



PLANNING & TRANSPORTATION COMMISSION MINUTES

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*Wednesday, June 14, 2006
Regular Meeting at 7:00 PM
Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301*

ROLL CALL: 7:03 PM

Commissioners:

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

Staff:

*Steve Emslie, Planning Director
Donald Larkin, Senior Deputy City Attorney
Amy French, Current Planning Manager
Clare Campbell, Planner
Zariah Betten, Executive Secretary
Dave Dockter, Planning Arborist*

AGENDIZED ITEMS:

- 1. 4243 Manuela Avenue

APPROVAL OF MINUTES: Regular Meeting of May 10 & Special Meeting of May 24, 2006.

Chair Burt: Good evening. At this time we would like to convene the Planning and Transportation Commission meeting for Wednesday, June 14, 2006. Would the Secretary please call the roll? Thank you.

At this time we provide an opportunity for the public to speak on any items, which are not on the agenda.

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

Chair Burt: I do not have any speaker cards so we will move to our first item tonight.

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

3
4 Chair Burt: And we have no Agenda Changes or Additions or Deletions.

5
6 Our first item and our only item on the agenda tonight is a project at 4243 Manuela Avenue. A
7 request by Cingular Wireless on behalf of Aldersgate Methodist Church for a Conditional Use
8 Permit to allow the installation of one telecommunications facility, comprised of a 40-foot tall
9 tree-pole with six panel antennas concealed within the top region of the pole and associated
10 equipment cabinets. Would the Staff like to make a presentation?

11
12 **NEW BUSINESS**

13 **Public Hearings:**

- 14
15 **1. 4243 Manuela Avenue [04PLN-00143]:** Request by Cingular Wireless on behalf of
16 Aldersgate Methodist Church for a Conditional Use Permit to allow the installation of
17 one telecommunications facility, comprised of a 45-foot tall tree-pole with six panel
18 antennas concealed within the top region of the pole and associated equipment cabinets.
19 Zone District: R-1 (20,000). Environmental Assessment: Exempt from the California
20 Environmental Quality Act per section 15301.

21
22 Ms. Clare Campbell, Planner: Yes. Good evening Commissioners. As a correction to the item
23 in the report packet there are a few inconsistent references in the report and in the Record of
24 Land Use that reflect the monopole and the tree-pole as the Staff's recommendation. So to
25 clarify this I would like to just restate the recommendation. Staff's recommendation is that the
26 Planning and Transportation Commission recommend that the City Council uphold the Director
27 of Planning and Community Environment's 2005 decision to approve a monopole design
28 wireless communication facility.

29
30 The project before you tonight is for a new Cingular Wireless communication facility located
31 within the parking lot area of the existing church site. The Commission reviewed this project
32 last year on August 31 and at that meeting the issues that were raised by the speakers primarily
33 focused on the aesthetic qualities of the project. Based on these concerns the Commission
34 directed the project to the Architectural Review Board for Design Review and continue the item.

35
36 On May 18, 2006 the Architectural Review Board discussed the proposed design options for the
37 new facility. The applicant provided four design options: a monopole, a pine tree pole, a palm
38 tree pole, and a light standard. The two options that were considered by the ARB were the
39 standard monopole and the mono-pine. The Board voted three to two in favor of the mono-pine
40 design.

41
42 Now with the feedback from the ARB the Commission can make a decision on which design
43 they prefer either Staff's recommendation for the monopole or the ARB's preference for the tree-
44 pole. Staff is not wholly opposed to the tree-pole but believes that the more modest proposal is
45 more appropriate in this location due to the existing trees that are in that immediate area.

1 If the tree-pole design is the Commission's recommendation Staff will modify the conditions of
2 approval accordingly to assure a quality project.

3
4 For additional background on the site this project site abuts Foothill Expressway, which is a
5 designated scenic route and for the most part has a special setback of 60 feet to help preserve the
6 scenic views from the road. In the immediate area of the project parcel there is no special
7 setback requirement. There are a total of nine R-1 lots that backup to Foothill Expressway and
8 that have the potential of building a 30-foot tall structure 20 feet away from this scenic route.
9 This project proposes a 70-foot setback from Foothill Expressway and in doing so minimally
10 impacts the visual qualities of the route. Also, an application was filed for another facility in
11 1996 and that application was denied for not meeting the required findings. Over the ten years
12 that have elapsed since that submittal the telecommunications industry has improved both
13 technologically and aesthetically. Staff was unable to locate a copy of those plans that were
14 submitted at that time but I feel confident in saying that the project before you today is a more
15 attractive project than what was previously proposed.

16
17 Another difference in the decision-making between 1996 and now is that there is a more general
18 understanding and acceptance of the impacts and benefits of these types of projects. This
19 concludes Staff's report. Pamela Nobel, the applicant, is here tonight and is ready to make a
20 presentation for you. Thank you.

