



# PLANNING & TRANSPORTATION COMMISSION MINUTES

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*Wednesday, January 11, 2006*  
**REGULAR MEETING at 7:00 PM**  
*Council Chambers*  
*Civic Center, 1st Floor*  
*250 Hamilton Avenue*  
*Palo Alto, California 94301*

**ROLL CALL: 7:05 pm**

**Commissioners:**

*Patrick Burt - Chair*  
*Karen Holman – V-Chair*  
*Lee I. Lippert*  
*Paula Sandas*  
*Phyllis Cassel - absent*  
*Daniel Garber*  
*Annette Bialson - conflicted*

**Staff:**

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

**AGENDIZED ITEMS:**

- 1. Zoning Ordinance Update: Pedestrian and Transit Oriented Development
- 2. 2785 and 2747 Park Boulevard – Continued
- 3. 195 Page Mill Road and 2825, 2865, 2873, 2891 and 2901 Park Boulevard – Continued

**APPROVAL OF MINUTES:** Minutes for the December 14, 2005 meeting.

Chair Burt: I would like to call to order the meeting of the Palo Alto Planning and Transportation Commission for January 11, 2006. Would the Secretary call the roll? Thank you.

At this time we have an opportunity for members of the public to speak regarding items that are not on the agenda. I have not received any speaker cards so we will be proceeding to item number one on the agenda.

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

1  
2 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional  
3 items added to it up until 72 hours prior to meeting time.  
4

5 Chair Burt: We have no Agenda Changes, Additions or Deletions. So the first item tonight is a  
6 continuation of our discussion of the Zoning Ordinance Update for Pedestrian and Transit  
7 Oriented Development in the California Avenue District. Would Staff like to give us an update?  
8

9 **UNFINISHED BUSINESS:**

10 ***Public Hearings.***

- 11  
12 **1. Zoning Ordinance Update:** Planning and Transportation Commission recommendation  
13 to City Council for the approval of an ordinance to adopt a new PAMC 18.66 Pedestrian  
14 and Transit Oriented Development (P/TOD) Combining District. The boundaries for the  
15 P/TOD zoning district are generally Cambridge Avenue to the north, El Camino Real to  
16 the west, Caltrain rail line to the east, and Lambert Avenue to the south. Environmental  
17 Assessment: An Addendum to the Comprehensive Plan Environmental Impact Report has  
18 been prepared.  
19

20 Mr. John Lusardi, Planning Manager: Thank you very much Mr. Chair. I am going to give a  
21 brief presentation and then Rick Williams from Van Meter Williams and Pollack will follow me  
22 with some of the urban design criteria that is in the ordinance.  
23

24 We are following up on the recommendations and the direction from the Planning and  
25 Transportation Commission from the December 14 Planning and Transportation Commission  
26 meeting. As you are aware there have been previous meetings on the Pedestrian Transit Oriented  
27 zone for the California Avenue area on November 9, December 1 ARB review and then a joint  
28 study session in December. There were also two multi-family projects that are pending in this  
29 area and we would be recommending that the PTOD be considered for those and they are the  
30 housing opportunity sites from the Housing Element. We are doing this as we pointed out in the  
31 Staff Report to bring some of those sites into consistency with the Housing Element and the  
32 Comprehensive Plan.  
33

34 Prior to tonight's meeting we put at the Planning Commissioners places and the public table  
35 some minor text revisions to Attachment A. I make reference to Attachment, A which is the  
36 ordinance, and not Attachment B. So ask the Commission to refer to Attachment A. There are  
37 some formatting changes because Attachment A is the ordinance, it is a legal document and it  
38 has legal requirements and Attachment B was just a chapter. There were some formatting  
39 changes that we wanted to clarify and make sure that Attachment A had the correct clarifications.  
40 Just to point out that in the chapter and in the ordinance there is a notation for Village Residential  
41 as a land use that could be used in the Pedestrian Transit Oriented District. We added a notation  
42 there that that land use is not yet adopted by the Council and therefore cannot be implemented  
43 until Council makes that adoption. We had made revisions to the ordinance from the Planning  
44 and Transportation Commission meeting from December 14. We have removed the process to  
45 amend the PTOD boundary. We have established setback and daylight plane standards for  
46 properties adjacent to R-1 and R-2. We have defined the hotel uses as generating transit

1 occupancy tax. We strengthened the design criteria to address bicycle and pedestrian amenities  
2 for the area.

3  
4 We have clarified the review process to define the Planning Commission and City Council's  
5 responsibility to set land use and intensity within that zoning. We also prepared a flowchart to  
6 show the process and how the process would work under the PTOD zoning overlay. We are  
7 asking the Commission if you think that flowchart is useful we would put that in the form code  
8 as we develop the form code. I also want to point out in the Planning and Transportation  
9 Commission box we added the term 'density' to clarify that the Planning and Transportation  
10 Commission gets to recommend on the density, the FAR, and the uses within a proposed PTOD  
11 application for the City Council. To clarify it footnotes the actual ordinance language at the  
12 bottom and that actual ordinance language is that it calls out that the Planning and Transportation  
13 Commission and City Council approval shall establish limits on allowable or required uses in  
14 intensity and that includes density, floor area ratio, height and site coverage. That is a  
15 discretionary action and that application process is intended to have the Planning and  
16 Transportation Commission and the City Council establish those parameters for a proposed  
17 development when an application is made. The ARB application is then a design review  
18 application that is the implementation of the design criteria. It is the Planning Commission and  
19 the City Council that establishes the uses and the densities for a proposed PTOD overlay zoning.  
20

21 Some of the other information that we provided in the Staff Report at the request of the Planning  
22 and Transportation Commission is just some comparison of how the PTOD would compare with  
23 commercial district site area and dimensional standards and some potential development  
24 scenarios for Fry's. I want to point out here that what we provided to the Commission in the  
25 Staff Report is really just some kind of basic information on how Fry's could develop under the  
26 Pedestrian Transit Oriented zone. It is by no means the final number. There are many scenarios  
27 that Fry's could develop under like different housing types and different densities given the  
28 housing types and the mixed use in there. So we just wanted to give the Commission some  
29 parameters but there are other scenarios. Rick Williams, if you like, can certainly address how  
30 those scenarios could change. I also want to point out that the site we used is the Fry's site itself.  
31 The property owners for the Fry's site own other parcels in that area, adjacent parcels, and it is  
32 conceivable that they could include those parcels in an overall development. So those  
33 development criteria and those development numbers could change. We just wanted to give you  
34 some idea, a ballpark number, of what Fry's could generate under the PTOD but it is by no  
35 means finite in that respect.  
36

37 We also provided some information on the Cal Trans ridership and some additional information  
38 on bicycle access and connectivity. For tonight's meeting the Staff has prepared a map that  
39 shows the existing connectivity for transit bicycle routes in that area. If you have any questions  
40 on that we are prepared to answer any questions.  
41

42 The Village Residential land use as I pointed out is a land use that we have a placeholder in the  
43 PTOD ordinance but is not yet adopted or approved. I want to point out that we will be having a  
44 study session with the Planning and Transportation Commission on February 22 with respect to  
45 that Village Residential land use. We will be going over with the Planning Commission our

1 proposals and recommendations for a Village Residential not just in that area but the overall  
2 Village Residential land use for the City.

3  
4 The next steps really are that we are asking that the Planning and Transportation Commission  
5 tonight recommend that the City Council adopt the ordinance establishing the PTOD Combining  
6 District. The Council is scheduled to hear this item on February 6. We are in the process right  
7 now of finalizing some form code elements and we anticipate going to the ARB on February 2 to  
8 discuss that with them and then come back to the Planning and Transportation Commission. As  
9 I said the Village Residential study session is on February 22. As we pointed out in the Staff  
10 Report we did try to setup a meeting with the CAADA Board and it was scheduled for this  
11 morning to meet with them but they cancelled their regular meeting this morning and setup a  
12 special meeting on the 18<sup>th</sup> which is when we will be meeting with them. We did send all of the  
13 Board Members copies of all of the past Staff Reports plus this Staff Report and we did receive  
14 an email confirmation from the President today saying that she has reviewed all of the  
15 information and really doesn't have any comments on the proposal and she would just like at the  
16 18<sup>th</sup> meeting feedback on what the Planning and Transportation Commission's recommendation  
17 is for the PTOD zoning. With that I will turn it over to Rick and have him elaborate a little bit  
18 more on the design criteria in the ordinance.

19  
20 Mr. Rick Williams, Van Meter Williams Pollack: We have taken this time really to prepare  
21 substantively for the ARB meeting and coming back to you at a later date for the rest of what we  
22 call the Step 5 in the overall PTOD zoning. I want to also just remind you that we have really  
23 focused the boundary and have created what we feel are some fairly tight limitations to the  
24 boundary for this particular overlay district. We don't anticipate those being expanded  
25 substantively over time.

26  
27 John, if we could go to the next slide. Again, we are really focusing and using the ARB strength  
28 which is the design review process to allow design flexibility while maintaining the  
29 considerations for context based design for the pedestrian environment really focusing on the  
30 qualitative nature, which is something that is very difficult to regulate and it is really the strength  
31 of the ARB, how the buildings relate to the street, the street façades, their detail design work and  
32 how they relate to the sidewalk, the massing and articulation. Also the low density residential  
33 transitions we feel, as we have heard over and over, are very important and these will be  
34 articulated to a great extent in the Step 5, which are really guidelines that are fairly consistent  
35 with the detailed guidelines that were developed earlier for the El Camino Real, very similar  
36 interface. Project open space has been defined and will be illustrated as well as how to handle  
37 parking and how it should not be a negative impact to the pedestrian environment and the bike  
38 environment and with that some streetscape development that we have begun. The how to treat  
39 larger sites is very important here. There have been discussions about wanting to break up the  
40 scale and maintain a small scale. So the concept of larger sites having multiple building  
41 prototypes on them we are illustrating as well as the principles of sustainability, which are in all  
42 of the different zoning regulations as well as historic preservation. Next.

43  
44 Connectivity, you have the diagram previously noted by John but what we are looking at having  
45 in the Step 5 examples in the larger format is very clear articulation of the connectivity.  
46 Although it is not necessarily a grid but there is a matrix, a network of connectivity that is both at

1 the public street level, it could be at the private street level, as well as in a subset level of detail  
2 which could include as had been discussed previously a potential for access along the rail line.  
3 This could be illustrated as Park, California and other intermediate structure of pedestrian  
4 connections within. Next.

5  
6 We are also looking very closely at the building façade. I am sure when we get to speaking with  
7 the ARB that these will be refined but we are working on detailed Step 5 guidelines which relate  
8 both commercial and residential uses as well as live/work and how those would be interfaced  
9 with the public realm, the street and the surrounding buildings. Next.

10  
11 Massing and articulation. We are going to address those in a number of different ways. The  
12 massing and articulation works at a large building scale to articulate buildings and break down  
13 the scale both horizontally and vertically. The level of detail as it is adjacent to the pedestrians is  
14 a great strength in its articulation and detail. We also are starting to work on how a single  
15 building could be broken up into an appearance for multiple buildings again breaking down the  
16 scale of the development. This is going to a greater extent than some of the other form based  
17 code sections because of the importance of the Pedestrian Transit Oriented district and it is fairly  
18 consistent with the El Camino Real Guidelines which is sort of a precedent that we are looking  
19 at. So although at this point we are anticipating moving forward to the ARB for detailed review  
20 of each of these guidelines and standards this is an important aspect in which we are beginning to  
21 work through these different issues. Next.

22  
23 Again, we mentioned that the transitions occur in a variety of different ways. The daylight plane  
24 is being incorporated in as it is adjacent to single family residential as well as other elements  
25 such as landscaping and screening for visual privacy which is an expanded set of guidelines that  
26 are being moved into Step 5 to specifically relate to those issues. Next slide.

27  
28 We think that this is an important slide to grasp in a number of different elements. One is that as  
29 the development site gets larger there are multiple different building types. That works in two  
30 ways both to break down the scale as well as being able to work as a transition. For example if  
31 the area here was existing single family it can move from a Village Residential transition up to a  
32 medium density to a higher density transition so that we can use the large scale site development  
33 regulation as a way of transitioning from lower intensity existing development to other  
34 developments. I think that this both in size and in transitions is a fairly clear way of using this as  
35 a tool so that the ARB can inform the development community on its goals for this particular  
36 area. I think that that site in particular shows that in response to that. It is not a detailed clip of  
37 one backyard transition to another it is a greater view of what the neighborhood is to somewhat  
38 become. Next.

39  
40 Then we are also going to start to work with the Public Works Department and relate to a  
41 possible street section. An example would be along Park Boulevard with the lanes of traffic, the  
42 ability to incorporate bike as well as parking as well as taking the sidewalk and the potential for  
43 widening that through an easement or a combination of an easement and a setback. Similar to  
44 the strategy that we have had along the El Camino Real to again widen that opportunity for  
45 pedestrian circulation and bike circulation both in a commercial land use interface or a  
46 residential land use interface.

1  
2 So these are kind of snapshots of what we have attempted to do and illustrate the greater points  
3 that have been brought up at the meetings. We have begun to illustrate those and we our  
4 anticipation would be that if this is to move forward that we would work diligently on all ten of  
5 the different fundamental principles that were outlined and incorporate those into the Step 5  
6 regulations of the form based code. If you have any questions on those or any other issues we  
7 would gladly answer those.  
8

9 Chair Burt: Commissioners, no questions at this time? Okay. Thank you, Rick. At this time we  
10 are going to go to the public for comments. I have ten speaker cards or 11, 12. Speakers have up  
11 to five minutes to speak although you are not obliged to use all five minutes. Our first speaker  
12 tonight is Sally Probst to be followed by Suzanne Bayley.  
13

14 Ms. Sally Probst, Palo Alto: Good evening. I am glad to be able to say again that the League of  
15 Women Voters enthusiastically supports this Pedestrian Transit Oriented District for the  
16 California Avenue area. It was interesting to me to hear Steve Levy just an hour ago talk about  
17 the increasing sales tax revenue for the county. The sales tax is something that we depend on  
18 heavily in Palo Alto. One of the reasons for it is that as we are building more housing and more  
19 of our people who work here are able to live here they are also able to spend their money here  
20 and we benefit from the sales tax. In other words, as the number of commuters from outside the  
21 county is decreasing as it is because more housing is being provided here our revenues are  
22 increasing. I just think that is one of the benefits that we need to consider. The other benefit that  
23 we need to consider is that it is important to have a variety of kinds of housing for a variety of  
24 levels economic, professional, etc. This transit oriented district will help in that area. Of course  
25 the two projects that are before you later that will come as this is approved are both on the  
26 Housing Element list of possible sites to help us reach what we have agreed to provide with the  
27 State of California. I just mention that as another aspect. So I heartily support this district. I  
28 think that the form code that we began hearing about from our consultants was it two or three  
29 years ago is now taking place and we are benefiting. Thank you very much.  
30

31 Chair Burt: Thank you. Suzanne Bayley to be followed by Brian Bayley.  
32

33 Ms. Suzanne Bayley, Palo Alto: Good evening. I am here tonight along with many of my  
34 neighbors to ask that you do not recommend approval of the proposed Pedestrian Transit  
35 Oriented Development until the concerns of our neighborhood can be fully addressed and the  
36 impacts mitigated. I actually put all my comments together for the project. It is very confusing  
37 having in one night the project and the zoning update.  
38

39 Let me just tell you our block is just south of Oregon, just one street over from Alma and at an  
40 elevation 20 feet below Park Boulevard. We were all aghast when the Agilent project up eight  
41 years ago and blocked our views of the sunsets and foothills from our homes and yards. We now  
42 endure green light from the third story of Agilent seeping into our homes and neighborhoods all  
43 night since the lights are never turned off. Direct views of the modern, boxy, commercial  
44 building from inside our homes and our yards negatively impact the single family residential feel  
45 of our neighborhood. We did not know how development along Park Boulevard would affect us  
46 until this building, which had previously been one story, was built. Apparently no one else did

1 either. It is a natural assumption that the sight lines stop at the Caltrain tracks. However, this is  
2 false. The Caltrain tracks are not the end of the world. When Agilent was redeveloped the  
3 residential neighbors along Olive Street participated in a design that created a parking lot and  
4 landscape berm facing their homes so as to minimally be impacted by the redevelopment.  
5 Unfortunately, for us our neighborhood took the brunt of the building massing as it occurred on  
6 the Park Boulevard-Page Mill corner. We now know and understand the impact on our  
7 neighborhood of development on Park Boulevard. Our view of the proposed housing  
8 manufacturing development on Park Boulevard will be of an almost block-long five story blank  
9 wall with no room for landscaping. We will have four-plus stories of housing looming over us  
10 and peering into our kitchens, backyards, living rooms, etc. Neighbors who can see the foothills  
11 and sunsets now will not be able to any longer. Noise from the train and traffic noise along  
12 Alma will be amplified and bounce back. If you look at all of the design the Caltrain tracks are  
13 treated as the very back. There is nothing. They say everything is massed towards the back.  
14 That is what we see. There are no pedestrian lovely sounding adjectives for the part of the  
15 building we will see and how this will impact our neighborhood.

