Burt: My other question had to do with hotels. I notice that the Staff proposal is to
24 exclude hotels from this FAR bonus, to exclude hotels that have kitchens in ten percent or more
25 of the rooms. I was trying to understand the rationale for that given that we are looking for
26 opportunities to expand our hotels in the City and the great revenue source that they are and the
27 low impact that they are on traffic other community services. These longer-term residency
28 hotels that exist in some places like up by Circle Star are a niche that we don't fill in Palo Alto.
29 So what is the downside to having more than ten percent of the rooms having kitchens as long as
30 they are still constrained in how long they can stay there and be defined as a hotel and we still
31 get the hotel tax?

32
33 Mr. C. Williams: I think that is a good point. I think as long as we have some other safeguards
34 that they essentially remain as hotels and maybe this is just too much of a carryover from sort of
35 historically where the City has drawn the line between residential and commercial for hotels is
36 this ten percent cutoff. We could probably put some other language in there as far as maximum
37 stays and those kinds of things that would hopefully do the same thing and not worry about the
38 kitchen numbers.

39
40 Chair Burt: I can envision that in serving the Research Park there would be a good number of
41 visitors who are somewhat extended stay hotel folks. Paula, you have more?

42
43 Commissioner Sandas: I just had a question about daylight plane. Here I am exposing my
44 ignorance but can you discuss the distinction between the daylight plane and the notion of
45 shadows? I think maybe they are two separate things that is what I am trying to get at.

46

1 Mr. R. Williams: The daylight plane and it is somewhat of a misnomer but in essence and as we
2 saw in the one diagram that we had illustrated it is in essence a way of forming a wedding cake
3 step-back from a designated height where we have measured it at the property line and taken it at
4 an angle up to ensure that the building envelope doesn't project outside of that area. It has been
5 used most typically to try to ensure light and air on the adjacent property. In fact it rarely has
6 anything to do specifically with the way the sun moves because the daylight plane is generally
7 applied to a rear elevation or a rear property line or a side property line and you have the same
8 orientation or you have opposite orientations on each side but you have the same relationship of
9 regulation. So it doesn't really apply to it from a sunlight standpoint or a shadowing standpoint.
10 It applies specifically to just creating more of a wedding cake application. A couple of years ago
11 now on the El Camino Real Guidelines when we actually illustrated what the daylight plane
12 setback does on the side setbacks it creates almost an un-buildable building on some of the
13 smaller lots along El Camino Real. It actually is exactly the opposite type of a building that you
14 wanted to have there. It has a little bit more appropriateness on the rear setbacks as a protection
15 device adjacent to single family. However, what we have been emphasizing in both design
16 guidelines and in the form code is bringing the masses of the buildings up to the front of the
17 parcels and orienting the mass of the building to the street. Due to the limited floor area ratios
18 that we have on most of the different zoning pieces what we found is that we don't necessarily
19 come very close at all to projecting anywhere near the daylight planes because the bulk of the
20 buildings are being set closer to the street and oriented more to the street. That has actually been
21 a great advantage in illustrating the difference between the codes as they have stood in place for
22 a long period of time. The idea that a wider or deeper front yard setback is a better thing. What
23 that actually does generally is it pushes the building towards the back of the property and creates
24 a more difficult transition to the rear properties, which have more traditionally been the single
25 family. So as we have used the ordinance and the regulations to push the building closer and
26 orient them to the street we have almost made the need for the daylight plane unnecessary.

27
28 Chair Burt: Lee.

29
30 Commissioner Lippert: I am going to be blunt here. Short of having a discussion about spot
31 zoning it is pretty predictable as to what sites within this area are prime for taking advantage of
32 this overlay zoning. Why not develop a set of criteria that are very specific that develop a vision
33 and say if you want to take advantage of this zoning, which has a lot of bonuses and allowances
34 in it you have to provide certain elements, which reinforce our vision of this area? I think my
35 question really builds onto Commissioner Holman's question with regard to the bicycle path. If
36 we look at Park Boulevard as being important to be a bicycle friendly pedestrian corridor as well
37 with traffic why not just put in the regulations that this is going to happen and this is our vision
38 of Park Boulevard? Hopefully most of the development community will buy into that vision.