21
22 Chair Burt: Thank you. Does the Commission have any questions of Staff before hearing from
23 the applicant? Karen.

24
25 Vice-Chair Holman: Yes, an additional clarifying question. In the plans that we have the front
26 page indicates a monopole as I read this and then the third page from the back indicates then the
27 mono-pole. So there is an inconsistency within the plan drawings as well it seem.

28
29 Ms. Campbell: That is right. These plans were the original plans that the Commission saw last
30 year and there are no new plans that have been submitted since that time. What happened in the
31 original conditions of approval is the plan that was submitted reflected the tree-pole and in the
32 conditions of approval it was modified to say that it had to be the monopole. We had a previous
33 submittal so I attached that to the front of the plans that way you would have something to see as
34 a reference of what it would look like. Basically nothing else changes. The siting is exactly the
35 same except the profile would be different – the elevation would be different.

36
37 Chair Burt: Thank you, Clare. So at this time the applicant has up to 15 minutes to make a
38 presentation. Welcome.

39
40 Ms. Pamela Nobel, Applicant: Good evening Chairman Burt and Commissioners. My name is
41 Pamela Nobel. I am a consultant with NSA Wireless representing the applicant, Cingular
42 Wireless Services this evening.

43
44 The project before you this evening was heard by this Board last August as probably all of you
45 remember after it had been initially approved by both Administrative Planning and for Design
46 Review in July 2005. I guess as a result of one letter requesting a public hearing that is how you

1 saw it in August. At the Planning Commission hearing in August from reading, I was not the
2 person that was representing back then, but having reviewed all of the comments and concerns
3 basically it seemed that the major concern was the aesthetics of the project. To that end I guess
4 my understanding is that this body continued the project over to Design Review to work those
5 details out. That has happened, we have had meetings with the Planner, responding to the
6 neighborhood on the neighbors concerns about the aesthetics and came back to a Design Review
7 meeting in May and presented a number of options that we felt would blend well into the
8 Foothill Expressway and R-1 area that surrounded it.

9
10 We believe that the mono-pine fits in quite graciously with the existing landscaping of the
11 Foothill Expressway. We of course will do the monopole as the Staff...so you have two sets of
12 drawings there where basically you can see the tree, you see the monopole and that was what
13 was presented as well to the Design Review. I guess as the Staff reported the Design Review
14 voted for the tree. I have here this evening, I know rather than go over a lot of I think pretty
15 much a number of the questions were answered in the last hearing that was held in August. But
16 if there are any questions from a technical standpoint or from a health issue I have an RF
17 engineer here this evening to answer any questions that you may have. I also have someone
18 representing from [Hammet and Edison] that did a RF emissions analysis for the project. We
19 have submitted alternative site analysis, which I believe you reviewed at the last meeting. So
20 basically I think we have responded to the neighbors' concerns. I am hoping that is the case. I
21 am here to answer any questions that you might have to further make a judgment here.

22
23 Chair Burt: Thank you. Do Commissioners have any questions of the applicant at this time?
24 Okay, thank you very much and if we have more we will get back to you.

25
26 Before we hear from the two members of the public perhaps it would be helpful if the City
27 Attorney would review the constraints upon the Commission of federal legislation affecting
28 siting of telecommunications poles.

29
30 Mr. Don Larkin, Senior Deputy City Attorney: As I believe the Commission is aware any
31 decision on whether or not to approve this project can be based only on land use and planning
32 considerations. Radio frequency emissions are not factors that can be considered in denying or
33 approving a wireless project under the Federal Telecommunications Act.

34
35 Chair Burt: Thank you, Don. At this time we have two speakers from the public who can speak
36 up to five minutes each. Our first speaker is Vic Nelson to be followed by Jackie Berman.
37 Welcome.

38
39 Mr. Vic Nelson, Palo Alto: I live on the corner at Moana Court. You can see the proposed
40 project. I can't get wireless cell receiving in my house. I have to go outside to get it. It has been
41 that way for a long time, since 1990 when I got my first cell phone. I have lived there for 30
42 years.

43
44 In 2004 I had my house remodeled for several hundred thousand dollars. The contractors came
45 in there plus my contractor had to go out in the middle of Moana Court to carry on conversations
46 on their cell phones.

1
2 So what I am doing here tonight is I am asking that you guys get a pole of some kind somewhere
3 so that everybody will approve it. I don't care who it is. I am with Verizon right now. I just
4 want a pole so I can use my cell phone. I also have a managing business of commercial property
5 and I need that cell phone. I have to leave a message, call me on my land line, leave me a
6 message and if you have to leave me a message you know I am not home so I am probably on
7 my cell phone and you can get me because I will be out where I can get a signal. I got a fax
8 machine. I have an email there, everything. I think this is terrible that we don't have a pole
9 there.