16  
17 Palo Alto's Comprehensive Plan first and foremost calls for the protection of our existing single  
18 family neighborhoods. The language of the proposed zoning update is too vague for us to rely  
19 on these protections. The densities and heights allowed on the borders of the PTOD will have  
20 dire consequences for our quality of live and our existing residential neighborhood. The  
21 maximum height and density allowances in this zone need to be stepped back from our  
22 residential neighborhood and transition from more compatible heights. I notice tonight that it  
23 doesn't even show that we are single family residential right next to Alma. So we are not being  
24 considered in this plan even though we have come to you before. I will save the rest of my  
25 remarks for the actual building that is going up. Thank you.

26  
27 Commissioner Lippert: Excuse me. I missed the first 15 seconds of your talk because people  
28 were clapping and I was distracted. I did not hear that part.

29  
30 Ms. Bayley: Well I asked that you do not recommend approval of the PTOD until the concerns  
31 of our neighborhood can be fully addressed and mitigated.

32  
33 Commissioner Lippert: Thank you. That is the part that I missed. Thank you.

34  
35 Chair Burt: I would like to ask the audience as a practice we discourage the audience from  
36 applause or cheering and things. It is selective to the speakers and some are intimidated by  
37 different reactions from the audience so as a general rule we ask that but you are all welcome to  
38 speak. Our next speaker is Brian Bayley to be followed by Jonathan Cranch.

39  
40 Mr. Brian Bayley, Palo Alto: Good evening. I would like to take a minute to talk about the 50-  
41 foot height limit. At the last meeting the comment was made by one of you that it would be  
42 difficult for a developer to satisfy all of the criteria needed to build a 50 foot building in the  
43 proposed area. So there probably wouldn't be many 50-foot buildings and maybe there wouldn't  
44 be any. It was clear that the speaker was thinking that this would be a good thing not to have 50-  
45 foot buildings. So the obvious question is if it is a good thing not to have 50-foot buildings why  
46 not just set the height limit lower so that we won't have them? After all a 50 foot building is a

1 50-foot building no matter what is inside of it. A 50 foot building filled with below market rate  
2 units has the exact same effect on the cityscape as a 50 foot building filled with luxury condos or  
3 manufacturing or any of the other uses that have been proposed. No difference. The basics of  
4 what can be built in this area are determined by the zoning conditions that you all are setting up  
5 not by what the Architectural Review Board for example will eventually say about a specific  
6 project. Their inputs are minor compared to the rules that you set. So in setting those rules I  
7 would ask that you consider the proposal before you as if it were a proposal for your own  
8 neighborhood, as if the proposed new buildings would be looming over your backyard, as if the  
9 lights from the new development would be shining into your living rooms, as if the noise from  
10 the passing trains would be echoing into your bedrooms and kitchens and as if the children riding  
11 their bicycles on Park street fighting the cars rushing to get onto Oregon Expressway were your  
12 children or maybe in some cases their children. There is an opportunity here to do something  
13 really wonderful with this area. Something that is a win for the City and win for the  
14 neighborhood it is not however building 50 foot high buildings that aren't scaled for the area and  
15 don't fit the local environment. We don't live in suburban Palo Alto because we want to make it  
16 into urban San Francisco or San Jose or Oakland. We live in Palo Alto because we like the scale  
17 of the cityscape and we like the friendliness of the environment. You all have the power to set  
18 the rules for this area in a way that can lead to something really nice, something that becomes a  
19 model that other neighborhoods will want to emulate not something that is used as an example of  
20 what can happen to your neighborhood if you don't watch out. So I encourage you to make  
21 something wonderful. Thank you very much.

22

23 Chair Burt: Thank you. Jonathan Cranch to be followed by Peter Lockhart.

24

25 Mr. Jonathan Cranch, Palo Alto: Good evening. I am not really feeling very well this evening  
26 so I will just be very brief. I think Suzanne and Brian have been very articulate and they have  
27 conveyed most of my concerns. I am concerned about the height. I am concerned about the  
28 mass of the buildings that we will see. I am hearing now that people on the platform at the  
29 Caltrain station can look into our bedroom at this point. If we add four more stories of height  
30 above that our privacy will be totally nonexistent. It would be very nice if we would put the  
31 high-rise building along El Camino and the soccer fields along Park Boulevard. Thank you.

32

33 Chair Burt: Thank you. Peter Lockhart to be followed by Edie Keating.

34

35 Mr. Peter Lockhart, Palo Alto: I found some of the language in the PTOD to be confusing and  
36 perhaps contradictory so I have written a letter to address those concerns. I will just read the  
37 letter into the record.

38

39 City of Palo Alto, Mr. Steve Emslie, Planning Director. Regarding the California Avenue area  
40 Pedestrian Transit Oriented Development District. I am on record as enthusiastically supporting  
41 the PTOD. I made this statement based on meetings with Staff where my counsel and I were  
42 clearly told that Olive Avenue would be designated RM-40 zoning or could be. In reading the  
43 Zoning Ordinance Update I find some of the language confusing and contradictory. The zoning  
44 designation of RM-40 and Village Residential or Cottage Cluster are both mentioned in  
45 reference to Olive Avenue. The present R-1 zoning is acceptable the RM-40 works and is  
46 preferred. We would strenuously object to anything less.

1  
2 Regarding the PTOD zoning proposal in reference to the Olive Avenue I am requesting a  
3 response and an opinion from the City Attorney to the following points: is the zoning in the  
4 PTOD on Olive intended to be Village Residential, RM-20 or RM-40? Reference Attachment F,  
5 page 9, paragraph three; Attachment B, page 4, Table 2; Attachment E. The second item: does  
6 the City have the ability or right to initiate a rezone if the owner does not consent? Reference  
7 Attachment B, page 12, paragraph six/18.66.060 Part A. Wording similar to the following would  
8 serve to clarify and facilitate the goals as stated in the ordinance update, which is, "Due to the  
9 sensitive nature of Olive Avenue the PTOD should be elective in this area and in keeping with  
10 the intent of the California Avenue area Pedestrian Transit Oriented Development District. The  
11 City shall encourage support and facilitate property owners to elect the RM-40 zoning hereby  
12 afforded. Sincerely, Peter Lockhart with carbon copies to Mr. John Lusardi and Mr. Frank  
13 Benest. Thank you.

14  
15 Chair Burt: Thank you. Edie Keating to be followed by Robert Carney.

16  
17 Ms. Edie Keating, Palo Alto: Hi. I have a copy of the Caltrain schedule which I wanted to show  
18 you because I think it could help clarify from reading some of the comments and questions last  
19 time. This is very much a part of my world because I take Caltrain to San Francisco every day.  
20 When the Bullet schedule first came on I rented a bike locker at Downtown Palo Alto because I  
21 said there is not enough service at Cal Ave, which is much closer to my home. So I either drove  
22 or biked to Downtown. This summer Caltrain revised the Baby Bullet schedule and they did a  
23 really wonderful job and they increased service to the middle stops not to the Palo Altos but to  
24 the California Avenues and the San Mateos and so on. This row here that I have underlined so  
25 the numbers just above it is California Avenue. You can see that during the morning commute  
26 there are two trains that are stopping each hour at California Avenue so that is pretty good. The  
27 other thing that is really wonderful is that one of those trains each hour has three local stops and  
28 then it is a Bullet. So I can go to California Avenue and I can get to San Francisco really fast. I  
29 really appreciate that so I am back to using California Avenue more often than Downtown. In  
30 the other direction, I just looked at it, it is not quite as good but it is just half an hour on the local  
31 to get to San Jose so again that is quite good. Also, when you buy a Caltrain pass that is three  
32 zones or more, which I get when I go to San Francisco, I get free rides on VTA. So I happen to  
33 know that if I get off at Palo Alto I can just take the 22 and I am at California Avenue where I  
34 may have left my bike or my car. It is very simple you just get on right where the train station is.  
35 Also, the 522 buses have you noticed those? The VTA rapid buses that are going on El Camino  
36 make three stops in Palo Alto. They stop at the Downtown Caltrain station, they stop at  
37 California Avenue and they stop at San Antonio. So at all those places you have double the  
38 service on El Camino, you have the 22 and also the 522. Also if you ride your bike from  
39 California Avenue to the Downtown train station, and I am not very fast, it is under 15 minutes.  
40 So it is a very rich place and very nice bicycle riding. Park avenue right where El Camino  
41 crosses it that might need a traffic light it is a little dicey. But for example I would never ride my  
42 bike on somewhere like Alma Street but Park avenue even in those busier places I am very  
43 comfortable riding my bike.

44  
45 So then moving to what do I think about this whole thing in general, I live right now at East  
46 Meadow and Alma and I miss Albertson's a lot because that is where I would walk to buy my

1 milk, and that is where I would walk to buy a bottle of wine which at least has sales tax on it.  
2 Likewise when I think of all the people who will move in and live in these areas they are going  
3 to enjoy walking to Molly Stone or Country Sun to be able to buy their milk or their bottle of  
4 wine. I like having retail opportunities but I really like having viable retail opportunities that I  
5 can count on because they are thriving businesses and are going to stay that way. If you add  
6 more people that close to the California Avenue shopping area I really think it has to help.  
7 Thanks.

8  
9 Chair Burt: Thank you. Robert Carney to be followed by Terry Holzemer.

10  
11 Mr. Robert Carney, Palo Alto: Good evening. I would like to concur with the comments of the  
12 second speaker particularly. This development is being characterized as a Pedestrian Transit  
13 Oriented Development, which implies that transit is a central feature of this program, a  
14 precondition perhaps for it. So that transit resources in this area are judged to be critical to the  
15 development. In this area we have bus service but nothing that could be called a bus hub and  
16 probably no prospect of building such a thing because of the street congestion in the area, which  
17 is only going to get worse with this development. The one resource that we have is Caltrain but  
18 Caltrain service to California Avenue does not include the Baby Bullet Express. Of the 34  
19 nominal stations on Caltrain 12 are Baby Bullet. California Avenue is number 11 in terms of  
20 ridership in 2004 and 2005 yet we do not have Baby Bullet Express service. I think that a  
21 necessary precondition for a transit oriented development is to have those transit resources lined  
22 up in advance. I believe that we must have a binding agreement with Caltrain Peninsula Joint  
23 Powers Board to upgrade Caltrain service at California Avenue before this can proceed.  
24 Otherwise it is a little disingenuous to call this really a transit oriented development because the  
25 transit resource, a good transit resource, an appropriate transit resource is really not in place.  
26 That is my main comment.

27  
28 I haven't had a chance to look through all of this but I am not aware in the record that there has  
29 been an evaluation of the noise effects of this development. The Alma Street Caltrain corridor is  
30 very noisy. Development particularly building façades on the Park avenue side will be  
31 acoustically reflective and I don't know to the best of my knowledge an acoustics consultant has  
32 not entered anything into the record about the effects of reflective surfaces on noise levels on the  
33 Alma Street side of this development. I think this could be a significant impact. It is noisy  
34 already and this has the potential to make this residential area in which I live significantly  
35 noisier. I would appreciate if someone could look into that. Thank you.

36  
37 Chair Burt: Thank you. Terry Holzemer to be followed by Debbie Kullman.

38  
39 Mr. Terry Holzemer, Palo Alto: Good evening. I am the President of the Palo Alto Central East  
40 Residential Association, which is directly in the proposed California Avenue PTOD. I wanted to  
41 first of all say I apologize for not attending last month's meeting. I understand that at that  
42 meeting you did discuss the PTOD as well and unfortunately I could not attend.

43  
44 I wanted to first of all begin my remarks by telling you a little bit about our homeowner's  
45 association. Our complex is made up of over 141 homeowners, condominium owners and it  
46 includes people of all ages, a mixed group. We have young professionals. We have older

1 residents, retired residents and what I consider the middle age group, which includes myself. We  
2 have enjoyed for many years living in the California Avenue district. Part of the reason why we  
3 moved to this area originally was because we were attracted to what is already currently there  
4 and that includes the commercial street along California Avenue, the businesses, the post office,  
5 and all these areas that we are already familiar with.

6  
7 What we are concerned about are a number of things. First of all like all residents we care about  
8 our neighborhood a great deal. Sometimes our area gets kind of overlooked because people  
9 think that we are mainly a commercial zone, which is quite not true. There are a number of  
10 homeowners that live in that area and support the California Avenue business district and the  
11 area. We are very proud to do that and we continue to do that because we care about this area  
12 quite a bit. For the large part we feel that this zoning change has kind of snuck up on us. We  
13 care a lot about having a lot of community support and understanding. For those of us that live  
14 in the area and care about it we want to know as much as we can especially those issues that  
15 affect our local area, the surrounding streets. We had hoped, and I know this hasn't approached  
16 our Board at all, we had hoped that the City Staff or even members of this Commission in  
17 proposing this zoning change had sought comments from the people that live in that area  
18 particularly our Board or the Boards of other homeowners associations that actually live in that  
19 zone. As far as I know that has not occurred. I also feel like we need to reach out to the business  
20 people along California Avenue and find out their feelings and their viewpoints as well on this  
21 issue. As a suggestion to the Commission and to the City Staff I would hope that the residents of  
22 this area and in the affected zone would be properly surveyed, their thoughts considered and  
23 more community outreach done by the City before any of this matter or this zoning change  
24 occurs. I would hope that you would please take all of these matters into consideration  
25 especially because our residents do care about our complex and about the surrounding area. We  
26 care about the same issues that other neighborhoods care about traffic, noise, we care about all  
27 these issues and these issues should not be forgotten by the people who live in this zone. Thank  
28 you very much.

29  
30 Commissioner Lippert: Excuse me, before you leave could you point out on the map the area of  
31 your neighborhood?

32  
33 Mr. Holzemer: We live right in that area. We are right before the red zone. It is a yellow here  
34 and it is kind of an E shape but without the middle E part. So it stretches from Oregon  
35 Expressway down to California Avenue right along the railroad tracks.

36  
37 Commissioner Lippert: It is basically the yellow building that is all along there.

38  
39 Mr. Holzemer: That's right.

40  
41 Commissioner Lippert: Thank you.

42  
43 Chair Burt: Debbie Kullman to be followed by Robert Wheatley.

44  
45 Ms. Debbie Kullman, Palo Alto: Hi folks. I am yet another Emerson Street resident. I have to  
46 echo what my neighbors have said. I spent a couple of nights walking up and down the street

1 with Suzanne Bayley to let our neighbors know what was going on because these little postcards  
2 that we get from the City of Palo Alto are usually used for fire starters, at least they were in my  
3 house. I very rarely looked at them. It never occurred to me that this was something that could  
4 so affect my life. Suzanne and I took a ride over to the train station yesterday and looked from  
5 the train station parking lot and I was appalled that I could see my neighbor's bedroom window,  
6 and that is at street level. My neighbor's window is on the second floor and the street level, the  
7 elevation on Park Boulevard is 20 feet higher. So if you talk about putting up a 50 foot building  
8 even one 50 foot building that is 70 feet that we are looking at. We are probably looking at 50  
9 feet of that building. To me that is not what Palo Alto is all about. We don't have buildings like  
10 that. We do but they are in Downtown Palo Alto or they are on El Camino Real they are not in  
11 the middle of our residential sections. I understand that something needs to be done with this  
12 area. It is ripe for redevelopment. It is something that I feel very strongly should be redeveloped  
13 but in my trek, in my drive up and down Park Boulevard and up and down some of the other  
14 streets that run parallel to Alma I found that there are wonderful condos, two story condos, two  
15 story townhouses, that kind of thing. There are no huge buildings. I am talking tall invasive  
16 buildings, buildings that are going to be looking in my backyard. I could see the roof of my  
17 house. I have a large backyard. I live next door to the Cranch's and they are right, Agilent's  
18 lights are on all night. Basically when I go into my kitchen to drink a glass of water that is what  
19 I see – these lights on the third floor and they are green glaring right in my kitchen window. I  
20 think what I am asking you to do is look at how this affects our neighborhood and consider that  
21 before you pass a blanket zoning change that would allow buildings that are so high that they are  
22 going to be looking in my backyard. I will have no privacy at all.