39
40 Mr. Lusardi: I guess Staff's sense of that issue is that is I think what we are doing in the
41 ordinance and what we are proposing. When we talked to the Architectural Review Board they
42 reinforced that they felt that that's what is happening in this ordinance that we have to strengthen
43 the design criteria, to strengthen the types of land uses we want to promote, the mixture of
44 housing types, bicycle and pedestrian orientation, all of those things we think are in the
45 ordinance as well as a strong process that would enforce those things without having to get very
46 prescriptive on standards on specific streets in those areas. I think what we are dealing with

1 again is the reality is we are dealing with infill sites and refill sites, sites that are going to happen
2 within the next five years, sites that are going to happen within the next ten years. So to sit here
3 and design I think Park Boulevard as a bicycle-pedestrian way down to the specifics of the
4 sidewalks and everything else I think would be difficult for us to predict that. I think the design
5 criteria and the development standards do that. The development review process both the
6 rezoning and the Architectural Review Board process I think provides those very same
7 safeguards and provisions to reinforce that and to implement that. So that is Staff's position I
8 guess on that question.
9

10 Commissioner Lippert: I used Park Boulevard as an example but I think that the criteria might
11 be very different say than along Sherman, which is also a street that has a lot of sites that are
12 prime for redevelopment.
13

14 Mr. Lusardi: I agree with you completely, Commissioner Lippert, and for us to then go into this
15 area and go to Park Boulevard and then Sherman and say this is what this has to look like and
16 that is what that has to look like is we are doing a specific plan instead of a zoning with
17 contextual relationships. I think what we are trying to establish here is that development has to
18 address the contextual relationships not just what is on their site but what is happening around
19 their site and the ARB and the Planning and Transportation Commission and the Council and the
20 Staff have to reinforce the overall pedestrian and transit environment. We have said this in the
21 past, the development that is happening for instance on Park Boulevard near the railroad station
22 when that happens that really does have to take into account what might happen in the future on
23 the Fry's site and where the residents that live on the Fry's site how they are going to walk past
24 that development. So I think it is all built in there and again I will look to Rick and his firm that
25 has helped us develop this as to whether he feels comfortable that we are reinforcing this. Our
26 discussions with the ARB have reinforced that this is an approach that they like as far as
27 implementing a pedestrian transit oriented environment without getting down to very
28 prescriptive street standards and looking at every individual street at this time.
29

30 Chair Burt: Dan, you have a follow on to that question?
31

32 Commissioner Garber: Yes, thank you. Rick, isn't the alternative to implementing a Pedestrian
33 Transit Oriented District that Lee and possibly Karen are beginning to question here the master
34 plan or area plan approach?
35

36 Mr. R. Williams: Yes I would say that that would be a more detailed approach.
37

38 Commissioner Garber: The differences in implementing that approach versus the approach that
39 Staff is suggesting this time are what in terms of time, effort, involvement, etc.?
40

41 Mr. R. Williams: To go through the coordinated area plan effort, let's see SOFA I and II took
42 how many years to go through? To then get the explicit end result that you want is an important
43 thing. I have to say that now that I am thinking about it I didn't realize it until today we have
44 actually modeled this a little bit I would say if you read a Mountain View precise plan which is a
45 zoning of an area for a specific use such as one of their transit oriented development areas one of
46 the things that is kind of unique is their whole plan rarely has anything besides a site map and I

1 would say eight pages of words to it. Until the latest plan they haven't ever had actually a
2 graphic design guideline or regulation in it. They have done all of their design quality
3 characteristics around – they have done it all by words and they have done it all by fairly precise
4 criteria similar to the way we have handled this in the overlay district.

5
6 Commissioner Garber: Yes.

7
8 Mr. R. Williams: What they have done is they have always had a very strong history as the City
9 of Palo Alto has with design review. They have actually done it almost at the staff level but they
10 have always had a strong design review process that has been more successful in getting what the
11 community and what the Planning Commission and Council wanted out of the development
12 community than by trying to do it through a very prescriptive regulatory process. So I think that
13 in essence we are bridging over that with this overlay district. We are through a regulatory
14 process putting in very illustrative and more graphics associated with the wording and then
15 allowing the ARB to support that and the Planning Commission and Council to support that.

16
17 Commissioner Garber: What the current proposal relies on is utilizing the applicants in a
18 partner-like manner so that they understand the intent is to get them involved with the
19 community earlier as one of the criteria of the process, right? Such that those intents can be
20 made a part of their design, so they can come back with that as part of their application.

21
22 Mr. R. Williams: That is correct. Typically when you read a zoning ordinance the part that is
23 failing and what we have been trying to do with the whole Zoning Ordinance Update is get the
24 development community to think about all of these different issues before they do their design
25 rather than taking the zoning regulations which are very prescriptive with setbacks and heights
26 and number of units per acre and then going and designing their project and then going to the
27 Architectural Review Board or Planning Commission and saying now here is our design and it
28 meets all of your regulations. Unfortunately meeting all the regulations doesn't mean that you
29 have met the intent of those regulations which is to create a pedestrian oriented, transit oriented,
30 walkable, bikable community. What we are trying to do with these regulations is bring those
31 issues to the forefront and make sure that the applicant doesn't start their design process without
32 seeing what the goal and intent and expectation that the City has for the area.