10
11 Now, my neighbor over here, Jackie, is going to disagree. Well, I don't disagree with Jackie.
12 They come up Miranda and they look right where that project is. I come out Moana and I am
13 going down Miranda I am not going to pay any attention to that pole. You can put that pole
14 anywhere I'll never look at it. That's all I have to say.

15
16 Chair Burt: Thank you. Jackie Berman. I don't have any other speaker cards.

17
18 Ms. Jackie Berman, Palo Alto: We do have a very wonderful neighborhood and good friendly
19 relations. Vic has been a loyal servant of Palo Alto as a fireman for many years in the service of
20 our city. We appreciate that.

21
22 I am here on behalf of the neighbors who don't want to look at any old thing that you want to put
23 up, quoting Vic. We oppose it because one, it will be a visual intrusion in our neighborhood and
24 along the Foothill Expressway which is a designated scenic route. In your material I thought it
25 was interesting that in the AT&T papers AT&T calls the Foothill Expressway a freeway. So it is
26 no longer a designated scenic route as far as AT&T is concerned. There have been comments
27 that it will be fully screened by existing trees but the ARB minutes state clearly that the tower
28 must be ten feet higher than the existing trees or the tower won't work. So it won't be screened
29 by existing trees. Also, according to the City Arborist in the ARB minutes the trees are in very
30 bad shape and are going to die soon. So they are going to plant some little ones to take over
31 when these die. So we don't think it will be very effective in terms of screening.

32
33 Some people have said they can't see the tower and some people say they don't care what it
34 looks like but I am here to tell you that we can see it and some of us do care. We are not against
35 cell phones. We are not against antennas. We are not against technology. We are not
36 complaining about the RF. We just think that it could and should be located not in an R-1 area.
37 When you start locating cell towers in R-1 areas you are setting a policy for the city and you are
38 going to have to make decisions on a case-by-case basis and what are your criteria going to be?

39
40 We think it can and should be located in the Stanford Industrial Park to the north of Arastradero.
41 Now, the _____ claims in the material you have that they can't consider sites north of
42 Arastradero because, "the applicant is proposing a separate telecommunications site inside the
43 Hillview-Arastradero triangle at Roche Labs." But no one has even asked them what is being
44 planned at that site and why it precludes an antenna somewhere in the same industrial park area
45 where you wouldn't be setting a precedent for R-1. Now, the proposed pole that the Staff

1 continues to recommend in spite of the ARB recommendation for a mono-pine the Staff goes
2 back to the ugly smokestack-like monopole. We think that is very ugly.

3
4 I have visited the two existing antennas in R-1 zones in the city. One is totally and I might say
5 nicely concealed in the huge cross on the Congregational Church at Embarcadero and Louis
6 Road. The other is a faux pine tree at the end of a very long driveway at the back of the Achieve
7 School on Middlefield just north of Charleston. The faux pine is next to the Mitchell Park fence
8 among other tall pine trees. It looks realistic from Middlefield and it is not contiguous to any
9 residential area. The ARB has recommended the faux pine, mono-pine, for the Aldersgate site
10 but the Staff has rejected this and had opted for the industrial-looking monopole. The reason that
11 I could divine from the material is that they think that the branches of the real trees could
12 interfere with the branches of the faux pine. The minutes from the ARB meeting indicate that
13 that argument was rejected by the City Arborist. He said it wouldn't interfere.

14
15 As I have stated we do not want any antenna on this R-1 site but if there is to be an antenna
16 forced on us we should be given the same consideration as the other R-1 neighborhoods and have
17 as much concealment as possible. We should have just as bushy and realistic a faux pine as the
18 one on Middlefield that borders Mitchell Park. Thank you.

19
20 Chair Burt: Thank you. At this time we will return to the Commission for questions of Staff.
21 Commissioners, who would like to go first? All right, I have a question. Would Staff just share
22 a little bit more of their thinking on why they have the preference for the monopole versus the
23 mono-pine?

24
25 Ms. Campbell: In that immediate area for the location of the pole there are a lot of existing
26 mature trees. When Dave and I were out there looking at the site we felt that the standard
27 monopole would be a better fit just because when you do the construction of the pole and the
28 new branches won't conflict with the existing natural branches of the trees. In discussions at the
29 ARB Dave did mention that we could carefully review how they do the installation. The
30 applicant is more than willing to work with us on this project to modify the lengths of the limbs
31 of the tree-pole to try to get the best fit for something that will go in there. So that was the
32 general logic behind why we were going with the monopole originally.

33
34 Chair Burt: Have you had comments from other neighbors on their aesthetic preferences?

35
36 Ms. Campbell: Other than the tree? It has really basically been about the tree. There was a
37 community meeting that the applicant held and they showed the tree-pole at that community. I
38 wasn't there for that meeting but it seemed to be something that they seemed to be more
39 agreeable with. Staff is not opposed to a tree-pole. I just want to reiterate that. The initial
40 recommendation was for a monopole because we thought it would be a better fit for that site.