23  
24 The other issue is traffic. I don't know how many of you have tried to take the loop from Park  
25 Boulevard onto Page Mill at five o'clock. You can wait at least five minutes in a line of cars. I  
26 realize five minutes is not a whole lot of time but if you add high density housing into the mix  
27 you are going to end up with a lot more people even though this is supposed to be a pedestrian  
28 transit oriented development a lot of these people are not going to take the train. They are still  
29 going to use their cars. They are going to get into this whole traffic loop. It is going to be a snarl  
30 and I am not sure that that has been researched in detail. I know that there was one report citing  
31 that there were no traffic problems and that I just don't believe. Anyone that's been there at five  
32 o'clock knows that adding a few hundred more people is going to be a problem.

33  
34 So I just want to ditto what my neighbors have said and I also want to say that the consideration  
35 that was given to Olive Street when the Agilent building was being built was the right thing to  
36 do. Basically, driving up Olive Street and looking to the right at Agilent from their front yards  
37 there is wonderful landscaping, there is berms, there is a level change. Looking out from their  
38 front yards I see this beautiful landscaping and then a parking lot and the building is way out  
39 there the butt of which we see from our kitchen windows and from our bedrooms. So I am  
40 asking that what you did for them you consider doing for us. Look at Emerson Street the world  
41 does not end at Alma. Thank you.

42  
43 Chair Burt: Thank you. Robert Wheatley to be followed by Bob Moss.

44  
45 Mr. Robert Wheatley, Palo Alto: Hi. I am the manager for the site that is referred to in the  
46 writing as the Fry's site, El Camino Center. I appreciated John's description of the property and

1 the illustration that was given in the write-up is just basically for the one parcel but there are  
2 many parcels that make up that site. In fact there are closer to 16 acres that are inside the PTOD  
3 area instead of just the 12 acres. So we wouldn't want that to be held up as the intent of the  
4 planning district if the site is redeveloped and more acres are included than that but it is useful as  
5 an illustration. We do support the PTOD proposal. I think it does give flexibility past what the  
6 current zoning is now for the redevelopment of the property whether it is different uses or styles  
7 or densities perhaps including some neighborhood services, whatever the arrangement is it  
8 allows more flexibility which will better I think suit the community when it gets done. We  
9 currently do have many of the tenants taking the train from different areas into our site. So there  
10 is ridership on both buses and on Caltrain that come into the Fry's site now and I would  
11 anticipate that if we had residential development there that many of those people would choose  
12 to use the train because the proximity is very useful to the people who are there. I think that  
13 given that it is the 11<sup>th</sup> highest ridership I think it was 800 or 900 a day getting on and off at that  
14 station it is a viable station that is used a lot.

15  
16 The reservation we probably have about the PTOD is the vagary of approaching that for  
17 development. It is not a set zoning. There is a discretionary process at the level of your  
18 committee here then again at the City Council level and given other experiences, developing the  
19 Rickey's site or other things there are many people who have become discouraged in that process  
20 over time. It has been very difficult so that is one thing that still would remain a difficulty in this  
21 zone. Even though it gives you more options it puts into a very discretionary process with no  
22 certain outcome at the other end. If it could be made more certain for particular outcomes it  
23 would be helpful to us if not a defined zoning that was put on the property. Our property was  
24 rezoned from a commercial service or commercial area to residential many years ago, an  
25 involuntary process where we were told this is very important for the City to get housing and to  
26 be able to increase its housing stock. I think that pendulum goes back and forth a little bit. Now  
27 whenever a specific location is talked about there is nothing but a problem in actually putting  
28 housing of any kind of density at any given location. It seems like it is a nice concept but it is  
29 not to be done anywhere specifically around town. I think if it can't be done where there is  
30 proximity to Caltrain and proximity to the transportation resources that the community has then I  
31 don't think there is anywhere in town that the City really would have the will to put housing. So  
32 I think this is the place to do it if it is going to be done where we have the transportation  
33 resources.

34  
35 One suggestion for our site would be to include three smaller parcels that make up about one  
36 acre on Ash Street. One side of Ash Street is included in the PTOD and these parcels across the  
37 street, 3200, 3250 and 3260, are not included in the PTOD. If we had input on this or a  
38 suggestion would be to include those three small parcels, which would in any case be an integral  
39 part of any development of this whole site when it comes to be. Does that make sense? Okay.

40  
41 Vice-Chair Holman: Could you point to those on the map?

42  
43 Mr. Wheatley: Here is the site and I believe this is Ash Street right here running through. It  
44 would be parcels that are right here just across the street. This side is and the other side is not  
45 included. Thank you for your time.

46

1 Chair Burt: Thank you. Bob Moss to be followed by Chi Lee.

2  
3 Mr. Robert Moss, Palo Alto: Thank you Chairman Burt and Commissioners. Since Mr.  
4 Wheatley started off by talking about the Fry's site I will begin with that and give you a little  
5 history. The Staff Report talks about how the site is going to be amortized in 2019 to housing.  
6 That amortization period has been extended twice already. I was at the meeting next door in  
7 1991 when Randy Fry came in with his proposal to move into that building. I told them then that  
8 the site was being amortized and in about seven or eight years it was going to be housing. He  
9 said well in the retail business seven or eight years is forever and if we can really make a success  
10 of it for seven or eight years I would be delighted and then we will talk about it. Well, they  
11 talked about it and it got extended and then it got extended again. I am willing to bet that if Fry's  
12 is doing as well in 2017 as they are doing today it will be extended again or the zoning will be  
13 changed. So don't let that influence your decisions.

14  
15 The second point is Olive and to a lesser extent Pepper. When the zoning ordinances were being  
16 changed and the zoning map was being changed in 1976 to 1978 that area was considered  
17 seriously blighted. Everyone was convinced that those homes on those streets were all going to  
18 be demolished and it was going to all be redeveloped for commercial and industrial. It didn't  
19 happen. In fact, a number of brand new homes have been built there. It is a perfectly viable R-1  
20 residential area. The last thing that you should be doing is putting in one of these wild card  
21 zones in R-1 housing areas. The extent of the PTOD overlay should stop at the Agilent  
22 boundary. You should not include Pepper. You should not include the Fry's site. One of the  
23 reasons is exactly what Mr. Wheatley is concerned about this site is basically wild card zoning.  
24 It is a PC zone without the benefit that the public is supposed to get from PC zone. It is what I  
25 refer to as Blanch Dubois housing where the public is supposed to depend on the kindness of  
26 strangers on the ARB and the Planning Commission to give them something that is consistent  
27 and something that is going to be suitable for the neighborhood. That is not the way to do land  
28 use. That is not the way to do zoning. You should be putting in specific requirements. Thou  
29 shalt have setbacks. Thou shalt build no higher than 40 feet come hell or high water. Thou shalt  
30 not have somebody decide what is contextual today to me is not going to be contextual to Paula,  
31 or to Daniel, or to Karen tomorrow.

32  
33 One of the things I was kind of amused at is Staff was saying we are not going to get 50 foot  
34 high buildings, we are not going to get this density because it is uneconomical to build it. Let me  
35 tell you a true story. When the CN zone was created on El Camino when I was one of the three  
36 people in the community that created it we wanted it low density and low intensity. [Naply  
37 Knox] was the Director of Planning at the time and he ended up putting in a little higher density  
38 than we wanted and we said we don't think that is a good thing to do. He said, don't worry, the  
39 only way a developer can build at the highest density possible would be to have underground  
40 parking and underground parking is so expensive it is never going to happen. Do you know how  
41 many years it was before we got underground parking there? Five. So when somebody tells you  
42 that it is uneconomical and it is not practical what is uneconomical and unpractical to you and to  
43 the Staff today is not going to be that way in the future to a developer.

44  
45 I would like to suggest two specific changes. On page 9, item 6, height increase for projects with  
46 a residential density greater than 30 units per acre, delete that entirely. Do not allow 50 feet.

1 Forty feet max no more. Second, somebody else has already talked about this on page 17 the  
2 new section that was added, 18.66.060 B where it talks about the restrictions require rezoning  
3 through the same process except if the Director of Planning and Community Environment may  
4 determine a revision is minor and does materially alter. What is minor? What is not materially  
5 alter? What is minor to this Director or the next Director or the Director after that? I would like  
6 to see some specificity, some definitions. Don't just leave it open.  
7

8 Chair Burt: Thank you. We have Chi Lee to be followed by Joy Ogawa and then our final  
9 speaker Lena Tsakmaki. I have a card for items two and three from Victoria Holl. Someone can  
10 change that if that is what she wants to do. Mr. Lee.  
11

12 Mr. Chi Lee, Palo Alto: Good evening. When I look at your proposal I actually like the way  
13 you describe it as Pedestrian Transit Oriented Development. The problem is that you are  
14 injecting higher or new residential building and business building. That is contradictory to your  
15 proposal. If you are not introducing new housing or business office then that's fine. You  
16 enlarge the road and you literally improve the traffic. But there will be a negative impact if you  
17 have business. It is so unpredictable there will be cars and more noise pollution and air  
18 pollution. It will be more congested. I don't know how deep you have studied in terms of the  
19 social, environmental and economical impact on this particular project. I can speak personally I  
20 am against it because I don't want to see a tall building behind my backyard. It looks  
21 intimidating and it deprives me of privacy completely and also lower the potentially have a  
22 negative impact on the value of my house. Also, Palo Alto means tall tree literally but not tall  
23 building. It has a longer impact because people will be discouraged to move into Palo Alto if  
24 they see more concrete buildings and more high-rise buildings. You are just looking at the  
25 benefits at this point but you have to have a longer vision of the image of Palo Alto and the  
26 meaning of Palo Alto. Thank you.  
27

28 Chair Burt: Thank you. I had neglected to ask speakers to state their address just for the record  
29 so Mr. Lee is on Emerson Street. Is that no longer required?  
30

31 Mr. Don Larkin, Senior Deputy City Attorney: No, we don't ask the speakers to state their  
32 address just the city of residence.  
33

34 Chair Burt: So just name and city of residence then, sorry. Joy Ogawa to be followed by Lena  
35 Tsakmaki.  
36

37 Ms. Joy Ogawa, Palo Alto: I live in College Terrace in Palo Alto. I hope you were able to read  
38 my email comments because I am not going to repeat that here. Regarding auto dealership  
39 properties. If you want to keep that auto dealership on Park Boulevard then simply do not  
40 include those properties in the overlay district. After all they are outside the 2,000-foot radius  
41 from the train station. Staff says that this is not a good location for an auto dealership. I  
42 disagree. El Camino might be a better place for a Chevy dealership but Park Boulevard is a great  
43 place for a Mercedes and BMW dealership. Furthermore, close proximity to a train station  
44 works really well for an auto dealership with a service department. I, myself, take the train to get  
45 to and from my auto service shop in order to pick up my car or after I drop it off for service. I  
46 could get someone to drive me but it is easy for me to take the train instead so I take the train.

1 Staff's argument for including the auto dealership property is an extremely weak one. Staff  
2 argues that the property owner could eventually ask for a rezone to multi-family housing. So  
3 Staff is doing a preemptive strike by applying this overlay instead. I hope the fallacy of that  
4 argument is apparent to the Commissioners. It amazes me that Staff can make this argument in  
5 one breath and then turn around and say that if you want to keep locally owned businesses in the  
6 overlay district you can always deny an overlay application for an individual site. It is obvious  
7 to me that it would be a lot easier to deny an application for a zone change from GM to RM-40  
8 than it would be to deny an application for an overlay for a property that is included in the  
9 overlay district. By including the property in the overlay district you would be inviting the  
10 property owner to submit plans to redevelop. If you don't want to invite that kind of  
11 redevelopment just don't include that property in the overlay district in the first place. Just  
12 because a property owner could theoretically eventually apply for a rezone from GM to RM-40  
13 doesn't mean that the rezone will automatically be granted. In fact, we should all be extremely  
14 alarmed that Staff seems to presume that if a property owner applies for such a rezone the rezone  
15 will be granted. Why else would Staff argue that we need to strike preemptively to prevent the  
16 rezone requests by including the property in the overlay district? Similarly, for the R-1  
17 properties on Olive Avenue if you want to keep the single family neighborhood then don't  
18 include those properties in the overlay district.

19  
20 Regarding Fry's, Staff says that Fry's could remain in a redevelopment under the overlay zoning.  
21 However, it seems to me the reality is that in order to redevelop the property Fry's would have to  
22 move at least temporarily during construction. If Fry's has to relocate doesn't that greatly reduce  
23 the likelihood of Fry's moving back? It costs a lot of money to relocate a store like Fry's. Why  
24 move twice when you can move just once? So why unnecessarily create a further incentive to  
25 redevelop the Fry's site before 2019 and why create problems when you don't have to?

26  
27 Finally, with the lack of specific development standards Staff proposes to take on the  
28 responsibility of interpreting and enforcing the design criteria guidelines. It seems to me that this  
29 would be similar to the Individual Review process but consider how much Staff time and effort  
30 is expended on Individual Review. Staff is always complaining about how they are overworked  
31 and understaffed. Now they want to take on this additional burden. That doesn't make sense to  
32 me.

33  
34 Since I have the time I will say something about the 50 foot tall fake brick building at the corner  
35 of El Camino and California Avenue, a building that the Staff has held out as a good example of  
36 a 50 foot tall building in the area. Let me tell you that in my opinion that building is the least  
37 pedestrian friendly, the most pedestrian unfriendly building on California Avenue. The corner of  
38 that building juts out into the sidewalk at the corner of El Camino and California Avenue. It is  
39 almost impossible to see anyone walking towards the corner from the other side of the building  
40 until you actually reach the corner and it is a very narrow sidewalk at that intersection. I have  
41 personally collided with another pedestrian at this corner. Now, whenever I approach this corner  
42 I am kind of scared and I stop and I peer around the corner in order to avoid collisions. To me  
43 this is not the kind of building that should be built in a pedestrian oriented zone. Please take the  
44 time necessary to consider all the details and ramifications and impacts of this overlay zone. Let  
45 me just repeat what I said at the last meeting that this overlay zone is a Staff driven thing and it is

1 on a timeline that Staff determined and none of this was at Council's direction. So please take  
2 the time that is necessary to consider this carefully. Thanks.

3  
4 Chair Burt: Thank you. Lena Tsakmaki and then our final speaker Victoria Holl.

5  
6 Ms. Lena Tsakmaki, Palo Alto: Hello. I would like to voice my opposition to the creation of the  
7 PTOD district and the California Avenue Caltrain Station. First of all the measure seems to  
8 benefit only one individual, the owner and developer of the parcel on Park avenue. The rest of  
9 the area is fully developed with high density units unless of course there are hopes that more  
10 stores in the California Avenue commercial district will be converted to high density housing,  
11 something that would be very unfortunate for the citizens of Palo Alto. Thus it would be more  
12 fair that any rezoning discussion that benefits a single parcel to be accompanied by specific plans  
13 for that parcel and voted as a single measure in order to avoid unpleasant surprises in the future.

14  
15 Second, a possible high-density housing construction on the parcels on Park avenue would have  
16 detrimental effects on our neighborhood on Emerson Street and the adjacent Midtown area. You  
17 might not think that there is a neighborhood after the trains but we are so close and everything  
18 that happens in the Park avenue area effects us. The combined parcels have the length of almost  
19 an entire block on Emerson Street. If a building 50 feet high of that length is built there that  
20 would act as a reflective sound wall that would amplify the already high Alma traffic and train  
21 noises would get in our houses. Let me tell you what noise I am talking about and these are not  
22 arbitrary numbers since I have a sound pressure level meter and I measured them repeatedly.  
23 The train noise in my backyard is 77 decibels. Inside my house, which is new construction with  
24 double pane windows, the train noise is 64 decibels well above the maximum permissible  
25 instantaneous noise level of 50 decibels for interiors. For comparison purposes the noise level of  
26 a low flying airplane inside my house is 52 decibels. Now a difference of ten decibels is not just  
27 a little higher but ten times higher since the decibel scale is algorithmic. So the train noise in my  
28 house is ten times louder than the airplane noise that we all know. I don't think there is any  
29 margin to have an increased train level noise in our homes but that will definitely happen if a  
30 four or five story building is constructed on Park avenue. Solid surfaces act as transmission and  
31 reflection mediums for sound whereas sound is disbursed in open air.