33
34 Commissioner Garber: Thank you.

35
36 Chair Burt: Phyllis.

37
38 Commissioner Cassel: I am kind of interested in how we are going to proceed with this process
39 for the rest of the evening. I am getting a sense that we need to make some decisions as to how
40 we would like to go but I am also getting the sense that we may want the Staff to go back and
41 give us a little more detail in some areas. I am wondering what we should be doing next.

42
43 Chair Burt: I am not sure. Let me just ask this. We have a few other questions but based on
44 some of the issues that have been raised by the Commission that Staff has said that they were
45 comfortable with accommodating are those things that you would need to come back with
46 verbiage or you feel that you could incorporate the intent as you move forward to Council?

1
2 Mr. Lusardi: I think at this point we are comfortable with moving forward but what I would
3 suggest, Mr. Chair, is that we develop or we come up with the revisions and we meet with the
4 Design and Environment Working Group with those revisions certainly before it goes to Council
5 within the next month. Review those with the Design and Environment Committee and if they
6 think they are either substantive changes or they don't meet the intent of what the Planning
7 Commission has then we will come back to the Planning Commission. So that is the process I
8 would suggest that we can review that through the Design and Environment Committee.

9
10 Chair Burt: That sounds okay with me if it is okay with the rest of the Commission. Karen.

11
12 Vice-Chair Holman: Actually I am not sure if I am okay with that because I have frankly several
13 other questions part of which didn't get addressed previously. So what one person thinks is
14 substantive another one doesn't and the design review group is only two members of the
15 Planning Commission. So is your intention that the majority would have to say it would come
16 back to the Commission? That the Planning Commission representatives there would say it
17 should come back to the Commission? What is the intention? How would you see that?

18
19 Mr. Lusardi: I think we would work it the exact same way we worked it with the low density
20 residential where there were some changes recommended by the Commission, we went to the
21 Low Density Residential Committee and said these are changes and the Low Density Residential
22 Committee thought they were nominal enough or moderate enough that it didn't have to come
23 back to the Planning Commission. So that is how we would approach this too.

24
25 Chair Burt: I think one of the concerns may be we have two Commission representatives. We
26 have had a circumstance I think in the past where we had three and we didn't have a unanimous
27 agreement on some of these things among the Commission representatives. So what would
28 happen if we have two Commission representatives on the design committee and they weren't in
29 agreement as to whether it should come back to the Commission?

30
31 Mr. Lusardi: The two Commissioners themselves or the two Commissioners....?

32
33 Chair Burt: The two Commissioners themselves were not in agreement.

34
35 Vice-Chair Holman: Can I jump in just for a second? What I was getting to was not only that
36 which Chair Burt is correct but also there are five people in that group and only two of them are
37 Planning Commissioners. Four people and only two are Planning Commissioners. So is your
38 vision that the majority of those four people or if the Planning Commissioners in that group
39 would say that it should come back to the Commission?

40
41 Mr. Lusardi: I think we are open to your direction and I think we would be fine with if the two
42 Planning Commissioners in that group felt it should come back then we would bring it back. I
43 think the two Commissioners would benefit from the input from the ARB Member and the HRB
44 Member as well. But if after having that discussion the two Commissioners feel it should come
45 back we will bring it back to the Planning Commission.

1 Chair Burt: I think the Commission can maybe determine as part of our process tonight what the
2 consent of the Commission would be and if we decide that we would want both of our
3 representatives to agree that it doesn't need to come back in order for it not to come back then
4 we could give that direction. We can decide that as we go along. Paula.

5
6 Commissioner Sandas: I am one of the two and my suggestion at the moment is that it should
7 come back regardless.

8
9 Chair Burt: Lee.

10
11 Commissioner Lippert: I agree with Paula, very much so. I think that the overall concept here of
12 what we are looking at is really a great idea. I think that there are some specifics that need to be
13 pinned down. It is just not ready and I think that the Commission needs to give it one last look
14 after D&E looks at some of these issues that we have raised this evening. I am an architect but I
15 think it also requires some laypeople to be able to express their thoughts as well as perhaps even
16 members of the public.

17
18 Mr. Lusardi: Mr. Chair if we could get closure on this I would be more than happy to make a
19 recommendation. We are scheduled right now to go to the City Council on February 6 and we
20 would like to stay on that schedule. We have two Planning Commission meetings in January.
21 We would be more than happy to come back January 11 with the changes. What we would like
22 to do too is in the meantime meet with the Design and Environment Committee, get their input
23 into the changes so the Commissioners and the HRB and the ARB can also address those
24 changes at the meeting and come back on January 11 with the changes.

