



PLANNING & TRANSPORTATION COMMISSION MINUTES

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

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Wednesday, July 26, 2006
REGULAR Meeting at 7:00 PM
Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL: 7:10 pm

Commissioners:

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

Staff:

- Curtis Williams, Chief Planning/Transportation Official*
- Donald Larkin, Senior Deputy City Attorney*
- Amy French, Current Planning Manager*
- Steven Turner, Senior Planner*
- Zariah Betten, Executive Secretary*

AGENDIZED ITEMS:

- 1.** Adoption of Revised Planning and Transportation Commission Policies and Procedures.
- 2.** 901 San Antonio Road [06PLN-00031, 06PLN-00050]
- 3.** 901 San Antonio Road [05PLN-00295, 06PLN-00114]

Chair Burt: At this time we would like to convene the Planning and Transportation Commission meeting for Wednesday, July 26, 2006. Would the Secretary call the roll? Thank you.

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.

Chair Burt: At this time we provide the public with an opportunity to speak regarding items that are not on the agenda. Do we have a speaker?

Ms. Sandy Sloan, Menlo Park: I understand that tonight is the last meeting for Commissioner Bialson and Commissioner Cassel. I would just like to say as a person who watches Palo Alto

1 meetings and comes to a lot of meetings that I very much have appreciated both of them as
2 Planning Commissioners. I think they are both incredibly smart, incredibly wise, those are two
3 different things, incredibly succinct in their comments and have provided great guidance for over
4 eight years, a long time. Thirteen and nine so over 20 years together. So thank you very much
5 for serving as Commissioners.

6
7 Chair Burt: Thank you for those kind words. That is the only speaker on items not on the
8 agenda.

9
10 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional
11 items added to it up until 72 hours prior to meeting time.

12
13 Chair Burt: Our first agenda item tonight is not the one that most people are here for but it
14 probably will not take too long. So that is an Adoption of Revised Planning and Transportation
15 Commission Policies and Procedures. Don, would you like to introduce the item and explain
16 what we have here?

17
18 **UNFINISHED BUSINESS:**

19
20 **2.** Adoption of Revised Planning and Transportation Commission Policies and Procedures.

21
22 Mr. Don Larkin, Senior Deputy City Attorney: Sure and I will try to make it brief. At the last
23 Retreat the Commission discussed changes to its procedural rules regarding quasi-judicial
24 hearings and specifically there was a discussion on whether Planned Community Zoning
25 applications should be subject to the same rules. The consensus of the Commission at the time
26 was that there should be some revision to the procedural rules that encompass quasi-judicial
27 proceedings particularly with regard ex parte contacts. I have made some suggested changes.
28 Commissioner Holman correctly pointed out that it is somewhat confusing because we talk about
29 judicial proceedings and Planned Community Zoning is not a quasi-judicial proceeding. So the
30 one suggestion I would make in addition to the redline comments are that on page Roman
31 numeral four, page one, that we change under General Requirements we change item one to
32 quasi-judicial and Planned Community Zoning proceedings defined and then remove the word
33 'quasi-judicial' from that first sentence. Otherwise I think the redline comments are self-
34 explanatory so I won't go into detail unless Commissioners have questions.

35
36 Chair Burt: Commissioners, questions or comments? Lee.

37
38 Commissioner Lippert: I had a brief comment which is we had I wouldn't even say an applicant
39 but it was a citizen who had contacted a number of us regarding a zone change on a site. I felt
40 very uncomfortable talking to that individual. I didn't know how that would fit in to this. It was
41 a number of months ago. I was wondering if there were any thoughts on that.

42
43 Chair Burt: Well, as I understand it that would be a quasi-judicial item on a zone change,
44 correct?

45
46 Commissioner Lippert: But there is no application and there is no _____.

1
2 Chair Burt: Excuse me. I see, there was not at that time an application before us.

3
4 Mr. Larkin: A zone change is not quasi-judicial, a strict zone change. It is only because the
5 Planned Community Zone has features that are not unlike a quasi-judicial proceeding that we
6 discussed having those rules apply to those.

7
8 The other thing, just to remind the Commission, is that members of the public do have a First
9 Amendment right to address Commissioners as they see fit. The only issue is whether or not that
10 becomes a two-way conversation.

11
12 Chair Burt: I think what Commissioner Lippert was also getting at was what about those
13 circumstances when there is not yet an application that has been submitted. Don, what is your
14 understanding about how these procedures apply to that circumstance?

15
16 Mr. Larkin: I would expect that if the item that they are discussing is something that would
17 require an application for a permit that it would be a quasi-judicial determination that the rules
18 would apply equally just because they are not at the stage where they have submitted their
19 application yet doesn't mean that -- the proceeding itself would still be a quasi-judicial
20 proceeding once the application was submitted.

21
22 Chair Burt: So as Commissioners consider this we may want to make sure that we are affirming
23 that that is our interpretation and self-adopted rule as Don just stated it. I don't think we went
24 into that depth of discussion at our Retreat. Karen.

25
26 Vice-Chair Holman: I think perhaps my memory faulty or not I think City Attorney did mention
27 at our Retreat that something that would become a project but was not yet an application the
28 same rules would apply. That language isn't indicated here and I think it is a good topic that
29 Commissioner Lippert has brought up. So perhaps we could do something about that.

30
31 The other question I had raised with the City Attorney is we have this kind of funny thing with
32 language. We have under the quasi-judicial and now Planned Community Zone proceeding
33 defined we have redlined or preliminary review, we also have study sessions and prescreening.
34 The City is kind of using those terms interchangeably. Maybe just so we catch the intention of
35 our change here that we include study session and prescreening there as well.

36
37 Mr. Larkin: The preliminary review is the same thing as the study session. We need to be more
38 careful about what we call these applications when they come before you and use the right
39 terminology because they are all under preliminary review under the code, the study session and
40 the prescreening.

41
42 Chair Burt: But, you have clarified that that is the intention of what is encompassed under
43 preliminary review whether we want to parenthesize it whatever. When some new person comes
44 along and reads this it would be good that it is unambiguous as far as what is being covered
45 there.

1 Mr. Larkin: I should just point out if you read the rules closely it doesn't hinge on the fact that
2 there is an application pending. It says that we discourage the gathering of information outside
3 of a public hearing. There is no requirement that an application be filed for the rules to take
4 place because it says the gathering of information on a quasi-judicial project is what is
5 discouraged.
6

7 Chair Burt: I would still feel that even though literally what is here encompasses all the things
8 that have just been discussed it would be more beneficial to be unambiguous about what is being
9 covered there and include that in the language. Otherwise we are going to have new people who
10 won't understand that context and that background and all those things or even ourselves who
11 pick it back up a year from now and try and reread it and try and remember exactly what the
12 intent was. So I don't know if other Commissioners feel that way but I would feel much more
13 comfortable if that was spelled out so it is just clear. Paula.
14

15 Commissioner Sandas: I just want to say that I agree with you. The less ambiguous anything is I
16 think the better off for those to come after us as well.
17

18 Mr. Larkin: I should just say the only reason – because I had considered putting in prescreening
19 and study sessions and the reason that I didn't include it is that those things don't exist under our
20 code for Planned Community Developments. I am trying to discourage the use of terms that are
21 not actual things that we do. So I didn't want to create this in the document but if the
22 Commissioners feel strongly that that needs to be in there I am happy to include it.
23

24 Chair Burt: Especially given it is a policy it is not a statute. Lee.
25

26 Commissioner Lippert: I had two other minor comments. One is disclosure of conflicts of
27 interest. We have a number of Commissioners that if there is only one item on the agenda and
28 they have a conflict of interest and are not participating they don't show up but it is not disclosed
29 as to what their conflict of interest is. I think that really needs to be addressed here because we
30 say that members that are present need to disclose that they have a conflict of interest well, why
31 wouldn't the members who are not here that have a conflict of interest when it is the only item
32 on the agenda should have to disclose that in some way. So if that can be read into the record as
33 to what that would be.
34

35 Chair Burt: Don, is that something that could be incorporated into policy that the Commissioner
36 should notify in writing Staff what the conflict of interest is or anything or is that not necessary?
37

38 Mr. Larkin: I would need to give that some more thought. I don't think that is certainly not
39 necessary and it isn't something that we have discussed so I haven't given it any thought.
40

41 Commissioner Lippert: That is just something for the future. Then the second thing I just want
42 to mention and I don't want to go into a great amount of detail but if you go into Section 5, Special
43 Meetings we don't define joint meetings, which we do quite frequently now. Roman numeral
44 five.
45

1 Mr. Larkin: We can address that the next time through. Unless you are prepared to give me
2 some language I am not prepared to do it. I should just point out that the majority of joint
3 meetings are going to be City Council Joint Meetings and those would be covered under the City
4 Council's procedural rules.

5
6 Commissioner Lippert: Actually ARB who would govern in that or if we had it with Parks and
7 Recreation in terms of open space.

8
9 Chair Burt: Okay. So then Don is going to put that on the parking list for next update on this? It
10 is a point well taken. Dan.

11
12 Commissioner Garber: Roman numeral three, number six, items seven and nine, the products of
13 these two appear to be the same in that someone that doesn't vote is it necessary to describe that
14 the causes are different or how are these two things different? The first one being silence
15 constitutes an affirmative vote and number nine is abstaining from vote.

16
17 Mr. Larkin: That is right, somebody who when the Chair says abstain raises their hand they are
18 choosing not to cast a vote. Some who says nothing is choosing to cast an affirmative vote.

19
20 Commissioner Garber: Why do we distinguish between the two? I am just curious.

21
22 Chair Burt: If I understand it the silence actually is an affirmative vote. The abstaining is a non-
23 vote and the majority of the voters prevail. Is that correct, Don?

24
25 Mr. Larkin: That is correct. Just as a practical matter if the Chair calls the vote and says, "all in
26 favor," and he hears aye and he is not going to hear abstain so he is going to assume that if he
27 hears ayes and not nays that everybody voted in favor.

28
29 Commissioner Garber: Thank you.

30
31 Chair Burt: Any other questions or comments? Would anyone like to make a motion? Karen.

32
33 MOTION

34
35 Vice-Chair Holman: I would move adoption of the Revised Planning and Transportation
36 Commission Procedural Rules dated July 20, 2006 with the changes already described by City
37 Attorney under General Requirements that quasi-judicial and Planned Community Zone
38 proceedings defined with the next sentence starting, "Proceedings," and under the copy with
39 preliminary review parenthetically add "study session and prescreening."

40
41 SECOND

42
43 Commissioner Lippert: I will second that.

44
45 Chair Burt: Karen, any comments on your motion?
46

1 Vice-Chair Holman: Just that I support this and it has been the Commission's practice for some
2 time to carry on this practice and that the purpose as stated here is that these rules are intended to
3 assure that Commission decision-making on quasi-judicial matters is based upon facts and
4 evidence known to all parties. We have had discussion at our Retreats that this one way where
5 we can be confident that all parties have all the same information so I am happy to make the
6 motion.

7
8 MOTION PASSED (7-0-0-0)

9
10 Chair Burt: Lee, any comments? Anyone else wish to comment on the motion? All right. All
11 those in favor? (ayes) Opposed? So that passes unanimously and anybody I didn't hear I take
12 to have voted affirmatively. So that passes on a seven to zero vote. Thank you Don for those
13 updates.

14
15 Our next item is one of the two big ones tonight that are interrelated, 901 San Antonio Road. It
16 is a request by Steinberg Architects on behalf of Bridge Urban Infill Land Development, known
17 by the acronym of BUILD, for a Planning and Transportation Commission Review for rezoning
18 to a Planned Community District and of a proposed Planned Community district development
19 plan, including the development of 103 units of for-sale town home residences,
20 56 senior affordable residences, a parking garage and landscaping improvements. The project
21 request includes a Comprehensive Plan amendment from Light Industrial to Mixed Use, a
22 Tentative Map to subdivide the parcel and create condominium units, and certification of the
23 Final Environmental Impact Report.

24
25 So just to clarify the Final Environmental Impact Report is the same report covering both of the
26 items two and three tonight. Commissioner Holman you have a statement?

27
28 Vice-Chair Holman: I do. While I don't have a financial conflict on this project one of the
29 consultants that is well involved with this project is helping with another project that I am very,
30 very involved with and so because of that I felt a personal and ethical conflict of interest so I
31 have not been participating in this item. I wish you all well in your deliberations and once again
32 wish Commissioners Bialson and Cassel well in their maybe retirement.

33
34 Chair Burt: You are going to leave us with all the fun tonight, Karen. Commissioner Bialson
35 and myself were absent from the last meeting so I think we want to comment on our
36 preparedness to participate tonight. Commissioner Bialson.

37
38 Commissioner Bialson: Yes. I just want to say that I did read all the transcript of the minutes of
39 June 28, 2006 and feel I am prepared to rule on this motion.

40
41 Chair Burt: Likewise for myself and I think we have both participated in this project over the
42 past two years or so, probably more in its various iterations. So we look forward to this meeting.
43 All right.

44
45 Mr. Steven Turner, Senior Planner: Chair Burt? One recommendation. Curtis Williams is going
46 to speak a little bit about the procedures tonight for your review, deliberation and questions.

1 Perhaps Staff would recommend that you would also read into the record the description for the
2 second part of the project the Taube-Koret Campus for Jewish Life Project and then Staff will
3 give a brief presentation on both projects.
4

5 Chair Burt: Great, thank you. As I understand it that is because even though we may have
6 certain discussions that we will try to break up between items two and three both of them will be
7 discussed in the same broad discussion tonight.
8

9 Okay, so item number three is also at 901 San Antonio Road. A request by Steinberg Architects
10 on behalf of the Taube-Koret Campus of Jewish Life, also know by the acronym of TKCJL
11 throughout here, for Planning and Transportation Commission review for rezoning of a Planned
12 Community (PC) District and of a proposed PC District development plan, which includes the
13 development of an 134,000 square foot community center, including a cultural hall, community
14 meeting rooms, adult activity space, preschool, after school care facilities, fitness center,
15 administration and support areas and 193 senior residential living units. The project request
16 includes a Comprehensive Plan amendment from Light Industrial to Mixed Use, a Tentative Map
17 to subdivide the parcel and create senior housing condominium units, a Variance to exceed the
18 50-foot height limit, a Design Enhancement Exception (DEE) to allow a sculptural tower
19 element to extend to approximately 96 feet above grade and certification of the Final
20 Environmental Impact Report. I think that covers it. Curtis would you like to give us some
21 guidance here?
22

23 **2. 901 San Antonio Road [06PLN-00031, 06PLN-00050]**: Request by Steinberg
24 Architects on behalf of Bridge Urban Infill Land Development (BUILD) for Planning and
25 Transportation Commission Review for rezoning to a Planned Community (PC) district
26 and of a proposed Planned Community (PC) district development plan, which includes
27 the development of 103 units of for-sale town home style residences and
28 56 senior affordable residences, a parking garage and landscaping improvements. The
29 project request includes a Comprehensive Plan amendment from Light Industrial to
30 Mixed Use, a Tentative Map to subdivide the parcel and create condominium units, and
31 certification of the Final Environmental Impact Report. Environmental Assessment: A
32 Final Environmental Impact Report (FEIR) for the BUILD and Taube-Koret Campus for
33 Jewish Life (TKCJL) has been prepared. Zone District: GM. **(contd. from June 28,
34 2006).**
35

36 **3. 901 San Antonio Road [05PLN-00295, 06PLN-00114]**: Request by Steinberg
37 Architects on behalf of the Taube-Koret Campus of Jewish Life (TKCJL) for Planning
38 and Transportation Commission review for rezoning to a Planned Community (PC)
39 District and of a proposed Planned Community district development plan, which includes
40 the development of an 134,000 square-foot community center, including a cultural hall,
41 community meeting rooms, adult activity space, preschool, after school care facilities,
42 fitness center, administration and support areas and 193 senior residential living units.
43 The project request includes a Comprehensive Plan amendment from Light Industrial to
44 Mixed Use, a Tentative Map to subdivide the parcel and create senior housing
45 condominium units, a Variance to exceed the 50-foot height limit, a Design Enhancement
46 Exception (DEE) to allow a sculptural tower element to extend to approximately 96

1 feet above grade and certification of the Final Environmental Impact Report.
2 Environmental Assessment: A Final Environmental Impact Report (FEIR) for the
3 Bridge Urban Infill Land Development and TKCJL projects has been prepared. Zone
4 District: GM. **(contd. from June 28, 2006).**
5

6 Mr. Turner: Actually, I am going to go ahead and give just a brief Staff Report and then I will
7 turn it over to Curtis.
8

9 Chair Burt: Okay Steve, then you're up.
10

11 Mr. Turner: Staff is going to make the following recommendations and I will start with the
12 BUILD project. Staff is recommending that the Commission review the project and make the
13 following recommendations to the City Council. Number one, find that the Final EIR adequately
14 addresses the environmental impacts of the proposed development plan per the requirements of
15 CEQA and certify the FEIR. The CEQA resolution is in Attachment B. Number two, grant a
16 zone change from the existing General Manufacturing District to a Planned Community District
17 and grant a Comprehensive Plan Land Use Amendment from Light Industrial to Mixed Use. The
18 draft ordinance is provided in attachment C. Number three, approve the Architectural Review
19 Resolution including the conditions of approval as provided in Attachment D. Number four,
20 approve the proposed Below Market Rate housing plan for 56 senior apartment units. A draft of
21 the BMR program letter is provided in Attachment E. And, approve a Tentative Map that would
22 subdivide the existing four-acre site and create one multi-family residential lot of approximately
23 one-half of an acre containing 56 multi-family residential units and multiple family residential
24 lot containing 103 condominium town home style units. The Draft Record of Land Use Action
25 for the approval of the Tentative Map is contained in Attachment F. That is the recommendation
26 for the BUILD project.
27

28 The recommendation for TKCJL is as follows. Staff is recommending that the Commission
29 review the project and make the following recommendations to the Council. Number one, find
30 that the FEIR adequately addresses the environmental impacts of the proposed development plan
31 per the requirements of CEQA and certify the FEIR. The CEQA resolution is in Attachment B.
32 Number two, grant a zone change from the existing General Manufacturing District to a Planned
33 Community District and grant a Comprehensive Plan Land Use Amendment from Light
34 Industrial to Mixed Use. The draft ordinance is in Attachment C. Number three, grant a
35 Variance from the Palo Alto Municipal Code Section 18.68.110C to allow portions of the
36 proposed building to extend above 50 feet based upon the findings as listed in the draft ordinance
37 in Attachment C, Section 4. Number four, approve the Architectural Review Resolution
38 including the findings for a Design Enhancement Exception for height of the sculptural tower
39 subject to the conditions of approval as provided in Attachment D. Number five, approve the
40 Below Market Rate housing plan including a total of 24 assisted living and congregate care units
41 with associated housing services provided by the Jewish senior residents available to low income
42 seniors. A draft of the BMR program elements between the developer and the City is provided
43 in the project description letter in Attachment F. Number six, approve a Tentative Map that
44 would create one mixed use lot containing 193 senior congregate care and assisted living
45 condominium units and a community center. The Tentative Map Record of Land Use Action is
46 contained in Attachment E.