32  
33 Third, I think that the Pedestrian Transit Oriented Development is a euphemism or at least  
34 wishful thinking. There is no way to ensure that the people who buy those units will use the  
35 train. There are already many such developments adjacent to the train station but in the 60 or  
36 64,000 people on California Avenue of the two train stations has only 840 daily passengers.  
37 That is something that was mentioned in the last meeting. That is because of the reduced train  
38 stops on California Avenue. So the way to promote train use is not to build more housing but  
39 ensure a frequent and convenient train schedule. Since I have more minutes I know people who  
40 live in those developments in that area who work two stops on the train down and they don't use  
41 the train because there aren't frequent stops on that train and it is not convenient. Thank you for  
42 your time.

43  
44 Chair Burt: Thank you. Victoria Holl.

1 Ms. Victoria Holl, Palo Alto: It is interesting going last because you kind of go, that's been said,  
2 that's been said and that's been said. I reiterate what my neighbors have said. You know a  
3 building of this size is going to act as a sound wall. That is why they build them along freeways.  
4 What I see here and I am looking at this, I will be honest, this is the first time I have seen the one  
5 with the developer's name on the bottom. I see a developer and I see a city trying to build a high  
6 density mass building complex or several of them under the guise of a Pedestrian Transit  
7 Oriented Development. I am not even going to say it out loud. You know it is not true. I walk  
8 to Safeway to buy water, my neighbors think I am a joke, and I am only four blocks away.  
9 People in Palo Alto don't walk. People in Palo Alto don't take the train. As was just said 850  
10 passengers a day through one station. Divide that in half because those are people coming and  
11 going. Building housing there of that density isn't going to change that. I do agree that the area  
12 needs to be redeveloped but I just wish you would consider all of the neighbors around that area  
13 not just what stops at the railroad tracks.

14  
15 Chair Burt: Okay, that concludes our speakers on the subject. Just a couple of thoughts. One  
16 we often encourage Staff to give any responses they may have to specific questions or comments  
17 that they may have factual responses to and then the other thing that has occurred to me tonight  
18 even though this is our third meeting in the last two months on this particular zoning area and  
19 one of the reasons that the Commission has taken three meetings and Staff has agreed to this  
20 many is to in fact draw out public participation and input. It is always regrettable that many  
21 times the public does not become attune to a proposal that is working its way through until often  
22 when it gets all the way to City Council. We wanted to do everything we could to try to  
23 encourage that input. So I hope that the members of the public who are here tonight realize they  
24 haven't been deliberately excluded. The exact opposite has been the attempt, which is to include  
25 everyone. So having said that, yes?

26  
27 As I stated we have had our last public speaker and the hearing is closed to the public. So the  
28 hearing is closed at this time.

29  
30 As I was trying to say, one of the things now that we have a new group of people who are  
31 interested in this development the background that has been discussed for some time they may  
32 not be so familiar with and so at the risk that Staff is going to be asked to repeat some things that  
33 we have done at previous hearings, could Staff give a brief summary of the concept of the  
34 Pedestrian Transit Oriented Development, the genesis of it and some of the state mandates that  
35 are now influencing it? Not a long presentation like we have had previously but just so that  
36 people understand that there is a context for this. It isn't being done out of the blue and for no  
37 reason.

38  
39 Mr. Lusardi: Thank you, Mr. Chair. I will give a brief background and I would like to clarify  
40 and respond to some of the concerns that were raised. We certainly appreciate that.

41  
42 The Pedestrian Transit Oriented land use is a land use that is contained within the City's  
43 Comprehensive Plan, which was adopted and approved by the City. It is a land use and is called  
44 out for that area. We have plotted the area, the 2,000-foot radius that the Comprehensive Plan  
45 shows for a potential Pedestrian Transit Oriented Development. We have explained to the  
46 Commission and to the public why we are not going with the 2,000 foot radius primarily because

1 it contains an awful lot of single family residence and we want to avoid the single family  
2 neighborhoods with respect to the Pedestrian Transit Oriented Development. So we augmented  
3 the boundaries and modified the boundaries to capture what we think would be the true  
4 development sites for the Pedestrian Transit Oriented Development called out for in the  
5 Comprehensive Plan and called out in the Comprehensive Plan to be implemented through the  
6 Zoning Ordinance Update. So that has been there since the Comprehensive Plan adoption for us  
7 to implement the Pedestrian Transit Oriented Development zone.  
8

9 As we have pointed out also recently Council action with respect to the GM zones that are along  
10 the railroad tracks there on Park Boulevard the restriction or the prohibition of multi-family  
11 housing on those sites is part of what has triggered us to come forward with the Pedestrian  
12 Transit Oriented zone in this area primarily because there are two housing sites on the Housing  
13 Element Inventory that are showing for housing development. It puts the Staff and the City in a  
14 delicate position with respect to state legislation that is SB 1818 which we feel we cannot deny  
15 housing on those sites because they are designated as Housing Inventory sites and because  
16 SB 1818 requires us to entertain development and housing in that regard. So what we are trying  
17 to do is frame local regulations and legislations that would be more sensitive and more  
18 responsive to what the City feels should be happening there and not leave it up to what we think  
19 is kind of an open-ended and confusing state legislation. So we are trying to frame it in that  
20 regard as well.  
21

22 So that is part of why we are here tonight as implementing the Housing Element, the  
23 Comprehensive Plan and responding to Council's action and the housing sites that are being  
24 proposed for those areas. I do want to point out too and clarify that what we are proposing here  
25 as a Pedestrian Transit Oriented overlay. That is, what we are asking the Commission to do with  
26 this action is just create the ordinance that creates the Pedestrian Transit Oriented overlay. We  
27 are not rezoning any sites with the recommendation that is before you right now. There are two  
28 housing sites that would follow if you made that recommendation.  
29

30 With respect to some of the comments I want to clarify that no sites automatically become transit  
31 oriented development under this action. You are simply recommending to adopt the ordinance to  
32 be included in the zoning ordinance. Also, the pedestrian transit overlay is an overlay zone.  
33 That is the underlying zoning whether it is RM-40, GM, RM-30 stays when the overlay is  
34 applied. The overlay can only be applied, as I pointed out earlier, through a discretionary review  
35 process by the Planning Commission and the City Council. That is where you have the  
36 opportunity to address both environmental impacts whether they are noise or traffic or shadow  
37 and shade plus densities, land uses and those things. That is a discretionary process that is a  
38 public review process before development can happen or design can move forward in any final  
39 manner.  
40

41 Lastly, it being an overlay, I do want to point out and stress that the Pedestrian Transit Oriented  
42 zone proposes a 40-foot maximum building height. You can go to 50 feet with a density bonus  
43 with respect to affordable housing units. We have talked with the Commission in the past and  
44 explained how difficult that might be or how challenging it might be to reach that density but it  
45 would require a density bonus. The maximum building height in the zone itself is 40 feet.  
46 Along Park Boulevard in the GM zones and the RM-40 zones the building height currently is 50

1 feet and 40 feet and 35 feet. So 40 feet in some cases is less. So conceivably the sites that the  
2 neighborhood is raising some concerns about right now in the GM you can build to 50 feet and it  
3 can be a nonresidential building built to 50 feet and it would only require ARB review at this  
4 point because the zoning is already in place. It would not require a rezoning or a Planning  
5 Commission or a City Council review. So with respect to that I want to point out that the  
6 existing building height permitted there is 50 feet in a lot of respects and 40 feet in other  
7 respects.

8  
9 Courthouse Plaza Company, which owns one of those sites, proposed a development in  
10 September of 2004 I believe and at that time some residents from Emerson Street did come and  
11 speak about the noise reflection issue. Courthouse Plaza asked their noise consultant, Charles  
12 Salter & Associates, to address that issue. They did look at it and they concluded that a 50-foot  
13 tall building in that case would not have a significant increase in noise reflection. We would be  
14 more than happy to sit down with the residents and go over that in a little more detail. It is not  
15 analysis we did it is analysis that was done by the property owner.

16  
17 Lastly I want to point out what is contained in the Pedestrian Transit Oriented District is design  
18 criteria and some of that design criteria is very specific to the relationship of noise reflection,  
19 how building articulation takes place along there and how the design elements have to address  
20 some of those situations. They don't exist now. They don't exist in the GM zone. They don't  
21 exist in the ARB Standards of Review. So these would all be new criteria that a development  
22 would have to respond to because it would be codified in the PTOD zone if that were what the  
23 development was recommending. So I hope that is a summary and responds to some of the  
24 concerns that the neighbors raised.

25  
26 Chair Burt: Paula, you had a question?

27  
28 Mr. Larkin: If I could make one short correction in case people go out and try to look up the Bill  
29 number. It is not SB 1818 that is the density bonus legislation. I believe it is SB565 but I am not  
30 certain of the number but it is the 2005 [Torlickson] Housing Bill that prohibits the City from  
31 eliminating housing on sites that are designated in our Comprehensive Plan as suitable for  
32 housing. On those sites unless we have enacted design criteria we would not be able to apply  
33 design criteria it would be whatever the developer wanted to come forward with but they would  
34 be subject to a 50 foot height limit if it is an affordable housing development and no design  
35 criteria.

36  
37 Chair Burt: Paula.

38  
39 Commissioner Sandas: Thanks. John, can you tell me how high the Agilent building is? How  
40 tall it is?

41  
42 Mr. Lusardi: I don't know the exact height but again it is in the GM zone with a 50-foot  
43 maximum height. I don't believe it is 50 feet.

44  
45 Commissioner Sandas: So it is somewhere between 40 and 50 feet? Thirty-five feet? Okay.  
46 Another question I have regarding the height issues, you were mentioning that when particular

1 projects come before the Planning Commission and/or the ARB that would be when the height of  
2 the project would be discussed, did I get that right?

3  
4 Mr. Lusardi: That is correct.

5  
6 Commissioner Sandas: Okay. Is there in your opinion any reason to perhaps establish height  
7 limits within the PTOD at Park Boulevard at the train? What would be the benefit of doing that  
8 or the problem with doing that?

9  
10 Mr. Lusardi: Well we are proposing height limits along Park Boulevard at 40 feet.

11  
12 Commissioner Sandas: Yes, I am saying below 40 feet.

13  
14 Mr. Lusardi: Going lower than 40 feet? The only thing it would do is reduce the amount of  
15 housing unit yield that could come out of a proposed development in that respect. So I think  
16 there are other design criteria that Staff feels the design criteria in here adequately address that  
17 and our discussion with the ARB. We could look at some way of doing some kind of a building  
18 setback so the setback of the 50-foot is not right at the property line or something like that. If  
19 Rick maybe wants to address some of that but the proposed building height of the PTOD right  
20 now is lower than what is allowed under the GM. So we feel we have addressed that building  
21 height concern.

22  
23 Chair Burt: Follow up from Karen and then Lee.

24  
25 Vice-Chair Holman: Regarding that change that the building height that could be built I think  
26 with the exception of the affordable housing bonus the fact that that is lower than what currently  
27 could be built. I am trying to understand how that should give the community some peace of  
28 mind because none of that has been developed except for the Agilent to that height. So what  
29 they are seeing is a change of development not having to do with the zoning change. So again I  
30 am not quite sure how to put that in a question but do you understand what I am trying to get at  
31 here?

32  
33 Mr. Lusardi: I think so. I think what we are doing is we are reducing the building height that  
34 would be allowed there now under the existing zoning. Now 50 feet obviously is a concern of  
35 the community, 40 feet is obviously from what we are hearing a concern of the community as  
36 well. But I think if you saw it going below that height you are going to start reducing your  
37 housing yield number one and given our discussions and talking with our urban design  
38 consultants and everything we don't think that is going to minimize the noise impacts. We don't  
39 think that is going to reduce the noise reflection. We think that can be better done by design and  
40 by design criteria and by the Architectural Review Board review of that and if you have that  
41 language in the ordinance it is going to be much easier to enforce to ensure that those kinds of  
42 noise reductions through building design are incorporated into the project.

43  
44 Chair Burt: Lee.

1 Commissioner Lippert: This is for the City Attorney again. So if I understand [Torlickson's]  
2 legislation it specifically says that if you eliminate housing from your general plan without  
3 having met your housing goals, correct? You have to meet your housing goals first and then you  
4 can downzone, correct?

5  
6 Mr. Larkin: That is correct if you meet your housing goals. It is eliminating housing on sites  
7 that are designated in the Comprehensive Plan. The issue addresses the sites that come up later  
8 on Park Boulevard and Page Mill Road, items two and three on your agenda for tonight. Those  
9 two sites are designated housing sites in our Comprehensive Plan and so unless we have met our  
10 affordable housing goals we can't eliminate housing or prohibit housing on those two sites.

11  
12 Commissioner Lippert: Let me ask you this. Since the action that City Council took in  
13 eliminating housing from the GM and the GM(B) zone why doesn't the previous standards still  
14 apply to those sites?

15  
16 Mr. Larkin: We don't have any design criteria standards for those sites and because of the way  
17 the state legislation works we couldn't create standards that would reduce the housing yield or  
18 reduce the amount of affordable housing that would be created. We can apply design review  
19 standards if we have them so that is one of the reasons we are going forward with design review  
20 standards.

21  
22 Commissioner Lippert: Did City Council understand this when they removed housing from the  
23 GM and GM(B) zones or was it one of those things it just sort of went over everybody's head at  
24 that moment?

25  
26 Mr. Larkin: I can't presume to know I wasn't there. I don't know but you will be receiving as  
27 well as City Council a report on the new legislation and that will answer more of your questions,  
28 I believe.

29  
30 Chair Burt: Dan.

31  
32 Commissioner Garber: Just a quick question and then a longer one. Did I understand that this  
33 image was created by a developer?

34  
35 Mr. Lusardi: I am sorry, we were talking and I didn't hear the question.

36  
37 Commissioner Garber: One of the speakers had mentioned that this image was created by a  
38 developer. Is that true?

39  
40 Mr. Lusardi: No.

41  
42 Chair Burt: No, it is by our consultants.

43  
44 Mr. Curtis Williams, Contract Planner: Right, the Van Meter Williams Pollack at the bottom is  
45 the design consultants the City has hired. They don't work for any developers in town.