41
42 Ms. Amy French, Current Planning Manager: I was also at the ARB meeting and heard their
43 debate and views on it. We are certainly in support and concur with the ARB as well for the
44 reasons they mentioned. I believe you have the minutes. Certainly if the neighbors are more
45 favorable or seeing the tree as the more protective of their views then we are in support of that as
46 well.

1
2 Chair Burt: I just want to be clear because we only had two neighbors speak tonight, one who
3 really wasn't speaking on the aesthetics. Out of the other neighbor comments that you have
4 received either last year or more recently I think that I understood Clare to be saying that the
5 neighbors seem to be favoring the mono-pine.
6

7 Ms. Campbell: The comments primarily were not in favor of anything but the neighbors were
8 made aware of the mono-pine design by the applicant's community meeting. So what I perceive
9 from the feedback is from the original Staff recommendation for the monopole the reaction was
10 they would prefer the mono-pine versus the monopole.
11

12 Chair Burt: Karen.
13

14 Vice-Chair Holman: The handout that was delivered by Mr. Emslie and prepared by Ms.
15 Berman it says that she is here on behalf of neighbors who oppose the Staff recommendation to
16 construct a 45-foot monopole. I don't know how many neighbors that is. Public comment isn't
17 closed I guess she could comment. It says on behalf of her neighbors.
18

19 Chair Burt: I had one other question. Ms. Berman raised a question as to why the pole could not
20 be located in the Research Park and that evidently the applicant had alluded to something to do
21 with an upcoming pole near the Roche facility.
22

23 Ms. Campbell: Right. The Roche facility had an application in file approximately the same time
24 this came through. That was approved and it is probably up and running for some time already.
25 So they already have a site in place for this particular carrier. So I think to answer the question
26 that particular site covers a certain range and it doesn't cover far enough to reach this particular
27 site where we are at Manuela.
28

29 Chair Burt: Does that also mean that other sites on the southwestern edge of the Research Park
30 are not viable sites to provide the range that is necessary?
31

32 Ms. Campbell: Let me have the applicant speak to that.
33

34 Mr. James _____, RF Engineer: I am the RF engineer working on this project. In
35 response to the question as to why we can't go further north that would bring us close to other
36 wireless towers and would not provide us with the coverage that we are looking for further south
37 on Foothill Expressway. That is the primary reason – we would not achieve our coverage
38 objective.
39

40 Chair Burt: So this neighborhood immediately surrounding the pole might be covered but the
41 intention of this pole is basically to cover a certain radius from the pole and further south would
42 not be covered by a pole at the edge of the Research Park.
43

44 RF Engineer: That is correct. It would not connect with the cell site further to the south on
45 Foothill Expressway.
46

1 Chair Burt: Thank you. Lee.

2

3 Commissioner Lippert: I just wanted to hear from the City Arborist in terms of being able to
4 install this and preserve the existing trees and whether the existing trees are going to be stressed
5 and whether they will need to be replanted.

6

7 Commissioner Garber: I understand we also need to be careful about asking about expertise and
8 bird habitat.

9

10 Mr. Dave Dockter, City Arborist: To respond to Commissioner Lippert's question, the Monterey
11 pine trees are in various stages of health. I made a statement in the ARB meeting that they are
12 probably in the same status they will be there for another 15 years. There may be a tree here and
13 there that does suffer mortality from beetles or other things. We have provided for an arborist
14 assessment and replanting of trees if that does occur whether it is a faux pine or a monopole. So
15 either way I believe it is conditions 14 through 19, well several conditions apply to either one.
16 The fate of the pines I think is not something that we can really determine with certainty at this
17 point but we have provided for the replacement if there is one or if there are ten trees then there
18 is provision for replacement.

19

20 Chair Burt: Dave, about how many pines in the vicinity of the 30 to 35-foot height level are
21 nearby to this proposed tower?

22

23 Mr. Dockter: I don't have the number of trees.

24

25 Chair Burt: Just a ballpark.

26

27 Mr. Dockter: The area for the pole is surrounded by Monterey pines and beyond that there is
28 another layer of coast live oaks that is the first barrier that one would see going northbound on
29 Foothill Expressway.

30

31 Chair Burt: Karen.

32

33 Vice-Chair Holman: The ordinance says and I just want clarification on this if I could please,
34 Dave. The ordinance under the conditions of approval says replacement trees, this is presuming
35 some will die off, that replacement trees shall be one of the following: [corcus] species, canary
36 island pine, coast redwood or other approved species. Just for clarity for my own mind, I don't
37 know how invasive the beetle is it attacks the pine and you replace pines in there are those
38 pines going to be subject to the same beetle infestation? I trust that the tree pine would not be
39 subject to the infestation.

40

41 Mr. Dockter: The latter is correct. Of the pine trees selected for replacement canary island pine
42 is significantly more resistant to the beetle attack than these Monterey pines. Any new pine also
43 would be required to be replaced with a watering system to it so the new pines would benefit
44 from the irrigation to support that new pine. So that is another resistor against the beetle too.