1
2 Commissioners, as you are aware the Commission reviewed the project at the June 28 Planning
3 and Transportation Commission meeting. At that meeting Staff recommended that the
4 Commission continue the item to allow the absent Commissioners from that meeting to
5 participate in the discussion. It was identified that July 26 would be the meeting where that
6 could take place.

7
8 At that June 28 meeting Commissioners heard from the Staff and the applicants who summarized
9 the various aspects of the project. The Commission then opened the public hearing and heard
10 testimony from members of the public. At the conclusion of the public testimony
11 Commissioners asked questions of Staff and the applicant and directed Staff to prepare responses
12 for tonight's meeting. The Commission closed the public hearing and continued the project to
13 tonight.

14
15 In preparation for tonight's meeting Staff prepared responses to the Commissioner's questions.
16 The questions and responses are contained in Section 1 of Attachment H and that is this bound
17 copy here. This attachment also contains the meeting minutes from the June 28 meeting in
18 Section 2 and all of the email received since that June meeting in Section 3. You will probably
19 note that correction is needed on the cover. It says Public Correspondence as of June 22, 2006
20 and that should read July 22, 2006.

21
22 In addition to the information that you received in your packet Staff has placed the following
23 items at your places this evening. There is a small packet containing additional correspondences
24 received since this packet for this meeting was delivered to you and it contains correspondence
25 that was not included in the June Staff Report or in Attachment H. The applicant has also
26 provided you with 115 letters of support contained in this document with the blue cover.

27
28 Also at your places tonight is a replacement BUILD Attachment C which is the Planned
29 Community ordinance. An uncorrected version of this ordinance was included in the Staff
30 Report tonight. So the correct version is at your places and that version contains edits to clarify
31 the public benefit and development schedule as well as minor clarifying edits to the conditions of
32 approval.

33
34 Finally, you also have a copy of the TKCJL Transportation Demand Management program. The
35 Staff Report tonight contained an excerpt from that report that talks about an increase in the
36 number of trip reduction the TDM program hopes to achieve. The entire TDM report is at your
37 places and it is also back at the table behind us.

38
39 There will be no formal presentation by the applicants tonight but both Staff and the applicants
40 are able to answer your questions this evening. We also have Judith Wasserman from the
41 Architectural Review Board here to answer your questions as well as Dennis Struecker, the
42 Transportation Consultant for the EIR and also Nora Monette from David Powers who helped us
43 prepare the EIR. They are sitting over there and can answer your questions tonight. That
44 concludes the Staff Report but I do want to hand it off to Curtis who can provide some assistance
45 or suggestions tonight on how to review the project.

1 Mr. Curtis Williams, Chief Planning and Transportation Official: Thank you Steven. What we
2 would suggest tonight is that you take the two items in order, that you ask questions and
3 comment about the BUILD project and then do the same subsequently about the TKCJL project
4 and then come back and take action on the BUILD project and then take action on the CJL
5 project. The reason why we sort of need it in that sequence and you can't take action until the
6 end is because your first action on both items is to certify the EIR and both items are in the EIR.
7 So you really need to have fully discussed both of these items before you can take action.
8

9 Chair Burt: So just to be clear, after we have our discussion of the BUILD project and then the
10 Center for Jewish Life we would first address the approval of the FEIR and then have perhaps
11 the motions regarding the projects if we didn't want to fold it all into one motion?
12

13 Mr. C. Williams: I think that is probably a good idea since the FEIR covers both projects. That
14 way you do that as the first action you would be taking anyway on the BUILD project and then
15 subsequently when you act on the CJL you can indicate that you have already taken that first
16 action there.
17

18 Chair Burt: Then depending on how our discussion goes and whether there are any substantive
19 amendments we may want to consider whether it would be best to include those amendments
20 under a primary motion or address them under separate votes and have a primary motion to hit
21 the big major items. That is something for us to consider on how we break up our actions.
22

23 I neglected to make one announcement in the beginning. It is in our agenda but Item Number 4,
24 560 San Antonio Road will not be heard tonight. That item has been withdrawn in case anyone
25 is here for that purpose or listening.
26

27 ***NEW BUSINESS:***

- 28 **4. 560 San Antonio Road** – Request for public hearing of a Conditional Use Permit to
29 allow the construction of a new 11,690 square foot multi-use private educational facility
30 replacing an existing 20,920 square foot office building at 560 San Antonio Road.
31 Environmental Assessment: An Initial Study has been completed and a Draft Negative
32 Declaration has been prepared in accordance with the California Environmental Quality
33 Act (CEQA) requirements. Zone: Research, Office and Limited Manufacturing (ROLM).
34

35 Chair Burt: I guess we are going to have to try to figure out how to get our arms around this big
36 thing. It is one of the largest projects that we have seen in many years or are likely to see. So
37 our first discussion would be around the BUILD project and who would like to begin with either
38 questions or comments? Phyllis.
39

40 Commissioner Cassel: I would like either the Staff or the developer to explain so that I have it
41 straight the BMR portion of what is happening on this site. Basically, overall I really don't have
42 very many questions or comments or concerns with this site. It meets all the other requirements
43 but I am trying to understand and make sure I have that straight.
44

45 Chair Burt: Steven, do you think it would be best to have the applicant respond? Ms. Tan,
46 welcome.

1
2 Ms. Lydia Tan, BUILD: Good evening. I hope I have it straight too so let me take a stab at this.
3 As you know, BUILD is a partnership between Cal—PERS and Bridge Housing Corporation and
4 Bridge Housing Corporation is a nonprofit housing developer. Our main focus is to provide very
5 affordable housing and very high quality. So when we started to have a conversation with the
6 Staff about the BMR requirement our hope and really how the project was designed was to try
7 and provide as much affordability as possible within the confines of the return requirements of
8 Cal—PERS who is the main equity source of this project. So our proposal was to try to leverage
9 the 15 units that are required on the town home side into a larger senior affordable project next
10 door, which we are taking a look at as part of this project.

11
12 So the 15 units were subject to a study in terms of trying to determine financially what the value
13 of transferring those 15 units next door to the senior project was. It was a project that was
14 commissioned by the City, your housing staff was involved and the number that came out as a
15 value was about \$7.3 million. So for the 103 units, 15 would have been required, the value of
16 those 15 units was set at \$7.3 million. What we have come to with Staff is that the BUILD side,
17 the town home side, would transfer \$7.3 million over to Bridge. Bridge would use the \$7.3
18 million in part to develop the senior site. We would still have quite a bit of money still to go and
19 raise to build the entire 56-unit project but that gives us a really good running start to try to make
20 that project possible. There are additional things.

21
22 We are very committed to making the 56 units work. Staff also I think is very supportive but
23 Staff also in their wisdom thought that if we weren't able to pull all the funding together there
24 needed to be some conclusion to the story on site. So we came up with two alternatives in the
25 case that we could not make the affordable senior project work. The first alternative would be
26 that within the envelope that is hopefully being approved tonight that we would build 30 to 32
27 condominium units of which the 15 would be affordable at the income levels that would have
28 applied to the 103 unit town home development. There would be a few market rate
29 condominium units that would be used to cost subsidize those affordable units onsite. We would
30 use the \$7.3 million to subsidize those units onsite and then those market rate units would also
31 have their own BMR requirement as well that would be included in that project.

32
33 The second alternative would be if after a maximum of six years we could not make either the
34 apartments or the condo project pencil, financially feasible, we would essentially liquidate all of
35 our assets on that particular site and make an in lieu payment to the City. So that is everybody's
36 least favorite idea but it was really the only solution that we could all come to that made sense to
37 try and come to conclusion on a project. So we are crossing our fingers we will never have to
38 talk about that after City Council hopefully looks at this project. Any questions?

39
40 Chair Burt: Lee, do you have a question of Lydia?

41
42 Commissioner Lippert: A question of Staff actually.

43
44 Chair Burt: Okay. Maybe I could ask one of Lydia first. So what I hear is that you have a good
45 confidence that this will happen. Can you give us some sense of where that confidence level is?
46

1 Ms. Tan: We have three possibly four alternative financing scenarios that we will be pursuing
2 over the next several years. One would be to access HUD funding for the Section 202 program.
3 That would provide a fairly significant amount funds that helps make up the gap and it also
4 provides operating subsidy that would allow us to serve senior that are extremely low income.
5 They would only pay 30 percent of their income on rent which is really exciting. We would
6 couple that with low-income housing tax credits. So that is one scenario that we are looking at.
7 We actually have an application into HUD right now and we will have to see how it goes. It is
8 very, very competitive and generally the more often you apply the more likely you are to get it.
9 So we know that we have a multi-year process there.

10
11 There are also two forms of low-income housing tax credits that we also are looking at. The
12 third is a supportive housing type program that is offered through the State of California that
13 would allow us to serve both independent seniors and other seniors who have a couple of
14 physical deficiencies that they would need help with. So all of them are funded right now. They
15 are all very competitive. Some are more powerful than others in terms closing our gap. We also
16 have over the last couple of years been able to secure funding commitments from the housing
17 trust fund of Santa Clara County, from EPA, from lenders for the community development, the
18 Sobrato Foundation. So we have been slowly trying to work towards filling the gap. We are
19 pretty confident that we can make it happen but there is always the outside chance that the stars
20 won't align for us and we have to go to the second alternative.

21
22 Chair Burt: So when you describe it as an outside chance – I am still trying to get a sense of this
23 because frankly technically the two projects are separate but the community support and how we
24 viewed everything has been contingent on really both halves of this happening. If one half didn't
25 happen then have we been looking at it in the same way that we would have if we had known it
26 wasn't going to happen. So you have been at this a long time and BUILD has done a lot of
27 projects. Is this something that you are hopeful of, that you are highly confident in and I know
28 you can't put a number on it but I am still trying to get a better sense of your confidence level?

29
30 Ms. Tan: I don't think I could say highly confident I think I could say confident. It is more than
31 hopeful. If it were only hopeful we wouldn't be proposing it. Really, the tradeoff and I think
32 Staff saw it as a tradeoff is do you provide 15 units moderate income housing or do you really try
33 to stretch and get the 56 units of extremely low income housing? I think on balance we believe
34 and I can't speak for Staff but I think Staff also agrees it is worth the try.

35
36 Chair Burt: Annette.

37
38 Commissioner Bialson: I agree with you on that but I do have a question with regard to the
39 second alternative, which we hope we never go to. That would be liquidating the asset which is
40 the land and at that time paying what amount of money to the City?

41
42 Ms. Tan: It would be whatever we have left and at no time would it be below \$4.5 million. The
43 reason it is lower than the \$7.3 million is we will be incurring funds all along in good faith trying
44 make the senior project happen. I am sorry I did not bring the accounting with me but we
45 actually provided Staff with an accounting of what where we thought we would be if after six
46 years we were unable to get funding together. There is actually about \$4.0 million left but

1 Bridge has made a commitment to come out of pocket an extra \$500,000 to make sure that we hit
2 the \$4.5 million. It could be that the market is great and somebody will pay a lot of money for
3 that land. Anything in surplus would go to the City. I think there is a limit based on \$7.3 million
4 plus some interest assigned to it but essentially everything would go back to the City.

5
6 Commissioner Bialson: The six-year period of time is one that is perhaps alterable by you or by
7 the City agreeing that you do not have an opportunity or will not have a chance to build this out
8 as you would like and the City can request that you liquidate the land earlier?

9
10 Ms. Tan: We have four years by right and there is a two-year extension that the City could say
11 no to if they believe that there is no chance of getting funding together. On our side we will try
12 very hard for the first two years, we will fight very hard for six years but for the first three years
13 the primary focus will be on the senior project because that is everybody's primary goal. If after
14 two years the funding doesn't seem to be coming through then we have the option of converting
15 to the condo project so that within a four year period one of the two would happen. If it doesn't
16 happen by four years it is really up to the City to give us the two-year extension if we all feel that
17 there is a chance of still having something happen.

18
19 Commissioner Bialson: Do you give the City accountings of what you are spending and how
20 often do you do that?

21
22 Ms. Tan: Yes. I don't think we have talked about specifically how often but we are happy to do
23 it as often as the City would be interested in it.

24
25 Commissioner Bialson: Maybe I am misunderstanding but my understanding is we are dealing
26 with a pot of \$7.3 million and as we make effort to develop this project in the way you and we
27 hope that it will be you are using and expending those funds for purposes of trying to move
28 forward that project. As the funds are being deducted from the \$7.3 million it seems like there
29 should be a recording and reporting requirement to the City and some influence that the City
30 could have over how those funds might be spent. Maybe you need trigger points of after \$1.0
31 million is spent so that the amount is reduced to \$6.3 million that there might be some different
32 relationship between yourselves and the City with regard to approving any additional
33 expenditure of funds or having at least a reporting requirement. I am just concerned that
34 sometimes these projects get a life of their own and the developer with all best intentions just
35 gets very committed to something that the City perhaps should be able to have input in with
36 regard to the likelihood of its success especially if that City is bearing the burden of the costs.
37 Essentially that sounds like what we are doing. We are to a certain extent the developer there. It
38 is to our economic interest to have some say in how those funds are expended. I don't know how
39 you would work that out with the City but I do think that there has be some written agreement
40 and trigger points at which the City has perhaps a little more influence in how the project goes
41 forward.

42
43 Ms. Tan: One of the requirements is that there is an Affordable Housing Agreement that
44 negotiated and drafted before City Council sees this project, which I think is scheduled for
45 September. So I think those comments can be incorporated but in response what I would say is
46 we are happy to report. We have given the City Staff a budget as to how we think the dollars are

1 going to get spent. We are happy to stick to that budget. We can certainly work on a trigger. I
2 think \$1.0 million is too low. The other thing that you should understand is in this budget there
3 is no staff time so for the six years Bridge will be expending its own staff time in support of
4 trying to get the project done. Given that and given our mission I would hope that you would
5 feel like we are doing everything we can to try and make the project work.

6
7 Commissioner Bialson: That is understood but I do think there are heightened levels of
8 involvement that are called upon once certain amounts of money are spent and whether that is
9 just one trigger point or some other mile post along the way I think that if you are going to set
10 forth in a four year or a six year relationship you need some rules that will establish the leverage
11 points shall we say. Thank you.

12
13 Ms. Tan: Thank you.

14
15 Chair Burt: I appreciate that you stated that you didn't happen to bring the ledger of how the
16 funds are anticipated to be spent. Can you just give us a little bit of a general sense of the
17 categories? Are they for architectural design and grant application or what kinds of things?

18
19 Ms. Tan: It is all those things. There is money in there to acquire the site from BUILD. There
20 are dollars in there to pay for the architecture and the permits and the planning fees that we have
21 been paying all along. There is money in there for funding applications. Every time we make a
22 funding application we either have to update our rental phase one/phase two reports or we have
23 to put together a marketing study so those sorts of things are in there. I am trying to recall what
24 else but those are the big ones. What we were not planning on doing is spending a whole lot
25 more money on architecture until we know we have a funding source in place. It doesn't make a
26 whole lot of sense right now to spend more money right now.

27
28 Chair Burt: So a good portion of this funding is compensation for funds that BUILD has already
29 expended and this is the agreement.....

30
31 Ms. Tan: Some of it. That's correct.

32
33 Chair Burt: Okay. Lee, you had questions for Staff? Thank you, Lydia.

34
35 Commissioner Lippert: In the Staff responses on page six, question 19 I don't know if my
36 question has actually been answered adequately. I remember reading in the Staff Report that
37 there was an out for the applicant in terms of not having to have the shuttle if they did not have
38 the congregate care and assisted living units.