1 Commissioner Garber: Okay. Can I try taking a shot at reiterating John what you just said and  
2 see if I am getting it correctly in terms of where the PTOD came from and how it is being  
3 addressed and its benefits just so I can get it set in my mind?  
4

5 The Comprehensive Plan that was created now almost ten years ago mandated that, correct? So  
6 we are obligated to address that, correct?  
7

8 Mr. Lusardi: You are obligated to review it and propose something. You are not obligated to  
9 address it exactly as we are proposing it.  
10

11 Commissioner Garber: Understood. It is on the table so to speak. The problems that the PTOD  
12 is meant to address as they have been discussed in previous meetings as I understand them are  
13 one, to increase the vivaciousness, the livability, the environment and community of the areas  
14 that are directly around that transportation hub, in this case in California Avenue, then secondly  
15 to increase the business viability of that area as well. Were there other general goals that I am  
16 missing there, just real simply here?  
17

18 Mr. Lusardi: Well, I think it is really to create a neighborhood pedestrian friendly environment  
19 both from a street and access and bicycle point of view and to create a diversity of housing types  
20 in there. That is how we are interpreting that.  
21

22 Commissioner Garber: Those things though have a direct impact on the livability of that  
23 community as well as the businesses that operate there, right? The key being the creation of  
24 more opportunities for people to live in those areas, which then brings the benefits to those areas.  
25 Now, bringing those people in also then creates a bunch of problems and the strategy to deal with  
26 those problems is typically through mitigation. There are issues of noise. How do we try to find  
27 a way to accomplish those goals but reduce the impact that noise has? You have more people so  
28 you have larger buildings how do I reduce the impact on neighboring and transitions between  
29 those different areas, etc.? Also the strategy of doing not a straight zoning solution to this which  
30 you have just described which would allow me as a property owner to do an awful lot without  
31 ever really having to really go to the City, come through this Board, come through the ARB,  
32 come through the Council. In so doing I get to avoid a lot of potential headaches. That is sort of  
33 a short route but I can do that right now given the existing zoning. Part of what the PTOD's goal  
34 is to create a process in addition to the rules that are there that causes the community to have  
35 greater impact on what the actual solutions will be, therefore, overall the process is in fact more  
36 involved and more demanding. But the benefit to the community is that the community can get  
37 closer to what it is they want in that community themselves. Am I missing something with the  
38 strategy of that process? Okay.  
39

40 So that being the case let's talk about some of the mitigations. Clearly there have been  
41 conversations not actually just today with these people that have just spoken in the community  
42 about noise and impact relative to the boarder of this proposed zone adjacent to Alma and the  
43 Emerson community as well as the community that is on the other side of Oregon Expressway.  
44 You have mentioned that the Staff has already proposed that there be a limit of the 40 feet to the  
45 buildings as well as acknowledging that the way to get above that 40 feet is to have increased the  
46 number of BMR units that are available which allows you to increase that height, which I could

1 do anywhere in that PTOD, correct? Not just along there. So I could, although it does reduce  
2 the amount of housing inventory that I would have we could recommend that we just simply  
3 limit it to the 40 on the sites that are adjacent to Cal Trans. I am also curious to see if any of the  
4 existing transitional strategies that have been in place, specifically adjacent to the R-1 zones that  
5 are on the other sides of the PTOD, might also be applicable. We may need to have our  
6 consultant address that question.  
7

8 Mr. Lusardi: I think we would tend to agree with you in that perspective that if the Commission  
9 felt it desirable to put a height limitation on properties that are along the railroad tracks. I don't  
10 know that we would be opposed to a 40 foot height limit but I think what Staff would  
11 recommend is that you direct us to come up with a criteria that establishes a minimum building  
12 height, 40 feet at the property line with some step back, setbacks on the building where it could  
13 go up higher if it is demonstrated that the design would work and it wouldn't have undue noise  
14 impacts or reflection. So I think we could come up with some language like that but we would  
15 recommend that it be done through a building setback.  
16

17 Commissioner Garber: I have no problem with asking for recommendations from the Staff for  
18 that part. I think the only other thing I would observe by way of supporting such a view is the  
19 recent construction that has been going on that is adjacent to the Palo Alto Medical Foundation  
20 which has some buildings which are reaching the limit of height there and they are imposing.  
21 The area that is immediately across Alma from the train station is a park. So you actually have  
22 an opportunity to have foreground to buildings that are on that side which would increase the  
23 impact that those buildings would have at least on those portions of that community which is not  
24 actually where these people are from but just the same has a big impact on the general area. So it  
25 would be something that I would be interested in pursuing. I have some other questions but we  
26 should do another round.  
27

28 Chair Burt: One question I have is I don't recall whether we had a discussion on whether there  
29 could be landscape screening along the properties that are adjacent to Alma. Was there any prior  
30 discussion on that or does Staff have any comments on that prospect?  
31

32 Mr. Lusardi: I don't know if there is a specific language in there under the design criteria but it  
33 is something I think we could come up with language and propose some kind of a landscape  
34 screening to be included along that edge.  
35

36 Chair Burt: Several of the speakers spoke about a 20-foot elevation difference between the  
37 Caltrain platform and Emerson Street grade. Is Staff familiar with that? Does that seem  
38 approximately correct?  
39

40 Mr. Lusardi: I know there is an elevation difference I don't know that it is 20 feet. I know it is  
41 fairly substantial you notice it. You can see it.  
42

43 Chair Burt: So when Staff had previously looked at the impact of this development on the  
44 viewsapes had the elevation difference been included when we were talking about a 40 foot or  
45 as an except a 50 foot height limit? Were we conceiving of a practical impact of it being 60 feet  
46 elevated from across Alma?

1  
2 Mr. Lusardi: When we talk about building height we talk about building height at grade onsite.  
3 So if there is a differential then we are not talking about reducing the building height necessarily  
4 from a different site on the other side of Alma. Again, if you feel that the site differential and  
5 you want to reduce the building height because of that site differential I think we can do that.  
6

7 Chair Burt: I meant it in terms of the Comprehensive Plan references to viewscales and impacts  
8 on viewscales.  
9

10 Mr. Lusardi: There is nothing in the Comprehensive Plan. I think it is language we can come up  
11 with and add to the design criteria. Since it doesn't exist if we put it in the PTOD then again it is  
12 a regulation that we can implement with development.  
13

14 Chair Burt: I believe there is reference in the Comprehensive Plan about viewscales. One other  
15 just clarification for the audience, earlier John you had referred to meeting and notifying  
16 CAADA and a member of the audience had talked about engaging the California Avenue  
17 business district and I don't think they are familiar with the acronym. Can you clarify what you  
18 were talking about at that time?  
19

20 Mr. Lusardi: I was talking about the California Avenue Business Association, the district there.  
21 We did contact them. We have had brief discussions with them. We sent them all of the Staff  
22 Reports for their review prior to tonight's meeting and we do have a meeting scheduled with  
23 them for January 19<sup>th</sup> to go over this.  
24

25 Chair Burt: Thank you. Lee.  
26

27 Commissioner Lippert: I have a couple of questions for Rick Williams. Rick, in putting together  
28 some of the criteria here and the context based design standards was any research done with  
29 regard to Lead Urban Design Principles?  
30

31 Mr. R. Williams: There is a number of Lead Urban Design Principles that this incorporates just  
32 fundamentally, locationally particularly. Lead is also coming up with some new neighborhood  
33 design principles that relate to transit oriented development and pedestrian and walkability.  
34 Those actually aren't in place but staff members in my office are part of the entities that are  
35 working on those so I am aware of those. So we are kind of a little bit ahead of the curve on that  
36 portion of it.  
37

38 Commissioner Lippert: Can you talk a little bit about those?  
39

40 Mr. R. Williams: Well it has to do with both the incorporation of higher density development  
41 close to transportation and particularly transportation rich areas. It is also higher density. Also a  
42 variety of housing types having a neighborhood with a great variety of housing in it or all part of  
43 it as well as the design criteria is really built off of a number of the principles of walkability that  
44 are part of what are going to be the new Lead neighborhood level design criteria. So they are  
45 taking what has typically been a building oriented Lead certification and they are going to have  
46 locational criteria for Lead buildings that add to the certification process.

1  
2 Chair Burt: Okay. Anybody want to go next? Karen.

3  
4 Vice-Chair Holman: I have probably a pretty simple question and then a more complicated  
5 question. The Hyatt Rickey's site is 16 acres is it not?

6  
7 Mr. Steve Emslie, Planning Director: Sixteen and a fraction.

8  
9 Vice-Chair Holman: Okay. Understanding that there wasn't a PTOD overlay for instance on  
10 that site but how many different housing types are going to be developed there?

11  
12 Mr. Emslie: There is at least probably four different housing types single family to stacked units.

13  
14 Vice-Chair Holman: Okay, that is helpful. Then the Fry's site I got a little bit confused here.  
15 The Staff Report says it is approximately 12.6 acres but then the gentleman that was here  
16 speaking, Mr. Wheatley, was talking about 16 acres. Adding those three single family parcels  
17 wouldn't make it 16 so I got a little bit confused about how big the site really is.

18  
19 Mr. Lusardi: The Fry's site itself where Fry's is located and those uses are approximately 12.3  
20 acres. What Mr. Wheatley was referring to is there are adjacent parcels that are owned by the  
21 same property owners that could be combined with the Fry's site to create a development site of  
22 about 16 acres. So there are adjacent parcels that are under the same property ownership.

23  
24 Vice-Chair Holman: So what we see on the map in the Staff Report that is indicated as the Fry's  
25 site is the 12.3 or 12.6 acres. Is that correct?

26  
27 Mr. Lusardi: Essentially the RM-30 area is about 12.3 acres I believe.

28  
29 Vice-Chair Holman: Great, thank you. Then the more complicated question. Trying to sort  
30 through how much nonresidential development could we see as a result particularly on the Fry's  
31 site but overall in the overlay area how much commercial development could we see? There is  
32 quite a range in the Staff Report of theoretically 190,000 square feet just on the Fry's site, 390  
33 multi-family units and then more likely the presumption was something like 87,500 square feet.  
34 So this leads to a clarification of also on page 5 of the Staff Report was there a clarification about  
35 whether public and private streets get counted in calculation of floor area ratio or not?

36  
37 Mr. Lusardi: We did research that. Public streets are not included in the overall calculation and  
38 private streets are for purposes of FAR.

39  
40 Vice-Chair Holman: Okay, so that would have some effect on the 87,500 square feet.

41  
42 Mr. Lusardi: Depending on whether they are public or private streets.

43  
44 Vice-Chair Holman: Yes, exactly. Is that always at the developer's discretion, the City's  
45 discretion, the City's recommendation or how is that determined?

1 Mr. Lusardi: The developer will propose a development with either private streets or public  
2 streets but I think it is the discretion of the City to ask that they public streets. It really is a  
3 carrying capacity and access and what specific development or areas are being accessed, whether  
4 that should be a public street or a private street.

5  
6 Vice-Chair Holman: Okay. Then following up on that still let's use the numbers of 87,500  
7 square feet of nonresidential and residential development of 380 units for purposes of discussion  
8 and again we are just talking about the Fry's site here. How does ABAG consider that in  
9 determining jobs/housing imbalance? We are taking a site that is zoned for residential and we  
10 are making it available for mixed use. What I am trying to get at here, the obvious point is, are  
11 we exacerbating our jobs/housing imbalance?

12  
13 Mr. C. Williams: Well, ABAG first of all doesn't regulate per se jobs/housing balance but they  
14 look at that in terms of determining the housing need once the regional housing numbers come  
15 out every five years or so. It is very hard to tell what effect that would have on it. Again, like  
16 you said there is such a range here of potential outcomes. It could be developed as almost  
17 entirely residential still and might even be a higher density than the RM-30 would have yielded  
18 which would mean it would very helpful in terms of the jobs/housing balance. It sounds to me  
19 like if it is something like 80,000 square feet or whatever which is considerably less than what  
20 the buildings out there at least cover right now that that would maybe be a wash or maybe be still  
21 an improvement. If it goes to the 190,000 square feet then that is a very different situation. So  
22 ABAG generally looks at what is sort of on the books or in the pipeline as far as specific  
23 proposals. They don't look so much theoretically at this kind of overlay zoning. If we were to  
24 rezone the entire property as one specific category then they might take that into effect in terms  
25 of our Comprehensive Plan. I think there are just too many 'ifs' about it to know what direction  
26 it would provide in terms of increasing or decreasing that jobs/housing imbalance.

27  
28 Vice-Chair Holman: I was just trying to get to should that development occur at those levels  
29 when ABAG then evaluated City of Palo Alto's jobs/housing imbalance? Would that have a  
30 positive or negative effect on our pressure to zone up for more housing? That was what I was  
31 trying to get to and you sort of got there. It is a little hard to say, isn't it?

32  
33 Mr. C. Williams: Yes, I think it is too hard to tell. It also depends on the other area around it  
34 too. I think a lot of these changes have the potential for more housing and less nonresidential.  
35 So if that is the case then that is beneficial. If you just looking at that one site then there is such a  
36 wide range I don't think you can draw a conclusion from that at this point.

37  
38 Chair Burt: Rick, did you want to add something? Then I have a question for you.

39  
40 Mr. R. Williams: ABAG looks at jobs/housing imbalance but they also look at units and they  
41 look at units of different income levels and sizes, etc. So one of the other differences from the  
42 existing zoning of RM-30 what you end up with is if you are a developer coming in you say I  
43 have RM-30 zoning so I am going to do my RM-30 product, so to speak. What this overlay  
44 takes into account is that you then don't get just your RM-30 product you get multiple products,  
45 multiple housing types on the site and you get transitions at the edges of the site which aren't set  
46 by the RM zoning criteria. What you find in the RM zoning criteria having looked at some of

1 the other developments mentioned is you have the tendency of getting as much of a particular  
2 building type as can be obtained on that site and they really try to fit that in. So the other thing  
3 that the overlay zone does is it kind of dictates multiple building types and it also dictates  
4 transitions beyond just having a daylight plane which is basically what you get with the RM-30  
5 zoning.

6  
7 Chair Burt: Rick, did you have any comments on the impact of some of the concepts that we  
8 were talking about about perhaps capping with an absolute height limit or a setback on the  
9 properties adjacent to the tracks there as well as the feasibility of using significant landscape  
10 screening to buffer noise and sight lines?

11  
12 Mr. R. Williams: At the last presentation we had actually shown some preliminary illustrations  
13 of treatments from the railroad side basically treating it as a front to the developments. So what  
14 we are basically doing is incorporating language and diagrams into the Step 5 which would be  
15 used by the ARB to basically say treat the rear of the development similarly to the front in the  
16 level of articulation, design quality, material quality and not treat it as a back of a building and  
17 have a great amount of articulation within that. The reality from a height standpoint and a floor  
18 area ratio standpoint is that you are not going to get the same building height all the way across  
19 the entire property. If you were to do that you would get something that might be a little bit  
20 lower but it would be constant and in fact it would probably end up to be more of a wall on the  
21 back of the site by pushing the height of the building down. By having the height of the building  
22 at the 40-foot level you are probably going to get lower portions of the building along some areas  
23 and then higher portions of the building in other areas. So in fact by lowering the height you  
24 could push more of the building mass to the back of the property. One of the things we found, if  
25 you recall, in the El Camino Real Guidelines was when we removed the criteria for a deep  
26 setback the buildings having to be setback far from El Camino Real we in effect pushed the mass  
27 of the buildings farther away from the single family homes behind. So it actually acts as an  
28 advantage to push the building mass say along Park versus having it pushed down in height and  
29 when you push it down in height you will push that 40 foot height limit into more building mass  
30 on the back of the site. So it might have the ability to do kind of the opposite of what people  
31 would like it to do. Now that would mean that you would have more of a transition from the  
32 train to the lower buildings along the back of the property to the 40 foot height limit at the front  
33 but that would be a more effective sound reflector in a positive way to protect the homes than if  
34 you pushed the building down in height but more of the mass ended up along the railroad tracks.  
35 So I think that we can look at design criteria to really in effect create a variety of massings along  
36 the back which would help with reflectivity and we can also continue as we have anticipated of  
37 pushing the mass a little bit closer to Park which would in essence I think minimize the height  
38 issues. Everybody is talking about it as a 40-foot wall along the back property of the railroad  
39 tracks. In fact if you move the massing closer to Park it will in fact do the opposite it will take  
40 the building mass away from it. So my only concern with lowering the height overall is that you  
41 are going to push more of the mass to the back of the property.

42  
43 Chair Burt: I think a lot of people don't follow and maybe even the Commission needs to have a  
44 clarification again on that your consulting firm is leading the guidance of us and the Staff in the  
45 form code aspect which is really not just a prescriptive height limit, box shaped, daylight plane  
46 but how buildings are built in context and the quality of the relationship to other buildings. So

1 we are having both aspects of these things to our new code. Sequentially, tonight we don't have  
2 all those form code aspects before us. You are indicating that some of the concerns that were  
3 raised tonight could very well be addressed in the form code. Could Staff review the process  
4 sequence of how the form code adoption would occur versus what we are adopting tonight?  
5

6 Mr. Emslie: I think we have gotten some very useful input this evening and that is frankly the  
7 purpose of hearings. So we are glad that we have engaged a conversation along these lines. AT  
8 the risk of oversimplifying let me just try to summarize what I think kind of what we are hearing  
9 and then perhaps offer some avenues that Staff could take to further develop the PTOD and bring  
10 back to you more comprehensive recommendations based on the input that we are hearing.  
11

12 I think one of the predominant sentiments that we are hearing is that the edge treatment is  
13 absolutely essential and how we treat that edge with as much degree of definition as possible at  
14 this stage is very important to many of the speakers. I think what you are also hearing from our  
15 experts as well is that you have to be careful because it is not a simple matter, you can't start  
16 making changes now from the dais because you may have unintended consequences that are  
17 counterproductive. So really this leads me to conclude that we need to have the opportunity to  
18 be able to digest what we have heard. We have heard many comments that I think have given us  
19 food for thought. Then prepare another layer of specificity to deal with the edge conditions  
20 along Alma and the other edges that we need to be concerned about and be able to explore with  
21 the residents the possibility of choices. I think that the site is very valuable because clearly I  
22 think there was almost unanimous concurrence that the area does need to be redeveloped. It is an  
23 area that has some outdated, outmoded uses. I would say some of our least treasured  
24 architectural models are in this area. So this is too great of an opportunity and given its  
25 proximity to transportation and the enhancements that have been made to this transit corridor in  
26 the past it is far too valuable to overlook our potential by not doing a very good and thorough job  
27 on dealing with the concerns that we have heard. I also wanted to mention too it is not just the  
28 look of the edge but also its acoustic effect. I think that also we would like to be able to explore  
29 the dynamics of acoustic engineering and perhaps inject some professional help that might help  
30 guide and further refine the responses. We are always in a state of tension over describing a  
31 higher degree of specificity because ultimately it always provides a constraint of parameter that  
32 you haven't anticipated but in this case because the edge treatments are so very important to us  
33 and to the community we would like to explore just how far we can go in delivering a degree of  
34 certainty that helps to address concerns that we have heard and then allow the area to redevelop  
35 in an appropriate manner that supports our Comp Plan and our Housing Element policies. So we  
36 would recommend a continuance to allow Staff to explore those two primary issues the edge, the  
37 setback, and the height. As you know height is relative to its distance. As it moves further away  
38 it diminishes. We see things in three dimensions and sight lines can be cutoff and changed. So  
39 there is a real dynamic to that that I think that the work that the zoning code team and Rick  
40 Williams and his team can provide a great deal of illumination on and have a very worthwhile  
41 dialogue.  
42

43 Chair Burt: How would that work in the timeline? You had previously given us what you  
44 needed as a timeline.  
45

1 Mr. Emslie: I think we could stay fairly close to on schedule although I can't speak for the  
2 zoning code team. I do want to say that if we do this because of what the attorneys have said we  
3 do continue to run a risk because of the change in state law that projects could move forward  
4 under the developer's criteria rather than ours. So we do want to move fairly quickly and stay  
5 pretty much on track. This was scheduled to go the first of February at Council that might slip a  
6 bit but I would hope to stay no more than a three or four week delay. I'm saying that not  
7 knowing the Council's schedule. I think it is very important to keep this moving so that we  
8 retain the maximum amount of discretion over this given a further incursion by the State of  
9 California into the cities' ability to determine its own local land use especially in the area of  
10 housing.