25
26 Chair Burt: How does that sound to the Commission?

27
28 Commissioner Cassel: That sounds good.

29
30 Chair Burt: Karen.

31
32 Vice-Chair Holman: Yes, with one question to be inserted in there. The Staff has the intention
33 of going to meet with the California Avenue Retail Association and I think also with the
34 neighborhood group. On what timeline would that happen in order to be back here on January
35 11?

36
37 Mr. Lusardi: Well, we will schedule a meeting with the Retail Association as quickly as
38 possible. In fact if I am not mistaken I think Steve and I have a meeting with them tomorrow
39 morning.

40
41 Mr. Emslie: It is not on this.

42
43 Mr. Lusardi: I know but we can say that this is coming and we would like to meet with them.
44 So we will schedule that as quickly as possible. Again, we will do it with any other group. The
45 problem we have is with the holidays and how easy that is going to be to schedule. We will

1 report to you what meetings we've had and if again you are not comfortable that we have talked
2 to enough people we can continue it.

3
4 Chair Burt: Lee and Paula, what do you think of this?

5
6 Commissioner Lippert: Both Commissioner Sandas and myself are here through the holidays so
7 you have two out of the four so far.

8
9 Chair Burt: Okay. Karen, you have some questions and I have a couple.

10
11 Vice-Chair Holman: Yes. I had tried to ascertain what the general office development potential
12 is. Do you want me to give you two or three questions so you can respond to them all at once or
13 do you want them one at a time? It is your call. Okay. So one was that, how much general
14 office potential is there if this plan were fully built out and how does that exacerbate the
15 jobs/housing imbalance? That is one.

16
17 The retention of local businesses is another. I know that from previous meetings Staff doesn't
18 think that there is going to be a redevelopment along California Avenue in the next five to ten
19 years but the potential for this down the road is still there. So I have been trying to figure out for
20 myself and also ask for examples of when there has been redevelopment in a retail environment
21 how those local businesses have been able to survive. I can only think of one example of that.
22 So how are we going to be able if redevelopment occurs retain our local businesses? That also
23 relates to what would happen if an applicant came forward and wanted to apply this overlay to
24 the site where Molly Stone's exists. We don't have findings to have to make so how could we
25 preclude that?

26
27 Another question is there are some development standards that are existing floor area ratio as an
28 example. On what specific ground and what criteria could Staff use to say you can only develop
29 to .75 as opposed to .1? I am just making up numbers here. What specific criteria because the
30 presumption on the part of property owners is they can develop to maximum FAR. As Planners
31 we know that that's not the case but there is great pressure for that. So under what circumstance,
32 it is not clear to me under what circumstance.

33
34 The last question I will ask right now is something I had also brought up previously which is
35 page 3-d of the ordinance says, all land uses must be reviewed and approved by the Planning
36 Commission and City Council at the time of rezoning to PTOD. That is pretty sketchy. Page
37 two of the December 7 Staff Report had several other things that would have to be reviewed for
38 the land use zoning change. So why the change and how would the ordinance as it exists now
39 preclude what I think it was Joy Ogawa who brought up the issue of getting the zone change but
40 then the land use changing, how would this preclude that?

41
42 So that is like four questions to deal with.

43
44 Chair Burt: Six but you got all that? Are those ones you are comfortable taking a stab at right
45 now?

1 Mr. Lusardi: Well, we will give a quick shot at it and if you want more information let us know.
2 I think with respect to the general office potential what we did model is how much nonresidential
3 would be developed or not developed under the PTOD. I don't know that we had attributed to a
4 specific use, general office or any other kind of nonresidential. We will look at that see if we can
5 come up with a number that we are comfortable with that we can give to the Commission.
6

7 Vice-Chair Holman: I meant in terms of square footage. I know it would have to be a range it is
8 not a specific.
9

10 Mr. C. Williams: The other thing is that the way this works it would be whatever the number is
11 if you are looking at maximum build is less than could be done out there right now. Right now
12 you can do more than .35 FAR for nonresidential and this ordinance would limit you to .35 for
13 any property it is applied to.
14