39
40 Mr. Turner: So you are saying that if the Jewish senior residence portion of the project goes
41 away that then they would not have a requirement for the shuttle?

42
43 Commissioner Lippert: There is an out in there that they didn't have to provide or if they didn't
44 have to provide the shuttle service.

1 Mr. Turner: I think part of the response is saying that as a requirement of state licensing, perhaps
2 the applicant can explain this a little better, that in order to provide those types of housing units
3 that they need to provide a shuttle. A shuttle is required in order to be licensed for those types of
4 living units. So as long as they are a licensed facility they would be required to have that shuttle
5 and then that shuttle would be used as part of their benefit for the senior houses on the adjacent
6 site.

7
8 Commissioner Lippert: Then it also says in here that it is not a traffic mitigation measure but a
9 concern of the neighborhood is traffic and that the idea is that this shuttle would be used for say
10 satellite parking to bring people to the site during events.

11
12 Mr. Turner: The applicant could explain that. I believe the intent is really the shuttle only for
13 the Jewish senior residential units not for providing transportation to and from the community
14 center during those special event times.

15
16 Commissioner Lippert: Does the applicant want to address that?

17
18 Mr. Jim Baer, Taube-Koret Campus for Jewish Life: Hi, Jim Baer on behalf of the Taube-Koret
19 Campus for Jewish Life. The statement Steven Turner answered correctly. The statement that
20 the shuttle being provided for the JSR was not included as a mitigation measure and by the way
21 neither was the TDM program with its 20 percent target reduction for employees means that we
22 didn't ask for credit against trip generation as a result of the TDM or the shuttle being provided
23 for JSR residents. That answers the first part of the question which is when it says it is not part
24 of the mitigation doesn't mean that we aren't committing to provide those it means that it didn't
25 reduce trip count. We were assessed with the full trip count as if we weren't providing a TDM
26 or a shuttle.

27
28 The second part of that question was also answered correctly which is the shuttle used by the
29 JSR and then shared with Bridge Housing low income senior has nothing to do with the special
30 events shuttle that may be required if the campus can't show proximity and adjacency of parking
31 for special events and a shuttle is necessary. That would be an independent shuttle and if
32 necessary more than one shuttle in order to bring people to the campus from offsite. This is just
33 for the JSR onsite use of its residents and those of Bridge.

34
35 Commissioner Lippert: I understand it. I don't know if I like it.

36
37 Chair Burt: Thank you. Next questions? Phyllis?

38
39 Commissioner Cassel: You want comments?

40
41 Chair Burt: I guess if we don't have questions we can move right into comments. This is the
42 easier half of the two.

43
44 Commissioner Cassel: As I read this, my comments are that I like the Bridge project and I am
45 not having problems with it. It meets the parking requirements, it meets the height limits, it
46 provides middle/moderate-housing needs, which are hard to get. It is very hard to get middle

1 income housing in this community. There are mechanisms for other things but middle-income
2 housing is actually the hardest to get in that middle-income range and a little bit of high
3 moderate. It provides low and very low-income housing. The units for the combined site is 40
4 units per acre and we tend to lose that because if they just look at that when they divided it out
5 the units per acre is high on the affordable units but lower than you would have normally in a 40
6 units per acre on the other and I think we need to keep that in mind. Based on what happens in
7 the future it needs to be noted that this was originally designed as one project and then it got
8 divided out for reasons that have to happen which gives one site a higher density than the other
9 but falls within that 40 units per acre. The BMR sometimes becomes an issue when you say you
10 are not providing exactly the same units as you would for the market rate units but I think we are
11 much better off with more very low-income senior units and that creates the balance that we
12 want. In addition to that there will be some subsidy for people purchasing the condominium
13 units. So basically I am satisfied with this project and I am satisfied with the explanation of the
14 BMR program.

15

16 Chair Burt: Who would like to comment next? Annette.

17

18 Commissioner Bialson: I agree with all of Phyllis' comments and except for the one point I have
19 to make with regard to an alternative which I don't think we ever find ourselves in, or hope we
20 will never find ourselves in, I am in support of this project.

21

22 Chair Burt: Dan.

23

24 Commissioner Garber: I will join Phyllis and Annette in supporting the project. I think it is an
25 especially good job of bridging the gap between some of the residential uses that are on that side
26 of the site and the rest of the project that is in there. I think it addresses a number of the uses that
27 Phyllis has articulated quite capably. I think that the way the parking has been handled in
28 particular with the housing along the street to help lessen the impact of that parking from the
29 street works very well. I think is a summary of my comments. Thank you.

30

31 Chair Burt: Paula.

32

33 Commissioner Sandas: One of the nice things about sitting down at this end is that everybody
34 gets to comment first and all I have to say is I concur, I agree. I support this project as well.

35

36 Chair Burt: Lee.

37

38 Commissioner Lippert: I am pretty enthusiastic about the project the only concern that I have is
39 with regard to the shuttle. Since we are viewing the Bridge project first if the Campus for Jewish
40 Life didn't move forward it is tied the potential senior housing element shuttle to the Campus for
41 Jewish Life. So that is really my only concern.

42

43 Chair Burt: I would support the comments made by my fellow Commissioners. The issue that
44 we had discussed with the Bridge representative regarding the what if for some reason the
45 funding were not able to be obtained for the proposed project I think is most of all a policy
46 decision for the Council because it is a risk of sorts that the anticipated project would not occur

1 but I think it is one that everyone will understand the potentials going into it and I think the sense
2 of the Commission is that we consider it a reasonable risk and presumably the Council will
3 continue to feel the same way as we have throughout this process. This is not new news to us.
4

5 So I guess that concludes our discussion of item number two. We will not yet be taking a motion
6 on item number two. We will move into questions and comments on item number three and then
7 we will return to vote on combined FEIR and then we will go into votes on the projects. We just
8 have to remind ourselves because it is a more complicated process than normal.
9

10 So item number three would Commissioners like to proceed with questions on item number
11 three? Dan.

12
13 Mr. Larkin: Actually this is where I wanted to speak up.

14
15 Chair Burt: Okay, go ahead.

16
17 Mr. Larkin: On number four of the recommendations, and the Commissioners can anticipate
18 what I am going to say, the recommendation was to approve the Architectural Review
19 Resolution including findings for the DEE for...and I would just make one revision to that. The
20 Commission should strike the words 'finding for the DEE for' and just have it 'approve the
21 Architectural Review Resolution including the height of the sculptural tower' but not the
22 findings for the DEE.
23

24 Chair Burt: That is because that is really not our purview, correct?

25
26 Mr. Larkin: That is correct.

27
28 Chair Burt: Great, thank you. Everybody clear on that? Okay. Dan would you like to proceed?
29

30 Commissioner Garber: Some questions for Staff. Could the Staff and/or the architect review
31 perhaps with the help of these drawings on the wall here the height of the building? If you could
32 simply walk down San Antonio and the Charleston street sides and show us the heights of the
33 building relative to the existing 50-foot mark and then describe to us how the flood plane works
34 to show us those three data points along each one? There may be a better drawing that you can
35 put on the overhead.
36

37 Mr. Rob Steinberg, Steinberg Architects: Good evening Chairman and Commissioners. I think
38 if I could just interpret your question if I might you would like to understand the heights of the
39 buildings along the perimeter streets. You mentioned the flood plane, with your permission I
40 would like to just adjust that and share with you're the criteria that we feel have impacted the
41 heights. If I could just explain that then I would be happy to give you the heights as we move
42 around.
43

44 Commissioner Garber: Of course.
45

1 Mr. Steinberg: The flood plane is an issue but much more significantly is the issue of the
2 condition of the soils and the requirements that we have had to adhere to from the Regional
3 Water Quality Control Board. Those are simply that we on this particular site are not able to
4 excavate below existing grade. So we have to accept existing grade as it is. Ordinarily on a site
5 you would be permitted to excavate below grade and put your parking below grade and then be
6 able to put habitable space up to 50 feet on top of that. In this case we are not able to do that so
7 just as a frame of reference the depth of that parking structure that would ordinarily be below
8 grade is approximately 12 feet. So what we are challenged with here is developing a site at a
9 comparable site where you would be allowed 50 feet plus the 12 feet so it would really be close
10 to 62 feet. That would be the combined total height of parking and housing that would normally
11 be permitted. So as we move kind of keeping that 62 feet as a frame of reference we move along
12 San Antonio and perhaps it might be easiest to use the model, we are about 41 feet. Can you see
13 this building? Okay? So with my 62 feet frame of reference and then I should just add that in
14 addition to the 50 feet you are also allowed an additional 15 feet for mechanical equipment. If
15 you took the combination of that it would net you 77 feet. So with that in mind this building
16 right here is 41 feet, it drops down to 26 feet, it steps up in this building to 55 feet, 55 feet with a
17 small element internal which has mechanical up to 70 feet, 59 feet and a very small component
18 that has mechanical that steps up to 75 feet at that edge.

19
20 If we go along Charleston this building is the 59 feet that we talked about, it steps down to 40
21 feet, 55 feet, 36 feet and again steps up to the 55. So if you take a typical 50 foot building and
22 you add the 12 feet and the total of 62 all of the buildings are below that height with the
23 exception of when we step up in one place along the edge with mechanical and we are still below
24 what would be permitted if you understand that we have 12 feet for that parking garage in
25 question.

26
27 Commissioner Garber: Thank you for the explanation and your methodology of how those
28 numbers have been calculated. The backside of the site is where relative to the flood plane?
29 And it goes uphill as we get to Charleston, is that correct?

30
31 Mr. Steinberg: Yes, there is about three to four feet being higher along Charleston and the site is
32 falling as it comes and it is about four feet lower at this corner. It is pretty imperceptible to the
33 eye as you look at that.

34
35 Commissioner Garber: Okay, thank you. If you would you can stay there I have another
36 question. The tower that is there, what actually is driving the height of that tower?

37
38 Mr. Steinberg: permit me just to start and kind of talk about the tower in kind of a holistic way
39 before I go right into the dimensional aspects of it. When you think about a tower and you think
40 why would someone design or try to create a tower there are probably a couple of reasons that
41 you might consider that might come to mind. Many times a tower deals with functional aspects.
42 A tower could be used for defense, for security. It is not in this particular case. Many times it is
43 used for telling time, a clock, bells, a sense of awareness, and a sense of place. Many times a
44 tower is an expression of optimism, of optimism for the future of what is to be. I would say
45 thirdly a tower is frequently used as a sense of way finding. Many times on campuses or cities
46 the Hoover Tower, the Campanile are used a frame of where am I and what is my orientation and

1 sense of location. That really is the sense here. This is in many ways a campus or a small
2 community and it has a variety of different buildings and different – it is an intergenerational
3 campus meant to accommodate a wide variety of people and ages and needs and meant as a
4 sense of order and way-finding that tells people where they are in relationship to the center and
5 the town square of the campus. Currently on the site there is a building that goes up to about 98
6 feet, it is 200 and some feet long, and we have taken and we would like to suggest that we take a
7 much, much smaller footprint. A footprint something in the range of 10 or 12 feet square and we
8 use that as a symbolic art object, an object of optimism, an object to help orient people around
9 the site, and what we are proposing is that the height of that be tall enough so that from different
10 parts of the campus one can see it. If you look at the drawings on the wall behind you there are
11 two elements. There is a solid portion and then a little bit lighter portion shown on each of these
12 drawings, which is also reflected on the model. The 65 feet on the drawing from many portions
13 of the site would in fact not be visible. So what we have done is try to look at sight lines in the
14 site and this is a section through the site. If you are standing here in order to see and to get that
15 sense of way-finding from different parts of the site we are in the range of 90 feet or 95 feet in
16 height in order to do that. That said we wanted to also be very sensitive to any impact to
17 adjacent offsite uses. So what we are proposing is that we come up to the 65 feet which is per
18 the code with a solid building form and that we have the flexibility of an additional 30 feet of a
19 much more open, transparent expression that would be really in the form of artwork that would
20 allow us to have that additional height so that people could see it from onsite. As our process,
21 and I happy to share that with you tonight, going through this with the ARB we have gone
22 around the site and we have done photo simulations. We have looked from the neighborhood
23 over here. We have looked from the residential neighborhood over here. We have looked from
24 the intersection at Charleston and San Antonio. I would be happy to share these images with you
25 but I can tell you the impact is negligible. It is very hard to see from offsite. So that is the
26 thinking of the tower.

27
28 In addition to everything that I have said, as went through this process with the Architectural
29 Review Board I think that they had thoughts and gave us input into the design of the tower and I
30 could share that thought with you or we have a representative from the Board that might be able
31 to share that perspective as well if you like.

32
33 Commissioner Garber: Sure. I would be very interested to hear about that.

34
35 Ms. Judith Wasserman, Chair, Architectural Review Board: Thank you. I am Judith Wasserman
36 from the Architectural Review Board. I find myself to be hard-pressed to be more eloquent than
37 Rob Steinberg so I won't even try. He has covered the Hoover Tower and the Campanile and the
38 graceful artwork that I was all prepared to talk about. We felt that this tower was important
39 enough to actually condition it into our approval. We knew that there was controversy. We
40 knew that there questions. We knew that it exceeded the official height limit of the City and we
41 felt that it was a significant enough part of the composition of this project in a sense of
42 proportion, as a sense of a landmark, a punctuation, I think of it more of a spire than a tower
43 because it has a graceful form to it that we felt it was really important to keep it in regardless of
44 what the formalities of getting it would be and what kind of exceptions would have to be
45 approved and whatnot. We felt it was a significant part of the composition of the project.

46

1 Commissioner Garber: Issues of way-finding and landmarks such as this are fairly common and
2 do operate in my experience in much the way that you have described and do help anchor the
3 way that one finds their way through the project, etc. Let me just ask you, not to be
4 confrontational, but if the tower were half the size say how much of an impact would that have
5 on the aesthetic functions that you have described? How impact would that have on your
6 project?
7

8 Mr. Steinberg: Well the project itself would still be in tact. You would still be able to get to a
9 classroom. You would still have a campus. There would still be preschool. I think that the lost
10 opportunity would be very, very significant. Because the impact of it is almost exclusively
11 internal to the site I think it would be a real shame to have lost that opportunity from an
12 architectural perspective. Would the facility be able to function? It would.
13

14 Commissioner Garber: Let me just go through a couple of other examples and sort of draw out
15 the conversation. Some of the other examples that were cited for instance Hoover Tower is a
16 significantly larger object, 256-plus feet or something of that sort and exists in a much different
17 scale of campus. Campanile also is significantly larger and exists in a much larger piazza. I am
18 thinking at Northwestern University they have a clock tower that exists at the end of a street not
19 exactly inside of a campus, which would be significantly smaller than this. I am guess it is about
20 30 or 40 feet high and clearly seen at its cross-axis as it is organized. The primary benefit of this
21 is going to be either as you walk down from one of the two axes that it is in the lotus of. So once
22 again I am going to ask the question in this scale for this size does it truly have a significant
23 impact if it was not as tall?
24

25 Mr. Steinberg: In my opinion, yes that would be a significant reduction in the impact of what it
26 is trying to achieve. I say that because the concept or the plan is one of a sense of a medieval
27 city where the idea is that the sense of journey and movement is as important as the arrival at the
28 point of destination. For that reason there isn't a formal axial geometry but in fact it is a series of
29 courtyards and outdoor rooms that have different proportions and different spaces that move
30 underneath into another outdoor room. So if for example we were to take this element and cut it
31 in half you would be able to see it from one outdoor room and possible from a second outdoor
32 room but from the eight other outdoor rooms that make up part of the composition it would be
33 neutered.
34

35 Commissioner Garber: That is all from me for the moment. Thanks.
36

37 Chair Burt: Lee.
38

39 Commissioner Lippert: Let me go at this from a different point of view. Is there FAR or access
40 to this tower element? When I say FAR is it a structure in which people can actually go into this
41 and go up in the tower?
42

43 Mr. Steinberg: The structure itself accommodates an elevator and a stair and incorporates
44 mechanical exhaust from our parking structure. So it has three functional components to it. You
45 cannot go up to the top of this because like Judith pointed out it really is more of a piece of

1 artwork than it is a building or a tower but it does service getting you from grade up to the
2 podium and up to the second level to accommodate our accessibility issues.

3
4 Commissioner Lippert: So the part that people would use is really accessory to the buildings and
5 the rest of it is really artistic, correct?

6
7 Mr. Steinberg: Yes.

8
9 Commissioner Lippert: Judith, I am going to put you on the spot as a former member of the Art
10 Commission. What determines a piece of art? You have been involved in the ARB and you
11 have been involved in the Art Commission. What draws the distinction between something that
12 is architectural and something that is artistic?

13
14 Ms. Wasserman: Not too small a question is it?

15
16 Commissioner Lippert: No it is a very big question.

17
18 Ms. Wasserman: Well from the point of the Public Art Commission one of the salient
19 determinants is whether it was designed by an artist or whether it was bought off the shelf as a
20 catalog item. So I am expecting this piece of sculpture to have an artist design it. I was told that
21 that was going to happen, yes?

22
23 Mr. Steinberg: Well, I would like to define what an artist is and.....

24
25 Ms. Wasserman: I don't think we are going to do that here tonight.

26
27 Mr. Steinberg: Let me try it again. Let me just say that it is not something that is going to come
28 off the shelf. It is going to be creative, as we identify a donor to be able to support this effort it
29 will be something that will very custom and very unique and specialized to this particular
30 moment.