11  
12 Commissioner Garber: I appreciate the importance of getting people that are smarter than my  
13 sledgehammer approach and would welcome any information and suggestions the Staff as well  
14 as our consultant would have on this topic. One thing that does occur to me that hasn't been  
15 talked about actively here but maybe would be a consideration as well in the discussion that you  
16 will have about these topics is one of the things that exists adjacent to Alma and the University  
17 Avenue area are mature trees which do not exist in the area that we are speaking about by  
18 California. So criteria relative to planting and landscape may be helpful as well.

19  
20 Chair Burt: Lee and then Paula.

21  
22 Commissioner Lippert: I think that Steve Emslie hit the nail on the head with regard to that and  
23 he only got that from our Q and A here. I think that it would be helpful for each of the  
24 Commissioners to state other concerns or criteria that should be considered.

25  
26 Chair Burt: We are not wrapping up yet. Paula.

27  
28 Commissioner Sandas: That was precisely what I was going to do state another concern. This is  
29 to add to the Staff list if I may I actually live on a very slight slope there is not a 20-foot drop  
30 between my house and the neighbors. I live in a single story home and the homes behind me  
31 actually up the hill are two stories. So in the dark of night we can actually exchange lots of  
32 waves. There was some concern expressed by people on Emerson Street about privacy. I don't  
33 know if in your work you will be able to address maintaining privacy but I would hope that you  
34 could.

35  
36 Mr. Emslie: I said I was going to miss something and I did. The grade change and the elevation  
37 would certainly be taken into account, yes.

38  
39 Chair Burt: I had previously asked about exploring the possibilities of landscape screening as  
40 well. Is that something that Commissioners are interested in? Okay. Lee.

41  
42 Commissioner Lippert: I have a couple of questions for Heba with regard to some comments  
43 here. I understand that Southern Pacific the right-of-way that goes through that the train runs on  
44 is Caltrain's and has criteria that you can't really have plantings abutting or near their train right-  
45 of-way because the trains hit the trees easily. So what are those standards and how far do they  
46 need to be from the right-of-way in order to be able to be effective and yet not be a detriment?

1  
2 Ms. Heba El-Guendy, Traffic Engineer: Actually I don't have these dimensions with me today.  
3 However, we also talked about having setbacks. So the landscaping still would be provided  
4 within the private properties with sufficient setbacks not necessarily within. We are going to  
5 check whatever Caltrain's guidelines would allow us to do.  
6

7 Commissioner Lippert: Okay. My area of concern is between Alma Street and the Southern  
8 Pacific right-of-way because that is where the most effective line of trees is going to be for  
9 screening the buildings and also acting as a sound barrier. We really don't have a lot of room in  
10 that planting strip along there. You can see that Public Works goes by there regularly and strips  
11 it.  
12

13 Then the next question I had was with regard to there is a program for in the Research Park as  
14 well as in the Downtown area, wherever people take transit to work or the train, they are given a  
15 credit by their employer to pay for their transit so that they take public transit and not drive to  
16 work. Is there any program for residences, for people that live in housing near transit for them to  
17 be able to take the train to work or to go shopping or whatever that could be made part of the  
18 approval process so that a developer might pay into some sort of a fund to build this housing that  
19 would then go towards subsidizing transit for the residents?  
20

21 Ms. El-Guendy: We don't have presently a program in place. We always encourage  
22 developments including residential developments to have TDM programs as part of their  
23 applications. It is harder to enforce on residential developments compared to office let's say.  
24

25 Commissioner Lippert: Could we make part of the criteria for this zone that the developer pays  
26 into a TDM program for just transit within the zone? So in other words it would be just from  
27 California Avenue say to Menlo Park or from California Avenue to Mountain View.  
28

29 Ms. El-Guendy: Yes, this is definitely an item that we can consider and at least provide you with  
30 all the details of what would be the pros and cons associated with it.  
31

32 Commissioner Lippert: Okay. Then one last question for Rick Williams. I like your possible  
33 street section here. One thing that you might want to consider here is you have a sidewalk and  
34 you have an easement. That easement could be a ground floor easement or ground floor setback  
35 and create an arcade and thereby pushing the building out on the second level to the street and  
36 still preserve the pedestrian transit orientation of the development. That way if it is along Park  
37 Boulevard then it would be pulled away from the railroad tracks.  
38

39 Mr. Lusardi: Mr. Chair, just to respond to Commissioner Lippert. Without creating a whole new  
40 mechanism or a whole new assessment district I think what we can explore is looking at taking  
41 the transportation impact fees that come from that development in the Pedestrian Transit  
42 Oriented area and putting it back into some kind of a TDM measure directly in that area.  
43

44 Chair Burt: Karen.  
45

1 Vice-Chair Holman: Stop me when you want. It is both interesting and very complicated there  
2 are so many different pieces to it. Staff at our places this evening put a note regarding Village  
3 Residential that is on page 4 of the ordinance. The footnote then regarding Village Residential  
4 because as Staff stated we haven't approved that yet the note says that Village Residential land  
5 use development type would only be allowed in projects following Council's adoption of Village  
6 Residential. I am a little concerned about that. I think the intention is of course on target. I am a  
7 little concerned about the language because we don't know what the timing of that is going to be  
8 in relation to when somebody might possibly come forward with a proposal. So could I just  
9 suggest for the Staff's consideration and for Commissioners to consider that in the place of  
10 Village Residential we put R-1 there because the purpose is to reflect and be a transition to what  
11 is across the way. So without this being there at all and with this language it sounds like the  
12 whole thing could be developed incompatibly. So if Staff would like to comment on that or  
13 anyone else.

14  
15 Mr. Lusardi: Only to say that we certainly concur with the Commission that the R-1 districts  
16 adjacent to or within the area of the PTOD should be protected. We agree with that. I don't  
17 think we feel that R-1, a single family detached residential development, is an appropriate PTOD  
18 residential use. What we would prefer to do is if the Commission is concerned about the Village  
19 Residential not having a development standard or identity or is that unknown we would prefer to  
20 just take it out and when we have the Village Residential that you are satisfied with we go back  
21 and amend the ordinance and put it back in if you are satisfied with that.

22  
23 Vice-Chair Holman: I guess not too argumentative, I guess my concern is that things can get  
24 protracted. Other things can intercede so I am concerned that there will be nothing there. So I  
25 was suggesting perhaps R-1 as a placeholder until Village Residential was approved. Maybe  
26 other Commissioners would like to comment on that. The whole purpose of Village Residential  
27 is to provide that transition and compatibility. Commissioner Garber might want to comment on  
28 it now.

29  
30 Chair Burt: Dan.

31  
32 Commissioner Garber: Actually I didn't have a comment, as much as if you could tell me a little  
33 bit more about what it is you are focusing on. So for instance on Cambridge Street is that a  
34 boundary where your comment would be applicable?

35  
36 Vice-Chair Holman: Which street, sir?

37  
38 Commissioner Garber: Cambridge.

39  
40 Vice-Chair Holman: No.

41  
42 Commissioner Garber: It would help me to have an example to understand what it is you are  
43 getting at in terms of a location or something of that sort.

44  
45 Vice-Chair Holman: If you are talking about the backside of Cambridge, the development  
46 behind that, yes that could be one area. It could be the edges of the Fry's site too if that is a

1 possibility because without having Village Residential there and I concur with Staff it shouldn't  
2 be here now because we don't know what Village Residential is really going to be, but without  
3 having Village Residential we have nothing as a development standard that is going to provide  
4 that transition from across the street and be reflective of the zoning across the street that I am  
5 aware of.

6  
7 Commissioner Garber: Okay.

8  
9 Chair Burt: Lee.

10  
11 Commissioner Lippert: Without delving into the details of Village Residential I think it at this  
12 point it is premature. Being on the D&E Committee we have looked at Village Residential and  
13 there are aspects of it that are appropriate and then there are other aspects of it that are not  
14 appropriate. So at this point I would just leave that out of the section.

15  
16 Mr. C. Williams: I think we don't have a problem with leaving it out but on the other hand we  
17 have a whole set of compatibility criteria with residential that talks about building types that are  
18 compatible with the lower density adjacent development. I think that in combination with all the  
19 other six or seven criteria that go along with it allow for quite a variety of low density and what  
20 we probably would call Village Residential in some cases. But that will be seen through this  
21 process and certainly there is no implication here that if Village Residential doesn't exist then  
22 you automatically put 40 units per acre next to the single family zone, it again goes through that  
23 review process, the design and determination that it is compatible under these criteria with the  
24 neighboring residential.

25  
26 Mr. Larkin: I was just going to point out, since it looks like we are not going to finish this to get  
27 to items two and three tonight, when we were talking about items two and three I was going to  
28 review the process for initiating a zone change but along those lines point out that applying the  
29 PTOD is a discretionary act on the part of the Commission and if the Commission and the  
30 Council don't believe that there are sufficient design standards to allow for that transition they  
31 don't have to rezone those parcels.

32  
33 Chair Burt: I should have pointed out when Director Emslie had a little while ago talked about  
34 continuing this item to respond to some of these issues, my understanding is that we therefore  
35 will not be reviewing items two and three tonight. Is that correct?

36  
37 Mr. Emslie: We would recommend we continue both items concurrently, yes.

38  
39 Chair Burt: I just want to be sure the public understood that and the rest of the Commission that  
40 that's the impact of that. Karen, maybe we can take one more and then make another loop.

41  
42 Vice-Chair Holman: Last meeting I posed the question about if someone came along and wanted  
43 to apply the PTOD zone on top of a use that is really important to the success and the vitality of  
44 that area. How would we go about denying that application? I used the example of Molly  
45 Stone's. There aren't findings so how would we be able to – what process would we use?

1 Mr. Emslie: What we have done with the proposal is that this is really a stepped zoning process.  
2 The first step is to actually define the area of potential zoning. The actions proposed actually  
3 rezones nothing that would enable a development to go. It is really basically a preliminary step.  
4 Then the next step if you meet the criteria and you meet all the design guidelines and all the  
5 standards that are in the proposed ordinance then you could come in and you could ask to  
6 actually rezone your property to the overlay. That is a legislative act of the City that essentially  
7 falls within our very broad powers of local determination that says where land uses can go and  
8 where they can't go. You have a great deal of discretion. You don't have to meet certain legal  
9 standards and findings as you mentioned that if those findings are in place more or less compels  
10 you to do that. You do not do that with a legislative act. You get to make laws. It is a law that  
11 you get to apply and you get to decide where you want to apply that as a City.

12  
13 Now the state has curtailed that in the area of housing and that is what we want to get ahead of  
14 by putting this in place so that we have adequate protections in place so that we will be able to  
15 have discretion because every year the legislature in Sacramento will continue to propose further  
16 laws that restrict cities' ability to determine where housing is appropriate and how much could  
17 go. It is a trend that has been going on for the last five to ten years and it will continue. So we  
18 think that getting a system in place ahead of time is a good prescriptive measure to preserve as  
19 much discretion as we can possibly do at this time.

20  
21 Mr. Lusardi: We are not proposing to eliminate the ground floor retail designation that is on  
22 California Avenue. In fact, through the PTOD it could be applied to other sites where it is  
23 appropriate. So the ground floor retail would remain as part of that.

24  
25 Vice-Chair Holman: Okay, I was looking for as part of that legislative act what could we do?  
26 Can you give an example, maybe not tonight but give an example of how we would say this isn't  
27 appropriate. If they are complying with the Comp Plan and complying with the PTOD ordinance  
28 then how would we go about saying no?

29  
30 Mr. Emslie: It is a little bit confusing because what we have done is setup a legislative process  
31 that imitates our normal quasi-judicial process, which is the use permit, variance process. So  
32 because it imitates that but legally it is a completely different decision. You don't have our  
33 exposure, this is really a lot driven by our risk of being sued and our chances of winning a  
34 lawsuit by denying a legislative act is much higher than denying a quasi-judicial act. So I am  
35 stopping there. I am getting into the legal area that Don should be addressing.

36  
37 Mr. Larkin: This is something that we talk about at our retreat as a reminder but since the  
38 question came up a legislative act is something that is within the discretion of the City and is part  
39 of its police regulatory powers. Whereas a quasi-judicial act is an act in which findings are  
40 required. You are not required to make findings when you are dealing with a regulatory act such  
41 as zoning.

42  
43 Chair Burt: Just before we continue I wanted to get a sense of the Commission. It is 9:30 we  
44 often would have taken a break by now. Is it the preference of the Commission to try and plow  
45 forward and complete or take a break? Keep going? Okay. Lee.

1 Commissioner Lippert: I just want to follow up with the direction Karen was going with her line  
2 of questioning. If in fact we review a parcel or a property in the GM zone or the GM(B) zone  
3 and we were to deny the ability of them to use the PTOD overlay wouldn't we still be in  
4 violation of the general plan and we couldn't deny them putting housing in there?

5  
6 Mr. Larkin: If we were to deny a project that is on our Housing Sites Inventory that would be  
7 correct. That applies to two parcels in the GM zone or the GM(B) zone but with regard to the  
8 rest of the GM(B) zone we would be within our right.

9  
10 Mr. Emslie: That was my point earlier is that that is the restriction. Because it is on the Housing  
11 Sites Inventory that is where the state has curtailed our ability to turn down. The other sites,  
12 Molly Stone's isn't on the Housing Sites Inventory so you still have discretion. Now we just  
13 continue incursions into the City's ability to turn projects down. So we want to get in place a  
14 process that affirms the highest degree of discretion that we can preserve under the current law.

15  
16 Commissioner Lippert: But we could turn down a RM-40 because RM-40 still has the ability to  
17 put housing there.

18  
19 Mr. Emslie: That is correct, yes. The main problem with the Council's action to eliminate  
20 housing from the GM zone is that it eliminated it completely and there is a variance with the  
21 Comp Plan. The Comp Plan could be changed that is also a legislative act. So you can go and  
22 make the consistency findings by changing the Comp Plan but we think that is grounded in pretty  
23 good public policy and urban planning practice to have housing and mixed uses around a transit  
24 corridor. So we are not recommending that you rectify it by changing the policy but correct it by  
25 having the appropriate pedestrian and transportation oriented zones with the right edges and  
26 dealing with the concerns that we have heard this evening.

27  
28 Commissioner Lippert: Having gone through the SOFA I and II process as well as a couple of  
29 other processes here wouldn't it just be easier for the Planning and Transportation Commission  
30 to recommend to the new Planning and Transportation Commission to the new City Council to  
31 look at reinstating housing in the GM zone? It is a political decision at that level and it could be  
32 reversed.

33  
34 Mr. Emslie: I think that we have made significant progress. I think the work of the zoning code  
35 team is incredibly valuable. I think that we are hearing that we need to pay more attention to  
36 certain edges and conditions of acoustics and so forth. So I don't think we are at that point  
37 where we need to just throw our hands up. I think that there is a real potential for, and I believe  
38 one of the speakers said this, to create this as a very special area. In order to do that I think you  
39 have to pay attention to how that relates to its neighbors. So I think we are very confident that  
40 given the work that has happened so far that it will be able to be enhanced to address many of the  
41 concerns that we have heard.