15 Vice-Chair Holman: If you look at Fry's site and if it is RM-30 it couldn't develop any office.
16

17 Mr. C. Williams: That's true. Okay. So the sites that are RM. Okay.
18

19 Mr. Lusardi: The retention of local businesses is a tough one with respect to how a regulatory
20 document or a zoning document enforces that or maintains that. We certainly wouldn't mind
21 sitting down with Susan Arpan and again talking to the business leaders out there and making
22 sure that they have a comfort level with respect to that. I think putting in stronger retail
23 requirements would be one way of doing it but putting a quota on one business or another I don't
24 know through the zoning ordinance that would be successful in that regard. We will come back
25 with something on that again that is trying to address and protect the local businesses. We can
26 certainly put in stronger language in the PTOD to address that so when rezonings come through
27 that is there and the Commission and the Council have that ability to look at that during the
28 rezoning process. With respect to a specific business that might get zoned out is the Planning
29 Commission and the City Council are going to have that opportunity to look at where that PTOD
30 is being applied and if there is a business there you certainly can raise that question and you can
31 certainly deny the zoning if you think that is going to force out a business that you want to
32 preserve. It is not going to guarantee that the business stays there or not. Market conditions are
33 going to drive that a lot more than zoning but we can try and put in a little extra protection and
34 the review process can certainly reinforce that.
35

36 Specific criteria on limiting FAR, again I think that is going to come through the rezoning
37 process. The applicant is going to have to tell the Commission and the Council what FAR they
38 are proposing. I don't think through the ARB process they are going to be allowed to deviate
39 from that. If that FAR is what is approved those mixture of uses, whatever they are, and
40 development program what is going to be going through the ARB process is the design, the
41 contextual relationships with respect to that.
42

43 As far as the land use application process this is typical of I think other zonings where we require
44 a PC zoning and we ask for through the application process a lot more detail than what is in the
45 zoning ordinance. If you want more specifics as to what they have to submit with a rezoning for

1 a PTOD overlay that the Commission and Council will review we will certainly come up with
2 language for that. I don't think we have a problem with that or a concern about that.

3
4 Chair Burt: Phyllis.

5
6 Commissioner Cassel: Basically, I like most of what is in this ordinance. I would find it helpful
7 to understand better the process that you are going through and what you are expecting. Maybe
8 it is because it is spread out. I know some of it refers back to other parts of ordinances which
9 helps save us writing these things over and over again but today I didn't get back to all those
10 pieces. So when you were explaining the diagram essentially of where you are going when I put
11 a diagram in I missed a couple of pieces of where the ARB review would be. Some way to
12 express that I think a little more clearly would help. We got a lot of concerns from public that
13 came in and I had that concern too. It is not that I think it was wrong but I think that it was hard
14 for me to understand. Most of the other stuff that people have been talking about basically I
15 agree with the basic ordinance that you presented and the general goals that you have had. I
16 think what is happening is that there we are feeling kind of uncomfortable with something that is
17 new. We are doing this a different way than we have done it before and we are feeling that
18 discomfort. Is it really going to work? Is it really going to get where we want to go? There may
19 be a little leap of faith in that. We can always say, whoops, and stop it. We are not killing
20 someone in the process.

21
22 Chair Burt: Dan.

23
24 Commissioner Garber: Following up on Commissioner Cassel's comment. Just looking at the
25 process here correct me if I am wrong I am just going to substitute milestones as opposed to your
26 process steps. An application is made, it comes to the Planning Department, and then the
27 application goes in two directions. One it goes to this Commission for review of its use and at
28 the same time it goes to the ARB to develop criteria?

29
30 Mr. Lusardi: No. The way it is envisioned is that an application is made for a Pedestrian Transit
31 Oriented District overlay rezoning on a site. That zoning application has to have very specific
32 uses, what the uses are going to be, what the densities are going to be, what the FAR is going to
33 be proposed for that site, what development program is envisioned for that site. What is not
34 going to have is a specific design proposal. But those same standards would then have to be put
35 into a preliminary design review concurrent by the ARB so they are seeing that at the same time
36 the Planning Commission and the Council are seeing these development proposals. But the final
37 design doesn't happen until after the Planning Commission recommends and the Council
38 approves that zoning. Then they are locked into what that density is, what those uses are and the
39 ARB process then basically delivers a designed project for those.

40
41 Commissioner Garber: Let me just make sure I have got this. So it comes in this Commission
42 reviews it for use. Once it gets through this Commission it goes to the Council for approval. At
43 which point it then goes to the ARB.

44
45 Mr. Lusardi: Then the final design goes to the ARB. This is what the ARB's response to this
46 process question was, and I will be straight with you, number one they don't envision and I have

1 to agree with them that it is going to be necessarily a sequential process. A developer is not
2 going to want to wait through the whole zoning process and then file a design process. They are
3 going to want to kind of run those concurrently as much as possible. We are not going to allow
4 them to file a final ARB proposal until after the zoning happens. At the same time the
5 Architectural Review Board raised some concerns that while the Planning Commission and City
6 Council are looking at this proposed rezoning the applicant may come in with designs and
7 drawings to try and sell the project. They feel like when the zoning is done by the Council their
8 going to be locked into some kind of a design. So they want to see something concurrently.
9 What we agreed upon was a preliminary review and no more than a preliminary review and that
10 the final design cannot happen until after the zoning is approved.