45

46 Commissioner Lippert: Does that mean that the pine pole is subject to electronic bugs?

1
2 Mr. Dockter: No comment.

3
4 Chair Burt: Dave, I just want to make sure I grasp the essence of what you are saying. So is it
5 correct that while some of those pines may succumb to disease over the next 15 years you don't
6 anticipate a wholesale loss of that grove of pines and a wholesale loss of the screening that they
7 provide?
8

9 Mr. Dockter: I would not expect that because if we have an annual report from an arborist
10 assessment which we have provided for that would immediately catch if there were an epidemic
11 of one tree after another falling to the beetle. There are treatments that can be applied to those
12 trees. If the Commission were to condition the project to say even add extra water to the existing
13 pines that could extend the life and survivability of the existing pines. If you added that
14 condition that would be probably appropriate. That could be done very cheaply with a soaker
15 hose or that type of thing.
16

17 Chair Burt: Thank you. Commissioners, any discussion or should we go to a motion?
18

19 MOTION

20
21 Commissioner Bialson: I would be happy to go to a motion because I feel the ARB covered this
22 ground very completely and they also couldn't control themselves and had some jokes in there
23 too. So I feel that the matter has been discussed and I would like to move the recommendation
24 that the Director of Planning and Community Environment's decision to allow a conditional use
25 permit be forwarded with the change that instead of a monopole we would have the tree-pole.
26

27 SECOND

28
29 Commissioner Lippert: I'll second that.
30

31 Commissioner Bialson: I have seen these tree-poles and they need to be pointed out to me when
32 they are within an area that has regular trees. The mind sort of fools itself as it looks at a group
33 of trees and whether they are real or not assumes that they are all real. I think that we are going
34 to be benefiting this area. The conditions already on the approval I think are solid ones. I don't
35 think saving the trees that are there is necessarily something that we should impose. I think they
36 have a useful life if one wants to look at it that way and some of them are probably reaching the
37 end of those lives. I would like to see different types of trees in there. I think aesthetically that
38 would look better and having that be the obligation of the applicant makes it even more
39 comfortable for myself and I am sure the City and the neighbors. So I would expect that in four
40 or five years time the site will look better than it does today.
41

42 As to having a precedent with regard to an R-1 area I think we are seeing this as an unusual
43 location and one that is necessary. I think that there are places in Palo Alto where we have much
44 like the first speaker mentioned rather poor coverage. Since I stand out in the middle of my
45 street to get any coverage I know of exactly what he speaks. People are asking for these things
46 and I think they are necessary.

1
2 Chair Burt: Would the seconder like to speak?

3
4 Commissioner Lippert: Well, the only reason I seconded actually is because I had made the
5 original motion to refer this to the Architectural Review Board. They have done their work in
6 terms of reviewing this and made their recommendation and I would like to support their
7 recommendation in terms of going forward to Council and also the tree solution I think is the
8 most appropriate solution. They are the arbiters of quality and character in our community and
9 therefore I believe that their recommendation here is important and should be heard by Council.

10
11 I just wanted to say I want to second Annette's comments with regard to flushing out and
12 looking at the R-1 regulations and whether we allow these further in the future. I know that Staff
13 is in the process of creating regulations for cell towers, are you not? So with all speed I hope
14 you will come up with your guidelines for that.

15
16 Chair Burt: Phyllis.

17
18 Commissioner Cassel: Annette, would you consider adding the condition to add watering to the
19 existing trees?

20
21 Commissioner Bialson: I would not because as I expressed before I am looking forward to some
22 of those trees that are there reaching the point where they would be necessary to be removed and
23 be replaced by the various trees that Dave has indicated.

24
25 Commissioner Cassel: Okay. I will support the motion anyway. There are a couple of things
26 we should comment about. One is the single-family issue. Even though we have some various
27 faux trees and poles in areas that are commercial that doesn't mean that they are necessarily very
28 far from residential spaces. They are often very close but it somehow seems to calm people
29 down just because they are in the commercial space. The situation is the same. They need to be
30 buffered or concealed or placed in a way in which they are not too obvious. The distances are as
31 appropriate by our existing laws that we must be governed by. This particular tower is set way
32 back from the road. You would really have to be looking for it if you were driving down
33 Foothill. It is quite some distance from any of the other residential areas and there is a
34 considerable amount of buffering for trees in that area. Thank you.

35
36 Chair Burt: Dan.

37
38 Commissioner Garber: I will be supporting the motion. I was simply going to remind the
39 Commission that at the previous hearing in August we had had some thorough investigation
40 conversation/discussion on alternative sites. At that time we had become satisfied with the site
41 that was being proposed.

42
43 Chair Burt: Karen.