31
32 Commissioner Lippert: Let me ask you, this is a private development here, it is not subject to the
33 Art Commission but the Art Commission does have criteria in terms of artist selection and how
34 they go about doing that. Would you be following similar criteria in terms of looking at a
35 number of artist's portfolios in terms of awarding the commission? Would you then give the
36 artist somewhat free-range in terms of creating this tower?

37
38 Mr. Steinberg: I think that that is a very hard question for me to answer tonight because I don't
39 think anyone in this room has the full authority to make that decision. This is really dependent
40 upon having a benefactor. I don't think we could commit to a process or lock that in tonight.
41 What I will say is my first choice is to not give this to someone else to come out and to do but to
42 integrate very much into the history and the theme of everything else that is taking place but that
43 is a decision that will made downstream.

44
45 Commissioner Lippert: Where I am going with this is that there is a certain part of it, which has
46 a functional aspect to it, which is really the elevator aspect to it. Then from that height on up is

1 more of an artistic aspect and I am trying to find some middle ground here. If we did go ahead
2 and approve the full height on it there might conditions or criteria associated with it that does put
3 it into the artistic realm to be assured that it is an artistic expression.
4

5 Ms. Wasserman: We did condition it to come back for review.
6

7 Commissioner Lippert: Okay. Then I had one other question for Staff. Is there any height
8 limitation for art in Palo Alto? Are there any criteria limiting the height of artistic pieces?
9

10 Mr. Turner: I think that we could see those types of pieces perhaps as a structure that might be
11 one way to take a look at it and structures are limited to specific heights depending upon the
12 district. In this district 50 feet would be the maximum height. If it was not a structure but
13 perhaps a statue I think that we could still want to meet the intent of the height rules even though
14 it may not be defined as a structure. I think that we would probably apply ...
15

16 Commissioner Lippert: You didn't mean statue you meant sculpture, correct?
17

18 Mr. Turner: Or a sculpture.
19

20 Commissioner Lippert: I would like to point out that both myself and Amy French I think are
21 probably the two professionals in the room that have gone to art school.
22

23 Ms. Wasserman: I beg to differ.
24

25 Chair Burt: Okay. Phyllis.
26

27 Commissioner Cassel: I think pretty much my question was answered. The last comment was
28 that I think architects would consider themselves artists.
29

30 Chair Burt: Annette.
31

32 Commissioner Bialson: I beg to differ with my fellow Commissioners. I get a sense that the
33 height limitation of 50 feet is being rather inappropriately applied to this tower because it does
34 have the purposes that were so eloquently described. Having experienced projects of
35 approximately this size or actually a little smaller it would have been quite an advantage to have
36 sort of a place marker for reference so that one knew where one was. I think it makes the entire
37 project look a little smaller or more inviting and more of a community to have something of that
38 height because the buildings are the height they need to be because of constraints of the location.
39 We can go back and forth on the discussion about whether it is or is not appropriate but I think
40 the Architectural Review Board understand the importance of that for the entire project. We
41 recognize this is a unique project and one where we are very much in favor of the objectives of
42 it. I think this tower plays a very large part in trying to achieve those objectives and I am very
43 much in support of it.
44

45 Chair Burt: Let me take a little bit different angle on it. First I am comfortable with
46 acknowledging the reasoning for the tower as a way-finding component, as providing a sense of

1 place, and as being an object of art. I think that it would achieve those things. The struggle that
2 I have is that I think it falls outside of the policy framework that we have been operating under
3 for years. The project itself has height variances that would be considered very significant. Over
4 the last 15 or 20 years in this community these are probably the most significant height variances
5 that have been allowed and they have been allowed because of the particular circumstances of
6 the project site along with the aggregate benefits of the project itself and the value that the
7 community places on the project itself. I can tell you if this were a normal commercial project I
8 doubt very much that these height variances would have been granted. It is the special nature of
9 this project that has caused those to have the support that they have. So my question to our ARB
10 representative and Staff is that given that a structure like this can provide all of the benefits that
11 Mr. Steinberg has articulated for a project in general where do we feel about these kinds of
12 artistic components of this scale in other projects? Is this something that we now would say is an
13 approved practice? I am not passing judgment on whether I would or would not support that sort
14 of recommendation to change our policies to allow for something like that. I think that is a valid
15 policy discussion that perhaps should occur. How does it fundamentally differ from if the
16 developers of 800 High Street had an artistic component that enhanced their project and many of
17 the same things that Mr. Steinberg has described and made it architecturally and artistically a
18 better looking project and stood up 40 feet above its current height? How would we feel about
19 that or any project in the City? Why couldn't the same reasoning be applied to any project?
20

21 Mr. Turner: Well, in looking at this project and in considering the exceptions that are being
22 asked we do want to make sure that there are unique conditions and circumstances that apply
23 generally to this site and this site alone. We do that so that we don't create a precedent. If an
24 applicant wanted to come in and suggest a new building with similar heights we would take a
25 look at that and make a judgment on that proposal based upon the findings that we would have to
26 make in order to grant it. So although you can see this as perhaps precedent setting for the
27 neighborhood Staff really does try to do a good job in determining the unique conditions and
28 making sure that we do not set a precedent for granting of variances.
29

30 Mr. C. Williams: I would like to add to that that I think that theoretically anyone could ask for
31 that and a Board could look at that and advise us on it. I think the reason why it is appealing in
32 this circumstance is because while this is a privately owned project it has many, many public
33 components to it. I think that distinguishes it from most other projects. It has shared recreation
34 facilities, it has the cultural hall, which will be used for public events ten times a year or
35 whatever the number is, it has accessibility to the public in many ways and the programs there. I
36 think that is a big difference and it is part of the public benefit package that they are proposing, a
37 large part of it is that public connection. So I think that we see that as being different. I don't
38 know if ARB sees that as being a distinction as well but that is certainly something that we see in
39 this project that makes it possible and something to be considered that 800 High or many other
40 projects would not have. There is sort of a reason to maybe call attention to that plaza area in the
41 center of the development in that way.
42

43 Ms. Wasserman: I think that is a really excellent question because this is the sort of thing that
44 we should be facing all the time which is the desire to create something kind of new and exciting
45 and see how it fits into the City and how it can enhance the urban fabric and the life of the
46 citizens. The reason that we have a 50-foot height limit is not because a tall stick is a bad stick it

1 is because we don't want a tall city with canyon-like streets and buildings looming over us. So if
2 you keep that in mind then this kind of spire has nothing to do with that at all. It is the absolute
3 reverse. It looms over nothing. People keep saying you are not going to be able to see it from
4 the surrounding area, to which I say, "oh, phoo, that is too bad." We should be able to see this
5 because it is going to be a great thing to have in our town. We shouldn't be so fixated on the, I
6 don't know exactly how to put it, the letter or the specifics that we lose sight of the big picture.
7 Yes, if there was some project had – there would be no reason for 800 High Street to have a
8 tower that would help them with way finding they are an internal project. But if there was
9 another project of similar scale that needed this sort of thing or to which it would be a benefit I
10 definitely think we should consider it. Do I think we are going to have Coit Towers all over Palo
11 Alto? No, I don't think it is going to happen. I think if we get one or more than this I will be
12 really surprised. It is a unique situation. It is not a situation of if we let them do it everybody is
13 going to do it. Nobody is going to want to do it. Why would you want a 10-foot square spire in
14 the middle of your project? It is not getting you anything unless it really adds to the project. It is
15 like let your FAR govern your height limit. Nobody is going to build a 100-foot building that
16 big. They are going to build buildings that work.

17
18 Chair Burt: I think those are great points. I would just clarify that the issue isn't whether it is a
19 10-foot square spire but whether it would be a prominent artistically oriented architectural
20 component that would exceed that. Paula and then Dan.

21
22 Ms. Wasserman: A good thing, too.

23
24 Chair Burt: Paula.

25
26 Commissioner Sandas: I appreciated your comments earlier and since I am still in my freshman
27 year here, I am not intimately familiar with all of our policies, I would certainly like to see a
28 discussion of some kind of policy change if there need be one to accommodate something as
29 interesting for the eye as this tower can be. I am having a lot of trouble – I guess I am not sure
30 why it is so offensive when it is as tall as but not nearly as bulky as that unfortunate structure that
31 currently exists on the site. I drove by today and that Sun building has boarded up windows. In
32 my opinion it is blighted and that area is blighted. I just feel so – not being an architect but being
33 an appreciator, I appreciate the element of the tower in this project. I appreciate the texture of
34 this design that not everything is flat and one-sided. I know this isn't my purview because I am
35 not on the Architectural Review Board and that is not what this meeting is about but I certainly
36 wanted to lend my support and make supportive comments about what I think is going to be a
37 wonderful landmark for our community and what I think is going to be a catalyst for
38 redevelopment and upgrading of that San Antonio corridor. I think that personally it will
39 enhance my pride in my community to have something as new and interesting and as exciting as
40 this. I think the tower is a component of that. I guess that is all I need to say about that.

41
42 Chair Burt: Annette.

43
44 Commissioner Bialson: Thank you. I want to second your comments, Judith. It is very well
45 stated. The point I intended to make was that when we speak of the 50-foot height limit we need
46 to look at the purpose of that policy. The purpose of that policy does not apply in this situation

1 except if you have a terrible fear of setting precedent and have no faith in either Staff or any
2 policy-makers that follow us that they would be able to distinguish this from an over 50 foot
3 structure that would be inappropriate and offensive. So I have no problem whatsoever with the
4 spire as you call it.

5
6 I also want to point out that it is unfortunate that it will not be visible from other spaces because
7 we have often talked in the past, it hasn't come up recently, of gateways into our City. Of
8 somehow marking the entrance to our City and San Antonio Road is not one of the best gateways
9 we have. I think this spire is something that would add a lot to that area and to that entrance to
10 our City.

11
12 Chair Burt: I will just a response to that as I said before I think the arguments on behalf of the
13 tower are persuasive and that this is will add benefit to the architectural aspects of the project.
14 Having said that, I think it is beholden to the Commission and to the Staff and to the Council to
15 be able to explain in a clear way, not just that we like this and it is a neat thing, but what are the
16 reasons why we feel that what was perceived as a policy should not apply. I think we have to be
17 able to make those arguments in a sound way and what it suggest is that if we are able to make
18 those arguments in the case of a specific project then we probably need to look at the basis for
19 that in the context of policy. I do not agree that questioning those things and holding ourselves
20 accountable and the project developer accountable for an answer to the community for what
21 perceptions there may have been about the context of that height limit shows a complete lack of
22 faith or a fear of precedent or any of those things. That is not my point of view. So any
23 characterization to that affect I would like to clarify that that's not my reasoning.

24
25 So, having said that, it sounds like we have addressed the tower issue in good depth. Who would
26 like to move on to another issue? Lee.

27
28 Commissioner Lippert: I think about single family residences that are currently located in flood
29 planes and that in those cases where houses need to be elevated up out of the flood plane we do
30 make allowances for those houses to in fact have minor protrusions into the daylight plane and
31 even in some cases exceed the height limit a little. So what I am thinking of here these are multi-
32 family residences, the majority of the site is, and again it is the same sort of development where
33 this does need to be an elevated building. So in general the whole plan I see us being able to
34 allow for that whole element to be raised up out of the flood plane accordingly.

35
36 In addition to that I think that not just the tower but the corner building where you have the
37 public theater building there is a significant element there also that is asked for relief for height
38 because it contains mechanical there. What it does it is create a distinction among all the other
39 buildings in that area. I think a lot of us have been to Europe and we have observed villages and
40 cities in Europe and if you notice there are certain elements that do peak up above all the other
41 surrounding buildings there to alert you to their function and that they are there. So I think in
42 some ways what Architect Steinberg here is in some ways a small village and those elements do
43 need to identify themselves above the other elements of that small town.

44
45 Chair Burt: Dan.

1 Commissioner Garber: I really don't want to dominate the questions so if they want to kick me
2 under the table they are welcome to. Let's go back to the cultural hall and focus on Charleston
3 here for a moment, which has been a focus of mine over the last several meetings that the project
4 has been before the Commission. Just a couple of questions before I have a question directly for
5 the architect and this is of Staff. This is a commercial area as opposed to a residential or a retail
6 one. Perhaps Mr. Turner or Mr. Williams could succinctly describe some of the salient
7 characteristics that differentiate a commercial from the other two. I am thinking specifically of
8 how those projects address the street, what their criteria are. Are there a couple of salient things
9 that would help us understand those differences.

10
11 Mr. Turner: I think in this neighborhood in particular it is a neighborhood that has not seen a lot
12 of development whereas other portions of Palo Alto have. This is a very unique area in Palo
13 Alto where there are a wide variety of commercial and industrial uses. Within this area the
14 design and architecture may be described as tilt-up buildings surrounded by parking, very little
15 street trees, very little pedestrian activity, and a place where you really need to use your car to
16 drive.

17
18 Commissioner Garber: If I may interrupt you for a moment. However the areas that are in the
19 City that are thought of as retail area such as California Avenue, Midtown, University, etc. have
20 a very high level of street use because of the uses that are found along those streets. Residential
21 has slightly less however it has a completely different sort of nature because it is residential.
22 How would you describe the sort of street traffic treatments in a commercial area that would be
23 different than those other ones?

24
25 Mr. Turner: I think what you are saying then is how could we apply design characteristics to this
26 site that would try to achieve some of the same results that are found in other commercial and
27 retail areas?

28
29 Commissioner Garber: If you like, sure.

30
31 Mr. Turner: I think that there could be any number of ways. There could be a widening of a
32 sidewalk, there could be additional street trees, there could be creating architecture that links
33 both the private areas to the public areas. All of those would enhance an area. It may not turn
34 into a retail-commercial area but it would start to bring these industrial areas closer to that.

35
36 Commissioner Garber: So this site, which is introducing a _ of residential use but not in a
37 traditional Palo Alto residential neighborhood, is sitting in a commercial area. Given just
38 Charleston here are you expecting to see people along Charleston as you would in another
39 commercial area where presumably not many people go. There are trucks and things of that sort.
40 How is the Staff sort of reconciling or applying some values to that?

41
42 Mr. Turner: Well, the opportunities are present in terms of the design to bring activity to the
43 area. What I am thinking specifically along Charleston is the entry stairway from the public
44 sidewalks up to the podium level and the cultural hall. There is also the Jewish senior residence
45 porte-cochere where that would be a pick up and drop off area for the senior residences for the
46 site. The opportunities for creating interaction in that area are there.

1
2 Commissioner Garber: That is a perfect place to let me ask you a couple of different questions.
3 The drop off area is for the building that is all the way on the Fabian side of the street. If I am
4 recalling correctly either bus stops or shuttle stops are along Charleston as well or do those only
5 occur on the Fabian side?
6
7 Mr. Turner: I believe that there is a VTA stop along Charleston.
8
9 Commissioner Garber: That would be, perhaps the architect could help us here, is that bus stop
10 in front of the car drop off or before it?
11
12 Mr. C. Williams: It is very close to that.
13
14 Commissioner Garber: Very close to which?
15
16 Mr. C. Williams: To the driveway in off Charleston.
17
18 Commissioner Garber: Can you use your pointer, please?
19
20 Mr. Steinberg: It currently is approximately in that area.
21
22 Commissioner Garber: All right. So let's just hold those thoughts for a moment and then for the
23 architect the cultural hall we know is going to be used certainly presumably the 10 times that it
24 has the agreement with the City. I assume it would be used more frequently than those 10 times
25 throughout the year.
26
27 Mr. Steinberg: Yes.
28
29 Commissioner Garber: Presumably it is for larger events that are occurring on evenings and
30 weekends things of that sort as opposed to during the day. Is that a correct assumption?
31
32 Mr. Steinberg: Perhaps with your permission I should ask a representative from the campus to
33 share with you how the operations of that would take place.
34
35 Commissioner Garber: Sure.
36
37 Ms. Sandy Sloan: Your question is is the cultural hall going to be used more at night than in the
38 day?
39
40 Commissioner Garber: I am trying to get a better understanding of how and when it will be
41 used.
42
43 Ms. Sloan: Well I think that it is anticipated that it would probably be used more in the evening
44 and it is also anticipated that it would be used more often on the weekends, not Friday night but
45 Saturday night would probably be the most common. Alan Sokaloff who is the Executive

1 Director of the JCC is here. He might be able to be more specific. Would you like to be more
2 specific, Alan?

3
4 Mr. Alan Sokaloff, Executive Director, Jewish Community Center: Hi. It is somewhat of a
5 simple answer. It will probably be used 100 percent of the time that we are open for some use.
6 There are few meeting spaces in the City so I gather that there will be many other not-for-profit
7 organizations that would like to use the space for their meetings. Some of them may be small,
8 some of them may be large, and it will be used during the day and also at night for meetings.

9
10 Commissioner Garber: Okay. What I am trying to get at is when or how the sidewalk or street is
11 going to be used in front of Charleston.

12
13 Mr. Steinberg: The whole exposure on Charleston has a number of opportunities and some
14 challenges. There is a fair amount of vehicular traffic and concern about impacting or impeding
15 traffic flows on the corner. So for that reason we have been discouraged from having vehicular
16 access into the site anywhere near the corner of the site, having drop offs, having vehicular
17 activity that could cause offsite congestion. So for that reason we have really moved and kept
18 vehicles away from the corner intersection.