11
12 Commissioner Cassel: I wrote a thing out here, a flowchart, a diagram, which I think, does what
13 you say. I will give it to you and see if that works for you.

14
15 Mr. Lusardi: We will have a form code flowchart.

16
17 Commissioner Garber: Okay, thank you.

18
19 Chair Burt: Okay. I have a couple. One question has to do with a follow on to Commissioner
20 Holman had earlier asked about this automotive dealership on Park. John, you had responded
21 that we weren't going to drive them out I forget the exact wording. My concern has more to do
22 with whether we create incentives for them to leave by having a circumstance where they may
23 have a better potential return on their property if they apply for a TOD and leave. That is fine if
24 they are leaving to a better automotive site in the City but it is not a good thing if we just create
25 new zoning that causes them to want to fold up shop and move to another town. So my question
26 is how can we avoid that and whether one possibility may be a transfer or development rights
27 sort of concept or is there some way in which we can address that concern?

28
29 Mr. Lusardi: I think the concern there and maybe the Attorney's Office wants to weigh in on
30 this, I think the concern we would have is putting in some incentives that are directly related to a
31 single site would be problematic. It would be akin to spot zoning. So the incentives would have
32 to be more broad than would apply to an individual site. We can look at that. Again I think the
33 reality is if that site is more valuable as a housing site or a commercial site that is not to stop the
34 auto dealership from rezoning it RM-40 or rezoning it to commercial and marketing it that way
35 too. So I don't think the PTOD necessarily creates a greater threat. In fact it is probably less of
36 a threat because it is an overlay and it guarantees that that underlying zoning is going to stay.
37 That auto dealership is not going to get rezoned out and become a nonconforming use through
38 this process.

39
40 Chair Burt: Okay. The other thing is I will just make a brief comment that I was concerned with
41 this upward potential of a 50-foot and 1.5 FAR. I think Curtis has really helped give me some
42 reassurance that when I reread what has to be done to qualify for it it's going to be a very
43 unusual circumstance that someone is going to get either of those, a 1.5 FAR or a 50 foot. It is
44 going to be a predominantly BMR project and almost all the increase would have to go to BMR
45 units. So I read that that would be the exception and not the norm and maybe not occur at all.
46 Then connected with some of this concern about so what kind of massing might we have is this

1 potential for a Phil Specter wall of sound along the railroad tracks that some of the neighbors in
2 Midtown were concerned with. So has Staff looked at having some kind of attenuations or what
3 sort of measures might be needed to not have an increase in the sound impact on the other side of
4 Alma? Is this a real potential that if we have a greater amount of 40 foot development that is
5 maybe not a solid wall but nevertheless nearly so have we looked at the sound impacts? Is that
6 something that is a real threat there? If it is, are there any measures that we could put in that
7 would help mitigate that?
8

9 Mr. Lusardi: I think there are two things and again if Rick wants to add to this. Number one is
10 we did put in a design criteria with some very specific references to that potential impact and that
11 it has to be addressed. So it is in the zoning itself and it is called out so the developer and the
12 ARB process and the zoning process is going to have to look at that. I think the other part of that
13 is as Rick pointed out earlier the rezoning process also has to do the environmental review
14 process. If the rezoning process doesn't address that impact then the Architectural Review
15 Board process is going to have to address that. So with discretionary review process there has to
16 be concurrent environmental review. That environmental review is going to address things like
17 noise impacts, sun/shade impacts and all those kinds of issues that were raised and those
18 concerns that were raised by these kinds of developments on adjacent uses and the uses across
19 the street or across the track.
20

21 Chair Burt: Karen has a follow up and then Lee.
22

23 Vice-Chair Holman: I think for clarification some of the parcels we are looking at there are
24 directly across from multi-family but then the first row right behind that is single family. I know
25 on California Avenue in College Terrace there are some noise problems there that the members
26 of the public have great concern over and have complained about. The measurements that get
27 taken the response is, for right or for wrong I am not trying to make a judgment on this, that the
28 readings are no louder than what you would expect in an urban environment. And it is loud. I
29 have been there at night and it is loud. I think what we have is a situation where a lot of the
30 neighborhoods in Palo Alto think of themselves as suburban and not urban. So I think it is a
31 situation that needs to be addressed in order to address the noise concerns of the residents in
32 these neighborhoods. I don't have the specific answer. I am not going to try to solve it now but
33 I think it is a difference in how things are perceived and that causes consternation.
34

35 Chair Burt: I will just add briefly maybe we should look at mitigations on the other side of Alma
36 whether we need a greater canopy there or are there certain things that would help and I am just
37 tossing out possibilities. Lee.
38