44
45 Vice-Chair Holman: I am also going to be supporting the motion. I have one question if I might
46 I don't know if it is for Planning Staff or the City Arborist. Other projects that come along

1 similar to this one of the conditions is, as number nine is here, for the first ten years of the life of
2 the project the following tree monitoring project will be in effect or should be implemented.
3 Why just the first ten years? This pole could be there for say 30 years. Why just the first ten
4 years?

5
6 Ms. Campbell: I think at the very end of that condition there is an item here that says that after
7 these ten years have passed then we make a decision on whether or not there needs to be
8 continued monitoring on this site. Then if so we would draft a new set of conditions for the site
9 if we had to do that.

10
11 Vice-Chair Holman: Okay. Thank you for that clarification. Now if I could and this is going to
12 sound like wordsmithing but to me it is kind of important and then I might ask the maker of the
13 motion if it is okay. It probably doesn't need to be in the motion. Nine-D, it is a nit but again it
14 may make a difference depending on who is reading it. For trees determined to be in poor
15 condition and then you go down and it says a replacement tree shall be installed. It doesn't
16 sound like on a one-for-one basis and I am just wondering if that was the intention, a one-for-one
17 basis.

18
19 Ms. Campbell: It would be a one-to-one basis.

20
21 Vice-Chair Holman: It doesn't need to be a part of the motion but maybe a little clarification of
22 that language might be helpful. I am happy to support the motion and also concur with other
23 Commissioners comments about the R-1 issues.

24
25 AMENDMENT

26
27 Chair Burt: I also support the motion but I agree with Commissioner Cassel regarding the
28 preference for providing irrigation. I think it is important that we attempt to preserve a full
29 canopy that exists there. We heard the City Arborist indicate that a fairly low cost irrigation will
30 help preserve the vitality of these existing trees and they consequently fend off disease. So that
31 is I think just a constructive approach. I think it is concurrent with what we heard would be the
32 preference or the recommendation of the City Arborist as well as the one member of the public
33 who spoke. So it would be an amendment to the motion if I have a seconder.

34
35 SECOND

36
37 Commissioner Cassel: I'll second it.

38
39 Chair Burt: Okay, do other Commissioners wish to speak to the amendment or to the motion?

40
41 Commissioner Bialson: I would like to speak to the amendment.

42
43 Chair Burt: Okay.

44
45 Commissioner Bialson: The reason that I would look for a gradual change or turnover in those
46 trees is that I think that you will have them at various states of maturation and it would be less

1 likely that all of those trees that seem to have been planted all at same time will all reach their
2 end point at the same time and then you will not have anything there. So if you allow trees to
3 naturally pass on to greater things and replace those as they come up you will have differing ages
4 of trees and perhaps differing species which I think allows for a canopy to be preserved rather
5 than trying to freeze in place the canopy that now exists. Because there is no provision for
6 putting additional trees there now. So what you would hope for is that you would be able to start
7 replacing those trees that die off and able to have a canopy that has different ages and will expire
8 at different rates of time.

9
10 AMENDMENT PASSED (5-1-0-1, Commissioner Bialson voted no with Commissioner Sandas
11 absent)

12
13 Chair Burt: Okay. So let's call the motion. All those in favor say aye. (ayes) This is the
14 amendment. So the amendment passes five to one with Commissioners Cassel, Garber, Lippert,
15 Holman and Burt in favor and Commissioner Bialson voting nay.

16
17 MOTION PASSED (6-0-0-1, Commissioner Sandas absent)

18
19 So back to the primary motion. Any other discussion? All those in favor? (ayes) That passes
20 unanimously with Commissioner Sandas absent.

21
22 So I think that concludes this item. Thank you all very much for coming. We look forward to
23 better reception and hopefully an aesthetically acceptable environment. Thank you for coming
24 and participating.

25
26 Okay, we have a couple of things remaining approval of two sets of minutes and then some
27 discussion of upcoming meetings.

28
29 ***APPROVAL OF MINUTES:*** Regular Meeting of May 10 and Special Meeting of May 24,
30 2006.

31
32 Chair Burt: We have minutes for May 10 and May 24. Commissioner Bialson was absent on
33 both of those and Commissioner Sandas is absent tonight. We can take a motion to approve.

34
35 MOTION

36
37 Commissioner Garber: So moved.

38
39 Chair Burt: That would be on both sets of minutes.

40
41 SECOND

42
43 Commissioner Cassel: Second.

44
45 MOTION PASSED (5-0-1-1, Commissioner Bialson abstained due to her absence at these
46 meetings and Commissioner Sandas absent).

1
2 Chair Burt: Great. Second by Commissioner Cassel and moved by Commissioner Garber. No
3 amendments. All those in favor say aye. (ayes) That passes five to zero with Commissioner
4 Bialson abstaining and Commissioner Sandas absent.

5
6 We have Reports From Official and Committees.