19
20 Someone asked a little bit about or mentioned the idea of gateway and what the site will feel like
21 as you come into the community. I will just step back a little bit as we go around the corner and
22 share with you that right now as you move along Sun there is older vegetation that has sort of a
23 soft edge but it is primarily parking and many of the tree have lived their natural life and are
24 starting to thin out. What our proposal is is a very strong alley of trees, a double row of trees,
25 which are staggered that bring you all the way down San Antonio. As you move from the
26 freeway and move through San Antonio I think that feel of this band of green and this alley of
27 trees will be very powerful. I think it will be very consistent with the values that we put on trees
28 and vegetation here in Palo Alto. As you come to the corner there is again a little different alley
29 of trees that really begin to form a softening of the corner at the intersection itself. We have
30 worked very closely with the ARB and are actually proposing something a little bit different.
31 Instead of having the sidewalk and people walking along the traffic what we are proposing is
32 actually taking the sidewalk and doing more of a meandering walk through this alley of trees,
33 again sort of being able to begin to soften that corner. What we wanted to do even though we
34 couldn't have vehicular access at this point is we wanted to make really a very grand public
35 gesture of welcoming to the community. So we have a very wide stairway that is not just a
36 single run up but it is a few steps that go to a wider landing, a few steps that go to a wider
37 landing, and again so that that transition from the street moving up and the view up is very
38 welcoming, very broad, very open. In fact if you look carefully at this drawing you will see that
39 this part is the lobby to the cultural hall with the theater and the seating. This is a glass box it is
40 all transparent. So at night you would be able to look up and see the people moving through, the
41 activity as people are at intermission, during the day you would actually be able to see through
42 that building. If you look very carefully you can see that not only have we taken these broad
43 steps here we have actually carried them through the glass wall into the building. So what we
44 are trying to do is make a very transparent, welcoming gesture in a grand civic way to the
45 community.

1 Unfortunately we won't have drop off and cars take the advantage of that but certainly anybody
2 walking, taking public transportation, driving by would feel a very warm sense of arrival and
3 welcome. We then go from that space because we are now moving from the busy intersection
4 more to the mid-block where we are starting to move into the residential. So we are transitioning
5 from the plaza to a very soft, more natural kind of landscaping than the more geometric, the
6 more urban kind of landscaping in order to make a very soft separation and transition to the
7 housing. At that point there would be a curb cut that would allow vehicles to come in
8 underneath the porte-cochere where they would be picked up by a valet and then taken into the
9 garage. So we see quite a number of different levels of activity both for someone passing
10 through in a vehicle, someone at the pedestrian experience and someone arriving at the site. We
11 have tried to address all of those in the presentation along Charleston.

12
13 Chair Burt: Phyllis.

14
15 Commissioner Cassel: I have a question. People coming into the porte-cochere area that want to
16 go up to the plaza and into your theater area but who are mobility limited how do they get there?
17

18 Mr. Steinberg: People coming to this facility would be discouraged from using the residential
19 entry. They would be encouraged to actually come not here but to come around the site and
20 come in the main drop off and then there are several ways to get up to the plaza. There is
21 elevator access right at the drop off so you could be dropped off and come right up to the plaza.
22 You could come into the garage and there is a large opening in the garage with elevator access
23 that brings you up to this part of the site or you could come to this part of the site and again there
24 is elevator access with a large opening in the plaza that allows natural light and planting in the
25 ground that would come up through the plaza that would give you both a sense of way-finding
26 when you are in the garage and again a very graceful transition to go from the parking up to the
27 podium level.

28
29 Commissioner Cassel: So there is no way to into the porte-cochere area and come up and go
30 directly to it. You either walk up or

31
32 Mr. Steinberg: If you were a resident of the senior housing you could. You could come in and
33 you could go into your lobby, in your front door. You could come up one level and you could go
34 internally through the building but that is a private residence and that is not being offered to
35 anyone coming to the cultural hall.

36
37 Commissioner Cassel: Thank you.

38
39 Chair Burt: Lee and then Dan.

40
41 Commissioner Lippert: I just wanted to follow up on one of Dan's earlier questions. This is for
42 the Executive Director of the facility. Alan, with regard to the cultural center facility you had
43 indicated that it would be pretty much in operation the hours that the whole Jewish Community.
44

45 Mr. R. Williams: Many of the hours that the facility would be open.
46

1 Commissioner Lippert: So it could be leased out to say a corporation for their Board meeting or
2 marketing purposes, correct?

3
4 Mr. R. Williams: That possibility exists.

5
6 Commissioner Lippert: Okay, and it could also be in operation for not just Jewish religious
7 holidays but possibly other religious holidays if they needed a large space for worship as well?

8
9 Mr. R. Williams: Yes, it could be. It depends on what else is going on at the campus and we
10 would have to look at parking and everything else to be sure we could accommodate it. We
11 understand that we have a responsibility to overload the campus at any point in time. So any
12 time we are looking at any kind of a rental we also have to look at everything else that is going
13 on on the campus.

14
15 Commissioner Lippert: Okay. Thank you.

16
17 Chair Burt: Dan.

18
19 Commissioner Garber: I wanted to follow up on your description, Rob. What you have is a
20 really wonderful pedestrian space on this podium and resolves itself in these very wide stairs,
21 which beckon activity to occur on them. What concerns me is that people have some place to go
22 to enjoy it that draws them there other than simply the opportunity to enjoy the architectural
23 space. This gets to uses, etc. and comes back I think to some of the first sets of conversations we
24 had back in September in the preliminary review about getting other uses on the street level
25 there. If I am recalling from our past meetings on the Charleston edge we are significantly one,
26 above the flood plane; two, outside of the issues but we wouldn't be going beneath the soil in
27 any case, and even if they are small they would give reason for people to utilize the stair as well
28 as opening up access for those that may want to from the residence more easily go from the
29 residence to that area in the way that you have described through the sort of meandering paths
30 that you said. I think all those things would give greater use and would create more enjoyment
31 and greater activity along that street so that we could avoid perhaps the comment that was in this
32 which stated that the stairs were intended to serve no practical access. I would hope that they
33 wouldn't be just symbolic but there could also be ways to use and integrate them with the actual
34 life and street and see that activity so it really connects with the community. Thos are
35 comments.

36
37 Mr. Steinberg: If we had submitted and I am not sure of that particular phrase but that sounds a
38 little odd to me. Perhaps we left a word out here but certainly any stairs that we are putting in
39 are meant to serve very definitely a purpose. I neglected to share with you one other thing and
40 that is the current thinking is this particular piece right here is being reserved at the moment for a
41 day spa that would be open to the public, residents and anyone that wanted to use it. We have
42 located it there so it would have good if you will sort of commercial visibility that people would
43 know that there is retail opportunities, that there are reasons to come here. So we definitely see
44 these stairs as playing a role so if we misstated it in some of the documentation I apologize for
45 that.

1 Commissioner Garber: I was just trying to make it meet your goals.
2
3 Chair Burt: We are at nine o'clock. Should we go ahead and take a break at this time? Okay
4 about a 10-minute break. Thank you.
5
6 Who has next item, issues? Phyllis.
7
8 Commissioner Cassel: Well let me touch a difficult one. I think I have two difficult ones in two
9 different areas. The first one is noise and it isn't the noise coming from off the site on the site
10 that is all being mitigated and handled with standard techniques and methods. Rather, we have
11 people who are very concerned about amplified noise coming from the site and off the site to the
12 offsite areas. We have talked about different ways of dealing with that. My first question is to
13 Staff to see what the latest updated position on that is.
14
15 Mr. Turner: As part of the Architectural Review Resolution there are conditions of approval and
16 one of those conditions, condition number nine, specifically addresses amplified sound.
17
18 Commissioner Cassel: Let me find that. Exactly where are you? This week's report.
19
20 Mr. Turner: Attachment D.
21
22 Commissioner Cassel: In the Staff Report from this week.
23
24 Mr. Turner: From this week.
25
26 Commissioner Cassel: And it is in Attachment D?
27
28 Mr. Turner: Yes.
29
30 Commissioner Cassel: And then where are you?
31
32 Mr. Turner: Page 10.
33
34 Commissioner Cassel: This volume is the four Staff Reports. Okay, page 10. Okay, go ahead.
35
36 Mr. Turner: So condition number nine on page 10 states that the condition relating to outdoor
37 events with amplified sound limitations. Essentially what we are conditioning the project is that
38 all amplified sound shall cease operations no later than ten o'clock in the evening seven days per
39 week. Noise level shall not exceed the limits prescribed in the Noise Ordinance and if Staff
40 receives substantial complaints about amplified sound these hours may be further restricted by
41 the Director Planning or referred to the Planning and Transportation Commission and City
42 Council for review.
43
44 Commissioner Cassel: Then we received a report that was done as a supplement to the EIR I
45 believe from Salter Associates that talked about the noise.
46

1 Mr. Turner: That's right. In that noise report I believe the conclusions were that any amplified
2 sound would be still consistent with the Noise Ordinance and that essentially would meet the
3 Noise Ordinance up to 10:30 in the evenings and Staff has taken that under consideration and
4 restricted that slightly further so that ten o'clock was the cutoff time.

5
6 Mr. Larkin: If I can just add one of the recommendations that I would make if this was approved
7 by the Commission would be that this condition get put into the PC Ordinance itself so that we
8 can quantify those Noise Ordinance regulations. There actually isn't a specific noise ordinance
9 that applies to the outdoor plazas but the intent of the condition would be that the residential
10 Noise Ordinance would apply.

11
12 Commissioner Cassel: I know that amplified noise can be done well and not go offsite. I know
13 that it can be done poorly and drive everyone nuts. If it is done right no one is going to hear it.
14 If it is not done right it can really be annoying. Is there any way to measure this from offsite to
15 see if people are hearing it and put that in the conditions?

16
17 Mr. Turner: Well, part of the conditions also include regular communication between the nearest
18 neighborhood, the Palo Verde Neighborhood and the JCC. What we have requested and they
19 would most likely do this anyway is to trade contact information so if the Palo Verde
20 Neighborhood Association hears from the residents that there is a problem with noise then the
21 neighborhood association can contact the JCC and determine what happened on a particular
22 night and is there a way to tone it down and what adjustments can be made in order to make sure
23 this doesn't happen again. So we feel that the neighborhood association is going to be very
24 interested to make sure that there are not any noise impacts and if there are the City wants the
25 neighborhood association and the JCC to work it out. Now certainly if there is excessive noise
26 that does not meet the residential Noise Ordinance the City wants to be involved and make sure
27 that those are corrected.

28
29 Commissioner Cassel: Could we put in our PC a conditional use permit for amplified noise in
30 general so that it could be withdrawn if it doesn't comply?

31
32 Mr. Larkin: We could craft language that would allow for the revocation of the right to have
33 amplified noise in the courtyard and we could craft some language that would do that and put
34 that into the PC ordinance.

35
36 Commissioner Cassel: That would then allow the amplified music which when done well will
37 not be heard but gives some leg to handle it if it doesn't.

38
39 Mr. Larkin: I won't be able to do it on the spot but I think that is language that we can develop.

40
41 Commissioner Cassel: I guess I am interested to see if other Commissioners would be so
42 interested.

43
44 Chair Burt: Lee.
45

1 Commissioner Lippert: I just want to remind you that during the last hearing we had a lengthy
2 discussion and we decided that the residents of the senior element are probably going to be the
3 biggest critics in terms of the loudness of the amplified music. If anything they are going to have
4 the most to say about it as the closest people living near the source.

5
6 Commissioner Cassel: That is what we heard but that depends on the event that is happening
7 perhaps. It is the neighbors beyond that that are extremely concerned and I guess I am aware
8 that you can have enough knowledge of the subject to know that you can in fact have amplified
9 music in this area and have it under control and have it function very well and not be heard
10 beyond this particular kind of structure or buildings that they have. I am also aware that people
11 doing a gig could care less and it is too late. So it needs some kind of balance I think in that we
12 need some way to be able to have control. My concern is how do you say no if you have nothing
13 to apply that.

14
15 Chair Burt: While I recognize Commissioner Lippert's point that the absolute exposure to the
16 noise may be greatest to the seniors there as we have in many projects we recognize that if
17 someone is acquiring a property or moving into a property with that as an understood condition
18 that is different from a new exposure being imposed on someone who didn't buy into that. It
19 doesn't mean we have an overwhelming problem necessarily but that is how I would make a
20 distinction and I think we have in the past as well. Any other comments on that? Phyllis, could
21 you repeat what you would be recommending?

22
23 Commissioner Cassel: What I am suggesting is that we add to the language of the PC document
24 a conditional use for amplified sound up until ten o'clock at night. The purpose of that is that if
25 there are problems that don't resolve when a neighborhood association or a group of neighbors
26 calls who are having a problem then we have some way to have leverage to get that problem
27 corrected.

28
29 Chair Burt: So it gives Staff greater discretion to respond if there should be a problem, correct?

30
31 Commissioner Cassel: As you know we have problems with the Noise Ordinance being
32 enforced.

33
34 Mr. C. Williams: I just wanted to add that we are fine with trying to craft some language like
35 that as this moves along. I was just talking to Don and I think the language probably would not
36 specifically be a conditional use permit but it would be an equivalent that allows us the same
37 kind of enforcement potential.

38
39 Chair Burt: So when we go to make motions you will have suggested language or is that at a
40 later time?

41
42 Mr. C. Williams: Well our suggested language would probably be that we include a condition in
43 the PC Ordinance that provides for these restrictions on noise levels in an enforceable manner
44 equivalent to a conditional use permit.

45
46 Chair Burt: Okay. Lee.

1
2 Commissioner Lippert: We did have one other situation that was very similar to this which was
3 with regard to Antonio's Nut House and the residents that lived immediately adjacent to that site.
4 In that case what we had done is we had requested that on an annual basis I believe that in fact if
5 there had been any complaints that it be brought before us. Maybe a similar sort of situation
6 could be applied here where say the first four years of operation it be reviewed just on an annual
7 basis to see that it is not creating a problem.

8
9 Chair Burt: That might be a good approach. I would be a little hesitant to try to define the best
10 approach tonight as opposed to something more along the lines of what Curtis suggested but
11 when we get to that vote we will hear more precisely Staff's language.

12
13 Mr. C. Williams: I just want to add that I do have some concern with that because it sort of
14 assumes that there is going to be a problem and I just as soon not equate them with Antonio's
15 Nut House as far as potential noise.

16
17 I would rather go the other way. It is certainly up to the Commission but I would rather go the
18 other way and assume there is not a problem but have an enforceable mechanism. If there does
19 end up being a problem then maybe we go to something like that.

20
21 Commissioner Cassel: And an enforceable ordinance of some sort usually comes here for appeal
22 so we don't have to do that since we are not having problems. We just want to give ourselves a
23 little leverage.

24
25 Chair Burt: Great. Anyone have next issues? Phyllis.

26
27 Commissioner Cassel: I have another issue but I didn't know if anyone else wanted to go first.
28 The TDM program. Most of the TDM program is very good. In addition to the standard items
29 in the TDM program many residents onsite will be participating and active in the events onsite,
30 which will provide its own TDM program. I am concerned however, and this goes back to the
31 shuttle question that Lee was talking about, I am concerned that trying to get employee use up
32 for mass transit is going to be very difficult because this is the kind of site in which employees
33 are not coming for the most part from nine to five or eight to four. They are coming on rotating
34 shifts for all of the different uses because they are part-time and they are covering a recreation
35 program from three to seven in the evening or because they are providing meals to people in the
36 senior residence and they come at six o'clock and leave at 2:30 in afternoon. They come seven
37 days a week so it is not where you have the majority of the people coming at the same time.
38 There is a great deal of potential in doing something with people who are coming to use the JCC
39 site in general. So my concern is that even though they have added in the fact that they will be
40 doing some public education and some incentives for those people show are coming to use the
41 site that it still doesn't provide any assurance of good bus service or good shuttle service for in
42 particular students who are coming from the schools to use the after school program at that time
43 of day and people who need to get to the public transit that is available. Now it is possible that
44 the 88 bus can cut over from Meadow which will then take it closer to the East Meadow Circle
45 for both businesses and the new apartments and new homes that are there and then cross over to
46 Fabian and come down Fabian to pick up people who are from the new Jewish high school that is

1 in that area, the businesses there, this site and then go back down Charleston towards where the
2 35 bus comes down and then down to the train station or something of that sort. The 88 goes
3 down Charleston but crosses the 35 which gives you connection into more frequent buses. If that
4 doesn't happen then we really don't have a good bus near this site. I would rather like to add a
5 condition that some kind of shuttle service be added for these uses if the arrangements can't be
6 made to either help fund the shuttle service we have to provide that service or to convince the
7 VTA to make that extra route. Even then there is some need to deal with the schools. This is
8 kind of a long way around but I am kind of wondering how the rest of you are feeling about that
9 portion of the TDM program.

10
11 Chair Burt: Lee.