39 Commissioner Lippert: Earlier Commissioner Garber brought up the issue of a coordinated area
40 plan for this area. I don't want to go there. I survived SOFA II as well as two of my colleagues
41 here and a Staff member. But I would like to make a comment here which is I see this area as
42 being very similar having a lot of similarities to the SOFA I and II area. Maybe we don't have to
43 do a coordinated area plan for it but what we can do is take some of the criteria that came out of
44 SOFA I and II Coordinated Area Plans and apply them to these areas. Specifically what I am
45 talking about is if you just take a look at the Summerhill development, the housing, and its
46 compatibility and how it butts up to the R-1 and R-2 in that area it works almost seamlessly. It

1 works very well and yet you get the densities in there that we are looking for as well as some of
2 the affordable housing elements. Then if you look at the idea of the GM(B) zone being very
3 similar to the Alma corridor between Alma and High Street. Again we are looking for higher
4 densities there and a way of having affordable housing and yet being able to deal with SB 18.18.
5 I think there are lessons here that we have already gone through the exercise, we have created the
6 wheel, why not begin to try to plug some of those elements into this area as some of the design
7 criteria and being able to take advantage of the underlying zoning. I don't expect a response to
8 that that was a comment.

9
10 Mr. Lusardi: I think I would like to give a little response to that. What we have done with the
11 PTOD in my mind and Staff's mind is we did use the SOFA, especially the SOFA II, as a model
12 because we think that is the more successful development plan. I think we built upon some of
13 the successes of that. We used that. We looked at the average unit size and we built in some
14 incentives to try and get that. If you go to page eight of the ordinance that compatibility
15 statement is directly out of the SOFA II plan that is in this ordinance now. So the design criteria
16 that we came up with we think is stronger and better than the SOFA II plan. So I think we are
17 improving on the SOFA II plan we are not discarding it. We are not ignoring it. I think we used
18 that as a model for this particular document. I agree with you about the seamlessness of
19 development between multi-family and single family. I agree that that's a very important factor.
20 I think what attributed to the success of that is you had one developer. So you had one developer
21 developing the single family and the multi-family and that makes it much easier to create that
22 kind of seamless transition. What we are dealing with here are issues where we may have two
23 developers adjacent to each other that are proposing different housing types and we have to deal
24 with that. Again, I think the design criteria achieves that though.

25
26 Chair Burt: It is good to hear that the SOFA plan is having a leveraged impact throughout the
27 City. Since it is five to eleven let's try to work towards wrapping up. I know Dan has one more
28 item he would like to bring up. I think that what we have given Staff, if the Commission is
29 comfortable, we have given Staff enough direction that when our two representatives meet with
30 the Design Committee they will be able to work together to try to have the responses that come
31 back to us be reflective of the input we seem to have some consensus on tonight. Then we will
32 have one more crack at this. I just want to say that I appreciate the perseverance of the public
33 sitting in tonight because I think all of us here realize that we have a shot at trying to get this as
34 close to right as we can and it is an important direction and everybody seems very committed to
35 doing the best we can here and addressing the concerns that have been raised and trying to strike
36 the correct balance that we are all seeking. Dan.

37
38 Commissioner Garber: I wanted to talk about Olive again but I think I am going to hold my
39 comments with the expectation that they will probably be addressed in the forthcoming meetings.

40
41 Mr. Lusardi: Mr. Chair, I know we all want to get out of here but we do have one question I
42 think Commissioner Holman raised and I think it is a very good question that we would like to
43 get a little more direction from the Planning Commission about. That is on the boundary and the
44 boundary amendments. I think Commissioner Holman raised a very good issue about that
45 uncertainty and how we should maybe provide better protection or better assurance against that

1 uncertainty. We would be more than happy to look at that kind of language. Is that the general
2 consensus of the Commission? Nodding of heads is fine for us to move forward.

3
4 Commissioner Garber: Before I would nod my head I think I need just a few sentences either
5 from Karen or from yourself John as to the issue again if you would restate it.

6
7 Mr. Lusardi: What the issue is, what Commissioner Holman raised is, there are provisions in the
8 ordinance that allows the boundaries to be expanded only on contiguous parcels. I think
9 Commissioner Holman's concern and the neighborhood's and the community's is how open
10 ended is that and how do those boundaries get driven and over time it grows and does it intrude
11 into neighborhoods further. I think our sense is we are very comfortable with the boundary we
12 have now and again if this is a success and that Pedestrian Transit Oriented District would grow
13 and be successful I think we would come back to the Planning Commission and the Council with
14 a process for amending those boundaries. So I think we are okay with both ways it is just what is
15 the Commission's consensus or direction?

16
17 Vice-Chair Holman: To be specific, if I might, it would be to eliminate 18.66.070 from the
18 ordinance.