42  
43 Chair Burt: Steve, is it correct that our need isn't to go back and allow housing in GM zones it is  
44 to get a PTOD zone adopted right away?

1 Mr. Emslie: That is the appropriate way to deal with this. It takes into account all the best  
2 practices of urban and suburban planning and making transit more accessible and make it more  
3 available to residents so they are more apt to use it. That is the whole principle behind transit  
4 oriented, or smart growth is the other term, by providing suitable convenient alternatives people  
5 will choose the more appropriate option when appropriate.  
6

7 Chair Burt: Well, if we might just revisit, the reason that we changed the name from Transit  
8 Oriented Development to Pedestrian Transit Oriented Development is because studies  
9 demonstrate that there are far greater number of trip reductions resulting from the pedestrian use,  
10 when people live at a place where they walk to the store, they walk to the restaurant, they walk to  
11 all kinds of places Downtown if they live Downtown. It is an even greater impact than the  
12 adjacency to the transit station and the two things combined are the reasons why it is considered  
13 progressive policy that is adopted in our Comprehensive Plan. It is environmentally progressive.  
14 As Sally Probst said, it causes people to not only not drive from outside the Bay Area but those  
15 people within Palo Alto take fewer trips when they are there and that is well supported by  
16 numerous studies. So I just wanted to interject that to make sure that people understood that this  
17 isn't some concept that was willy-nilly. It is an integral part of the Comprehensive Plan just as  
18 protection of R-1 neighborhoods is an integral part of the Comprehensive Plan. Dan, did you  
19 have some more things?  
20

21 Commissioner Garber: Yes, thank you. A couple of quick ones. The content of Exhibit A and  
22 B are the same the difference is format and the intent of their use?  
23

24 Mr. Lusardi: Yes. One is a legal formatting of the ordinance.  
25

26 Commissioner Garber: Okay. One of the speakers, who represented a number of occupants of  
27 the building that is at Park and California, mentioned that they did not get notified. Is that  
28 because the City notifies owners? So the owner would have gotten notified?  
29

30 Mr. Lusardi: We notify property owners within the PTOD district and property owners within a  
31 600-foot radius.  
32

33 Commissioner Garber: So is there any requirement for those owners to tell their occupants?  
34

35 Mr. Lusardi: I think what he said is he didn't make the last meeting. I didn't think he said he  
36 didn't get a notice.  
37

38 Commissioner Garber: Okay.  
39

40 Mr. Emslie: We believe that many of those are owner-occupied. That is an ownership  
41 development not a rental project. So many of them may be owned and rented out but we  
42 imagine that there is potential for some owners to be in there.  
43

44 Commissioner Garber: Okay. Two related questions one of which one of the speakers brought  
45 up but it was also a comment that I had wanted to come back to and that is for the Director of

1 Planning when they are reviewing things. How is the definition of minor versus not minor  
2 adjustments defined? How does the Staff or the City think of them?  
3

4 Mr. Emslie: It does come up and is an exercise of judgment and we tend to exercise our  
5 judgment very cautiously and conservatively. So if something can be perceived as potentially  
6 being major we would certainly err on the side of caution and roll it up to the more involved  
7 process rather than use the more abbreviated process whenever possible.  
8

9 Commissioner Garber: Can you give me an example of something that might trigger you as the  
10 Director to say that is bigger than a breadbasket?  
11

12 Mr. Emslie: Well, generally changes that are readily noticeable from the exterior. That doesn't  
13 preclude exterior changes, changes of window treatment or minor shifts in rooflines and things  
14 like that. Anything that could potentially be perceived as a change we would tend to classify as  
15 major is anything that would have the potential of changing a view, a viewscape, a view corridor,  
16 or casting additional shadow.  
17

18 Commissioner Garber: What about use?  
19

20 Mr. Emslie: Privacy, use, yes.  
21

22 Commissioner Garber: How does that when you decide to leave this job and someone takes your  
23 place how do some of those values get transferred?  
24

25 Mr. Emslie: I think that there is fairly long careful tradition here so I think that those that will  
26 come after us would essentially be quickly if not immediately aware of a high degree of  
27 sensitivity and concern about the built environment and its impact on its surroundings. So I  
28 think it is a fairly inculcated trait that future Directors would soon discover.  
29

30 Commissioner Garber: Have there been instances where you thought something was minor that  
31 you found out later were not appreciated as minor by other aspects of the process imposing  
32 themselves?  
33

34 Mr. Emslie: None comes to mind immediately which tells me that there has probably been fairly  
35 judicious exercise of that.  
36

37 Commissioner Garber: But even in the cases where you may make as the Director a minor  
38 exception would there be any recourse for any visibility to that decision by other Boards, City  
39 Council, etc.?  
40

41 Mr. Emslie: Yes, the Architectural Review Board. We do notice them and put on their agenda  
42 when we do make say a minor ARB so we do notice the various Boards on some decisions  
43 depending on the particular process. They are posted and notices are mailed too so there is still  
44 announcement of the decision in some cases not in all but in some.  
45

1 Commissioner Garber: A related topic. Should I be a landowner and decide to request for a  
2 change of zoning on my particular property and want to apply for the overlay. The overlay  
3 obviously has broad criteria in terms of FAR. Let's just take that for an example that I would  
4 benefit from. The process then allows for the City, the community, the various Boards obviously  
5 to impact what that FAR might be as well as some of the form code aspects that they will then  
6 obligate themselves to. How should for instance the Planning and Transportation Commission  
7 what criteria or rules or precedents might that Board use to evaluate any particular project that  
8 comes through to determine whether it should have less FAR or if it should be allowed the FAR  
9 that it is allowed?

10  
11 I recognize that every project is going to be different but...

12  
13 Mr. Emslie: That is the principle behind establishing the extensive design criteria so that the  
14 Commission can use that as determining whether the site is appropriate or not to deliver the  
15 results that the criteria requires. So you are able to use that to determine whether the zone is  
16 appropriate and if so should there be limitations to that in terms of height and setback.

17  
18 Commissioner Garber: By way of example, if a project were to come up that was adjacent to the  
19 tracks, etc., and someone was requesting for given the way that it is worded currently asking for  
20 a 50 foot height because they have included the additional BMR units, etc. it would be within the  
21 Board's power to say for instance that is inappropriate for noise because of its location at the  
22 perimeter and we need to have transitions occurring at the perimeter or because of a certain use  
23 that is required we want to actually make that less, the Board could legislate that.

24  
25 Mr. Emslie: Because we are doing a legislative action you have the broad authority to do that.  
26 What we are trying to do is address some of the concerns and the uncertainty by having design  
27 criteria so you would be able to do that at the time there is a specific project. That has been kind  
28 of the thinking that has been our recommendation. So the answer is yes, you can do that but let  
29 me just go on to say that what we are doing is probably taking that a step further by establishing  
30 at a minimum at the edge conditions where we might want to have some additional criteria built  
31 in now so that you wouldn't have to wait for the project to come along and do that on a case-by-  
32 case basis.

33  
34 Commissioner Garber: Okay. We will do a loop.

35  
36 Chair Burt: Karen.

37  
38 Vice-Chair Holman: Something that hasn't come up previously but that I have been thinking  
39 about is we don't have indicated here, unless I have overlooked it after reading this so many  
40 times, we don't have a maximum unit size or an average unit size in this area. Did Staff consider  
41 that?

42  
43 Mr. Lusardi: Yes we did consider that and we do have an average unit size in the parking  
44 section. If you have an average unit size of 1,250 square feet you can get a parking reduction.  
45 We did not do an overall average unit size. We thought that the FAR and the density  
46 requirements were a better measure of developing those kinds of units as well. We were also

1 looking at market conditions that if we want to encourage housing here that an average unit size  
2 may be too restrictive to encourage housing development because developers want some  
3 flexibility in that respect. So we do it as an incentive, you do an average unit size of 1,250  
4 square feet and you can ask for reduced parking. So it is more of an incentive in the ordinance.  
5

6 Vice-Chair Holman: Then to support Commissioner Garber's comments would there be  
7 anything inappropriate about or complicating about having examples of minor in the process?  
8 Steve has perfect examples of what minor could be but I am also a believer that rules should not  
9 be person specific but rather rule specific.

10  
11 Mr. Emslie: Yes, I think any guidance that the code could provide helps interpretation and  
12 consistency so we would not object to that.

13  
14 Mr. Lusardi: Chapter 18.99, Section 020 does have a definition in the current ordinance of what  
15 a definition of a minor change is so we can look at that and incorporate that in.

16  
17 Commissioner Garber: I am sorry, is that in here now?

18  
19 Mr. Lusardi: It is in the Zoning Ordinance.

20  
21 Commissioner Garber: Thank you.

22  
23 Chair Burt: Would Staff care to respond to some issues raised by Mr. Lockhart? He had two  
24 specific written questions. If not, we can take another question as you prepare.

25  
26 Mr. Larkin: I just want to note those questions were addressed to the City Attorney. Only one of  
27 them is a legal question and I will answer that one which is the City can initiate a rezone with or  
28 without the property owner's consent.

29  
30 Mr. C. Williams: The other question was whether there was some intent that those existing R-1  
31 properties on Olive are limited to Village Residential use only or if they could be other types of  
32 densities. And there is no limitation in here it just basically includes those lots within the PTOD.  
33 They would be Village Residential to the extent they might be Village Residential or limited to  
34 lower density to the extent they abut other R-1 properties but other than that no, they are not  
35 limited by Village Residential or any other density there. They can certainly propose at least  
36 something that fits the site. It may be that in combination with other development in the area  
37 that the transitions are elsewhere. For instance if they were combined somehow with the Fry's  
38 area it may be that it is more appropriate to have the transitions and the lower density at some  
39 other location. So the Village Residential and the lower densities are intended to be where you  
40 are abutting R-1 not to replace the existing R-1 zoning specifically.

41  
42 Chair Burt: Thank you. Lee.

43  
44 Commissioner Lippert: I had one question for Steve Emslie. With regard to the Fry's site and  
45 the amortization on that I believe it was Bob Moss had brought up the whole notion of the Fry's  
46 site and we keep stalling or postponing the amortization on that, at least the property owner and

1 Fry's ask that that be done. By having the PTOD overlay zoning does that begin to incentivize  
2 enough the idea of redevelopment that Fry's would not want to remain there because the overall  
3 potential of redeveloping the site is much greater than what could be realized there with just the  
4 Fry's site there alone?

5  
6 Mr. Emslie: The answer to that depends on the vagaries of the land uses and their attendant real  
7 estate values. Right now the site is zoned multi-family residential and multi-family residential is,  
8 as we know has been incredibly aggressive even through the recession. The commercial uses  
9 have suffered. So there is lots of incentive now because the site has been zoned for many years  
10 for multi-family housing. So I don't see this adding any more incentive. The City has expressed  
11 a strong desire to change that commercial to multi-family residential. That has been the policy  
12 of the City for a very long time.

13  
14 Commissioner Lippert: Well, what I am sort of getting at is the driving force here is we have the  
15 whole sales tax issue and I am sure that Fry's pays a large share of sales tax that the City enjoys  
16 and in some way, I am stating it incorrectly, it is a conflict of interest in some ways for the City  
17 because we want the income but we also want the housing there. So what happens is that and I  
18 can see this happening is postponing the inevitable and sort of drawing this out. But by  
19 incentivizing this with the PTOD zoning it allows for, as I understand it, mixed use development  
20 there. So then what we see is the opportunity for retail and housing to sort of coexist. So it sort  
21 of makes it a little more palatable for retail and housing to be on the site and makes it more likely  
22 that that redevelopment will happen.

23  
24 Mr. Emslie: That is true because the RM-30, the multi-family zones, are exclusively residential.  
25 So to that extent the PTOD when applied would at least acknowledge the potential for retention  
26 of commercial as a part of the mixed use because it would allow that. So we would agree with  
27 that statement.

28  
29 Commissioner Lippert: With regard to that and the auto zone which also represents a sales tax  
30 conflict of interest there?

31  
32 Mr. Emslie: I don't know of any examples where there has been mixed use with auto but there  
33 are an awful lot of mixed use projects that ten or 15 years ago would never be even considered  
34 possible like residential and food and drug is not common but it is done especially in areas of  
35 high land values. So I wouldn't rule it out as a possibility to have auto and residential coexist as  
36 mixed use in the near future.

37  
38 Chair Burt: Paula.

39  
40 Commissioner Sandas: Just back to the Fry's notion. I wanted to clarify. I think at the last  
41 meeting that we discussed this in December we saw the value of capturing the Fry's site in the  
42 PTOD as a way of potentially retaining Fry's there. Am I remembering that correctly?

43  
44 Mr. Emslie: Yes because the PTOD does allow and provide allowances for commercial, which  
45 the RM doesn't. So you are actually acknowledging and moving closer. It does acknowledge  
46 that you can also coexist.

1  
2 Chair Burt: I just want to encourage Commissioners to see if we can pull our final comments  
3 together. Do we have a necessity for a motion tonight if we are going to continue this item?  
4

5 Mr. Emslie: We would recommend that you do it to a date uncertain so that we would renote  
6 this and bring it back. So it would probably be cleaner to have a motion to a date uncertain with  
7 the understanding that Staff would meet with the neighborhoods affected and propose  
8 refinements to the details of the zone to enhance compatibility and promote acoustic and  
9 aesthetic improvements to those neighborhoods.  
10

11 Chair Burt: Before we go on to the motion Karen and Dan have some additional comments. I  
12 was just encouraging Commissioners to wrap up comments. In terms of the process going  
13 forward with this moving to a date uncertain will that give Staff also additional opportunity to  
14 meet with the CAADA, the California Avenue Business folks, as well as additional resident  
15 organizations? Great. Dan and then Karen.  
16

17 Commissioner Garber: Thanks. A couple of specific things. A suggestion on page 2 of the  
18 ordinance, item number four. There are streetscape design elements that attract pedestrian and  
19 bicyclists. Just a suggestion for some wordsmithing there, streetscape design elements that are  
20 attractive and useful for pedestrians and bicycles or 'to' as opposed to objects which actually  
21 attract people and bicycles to them.  
22

23 On page 7, item number five gives a definition for how many parking spaces there should be per  
24 work area in a live/work unit. It doesn't provide a maximum and if I have done my math  
25 correctly you could have many more spaces than you actually allow people to work there. So  
26 you may want to check that.  
27

28 Page 12, street building façades, item E. Larger buildings should have a more prominent  
29 centralized building entrance while maintaining a pedestrian scale. We had a bit of discussion  
30 about this in one of the previous meetings and whether that definition is really too strict and may  
31 keep people from providing more creative ways to meet the intent there.  
32

33 That's it.  
34

35 Chair Burt: Okay. Karen.  
36

37 Vice-Chair Holman: I think E that you were just referring to on page 12 the first part of that was  
38 changed but not the second part as a result of previous discussion.  
39

40 On page 13, item four parts B, C, D and E I think as I recall it Staff had agreed that those seemed  
41 to be conflicting with the purpose previously. So if you could just take a look at that again.  
42

43 Rick you have been so very patient standing there, you have been a real stalwart so may have a  
44 chance to participate in this one. I have had interest and from previous comments and questions  
45 you can tell an interest and concern about retaining our local businesses. I recently had occasion  
46 to talk with a whole bunch of people and those whole bunch of people talked about how

1 important the local character of Palo Alto is for them wanting to shop here. I raised the issues  
2 previously about redevelopment and how existing businesses can survive redevelopment. So  
3 what I am going to ask is something I have sort of mentioned to Staff before is if what makes  
4 businesses successful, and I do believe it is, is people shopping there and you need to have the  
5 number of people to shop at a business to make it successful then might it not be prudent to  
6 eliminate California Avenue, and there are a few reasons here so bear with me, to eliminate  
7 California Avenue from the PTOD overlay? One is to allow the residential development  
8 surrounding to increase thus providing more shoppers for those local businesses to strengthen  
9 their viability so that they are not so threatened by redevelopment on California Avenue. That is  
10 one. Another is the commercial zones will be coming to us in the future as a part of the Zoning  
11 Ordinance Update. There are some things as a part of that, some issues that we might take up as  
12 a part of that discussion in the CN, CS for instance zones that we might want to apply to this area  
13 that we might rue that we didn't have a timely enough opportunity to apply to California  
14 Avenue. Examples might be Mr. Lusardi mentioned last time quotas might be one example of  
15 that. So that is one thing. So strengthening those businesses by result of surrounding  
16 development.