12
13 Commissioner Lippert: I don't want to get into – there is a fine line between micro managing the
14 TDM program and actually making it work but would conditioning running the shuttle service
15 for the employees of the senior housing down to the San Antonio Train Station during hours that
16 those employees would be coming and going from work alleviate some of your concerns?
17

18 Commissioner Cassel: I guess I was thinking in a broader sense of other people beyond
19 employees. Employees in these kinds of situations work such erratic hours and some of them
20 will be able to use public transit and some of them will because they are very low income many
21 of them so they will use public transit but there are just so many more people involved and there
22 is so much more potential.
23

24 Chair Burt: Annette.

25
26 Commissioner Bialson: I understand your concerns Phyllis and I don't want to go into
27 specifying how things are handled in the TDM program. I would ask Staff what their suggestion
28 would be. How would they like to receive direction from us to make further inquiry and to try to
29 craft some sort of TDM plan that they would find acceptable in addressing the concerns that
30 Phyllis and I share?
31

32 Mr. C. Williams: You might want to ask the applicant if they have any ideas about the ways
33 they could that but I think we would probably suggest that if that is your inclination that we add
34 to the requirements related to the TDM program that they incorporate a shuttle component of that
35 and if you want to throw out some ideas as far it perhaps provide service to the train station and
36 you might enumerate a couple different places but leave any of the details of that to
37 Transportation Staff to work with the applicant on making that change to the TDM program.
38

39 Chair Burt: Would the applicant's representatives like to comment on this?
40

41 Mr. Baer: Yes, we appreciate the advice Staff has given and would ask you the collective
42 experience of those of you talking about transportation alternatives in a difficult corner of the
43 City we really respect and recognize. To impose that as a condition when you ask in your two
44 questions of the applicant and Staff last time looked at client programs and go to a 20 percent
45 target we responded precisely to those asks. Council will have heard this issue that you are
46 voicing tonight the costs are so large the ability to be predicting the effectiveness of different

1 elements of the program that if you said let's make this a condition we would all be figuring out
2 how to negotiate so the Council would modify that condition rather than making clear your
3 concern and we have some time to work with Staff and look at our own analysis of what would
4 be the most effective ways to achieve the objective. We have heard you we just don't want to be
5 in a circumstance where impromptu a set of conditions are issues that we know are extremely
6 costly and complex and figure out how do we get the highest effectiveness out of what it is you
7 are asking without tying ourselves to a shuttle cost that we can't predict the success of. But we
8 really hear you and understand the importance of employees and after school kinds of
9 opportunities.

10
11 Chair Burt: Annette.

12
13 Commissioner Bialson: I appreciate your comments, Jim. I agree we should not impose a
14 condition that requires a shuttle. I think that may be a solution but I think that is something for
15 you and Staff discuss and work on together. So I would see us crafting a motion that would
16 include reference to this and directing to the extent we can that Staff seek some agreement with
17 the applicant.

18
19 Chair Burt: First, Curtis could you repeat what you were suggesting as possible language to
20 address this issue?

21
22 Mr. C. Williams: What I had suggested was essentially that the TDM program and I would
23 modify this now but let say first what I said before which is that the TDM include a shuttle
24 component that provides access to a variety of users and destination such as for schools and for
25 train station and employees but leave that then for us to work with the applicant as to how that
26 happens. I think it would probably be better to make that motion as separate from a condition
27 and tell us that you would like us to work with them to address that issue of enhancing those
28 kinds of access whether it is through a shuttle or some other means as part of that TDM program
29 when it goes to Council.

30
31 Chair Burt: Thank you. Dan.

32
33 Commissioner Garber: If I am understanding Commissioner Cassel's concern part of the TDM
34 is the coordinated management of the various aspects of the program as it goes along. Perhaps
35 the language you are talking about is simply writing in another criteria to be monitored such that
36 if it becomes an issue there is a contingency or a way of addressing that as it goes forward.

37
38 Chair Burt: So I am glad that we have a framework for that issue. I think we share that concern
39 that that's an area that needs to be strengthened and I think it goes back two years in the
40 discussion of this. It is a corner of the City that is not well served by public transportation. We
41 may also see that with the development of this project and others in that area that we will be able
42 to get additional county bus service in that area as well. That would compliment whatever action
43 is going on here. So I think Commissioner Cassel is correct the most likely way that we can
44 reduce trips is by finding ways that local users of the facility will do something other than drive
45 their cars there. So other than the shuttle the other big one is bicycle trips. There will be people
46 who will live close enough that they will actually walk there but I think there is a greater

1 potential in bicycle trips. The project can't do much on dealing with bicycle use outside their
2 project although the Charleston-Arastradero Corridor Plan should help facilitate bicycle travel to
3 this destination. I did want to look a little more deeply at how the bicycles are addressed once
4 they arrive at the vicinity of the campus and within the campus. Just one example that I noticed
5 was that I think it is the driveway that goes in from Fabian the plan described sharing a sidewalk
6 between bicycles and pedestrians and that runs contrary to our bicycle plan for roadways in the
7 public area. This is on private land but I would like to see that sort of thing readdressed. Now
8 you are not going to have bikes running around throughout all these buildings once people arrive
9 but could Staff and if the applicant would like to comment on it could both parties address a little
10 bit more the bicycle master plan for this development.

11
12 Mr. Steinberg: The way that we would like to encourage bicycles to arrive at the site is really
13 from Fabian. So the bicyclist would come in what we refer to as sort of our loop drive, the main
14 entrance to the site, there are sidewalks on both sides of the entry drive that take you down to a
15 plaza at the termination of that drive and there bike racks both in this location and bike racks in
16 that location. There are elevators adjacent to both of those as well as a stair, a major stair, which
17 would take you up to the podium. The policy is to discourage bicycles on top of the podium but
18 you would arrive at the site, the main entrance, there would be multiple opportunities to store
19 bikes in secure areas in the garage and then to come up.

20
21 Chair Burt: So on that main entrance from Fabian your intention is to have bikes and pedestrians
22 share the same sidewalk, is that correct?

23
24 Mr. Steinberg: Yes it is.

25
26 Chair Burt: Have you looked at the potential for segregating bikes and pedestrian in that key
27 area?

28
29 Mr. Steinberg: No we haven't. It is certainly possible but there are a number of things going on
30 within that space. We are trying to balance the needs of it. The policy that we have talked about
31 is encouraging people as they arrive at the site to dismount and to walk their bikes and to share
32 the sidewalk with pedestrians as you move along the site. If we wanted to separate bikes and
33 pedestrians it is going to be at the expense of landscape along that entry drive. I think that there
34 probably is a way that we could share that space and that is the direction that we have been going
35 to date.

36
37 Chair Burt: My sense is that your optimism on getting bicyclists to dismount on entrance is
38 maybe a little wishful.

39
40 Mr. Steinberg: Perhaps.

41
42 Ms. Sloan: You can ride your bicycle on the street too. So I think in reality probably most
43 people will ride their bicycle in the lane where the cars go and then cut over.

44

1 Chair Burt: Okay. Does Staff have any comments on either the internal bicycle use, which are
2 predominantly that big entry drive and the approaches from Fabian and elsewhere and how well
3 the ease and the safety of bicyclist are promoted by the design?
4

5 Mr. C. Williams: I will let Dennis make comments here in a second. I haven't looked at this
6 real extensively but I guess one comment I would have or question I would have is if somebody
7 is coming on Charleston on a bicycle I sort of doubt that they are going to try to go all the around
8 to Fabian to that entrance. I kind of wonder what happens if they turn in there at the Charleston
9 entrance and how the applicants see that working. It seems like it would be useful to have access
10 for cyclists coming in there because I think the reality is that they are going to. If they can't get
11 there straight from there somehow they are going to get up and be riding on the podium. So it
12 looks like maybe there could be some more work done in terms of making that access work too.
13

14 Chair Burt: We have our transportation consultant.
15

16 Mr. Dennis Struecker, Korve Engineering: The best access for bikes to the site would be off
17 Fabian that is where we have the class two bikeways. Curtis is correct that Charleston at least
18 today would not be the best way to get there. As far as coming in off the Fabian entrance in
19 terms of safety it is going to be a traffic driveway but it is not going to be a high-speed driveway.
20 So Sandy is correct that the bicyclists in the absence of striped lanes would probably stay on the
21 road and be there with the cars. Because of the low speed I don't think it would be a big safety
22 issue. To put bike lanes there you are talking four or five feet on each side of the road to have
23 striped lanes there and that space has to come out of someplace and as the architect said it is
24 probably going to be the landscaping. So that is really the tradeoff that you are looking at.
25

26 Chair Burt: Right and I appreciate it is a tradeoff. I fully anticipate that we will not only have
27 adults who will be coming and some of the adults will be comfortable with sharing a lane with
28 cars and some will be less so. More importantly we are going to have families arriving and
29 parents will be coming with their young children on bikes and I can tell you parents are paranoid
30 about kids interacting with vehicles coming and going. I am not saying it can't be done safely
31 but I think it is something that has to be looked at. My first sense here is that we need to go
32 further than we have to try to promote the bike safely. It is probably in the end going to be one
33 of the most cost-effective ways to meet the TDM requirements. So just from that standpoint
34 doing as much as we can to promote the bike trips is going to be a lot less expensive than paying
35 for buses. Phyllis.
36

37 Commissioner Cassel: In that subject if there is a way to come in if you are coming down
38 Charleston, we are not going to have a whole lot of people coming north on Charleston but we
39 will have some and if they are going into the theater area they would tend to want to and try to
40 find a way to come in the porte-cochere and go into there or go in the valet entrance into there
41 and park underneath the theater area. I would hope that there is some way to do that, it won't be
42 a large quantity, and some way to park a bicycle safely over there. I am not going to put that in
43 the motion or anything I just think that knowing bicycles, knowing myself when I ride a bicycle I
44 am not going to want to come all the way down, go all the way around and go all the way back.
45 I am going to find some other way to do that if I have to get off and walk.
46

1 Chair Burt: Maybe where we are headed on this one is similar to the shuttle issue. Maybe we
2 can look for Staff to suggest language that would encourage improved addressing of these issues
3 as opposed to us attempting at this point in time to come up with specific solutions. Mr.
4 Steinberg.

5
6 Mr. Steinberg: We are happy to explore that with Staff. One of the challenges that we have is a
7 requirement for security and controlled entrances to that garage. So for that reason we have
8 limited and have very controlled points of entry to the garage. So we are happy to explore this
9 but there are a series of complications that go with opening different points of access that are
10 uncontrolled to the garage. Perhaps that is something that we can deal with but right now entry
11 from this area goes into a controlled and secured valet parking for the senior housing. There are
12 a number of pieces that all have to respond and we are happy to continue to explore that idea.
13

14 Commissioner Cassel: Your very limited access for bicycles is going to backfire someplace if
15 you don't find a better one. They are either going to carry them upstairs onto the patio or
16 something or tie them to the trees or something.
17

18 Mr. Steinberg: Okay.
19

20 Chair Burt: Could you explain a little more when you were talking about the way in which the
21 garage security entrance tied in with the issues that we were raising? I am not quite following
22 the connection because when Commissioner Cassel for instance was talking about the entrance
23 from east Charleston I think she was envisioning that they wouldn't necessarily go to the garage.
24

25 Commissioner Cassel: I did but I think it is not worth discussing here tonight. I think the point
26 is that I think that needs some work on it.
27

28 Chair Burt: Sounds good.
29

30 Mr. Steinberg: Thank you.
31

32 Chair Burt: Okay. I think we will be hearing back from Staff when we go to make motions and
33 they will have some language suggestions to address that. Phyllis.
34

35 Commissioner Cassel: I am sorry but I have a number of these. This is the last one I think. The
36 parking situation as far as I can see is well parked for everyday activities that isn't the question.
37 The question that came up was event parking and my first question on that is we need to have not
38 at this point in this ordinance but somewhere along the line a definition of what a special event is
39 that is going to trigger it. What the numbers are going to be or how you are going to do that. If
40 you leave it just at 380 when you fill that hall it will be easy to plan an event that doesn't quite
41 fill the hall. We need some number like 80 percent or 85 percent or something of the hall. That
42 may not be the whole issue. The issue may be that other things are happening at the same time.
43 So I don't think you have a definition of it in this that I could find. Now it may be that I couldn't
44 find it there is a lot of data here. As you work along I think you need to come to an agreement of
45 what a special event is and what special events are actually going to trigger parking offsite. That

1 can be a different number on a weekend, a much larger number on a weekend, there are 400
2 parking spaces. There may be a number for the weekend for big festivals and that kind of thing.

3
4 Chair Burt: Curtis.

5
6 Mr. C. Williams: Currently on page 13 of Attachment D with the project conditions is the
7 requirement that shared parking agreements to accommodate overflow parking be provided for
8 special events. We talked a little bit today in considering this because we were aware of this
9 issue. Where it says for special events that we could be more specific there and say for events
10 that involve more than say 350 or 380 is the number they have been using, but say 350 expected
11 attendees at the cultural hall and/or outdoor events or something like that so that we are
12 addressing anything that is happening outside the cultural hall. Now if that is happening in
13 addition to the cultural hall being generally full or close to full then that is something that ought
14 to also trigger that. It might be just an outdoor festival but if it were generating that kind of
15 traffic then that also would cause the need for us to address this potential overflow parking issue.

16
17 Commissioner Cassel: In my opinion this is only weekdays and you need a larger number for
18 weekends. There isn't a number for weekends you presume there is nothing but if is a very large
19 event and that won't happen very often it will need something on a weekend I would think. This
20 place can hold a lot of people.

21
22 Mr. C. Williams: That's right. We can ask Dennis to look at what the number was on the
23 weekends and how much additional....

24
25 Commissioner Cassel: They have about 400 parking spaces on a weekend.

26
27 Mr. C. Williams: So if it is 200 then maybe the number instead of being 350 on the weekend is
28 500 or something like that.

29
30 Commissioner Cassel: People coming from offsite because there are people onsite that are
31 already parked.

32
33 Mr. C. Williams: Right.

34
35 Chair Burt: Lee.

36
37 Commissioner Lippert: A question with regard to the special events. Who holds the
38 responsibility for handling that? Would it be the people putting on the event or the facility itself?
39 The reason I ask this question is we are given as part of the public benefit 10 events a year for
40 the City. So would the City then be responsible for taking care of the traffic elements associated
41 with that or would the Campus for Jewish Life be responsible as the owner of the property?

42
43 Mr. C. Williams: The owner would be responsible for providing us with documentation of how
44 they are going address that concern and then for the operations that are involved in addressing
45 that. The City is not going to provide for the parking monitoring or shuttling people back and

1 forth that is all the property owner's job and then they work out with the operator of the special
2 event. Or are you just talking about the City events?
3

4 Commissioner Lippert: Not just City events.
5

6 Mr. C. Williams: Most City events I think clearly are the owner's responsibility to take care of.
7 The City events I guess that might be a different issue if additional parking is required for that
8 but I think all of those details and Jim Baer can probably elaborate on this some more as far as
9 City events will be encompassed in the agreement that will be drawn up with the Parks and
10 Community Services Department.
11

12 Chair Burt: Dan.
13

14 Commissioner Garber: In thinking about some of the previous conversation let me just come
15 back to in the ordinance page nine, Permitted Use, there are three that are called out Continuing
16 Care, Retirement Community, Community Center Use, Parking Garage. Within the Community
17 Center Use are captured the spa I believe in there was also if I am recalling a community like
18 stop and shop sort of facility inside up on the podium. Is that correct? And that would be inside
19 as a part of those uses that would be in there, a small store of some sort.
20

21 Mr. Steinberg: Yes, there is a small gift shop.
22

23 Commissioner Garber: So that use is captured inside the community center use description.
24

25 Mr. Turner: There is. Part of the description of community center use is...
26

27 Commissioner Garber: Oh, retail and personal services.
28

29 Mr. Turner: That's right eating and drinking services.
30

31 Commissioner Garber: So my question really for the other Commissioners is does it make sense
32 and perhaps it should be first asked of the Staff if it the ordinance can be used in this way, does it
33 make sense to give the owner flexibility to introduce other retail uses to create another use that
34 allows that to occur whether they utilize that or not?
35

36 Commissioner Cassel: What other use would you need? That is pretty broad.
37

38 Commissioner Garber: I am thinking about the opportunity of – well, here is the thing. What
39 this suggests is that all of this is sort of internal to the activity that occurs on the podium. What I
40 am trying to do is give them the latitude to bring activity down to the street.
41

42 Commissioner Cassel: You mean such as along the Fabian Way entrance where they are going
43 to have other community group activities or offices?
44

45 Commissioner Garber: It certainly could be or say that there are coffee shops or something of
46 that sort that are adjacent to the theater or the cultural hall but along Charleston for instance.

1 They would obviously if they are on the street then they are not obviously serving just the
2 residences they are also serving the more general community as well.

3
4 Commissioner Cassel: Such as a mobile cart that sells coffee?

5
6 Commissioner Garber: No I am think of a Starbuck's that they can walk into. That is just an
7 example.

8
9 Commissioner Cassel: You just want to get permission in case they change that.

10
11 Commissioner Garber: Right. I want to give them the opportunity because I think once again it
12 extends the project into the community.

13
14 Mr. Turner: Staff in establishing the permitted uses on the site did not specifically identify those
15 areas on the development plan that would be used as community center use. You could assume
16 that the continuing care retirement community would be in the areas where the residential units
17 are located but that doesn't necessarily mean that at the podium level of a residential building a
18 small retail space or eating and drinking facility could be located technically in the residential
19 building but it would still be a part of an allowed community center use. So we didn't strictly
20 define again where those uses could be located. It wouldn't preclude a similar use to take place
21 in the garage or at the perimeter of the site.

22
23 Commissioner Garber: So the way that it is written would not preclude that from occurring?