19
20 Commissioner Cassel: I think it will be easier to work with if you have limits. It can always be
21 changed later but this means it really would come back as a formal decision with the whole
22 hearing process. It would anyway I think what you did was build in a system that is the system
23 that would happen anyway.

24
25 Chair Burt: Okay. Are we comfortable with letting the Staff run with this ball and meeting with
26 our committee?

27
28 Commissioner Lippert: Do you want a motion?

29
30 Mr. Lusardi: We would like a motion to continue this to a date certain of January 11, 2006.

31
32 MOTION

33
34 Commissioner Lippert: I move that this item be moved to a date certain, January 11, 2006.

35
36 SECOND

37
38 Vice-Chair Holman: I will second.

39
40 MOTION PASSED (6-0-0-1, Commissioner Bialson absent)

41
42 Chair Burt: Any discussion? All in favor? (ayes) So that passes unanimously and we will see
43 you all January 11, 2006.

1 We have a couple of wrap up items here. Happy holidays to everybody. We have approval of
2 minutes from October 26 and November 9 and I want to make sure we have proper
3 Commissioners here to approve.

4
5 ***APPROVAL OF MINUTES: Minutes*** for Meetings of October 26 and November 9, 2005
6

7 Commissioner Garber: There are a number of items that I gave to Zariah that she had questions
8 about and punctuation that I have given her corrections on.

9
10 Chair Burt: So the motion to approve would include those revisions. I don't have it in front of
11 me but do we have the right attendees?

12
13 Commissioner Cassel: I can't vote on the October meeting.

14
15 Commissioner Lippert: I can't vote on the October 26 meeting either.

16
17 Commissioner Cassel: But there are four of you so you are all right.

18
19 Chair Burt: We have ample Commissioners to vote approval of the October 26th. Do we have a
20 motion?

21
22 MOTION

23
24 Commissioner Garber: So moved with the revisions.

25
26 SECOND

27
28 Commissioner Sandas: Seconded.

29
30 MOTION PASSED (4-0-2-1, Commissioners Lippert and Cassel abstained due to absence from
31 this meeting and Commissioner Bialson absent)

32
33 Chair Burt: We have a motion by Commissioner Garber and second by Commissioner Sandas.
34 All in favor? (ayes) Great.

35
36 Commissioner Cassel: And two abstentions.

37
38 Chair Burt: Yes, two abstentions from Commissioners Cassel and Lippert.

39
40 November 9.

41
42 MOTION

43
44 Commissioner Cassel: I can move approval of those minutes.

45
46 SECOND

1
2 Commissioner Garber: Second with the revisions that I have given Zariah.

3
4 Commissioner Cassel: Yes, of course.

5
6 MOTION PASSED (6-0-0-1, Commissioner Bialson absent)

7
8 Chair Burt: All in favor? (ayes) Great passes unanimously.

9
10 Do we have any Reports From Officials or Committees?

11
12 ***REPORTS FROM OFFICIALS/COMMITTEES.***

13
14 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

15
16 Commissioner Garber: As the liaison to the Palo Alto Housing Corporation I attended their
17 meeting this morning and was present all the way through it.

18
19 Chair Burt: In January Commissioner Holman will represent us at the Council. Dan, the item
20 that you had last week was continued that was on the automotive dealerships.

21
22 Commissioner Garber: That was continued until January 30, 2006. Yes, that was the other
23 report. I attended the City Council meeting earlier this week and that item number 16 on the
24 auto dealership overlay was continued to January 30, 2006.

25
26 Chair Burt: So Commissioner Holman are you fine with Commissioner Garber continuing his
27 representation on that same item?

28
29 Vice-Chair Holman: I am indeed.

30
31 Chair Burt: Commissioner Garber are you okay?

32
33 Commissioner Garber: I would be more than happy.

34
35 Chair Burt: Karen, did you have a clarification question on that?

36
37 Vice-Chair Holman: I did. I was a bit confused. I understood from watching the meeting what
38 was the recommendation from the Staff to the Council because the Staff Report said it didn't
39 concur with the Planning Commission majority recommendation. It was a little bit unclear what
40 the recommendation was in the ordinance.

41
42 Mr. Emslie: Well, basically we pointed out in the Staff Report that the Staff recommendation to
43 the Planning Commission was different. That the Planning Commission essentially modified the
44 Staff recommendation but the recommendation to Council was consistent with the Planning
45 Commission recommendation. The Staff and the Planning Commission recommendations were
46 the same to Council.

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Chair Burt: All right I think that wraps it up. Thank you. Again, happy holidays.

NEXT MEETING: Regular Meeting of January 11, 2006.

ADJOURNED: 11:20 PM