7
8 ***REPORTS FROM OFFICIALS/COMMITTEES.***
9

10 Chair Burt: I guess this would be the point in time where we might discuss our upcoming
11 agenda for the summer. We received not only a Tentative Agenda Listing but the summer
12 Zoning Ordinance Update schedule and attached the ZOU work program schedule. The reason
13 that we had asked Staff to provide us with some information would be so that we could discuss
14 what Staff's schedule is for the ZOU this summer and how we might integrate it with our
15 meetings and try to make sure that summer absences don't conflict with the agenda of the
16 Commission. So Commissioners, have you had a chance to look at this? Do you have questions
17 or comments? Lee.

18
19 Commissioner Lippert: Actually I have a concern on the schedule and I called Julie Caporgno
20 regarding it and left a message. On Wednesday, July 12 we are having a study session on the
21 ZOU, the mixed use and performance standards. Then on Wednesday, August 9 it calls for us to
22 adopt those standards and we will be potentially without two Commissioners that have a long-
23 term history with this Commission that were involved in reviewing the Zoning Ordinance and
24 really have some very substantial expertise in this area. I would very much hate to see us lose
25 that institutional memory when we are finally adopting that section. Plus, we have the potential
26 of having two new Commissioners coming on board that are basically at the beginning of their
27 learning curve.

28
29 Chair Burt: Understood. Steve do you have thoughts on how we might be able to address this
30 quandary?

31
32 Mr. Steve Emslie, Planning Director: I don't think we have a good solution. We can't turn it
33 around in time to meet the deadline of the expiration of the vacancies. It is impossible for Staff
34 to be able to return in that short a period of time. So we are scheduled to come back to have your
35 study session on July 12 and come back on August 30 actually is when the actual
36 recommendation would be done and we cannot do it any sooner than that.

37
38 Chair Burt: I'm sorry, you said August 30?

39
40 Mr. Emslie: Yes.

41
42 Chair Burt: What is being referenced under August 9? I see. So what you are saying is the
43 updated handout supercedes?

44
45 Mr. Emslie: It does.
46

1 Chair Burt: Okay. So let me ask this then. Since I believe that the two outgoing Commissioners
2 have indicated that they do not plan on reapplying for the Commission and then we are assuming
3 that we will have two new Commissioners is there alternative to have the initial hearing, as much
4 as we want to move the ZOU forward as fast as we can, the initial hearing say on August 9 and
5 would you then have time to turnaround the information for the 30th?
6

7 Mr. Emslie: No. We have to stick with the schedule. As you know we have modified the
8 schedule. We went to Council when we gave them the work plan for the Comp Plan to trim that
9 down and to focus on the remaining items of the ZOU and the schedule. So in order for us to get
10 the Comp Plan ramped up and this finished and done we have to stick with the schedule.
11

12 Chair Burt: I understand that, Steve. My question wasn't about delaying the August 30
13 completion. My question was if the initial study session were held on August 9 would Staff still
14 have ample time to then have the follow up meeting on August 30?
15

16 Mr. Larkin: I can actually answer that. The answer is probably not because logistically if it goes
17 to study session on August 9 it won't get to my office in time to get it drafted into ordinance
18 form and put into packets.
19

20 Mr. Emslie: And we are counting on the time between July and the end of August to do the
21 outreach. So it will truncate that amount of time, which we think is important to have.
22

23 Chair Burt: Okay. Karen.
24

25 Vice-Chair Holman: That brings up another question. The outreach is indicated here as July 13
26 through August 29 and I much appreciate that outreach. The question that comes to mind is that
27 if the outreach continues through August 29, because you office has to have time to turn it
28 around, what can be accomplished between the 29th and 30th?
29

30 Mr. Larkin: Once the study session ends Planning Staff can get to work on form language, we
31 can begin drafting. We don't tend to draft these things into ordinance form until after the study
32 session. But once it is in ordinance form it is easier to amend to make changes but we wouldn't
33 begin that until we have gotten the initial feedback from the Planning Commission.
34

35 Vice-Chair Holman: So the turnaround from the feedback from the community to the ordinance
36 that isn't problematic for you then.
37

38 Mr. Larkin: It shouldn't be provided that we are not making huge, drastic, 180-degree changes
39 in what we are doing. Most of the changes we would anticipate would be ones that we could
40 make. If it became impossible to do them then we would have to address that.
41

42 Vice-Chair Holman: One last thing is, understanding this is a very compressed schedule the
43 public outreach doesn't start until the day after our study session. So the Commission won't
44 have benefit of that outreach at our study session. We will suppose members of the community
45 will come to the meeting. That is the way it is stacking up.
46

1 Chair Burt: Phyllis.

2
3 Commissioner Cassel: Perhaps, since you will know who is applying for the Planning
4 Commission on July 12 you could deliberately invite all of those people who are applying for the
5 Planning Commission and see that they get the information. So that if they are that interested to
6 be on the Commission they may wish to come to that meeting and get themselves oriented on the
7 subject.