24
25 Mr. Turner: No.

26
27 Commissioner Garber: They would not have to come back and apply for a change?

28
29 Mr. Turner: No, we would see that as all permitted.

30
31 Commissioner Garber: Okay.

32
33 Mr. C. Williams: The only caveat being that it be within the square footage of use that we are
34 talking about. If it were some addition of 5,000 square feet in addition to that then we would
35 have to look at that and it would be an amendment at that point.

36
37 Commissioner Garber: If it goes above 5,000 square feet?

38
39 Mr. C. Williams: If it were a few hundred square feet it is probably something that at Staff level
40 we could deal with but if it gets to be much more substantial then it affects parking requirements
41 and those kinds of things so we have to look at it differently. But certainly within the square
42 footage that is outlined here there is some flexibility to be able to locate that a little differently.

43
44 Chair Burt: Annette.

1 Commissioner Bialson: I am hoping that we are now at a point where we could consider making
2 a motion. Are we there yet? I understand you have finished your final comments.

3
4 Chair Burt: Do we have any other major issues that people want to bring up? Okay. So I think
5 we might want to just first do the motion on the FEIR and then projects or we could roll it all
6 together.

7
8 Commissioner Bialson: I am interested in the logistics so to speak of how we would roll this
9 together. Whether the Staff would like me to make a motion sort of tracking the language set
10 forth in the recommendation in agenda item two and then agenda item three with the
11 modifications that were suggested by Staff and another modification with regard to the noise
12 condition. Then it sounded like you wanted a separate motion with respect to some of the other
13 things we have talked about the TDM.

14
15 Mr. Turner: I think perhaps your first motion should be on the environmental document and if
16 you can find that per Staff's recommendation that the impacts have been addressed adequately in
17 the document and make a motion on that then that would cover both projects. Then you can start
18 to make a motion on each individual project.

19
20 Chair Burt: So the sequence as I understand it would be motion on the FEIR, then a motion to
21 cover the BUILD development and then a motion to cover the Campus for Jewish Life and there
22 might be a supplementary motion on item three.

23
24 Mr. Turner: That is fine. That is appropriate.

25
26 MOTION

27
28 Commissioner Bialson: Okay. So do you want me to proceed on that? I would like to propose a
29 motion that finds the FEIR adequately addressing the environmental impacts of the proposed
30 development plan per the requirements of CEQA and certify the FEIR. I know that the CEQA
31 Resolution is provided as Attachment B to both agenda item two and agenda item three. I don't
32 need to speak to that motion I think we have addressed it already.

33
34 SECOND

35
36 Commissioner Lippert: I will second that.

37
38 MOTION PASSED (6-0-0-1, Commissioner Holman recused)

39
40 Chair Burt: Okay. We have a motion to approve the FEIR on items number two and three by
41 Commissioner Bialson and seconded by Commissioner Lippert. Any discussion? Then I would
42 like to call the vote. All those in favor? (ayes) Opposed? That passes by a vote of six to zero
43 with Commissioner Holman recused.

1 Commissioner Bialson: Fine. Can we go on then to the next motion, which would be with
2 respect to agenda item two and I would be tracking the language? Do you want me to restate it
3 of the Staff recommendation? No, I don't think you want me to.

4
5 Then I think with respect to that looking at these additional items that we have spoken about I
6 think the special event definition in terms of triggering the offsite parking, the additional work
7 regarding the bicycle access.

8
9 Mr. C. Williams: Excuse me, this is the item two the BUILD project.

10
11 Commissioner Bialson: All these are separate motions because they come after three as well, is
12 that correct?

13
14 Mr. C. Williams: They relate to item three the CJL project.

15
16 MOTION

17
18 Commissioner Bialson: So you want me to bring them into three. So ignore the rest of it. The
19 motion is with respect to proposing Staff's recommendation with regard to all the items that are
20 set forth on the page of the Staff Report.

21
22 Chair Burt: So that would be recommendations two, three, four and five of the Staff Report on
23 agenda item number two.

24
25 Commissioner Bialson: That is correct.

26
27 Chair Burt: Okay, do we have a second?

28
29 SECOND

30
31 Commissioner Sandas: Second.

32
33 Chair Burt: Seconded by Commissioner Sandas with the motion by Commissioner Bialson.
34 Any comments?

35
36 Commissioner Bialson: No comments.

37
38 Commissioner Cassel: I made my comments earlier in that summary.

39
40 MOTION PASSED (6-0-0-1, Commissioner Holman recused)

41
42 Chair Burt: Anyone else have any comments to the motion? All right then we will take a vote.
43 All those in favor say aye. (ayes) Opposed? That passes by a six to zero vote with
44 Commissioner Holman recused.

1 So now we can move to item number three on the agenda, which is the Campus for Jewish Life.
2 Commissioner Bialson would you like to make a motion?

3
4 MOTION

5
6 Commissioner Bialson: Yes I would. This motion would be with respect to Staff's
7 recommendations two, three, four, five and six however with regard to four we would be striking
8 the words 'findings for the DEE' in the first line of item number four. In addition the motion
9 would include a condition being included in the ordinance, which would be regulating noise
10 equivalent to what we have in the residential requirements, by some means equivalent to a
11 conditional use permit, some sort of enforceable mechanism.

12
13 Commissioner Cassel: I think that we want the noise to end at ten o'clock as it says in the
14 ordinance.

15
16 Commissioner Bialson: Excuse me?

17
18 Commissioner Cassel: You referred to residential and we want this noise ordinance to be
19 effective at ten o'clock.

20
21 Commissioner Bialson: Correct, at ten o'clock.

22
23 Commissioner Cassel: This is for amplified noise.

24
25 Chair Burt: Do we have a second to the motion?

26
27 SECOND

28
29 Commissioner Sandas: Second.

30
31 Chair Burt: Motion by Commissioner Bialson and seconded by Commissioner Sandas. If I
32 might get a clarification from Staff the other I think three items will be addressed in a separate
33 motion? Okay. Lee.

34
35 Commissioner Lippert: I just need a clarification. With regard to the sound and the amplified
36 noise cutoff at ten o'clock that doesn't mean that the event needs to end at ten, the event could
37 continue without amplified sound.

38
39 Chair Burt: As long as you keep your voice down.

40
41 Mr. C. Williams: I just wondered is there a reason why we wouldn't have the other motions as
42 part of this?

43
44 Commissioner Bialson: You asked us to make separate motions with regard to...
45

1 Mr. C. Williams: Oh, as far as directing – because two of them weren’t actually changing
2 conditions they were directing us to work with them to make the changes. So should those be
3 separate motions?
4

5 Chair Burt: The third one was the trigger.
6

7 Commissioner Bialson: It is the definition of special event or some other indicator being used to
8 determine when offsite parking would be required. That seems to me to be part of the ordinance
9 unless I am reading it incorrectly.
10

11 Chair Burt: Curtis, is there language change based on our discussion that would differ from what
12 is in the previous proposed ordinance?
13

14 Mr. C. Williams: Yes, I think what I had tried to suggest and I will be a little more specific is
15 that condition number 21 on page 13 says shared parking agreements to accommodate overflow
16 parking onto adjacent facilities for special events when required by conditions of approval or
17 EIR mitigation measures which right now is for weekday events. I would say that for special
18 events we would put in parenthesis events in the cultural hall or outside with anticipated
19 attendance of 350 persons or more. So the combination thereof or either/or would trigger that
20 requirement. I did talk to Dennis briefly it still doesn’t look like it would be necessary for
21 weekend events. So I think we just have to see how that went but it looks like there are hundreds
22 more spaces available on the weekends.
23

24 Commissioner Bialson: Okay, so what you are saying is the motion should include reference
25 with respect to that change.
26

27 Mr. C. Williams: Right, I think we can do that right now.
28

29 Commissioner Bialson: Okay, so I would make my motion include that so we would have the
30 Staff’s recommendation as modified with respect to item number four and in addition we would
31 deal with the regulation of the noise as set forth by yourself just now. Okay, that’s the motion.
32

33 Chair Burt: Does the seconder also accept the modified motion?
34

35 Commissioner Sandas: Yes.
36

37 Chair Burt: Okay. Does the maker of the motion wish to comment on the motion?
38

39 Commissioner Bialson: No.
40

41 Chair Burt: The seconder? Commissioner Lippert.
42

43 Commissioner Lippert: I had one other question and it is just a clarification and maybe the
44 applicant can address this. When it talks about the public benefit and the use of the cultural hall
45 it mentions that the facility is closed on holidays, which is obvious, but do Saturdays count as
46 holidays?

1
2 Mr. Baer: No, Saturdays don't so Saturdays would be allowed for use by the City.
3
4 Commissioner Lippert: Thank you.
5
6 Chair Burt: Dan and then Phyllis.
7
8 Commissioner Garber: Having not done this before I would like to propose an alternative
9 motion and that is to proceed with the motion as has currently been iterated but excluding item
10 number four which is the tower with the intent to take that as a separate conversation and motion.
11
12 Commissioner Bialson: No, I would like to have the tower included in this motion. I think that
13 would speak more succinctly to Council and the community.
14
15 Chair Burt: I would like to hear from....
16
17 Mr. Larkin: Before it can be discussed since it was offered as a substitute motion we would need
18 a second.
19
20 Commissioner Lippert: I will second.
21
22 Commissioner Cassel: We are not working with a substitute motion.
23
24 Chair Burt: Yes, Commissioner Garber would you like to speak to your substitute motion?
25
26 Commissioner Garber: The reason I have offered the substitute motion is I am struggling with
27 the tower and am struggling with how to evaluate it. In one hand I do not feel constrained at all
28 by the 50-foot demarcation that exists within Palo Alto for its height. I find that it has relatively
29 little impact outside of the project itself so for it to have the height that it does is therefore
30 acceptable. However it does not add anything to the community outside of the walls of the
31 project and it does not operate as a way finding or it doesn't operate in the symbolic and the
32 functional way outside of the project itself. So then therefore why does it need to be any higher
33 than any of the other buildings that are there? I wanted to have some further discussion to see if
34 I can discern from that discussion a way to evaluate what its height should be.
35
36 Chair Burt: Lee, do you have any comments on your second?
37
38 Commissioner Lippert: I have similar issues to Commissioner Garber. I am not in any way
39 looking to exclude the tower or make it something that is not approvable here. I actually am
40 seconding it in anticipation that we actually emphasize the importance of the tower. From that
41 my line of questioning looks at it more as an element of artistic expression rather than a building
42 element in this case. So I think our purview in terms of looking at it from a zoning and use point
43 of view somewhat limited and I would like to put more emphasis on the artistic or the decorative
44 element that it represents.
45
46 Chair Burt: Annette.

1
2 Commissioner Bialson: I appreciate the reason for the substitute motion and the desire to
3 emphasize the desirability of the tower, which is what I am taking from your conversations. I
4 think the Architectural Review Board also did that by calling out and conditioning their approval
5 on the existence of the tower. I do think that we all see the reason for the tower. Not strictly as
6 an element of artistic impact. I do think it serves a purpose for the individuals within the
7 community that we are creating here. I am not an architect such as the maker of the substitute
8 motion and the seconder but having lived in communities somewhat akin to this and traveled
9 quite a bit I see it as a necessity and not just as an artistic element. I see it as an important
10 architectural element. I think it is part and parcel of the project. I will go along however the
11 Commission wants to present this to Council but it seems to me by taking the Staff's
12 recommendation and moving that forward with a strong support showing by us is just as good
13 but I will go along whatever the Commission calls for.

14
15 Chair Burt: Phyllis.

16
17 Commissioner Cassel: Well, the tower is just one part of many pieces and presents the conflicts
18 that I think Pat mentioned in terms of we put a 50-foot height limit in for a reason and yet when
19 we did it we forgot our art and our architecture and our enjoyment of other spires in other places.
20 I have missed them. If someone puts up a religious institution it can't put up a spire or a piece of
21 architecture or a dome or anything that goes over that 50-foot limit and we have lost something
22 in that beauty that we enjoy elsewhere. So I was going to support the tower. I think there are a
23 lot of other very important pieces to this project that we need to deal with. When this is up it is
24 not going to be seen from very far away. I look at the tree near our house, two houses down, I
25 have been watching it and it has to be at least 75 feet tall, it is a redwood and may be 100 feet tall
26 and you can't see it from Middlefield Road. We are only one deep block in and you just can't
27 see it from that far away. It is pretty. A little height done well in the right spots is lovely. We
28 just don't want massive buildings that tall.

29
30 Chair Burt: I suspect the thinking behind the maker of the motion has a nuance in his reasoning
31 for the motion that he would like to share with us. Well, the rationale that I think you are getting
32 at is something that is I think different from what I have been hearing from the other
33 Commissioners as far as where you are coming from on this. So why don't you share a little
34 more?

35
36 Commissioner Garber: Let me ask a question of Staff. Is it important that the height is defined
37 given that part of the conditioning of the ARB is to review it at a later date?

38
39 Mr. Turner: The conditions that have been presented to the Commission tonight call for a
40 specific height of a tower. I'd say a solid portion that is not to exceed 65 feet and an artistic light
41 sculptural element is not to exceed 30 additional feet. The Commission can adjust that if they so
42 choose and make a different recommendation of that condition to Council.

43
44 Mr. C. Williams: I would add that I would have a little bit of concern that the environmental
45 review has looked at a tower of 96 feet and so if it is a few feet more than that that would be one
46 thing but if it were much more than that it might trigger further environmental review. That

1 might be part of the option there that it could be in that vicinity but if it came in higher than that
2 then there might be some kind of addendum to the environmental report.

3
4 Mr. Larkin: To add to what Curtis said, the Commission is going to be making
5 recommendations to Council on an ordinance and the ordinance is not going to include vague
6 language about the height. The ordinance is going to identify the height. So to answer the
7 specific question 'height to be determined later' probably wouldn't work.

8
9 Commissioner Garber: Is 96 then a maximum or does it have to be exactly 96 feet? Okay, let's
10 call the question.

11
12 Chair Burt: Paula and then I would like to.

13
14 Commissioner Sandas: Thank you. I have a question for our attorney as a point of clarification.
15 I am wondering if this particular motion doesn't pass then what?

16
17 Mr. Larkin: Then we go back to the original motion.

18
19 Commissioner Sandas: Okay.

20
21 Chair Burt: So the objective of the maker and the objective of the seconder are somewhat
22 different and they are both intriguing. I think that if we were at liberty to look at what we think
23 would be the most engaging architectural approach without consideration for the sentiments of
24 the surrounding neighborhood whether we would agree with them or not then I would lean with
25 Commissioner Garber. But I think we are already in a realm where we may think this is great
26 and not everybody is going to agree with us. So architecturally I think in an abstract manner I
27 think Commissioner Garber's points are sound. From a pragmatic standpoint of balancing what
28 we might think is a best project with the acceptance of the surrounding community I think I
29 would lean toward keeping it essentially as the architect has proposed. The other proposal is to
30 have an even more deliberate artistic process focus on this. It doesn't fall within the purview of
31 our Arts Commission in that it is on private property. We certainly have many examples today
32 where we have careful architecture and we have examples where the architecture is an art form
33 in itself. I think that over the last two years we have seen enough indications that the architect
34 and the developers of the project are very committed to the architecture being an essential part of
35 what this new community is about that I would be willing to defer to that. If I were to have my
36 druthers I would say that something along the lines of Chartres Cathedral that you only allow
37 them to add ten feet per decade and allow the evolution of the tower to change as our thinking
38 changes about our view of the world. But I don't think I would get a second to that one. Yes,
39 Lee.

40
41 Commissioner Lippert: I have one other comment which is with regard to this being the Campus
42 for Jewish Life and one element that has not been discussed here is the fact that this is in some
43 ways or it could be construed as being used as a place of worship in which case the Supreme
44 Court has already ruled on having limited ability to regulate things like spires in this case. So I
45 just bring that other element into it. I don't know whether this tower does represent a religious
46 element or not but it could very well be.

1
2 Chair Burt: I think I would defer to our City Attorney if that were an issue. Annette.

3
4 Commissioner Bialson: I understand I think the separate reasons for the seconder and the maker
5 of the substitute motion but I would really ask the Commission to speak with a clear single voice.
6 I will not be supporting the substitute motion because I want to go back to the original motion
7 and just move that forward so it is clear that we support what is going to hopefully be a very
8 good addition to this city.

9
10 Chair Burt: Any other comments? So we will be voting on the substitute motion, which is to
11 exclude the tower from the motion. All those in favor? (aye) We have one in favor. All those
12 opposed? (nays) So we have Commissioners Cassel, Bialson, Sandas, Lippert and Burt
13 opposed. So that substitute motion fails one to five. Now we will return to the main motion.

14
15 So do we have any other comments on the principle motion? Phyllis.

16
17 Commissioner Cassel: Well I know we have done an awful lot of discussing on this but I always
18 find it helpful if we summarize some of the main issues just a little bit so that when it goes to
19 Council they have a chance to do that.

20
21 Chair Burt: And you won't be including those two things that we plan on adding?

22
23 Commissioner Cassel: No.

24
25 Chair Burt: Thank you.