17  
18 Another thing that has sort of been talked about but in a little bit different way previously is the  
19 Fry's site especially because it is a very large site and you did a great job of vetting a number of  
20 possibilities that could result from the redevelopment of that site. Currently what is allowed is a  
21 .35 commercial or nonresidential aspect on that. The potential is now it may not happen this way  
22 but again it is potential is as much as 190,000 square feet of nonresidential. The City as has been  
23 mentioned before by Commissioner Lippert and others is that we do have a sales tax generation  
24 issue in Palo Alto. So on page 5 of the Staff Report where it also talks about the continuing  
25 discussion about the Fry's site it talks about a more typical mixed use development would  
26 include a nonresidential component in the five to ten percent range. So there are two different  
27 topics here. One is the California Avenue question that I posed and the other is about this. So  
28 for the larger sites, for instance Fry's and maybe we could put an acreage site on some other sites  
29 too, what about limiting the non-retail commercial to say five percent or maybe ten percent but  
30 allowing nonresidential retail or service, in other words the sales tax generating development, to  
31 be .35? So having a blended rate. I am a firm believer in zone for what you want and if it can  
32 happen it could happen. If you enable it market right today might not say okay we want to move  
33 Agilent, there is nothing wrong with Agilent it is not a value judgment there and they do generate  
34 some B-to-B business, but when we have a large retailer there like Fry's and we want to  
35 encourage either them to stay or something akin to that there in terms of sales tax generation to  
36 be there why not put the zoning in place that would more accommodate that or encourage that or  
37 even preclude what we don't want to have happen? Long winded questions but I appreciate your  
38 responses.

39  
40 Mr. R. Williams: Let's talk about the Fry's site first because we talked about that one a lot and it  
41 is really about Palo Alto having a very unique circumstance. I can say that in almost every other  
42 instance if a developer was looking at the Fry's site in almost any other community they would  
43 be working really hard to get out of developing any commercial at all because residential in  
44 almost any other community besides Palo Alto is by far and away the highest and best use. So  
45 you would be fighting to get that five percent. By placing a limit on – where in Palo Alto I think  
46 there is more opportunity for variety. I think what this overlay district allows is the Planning and

1 Transportation Commission the flexibility that with the tremendous opportunity with a  
2 tremendous project with just the right uses that you really want to see you don't want to be  
3 hampered yourself by saying well, we would really love to have these uses here in this mixed use  
4 development with these units and this floor area ratio of nonresidential development but heck  
5 three years ago we were concerned about it so we said you could only have ten or 15 percent. So  
6 then you are going to have to go through an additional process and additional fight to get that  
7 project you want. Because you have a maximum doesn't mean you have to allow it in the future.  
8 So it has to be appropriate to the site and appropriate uses and you are going to have those  
9 articulated as part of that initial proposal. So what I have a tendency of doing is anticipating that  
10 both the ARB and this Planning and Transportation Commission and the future one will have the  
11 same level of integrity and ability to make a really sound judgment of what is best for the City  
12 and best for the community. You limit yourself by saying that the answer to the land use mix is  
13 a very narrow slice that is right here. Later on the opportunity might be larger. So I would  
14 recommend too great a limitation for you. You don't know that Fry's isn't going to want to  
15 come in and a couple of other retailers that you would really like to have come into your  
16 community or some business opportunity come in that really is a great land use mix for you.  
17 You can judge that at this time and you can judge it in the future. So I think that I wouldn't want  
18 to limit my options. I would like to have the flexibility as a city to be able to do that.

19  
20 Vice-Chair Holman: Maybe I need to clarify something if I could. I wasn't trying to limit the  
21 retail like Fry's below the .35. I was trying to limit the general office, the non-income generating  
22 uses. That was my question.

23  
24 Mr. R. Williams: You could look at doing that but once again there may be the opportunity for  
25 having a use, a non-retail use that you might in the future really want to have. So I am just  
26 saying that right now you may not want it but in five years you may want it. You don't have to  
27 legislate it out today you can decide on that in the future that you are right that really is not an  
28 appropriate use and we don't want to see that on the site. You don't have to have that in place  
29 now. So that is one piece.

30  
31 Let's move over in kind of the reverse. One of the things that I found is that having a little  
32 pressure on existing retailers to be themselves the highest and best use for their own business and  
33 really achieve a good business atmosphere they want to attract the businesses there. Many, many  
34 small-scale retailers are right now working in marginal spaces. California Avenue has a unique  
35 character about it. Some of the retailers are successful and some aren't and you should reward  
36 the ones that are and can also reward the ones that are going to be able to take advantage of  
37 additional residential in the surrounding neighborhood. Those are the ones that will transition  
38 themselves and really improve the quality of the service that they provide or will take advantage  
39 of the fact they have more residential. Every single retailer isn't necessarily a good retailer just  
40 because they are existing. I think other retailers will come in that are just as good. What we  
41 found in working on small scale Downtowns that everybody's fear is that whenever we change  
42 the zoning at any one particular location that there is going to be wholesale massive changes up  
43 and down that main street. I have seen it in my old hometown of Novato. I have seen it in  
44 Mountain View. I've seen it in Santa Clara. The reality is that these very small parcels do not  
45 change very dramatically and to get one or two buildings every five to ten years is actually about  
46 as much change as we have ever seen in any one particular place unless there was some very

1 aggressive parcel aggregation by a city or a particular entity. I actually haven't seen that on an  
2 actual main street. So I am not anticipating any tremendous changes. Also, with the zoning in  
3 the area I wouldn't see the great advantage to them shifting over. So I think we are not going to  
4 see a huge change on California Avenue other than if the residential development around  
5 California Avenue is realized to any great extent it is just going to enhance the retailers and they  
6 are going to have a brisker business and I think it is just going to become a more positive and  
7 more active place. Just making it a more positive and more active place and having more  
8 pedestrians walking there and more residents we will probably see some businesses transition.  
9 Those that can take advantage of those new people coming in will remain and as happens in all  
10 main streets throughout all communities there will be occasionally those that decide that they are  
11 going to either move on or retire or leave their business. You see that in every community. You  
12 are not going to ever see...if you do see stagnation on a street where you don't see change in the  
13 businesses that is probably the worst thing that can happen to most main streets. So they are  
14 supposed to be vital, they are supposed to be active and they are supposed to constantly refine  
15 themselves. The ones that do are the ones that you find to be most successful.  
16

17 Chair Burt: John.

18  
19 Mr. Lusardi: I just want to point out too that with respect to the Fry's site is the .35  
20 nonresidential is a maximum but it is not a guarantee. The uses are determined through the  
21 Planning Commission and Council discretionary review process. So you have that opportunity at  
22 that time to say what is the breakout of the uses you want whether they are office or commercial  
23 retail and to what extent. So we much prefer the discretionary review process by the Council and  
24 the Planning Commission to dictate rather than try to get very prescriptive in the ordinance in  
25 that respect. With respect to California Avenue that is also true. Any change of use or  
26 development on California Avenue under the PTOD has a discretionary review. So you have the  
27 opportunity to comment on that, limit it or amend it, number one. Number two is California  
28 Avenue is a pedestrian transit corridor. It is a ten minute walk from El Camino to the train  
29 station, the Marguerite Shuttle goes down there, the VTA goes down there, there is a bicycle  
30 route that goes down there. So it is a transit corridor. So this enhances that as far as a transit  
31 corridor goes. We are working with CAADA to do some improvements on California Avenue  
32 because they want to enhance the pedestrian aspects of that area. This helps them to do that.  
33 This encourages them to do that. This reinforces what they want to do. So I don't think the  
34 Pedestrian Transit Oriented District there necessarily threatens the uses as Rick describes but I  
35 do think it enhances their ability to do some improvements that they want to do on California  
36 Avenue.  
37

38 Chair Burt: Lee.

39  
40 Commissioner Lippert: I appreciate your thoughts Karen. I am not in agreement with what you  
41 had said regarding California Avenue. I want to get on the record that I think that it should be  
42 included in the zone because we have the ability through the review process to say no when an  
43 applicant comes forward it just doesn't meet the criteria and we don't want to use the PTOD  
44 process there. The last thing I just want to mention is I think that somewhere in the ordinance it  
45 should say that the variance process should be discouraged for applicants that are taking

1 advantage of the PTOD overlay zoning. The reason being that we cannot exclude variances but  
2 it should be discouraged because this is a special kind of zoning that has other advantages to it.

3  
4 Chair Burt: Okay. If it is all right I would like to entertain a motion that we continue this to a  
5 date uncertain.

6  
7 MOTION

8  
9 Commissioner Garber: So moved.

10  
11 SECOND

12  
13 Commissioner Lippert: Second.

14  
15 MOTION PASSED (5-0-1-1, Commissioner Cassel absent and Commissioner Bialson  
16 conflicted)

17  
18 Chair Burt: Okay, a motion by Commissioner Garber and seconded by Commissioner Lippert.  
19 Any discussion? All those in favor? (ayes) That is unanimous.

20  
21 We have a couple of wrap up things. We have minutes for approval. Do we have the correct  
22 people here? I think so.

23  
24 Chair Burt: For the meeting of Wednesday, December 14 do we have a motion to approve?

25  
26 Commissioner Garber: I have just one slight modification that I can point out Zariah on page 44  
27 but with that I would move that we approve.

28  
29 Chair Burt: We can have that motion contingent on Commissioner Holman and Garber  
30 providing minor corrections to Zariah subsequent to approval.

31  
32 Commissioner Lippert: Excuse me. Procedurally we need to continue items two and three as  
33 well.

34  
35 Mr. Larkin: There should be a motion to do that and there wasn't.

36  
37 Chair Burt: All right then let's take it in that order. I would entertain a motion to continue items  
38 two and three to dates uncertain.

39  
40 **NEW BUSINESS:**

41 **Public Hearings.**

42  
43 **2. 2785 and 2747 Park Boulevard:** Staff recommendation that the Planning and  
44 Transportation Commission initiate 1) amending the land use map of the Palo Alto  
45 Comprehensive Plan to change the designation of the subject site from Light Industrial to  
46 Transit Oriented Residential, and 2) applying the Pedestrian and Transit Oriented

1 Combining District (P/TOD) to the subject site which is currently zoned General  
2 Manufacturing Combining District (GM). The subject site is part of Housing Inventory  
3 Site 08-11, which included applying RM-40 standards to this site during the Housing  
4 Element update of the Comprehensive Plan. Zoning: GM.  
5

- 6 **3. 195 Page Mill Road and 2825, 2865, 2873, 2891 and 2901 Park Boulevard:** Staff  
7 recommendation that the Planning and Transportation Commission initiate 1) amending  
8 the land use map of the Palo Alto Comprehensive Plan to change the designation of the  
9 subject site from Light Industrial to Mixed Use, and 2) applying the Pedestrian and  
10 Transit Oriented Combining District (P/TOD) to the subject site which is currently zoned  
11 General Manufacturing Combining District (GM). The subject site is part of Housing  
12 Inventory Site 08-11, which included applying RM-40 standards to this site during the  
13 Housing Element update of the Comprehensive Plan. Zoning: GM.  
14

15 MOTION

16  
17 Commissioner Garber: So moved.  
18

19 SECOND

20  
21 Vice-Chair Holman: Second.  
22

23 MOTION PASSED (5-0-1-1, Commissioner Cassel absent and Commissioner Bialson  
24 conflicted)  
25

26 Chair Burt: Okay, moved by Commissioner Garber and seconded by Commissioner Holman.  
27 All in favor? (ayes) That passes unanimously.  
28

29 ***APPROVAL OF MINUTES:*** Minutes for the December 14, 2005 meeting.  
30

31 Chair Burt: Okay, now a motion to approve the minutes from December 14.  
32

33 MOTION

34  
35 Commissioner Garber: So moved with the changes.  
36

37 Chair Burt: Second?  
38

39 SECOND

40  
41 Vice-Chair Holman: Second.  
42

43 MOTION PASSED (5-0-1-1, Commissioner Cassel absent and Commissioner Bialson  
44 conflicted)  
45

1 Chair Burt: Okay. Motion by Commissioner Garber and second by Commissioner Holman. All  
2 in favor? (ayes) That passes unanimously.

3  
4 ***REPORTS FROM OFFICIALS/COMMITTEES.***

5  
6 Chair Burt: Then under Commission Member Questions, Comments and/or Announcements I  
7 have a couple of items. Does anyone else have anything? Dan.

8  
9 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

10  
11 Commissioner Garber: Just to note that I attended the Palo Alto Housing Corporation meeting  
12 this morning.

13  
14 Chair Burt: One item is that at our meeting with Staff yesterday we had a brief discussion of the  
15 prospect of changing the February 22 agenda item for the Zoning Ordinance Update on  
16 Village Residential from a hearing to a study session.

17  
18 Mr. Emslie: That was Staff's intent and that is just our draft agenda so we are going to be doing  
19 that.

20  
21 Chair Burt: So we will just treat it as an announcement that Staff is clarifying on the agenda it  
22 will be a study session rather than a hearing.

23  
24 Then I wanted to bring up one other item back before Commissioners Garber and Sandas joined  
25 us we had a meeting on the GM districts. This was also after the Commission reviewed the GM  
26 districts and looked at whether housing was an appropriate use in the GM district and we also  
27 had discussions on permissibility of schools in GM districts. Part of the context of that was we  
28 have these districts that are being rezoned away from GM and a remaining GM district down by  
29 San Antonio. I wanted to ask the Commission whether they would be open to re-agendizing and  
30 reconsidering permissibility of schools in GM districts presently we allow schools in GM  
31 districts. That includes adjacent to hazardous materials or facilities or right near by and I wanted  
32 to see if the Commission would be open to taking another look at that item. Karen.

33  
34 Vice-Chair Holman: Yes, I would concur with Chair Burt's desire to give that another look.  
35 Would that require a motion?

36  
37 Mr. Larkin: It would require a motion. It would not allow for discussion on the topic but there  
38 would be a motion and second to consider the item and then it would be calendared and  
39 scheduled for a regular hear.

40  
41 **MOTION**

42  
43 Vice-Chair Holman: I would move that the Commission initiate discussion of readdressing the  
44 allowed use of schools in the GM zone.

45  
46 Chair Burt: Do we have a second?

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SECOND

Chair Burt: I will second it. Go ahead, Dan but we can't discuss it substantively.

Commissioner Garber: Understand. Actually I wanted Chair Burt, because I don't understand what went on previously, could you reiterate again why you believe that it is something that we should be looking at?

Chair Burt: Well it has to do with whether there are health and safety issues with the compatibility of schools in the GM zone.

Commissioner Garber: Thank you.

MOTION PASSED (4-1-1-1, Commissioner Lippert voting no, Commissioner Cassel absent and Commissioner Bialson conflicted)

Chair Burt: We need to vote on that motion. All those in favor? (ayes) Opposed? (nay) Okay, that passes four to one. Okay so I will ask Staff to choose a time and place.

We have in January Commissioner Holman is representing us to City Council. In February it is Commissioner Cassel. We should probably try to fill in at least March. Anybody up? Commissioner Sandas. Okay.

Our next meeting is scheduled for January 25.

***NEXT MEETING:*** Regular Meeting of January 25, 2006.

Chair Burt: Let me ask Staff, these two parcels on Park Boulevard and 195 Page Mill are two of the items scheduled for that meeting. What happened tonight?

Mr. Lusardi: You continued those to a date uncertain.

Chair Burt: Okay. So we have two other items remaining on the agenda. Maybe it is too early for Staff to give us a sense of when this ZOU item might be rescheduled.

Mr. Lusardi: I think we need to look at our meeting schedule with the community and talk to our consultants. We can report back to you on the 25<sup>th</sup> possibly with a schedule.

Chair Burt: Okay, great. Anything else? Karen, you had something?

Vice-Chair Holman: Yes, just quickly. Does Staff have a schedule for when the commercial zones will be coming to us and give a work program laid out? I am sure you do but do you have anything you want to share as far as work program?

1 Mr. Lusardi: It is a very fluid work program. Our goal was to finish the PTOD and bring the  
2 commercial districts back. The next two items that we want to bring before the Planning  
3 Commission for your review are the performance standards for the commercial and industrial  
4 districts and the commercial districts themselves in a study session with Village Residential. So  
5 our anticipation is you will start seeing the commercial districts in February.  
6

7 Vice-Chair Holman: Then the parking standards?  
8

9 Mr. Lusardi: Probably not until March or April at the earliest.  
10

11 Vice-Chair Holman: Thank you.  
12

13 Chair Burt: Okay, thank you. On that note we will adjourn.  
14

15 **ADJOURNED: 10:20 PM**  
16