26
27 Commissioner Cassel: Basically the TDM program does a lot and has a lot to offer there I
28 mentioned that before. They have been very cooperative with this. The noise issue we have
29 addressed. The height issue we should summarize that this is a unique situation and we always
30 need to emphasize that when we do a variance or a PC when we are doing something different.
31 It is unique because it combines both the flood plane portion of it and problems with the
32 contaminated soil, which doesn't allow us to depress the parking at all. Normally we would
33 depress that parking somewhat and gain that difference. The public benefits we have not
34 mentioned because they are very interesting and very good. The City has access to the
35 community center, it has a community center in itself that is a benefit to the community, it is
36 giving exceptional BMR support in addition to the units that it is providing in this special
37 environment it is also providing service support for those BMR tenants and that is unusual. I
38 think we have some of that in the city but it is very little and it is very unusual in general and a
39 great benefit to the members of that community who will gain that benefit. Then there will be
40 discounted membership to the residents both of BUILD and of this community into the
41 community center. I think that provides good public benefit for the total community. We have
42 been talking about the tower and I think we have said enough on that. I think that covers most of
43 the basic issues.

44
45 Chair Burt: Thank you. Paula.

1 Commissioner Sandas: I just wanted to provide one more wrap up statement of my own because
2 I believe that Palo Alto is fortunate to have the opportunity to change the use of the site that Sun
3 is presently deteriorating on and have BUILD and the Campus for Jewish Life projects. In
4 addition to the public benefits that Phyllis outlined that are provided at the CJL through the
5 BUILD project Palo Alto will also benefit from additional housing for middle and low-income
6 people allowing for greater diversity in our community. One of the things that concerns me a lot
7 about Palo Alto is that we do work very hard to build low income housing and I am grateful for
8 that but at the same time the rest of the housing prices are kind of out of sight. So we are really
9 squeezing out middle income. So I am glad to see that there is also an opportunity here for
10 middle-income people. Finally, I think Palo Alto will also benefit by the renewal of a rather
11 large, unattractive, blighted parcel with an imaginative and unusual campus. I think we are
12 really lucky to have this not only as resource for our community but as a showpiece and a
13 gateway into Palo Alto that we haven't had for a long, long time. I am really proud of it and I
14 look forward to the day when we cut the ribbon and get to go in for the first time.

15
16 Chair Burt: Lee.

17
18 Commissioner Lippert: I voted against the substitute motion because I think this does need to go
19 forward with the strongest voice possible not that it diminishes anything that my colleague,
20 Commissioner Garber, had to say or myself. I still believe that this tower element is very
21 important in terms of an artistic expression. However, what is probably more significant than
22 this is that Palo Alto has a presence and when you get to the southern most corner of our city it
23 lacks definition. What this project brings to our community is to define a corner of our
24 community and does it in a very powerful way. You drive through our city and it is really hard
25 pressed to say what building defines Palo Alto. What piece of architecture defines it? In
26 variably people point to this building or they point to another one of the mid-rise buildings in the
27 city. In some ways what the tower element does is it becomes another one of those elements and
28 it defines another point or another corner of our city. It does it in an architectural way, it does it
29 in a very modest and it also does it with defining a new village or community or area within our
30 city. So my hat is off to you Rob Steinberg. Your group did a marvelous job. Hats off to the
31 people behind the Campus for Jewish Life I think you have done a great job. I think that this is
32 going to be really an exemplary project.

33
34 Chair Burt: Dan.

35
36 Commissioner Garber: I just want to thank the discussion with the architect this evening. It has
37 been extremely helpful for me to understand in greater detail some of the important parts of the
38 project that I have been most concerned about. Having worked for the company that provided
39 Sun Microsystems the real estate and facilities services for this site for the latter half of the 1990s
40 I have intimate knowledge of just how difficult this site is to actually deal with. To second
41 Commissioner Sandas' comments the willingness of the applicant to take on these issues and
42 come up with a bold plan to overcome them is one in a million. The more likely path for this
43 piece of property was going to be for it to remain essentially as we see it today for many years to
44 come because of the unwillingness of many people to take on these issues.

45

1 The two issues that I have been primarily focused on are how to connect the project, which is 14
2 feet in the air with the community around it. I think we have spent a great deal of time and I am
3 satisfied that that connection will support the community not only that is on the site but that is
4 immediately adjacent will become also recognized as Commissioner Lippert has mentioned a
5 landmark within the community. The other issues the concern of mine of this creating a
6 precedent isn't that it would create a bad precedent in fact just the opposite that it create the right
7 one and just architecturally which the ARB has taken great pains to define in rather expletive
8 terms has more to do with use in our purview. This does suggest how this corner of Palo Alto
9 should be used and developed. So I support the project wholeheartedly including the tower and
10 will lend my vote to the motion. Thank you.

11
12 Chair Burt: Well, I would just like to endorse the comments of my fellow Commissioners. I
13 think they have captured all the essential points and I am glad that the record really includes the
14 rationale and those things that we thought are important.

15
16 I would like to add my appreciation to both the Staff and the ARB for their extensive
17 contributions throughout this project. It really is in a true sense a planned community. We have
18 had a long discussion about whether PCs are appropriate or not appropriate and we have reduced
19 the use of PCs in Palo Alto and in most circumstances that is probably been a correct approach
20 and tried to have zoning address many of the issues that previously PCs addressed. This is a
21 really good example where you could never do something like this or approach it without a PC.
22 So it is an interesting illustration we won't have many if any projects on this scale in the future
23 but aside from the scale the elements that have gone into the PC planning process exhibit that
24 there are still cases where that is the right planning tool. So I just wanted to add that for the
25 record. I want to thank everyone involved. We still are going to have one small additional
26 motion on top of this primary one.

27
28 I haven't forgotten to call the question. Thank you all very much. Annette, were you wanting to
29 say something more before we vote?

30
31 Commissioner Bialson: Just that it is obvious that I am very enthusiastic about this project and I
32 do endorse the comments of my fellow Commissioners and especially yours with respect to the
33 PC.

34
35 MOTION PASSED (6-0-0-1, Commissioner Holman recused)

36
37 Chair Burt: Okay. So at this time we would like to call the vote. All those in favor say aye.
38 (ayes) That passes unanimously six to zero with Commissioner Holman recused.

39
40 So we have one additional motion to entertain. Commissioner Bialson.

41
42 MOTION

43
44 Commissioner Bialson: This motion is with respect to certain additional items that Staff has
45 indicated that they feel would be an appropriate direction to them to discuss further with the
46 developer. Those two items are with respect to the TDM program to be modified to address the

1 concerns that were raised by Commissioners and while we commented on shuttles there was
2 some discussion with regard to working out a new arrangement with VTA and I can't come up
3 with anything else. It is just that there be some discussion with regard to enhancing the TDM
4 program.

5
6 In addition we wanted to have bicycle access to the project improved and additional thought
7 given to dealing with some of the problems that we can anticipate which were described by
8 Commissioners.

9
10 Chair Burt: Before we entertain a second perhaps we would like to have Curtis restate the
11 language that would be incorporated in the motion and then seconder be endorsing that particular
12 language. Does that seem reasonable?

13
14 Commissioner Bialson: Yes.

15
16 Mr. C. Williams: I will give that a shot. The first part is to direct Staff to work with the
17 applicant to enhance the TDM program to improve access to train station and for after school
18 facilities and for employees. We weren't using the word 'shuttle' specifically but just expand the
19 TDM and it would probably say something like expand TDM including but not limited to those
20 particular items to evaluate those.

21
22 Then the second one would be to work with the applicant to evaluate ways to enhance bicycle
23 access including but not limited to access from Charleston and improve safe access from Fabian
24 Avenue entrance.

25
26 Commissioner Bialson: Yes, that does incorporate the thrust of the motion.

27
28 Chair Burt: Do we have a second?

29
30 SECOND

31
32 Commissioner Cassel: I'll second.

33
34 Chair Burt: Motion made by Commissioner Bialson including the language stated by Mr.
35 Williams and seconded by Commissioner Cassel. Annette, would you like to speak to your
36 motion?

37
38 Commissioner Bialson: No, I think we had a very good discussion about both items earlier and I
39 feel no need for a discussion at this point.

40
41 Chair Burt: Phyllis.

42
43 Commissioner Cassel: I agree I think that Curtis picked up the details that I was concerned
44 about with the public transit. There is not just necessarily a train but buses may or may not
45 work.

1 Chair Burt: Lee.

2
3 Commissioner Lippert: Before we vote I just wanted to thank both Annette and Phyllis. I think
4 this is a fitting way for you to finish your terms here on the Commission. It was a pleasure to
5 work with you all these years.

6
7 MOTION PASSED (6-0-0-1, Commissioner Holman recused)

8
9 Chair Burt: We will have a moment after finish this item to address any comments from
10 Commission Members so we can go into further detail at that time on that.

11
12 Anyone else wish to speak to the motion? Okay. All those in favor please say aye. (ayes) That
13 passes unanimously six to zero with Commissioner Holman recused. So that completes are
14 items number two and three and once again we would like to thank everyone involved. We look
15 forward to your successful and speeding progress on this project. Thank you all very much.

16
17 Item number four was withdrawn.

18
19 ***APPROVAL OF MINUTES:***

20
21 Chair Burt: We have no minutes to approve tonight.

22
23 ***REPORTS FROM OFFICIALS/COMMITTEES.***

24
25 Chair Burt: Any Reports From Officials prior to entertaining comments from officials? Phyllis.

26
27 Commissioner Cassel: I had City Council this month so it has been a busy month. We had a
28 mixed-use project on El Camino that was near Oregon and El Camino that passed. I didn't even
29 get a chance to open my mouth. That passed just right away they didn't even hardly discuss it.
30 No problems.

31
32 We had a conditional use appeal that came to us on Miranda for a cell tower that went through
33 on Consent Calendar. Again it was not pulled off and there were no questions about it.

34
35 The discussed the Municipal Service site for the auto mall and I think they were disappointed
36 with the results that came to them that it was going to be complicated and difficult. They asked
37 the Staff to go back and look again and see if there were any other alternatives. I think that is the
38 best way to summarize it. They spent all evening doing that.

39
40 Then they went on to the PTOD and they took testimony but decided to delay that until this
41 Monday night. That only passed by a five to four vote. They used option B. They withdrew the
42 Fry's site from the option. Those people who were opposing this really didn't feel we should
43 have spent the time doing it, which was a little strange since we did it at the request of the City
44 Council. I think the request to do that was prior to the current composition of the City Council.

1 Chair Burt: Phyllis, could you clarify request to do what? The PTOD in general or the Fry's site
2 inclusion?
3

4 Commissioner Cassel: No the PTOD in general. It only passed by a five to four vote.
5

6 Chair Burt: My understanding was some of the Council Members who opposed it opposed it
7 because the Fry's was not being included by other Council Members.
8

9 Commissioner Cassel: I didn't get that sense.
10

11 Mr. C. Williams: I don't want to speak for Council Members but I believe that is true. Two of
12 the Council Members voted to keep Fry's in and then voted against the ordinance. I believe they
13 did that because Fry's was removed and they felt that it weakened the effect of the ordinance.
14

15 Commissioner Cassel: Be that as it may it has passed. It is an ordinance. It does not include the
16 Fry's site. They will give Staff the job to go back and look at that issue. They very much want
17 Fry's there. They very much want it as a retail space. They very much want this specific to
18 Fry's. Now we aren't allowed to do that on this Board and they recognize that you can't keep
19 Fry's, you can't demand that Fry's stay, nor that the ordinance cannot be that specific but they
20 want it tailored to make that possible. So we will see where that goes. They may come back at
21 Fry's with this or some other way and perhaps a PC would work. They were very concerned
22 about additional housing and of course it is zoned as a housing site. So you will see that again in
23 some other form.
24

25 Commissioner Lippert: I have a question. By excluding the Fry's site from the PTOD doesn't
26 that in fact say the opposite which is that the Fry's site needs to continue on the amortization that
27 it is on so that in 2019 it has to be housing?
28

29 Commissioner Cassel: Well, yes except that they expect the Staff to come back with some other
30 proposal. They do not expect this to wait until then. They made it very clear they want Fry's.
31

32 Chair Burt: As I understood it the sentiment of the majority of the Council was that they wanted
33 to make sure that what was done at the Fry's site was most likely to achieve the intended
34 outcome. They want to take action to try to make sure that we do what is possible to retain Fry's
35 as a long-term occupant and revenue source for the City. They want to make sure that whatever
36 action is done is the most likely one to achieve that outcome and they weren't sure that inclusion
37 in the PTOD was the most likely to do so. So they just wanted a more targeted reconsideration
38 of what to do with the Fry's site. I don't think that they felt that they had an answer at this time
39 they are turning to Staff and probably ourselves to do a more thorough consideration of the
40 ramifications of different alternatives.
41

42 Mr. C. Williams: I think that is a very good characterization of it. It was not let's not do PTOD
43 here and just sit back and relax. It was let's not do PTOD because we want to be more
44 aggressive than PTOD. Some of them made comments this might be a good step but it is not
45 good enough and we want to be sure that we are looking at a commercial development potential

1 out there so we need to look at other ways to zone the site to achieve that. So it is our charge to
2 come back to you and to them with addressing that for that site specifically.

3
4 Commissioner Cassel: The owner of the property, the owner of Fry's, was not there to be able to
5 comment because the public session had been closed and they had not further commented some
6 of the Council Members had discussed it. That is about all I think we can do tonight or we will
7 get into discussion and our attorney will object.

8
9 Chair Burt: So Lee as long as it doesn't go into discussion of the topic.

10
11 Commissioner Lippert: No. The other question I had is it is not only the Fry's site that they took
12 out but the adjacent properties to Fry's so that we don't have the contiguous basis by which to
13 bring Fry's back into it, correct?

14
15 Mr. C. Williams: They excluded the R-1 lots along Olive Avenue, they excluded basically
16 everything south of Olive Avenue which meant the R-1 lots, Fry's and then the three or four GM
17 lots that are south if you continue along Olive Avenue across Park that are south of that. So all
18 of that is excluded from it. It is basically pretty much everything that is outside the 2,000-foot
19 circle. So we are back pretty much to the 2,000 foot.

20
21 Commissioner Lippert: The more things change the more they stay the same.

22
23 Chair Burt: When I listened to their discussion on the MSC site as a possible automotive site my
24 sense of where Council was coming from was similar to the Fry's. They still are very strongly
25 interested in achieving an outcome of creating an improved area for automotive dealers and the
26 fiscal impacts of relocating the MSC were such that that alternative was far less attractive than
27 they had hoped. They have given Staff once again a strong request to look at all possibilities
28 again and that may come back to us. Maybe we can come up with some incentives of some sort.

29
30 Okay, any other Reports From Officials?

31
32 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

33
34 Chair Burt: Now we are in our comment period. Any comments from officials? Annette.

35
36 Commissioner Bialson: I just want to say that I have very much enjoyed my tenure of nine years
37 plus on the Commission and I appreciate working closely with Phyllis. She has been a great
38 inspiration to me and it has been wonderful to have her be there to lead us through many difficult
39 times, many discussions of the Comp Plan and discussions of zoning ordinance changes. I will
40 miss having all of you here but I am concerned about extending the meeting and having Staff
41 continue to sit here listening to us. This is the last time you get to hear me but you get to hear
42 others. So I ask you all to please take that into consideration.

43
44 Chair Burt: Phyllis.

1 Commissioner Cassel: I also have really appreciated working on the Planning Commission. It
2 has been a lot of fun for me. There have been of course days when I nashed my teeth but many
3 more days in which I have had a lot of fun preparing material and learning about what is going
4 on and then being able to go out into the community and people will say what is that or what is
5 this? And I can say well, that took us a bit of work to get to that. Did you see this piece of art
6 over here? We reviewed art projects before Art Commission did. A lot of different material and
7 it has been a lot of fun to know so much about the City and to participate and to have that honor
8 to do that for 13 years. So thank you Pat for being President this year and thanks to Karen for
9 that and thank all of you for having a chance to get to know you better and to the Staff for the
10 good work and Zariah for the behind the scenes work. It has been nice.

11
12 Chair Burt: Dan.

13
14 Commissioner Garber: I just want to know who is going to kick me under the table when you
15 guys leave?

16
17 Chair Burt: We will seek volunteers. Paula.

18
19 Commissioner Sandas: I will stay over here. I wanted to thank both Annette and Phyllis for
20 being an inspiration. I am still cutting my teeth and you both have inspired me quite a bit and
21 given me things to learn. Too bad I can't work with you longer. I wish I could.

22
23 Chair Burt: Lee.

24
25 Commissioner Lippert: I said my comments before. It is too late.

26
27 Chair Burt: Well I would just like to reiterate the comments of my fellow Commissioners and
28 thank you for the contributions you've had and your great knowledge, your commitment and
29 your affinity for the community. It has been a great deal of sacrifice of your personal time for
30 contributing to what you believe in and for the betterment of the community. You have been
31 very effective advocates for those things you have believed in and helped fulfill. I think
32 certainly the greatest milestones are the Comprehensive Plan approval and the near completion
33 of the ZOU are going to be long standing impacts that you will be able to look back on and as
34 you see things happen over the years you certainly will know that they are the outcome of those
35 very fundamental and far reaching aspects of your work. I think you should and will feel great
36 gratification as you continue to enjoy our community. So thank you very much for your service
37 and we don't have a sheet with all the whereas's and I think we are saved from that but thank
38 you all very much. On that note we will adjourn.

39
40 **NEXT MEETING**: Special Meeting at 7:00 PM on August 23, 2006.

41
42 **ADJOURNED: 11:00 PM**

43