8
9 Chair Burt: That sounds like a good idea. Also, the public outreach meetings I presume will be
10 noticed to the Commission and to the extent possible Commissioners would attend. I think that
11 would be helpful as well as probably in the same vein as what Commissioner Cassel just said we
12 should perhaps make sure that the applicants for the Commission are aware of those meetings. It
13 will be a challenge for them to pick this up in midstream. Other questions?

14
15 I have one on the second page of the ZOU handout, it is called ZOU Work Program Schedule,
16 and there are italicized sections and then items in bold. I see the item in bold over on the
17 Tentative Agenda. Can you explain what is happening with the italicized? I was trying to
18 correlate, am I missing something? It says a study session on cottage cluster and things. Is that
19 on the Commission agenda?

20
21 Mr. Emslie: It hasn't been scheduled yet. This was the work program that was submitted to the
22 Council and not everything has been scheduled in the timeframe.

23
24 Chair Burt: So should we right now talk about possible dates for trying to schedule that and
25 make sure it works for Commissioners?

26
27 Mr. Emslie: Without having your ZOU Staff here to be able to respond I am assuming they have
28 a good reason for not having it scheduled yet. So you can let us know of your availability over
29 the summer and we can work with that as we consider scheduling future meetings.

30
31 Chair Burt: Okay. Any other comments or questions? I guess that concludes that item.

32
33 Do we have any reports or announcements from Commissioners? Dan, was there something you
34 wanted to share?

35
36 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

37
38 Commissioner Garber: Yes, thank you. I was simply going to report to the Commissioners that
39 I attended the National AIA Convention last week. I went to no less than four seminars on form
40 code and two others that had to do with smart growth and zoning, etc. I attended one that was
41 probably the most succinct and direct and best description of what form code was. They have all
42 been recorded and I have asked for or I have paid for copies of those and when I get them in the
43 next four to six weeks I will share them with you. Some of the seminars were very, very good.

1 The other thing I will simply report is the tremendous emphasis in the entire convention on
2 sustainability issues, which has really become a very mainstream part of the marketplace as well
3 as the profession's outlook.

4
5 Chair Burt: Lee.

6
7 Commissioner Lippert: I apologize. I did not get to report on City Council business last month
8 and I thought I would report on it. With regard to the Staff reorganization City Council actually
9 moved on that but they asked that the position of the Deputy Director not be – well they actually
10 are prohibited from meddling in that description and that is done at the City Manager level. Am
11 I correct?

12
13 Mr. Emslie: What they did is they gave the City Manager the discretion to include in the
14 reorganization a Deputy or an Assistant Director, Assistant being a hirer level. I was going to
15 report out on that later.

16
17 Commissioner Lippert: Oh, go ahead.

18
19 Mr. Emslie: I just wanted to give you an update on the filling of the vacancies and the
20 recruitment going on and the results of reorganization. Number one, Curtis Williams has
21 accepted and will become our Planning and Transportation Official on Monday. So he will be
22 official and will be sitting here in that capacity not as your ZOU but as your Planning and
23 Transportation Official. I am very excited about that. I know you have had a lot of experience
24 in working with Curtis and I think it will be a very good working relationship.

25
26 We have engaged a second executive search firm to help us in the recruitment for the Assistant
27 Director. We took the Council up on their suggestion of increasing the authority and the
28 seniority, if you will, of the position in the hopes that that would cast a wider net and we might
29 be able to get applicants that heretofore have not been interested in the Deputy position. The
30 feedback we are getting from our executive recruiter is that will help in attracting candidates to
31 this area, primarily the salary is going to be more offsetting to the housing costs that we have in
32 the area.

33
34 Then in our Planning Department we have an active recruitment going on for a Planner. We are
35 in the process of setting up some interviews. For the other vacancies in Planning the
36 recruitments are being handled by our HR Department but in the meantime some staff have
37 expressed interest in doing some cross training. So all these vacancies have some opportunities
38 for some staff to step out of their traditional roles and get some interim experience doing part-
39 time cross training. So we think that is also positive.

40
41 That brings you up to date as to where we are on the reorganization.

42
43 Chair Burt: Lee.

44
45 Commissioner Lippert: Then the other item that I needed to report on was Alma Plaza. City
46 Council also had a study session on Alma Plaza again they did not have any vote but they did

1 take in public testimony similar to what we did. There were several Council Members that
2 expressed their support for it, a couple Members said, gee, a little less housing and a little more
3 retail, and basically there were some Council Members that just basically said we are just happy
4 to see something happen here. Very noncommittal.

5
6 Chair Burt: Steve.

7
8 Mr. Emslie: I had one other item to report. In a separate discussion with the Council outside of
9 the reorganization and the budget a decision was made to relocate the function of Economic
10 Development from the City Manager to Planning. So we are working on a transition now for
11 that. My interest is doing that more when we have some of these vacancies filled so that we will
12 have the management in place to be able to make a smooth transition. It is going to have to
13 happen within the next four to six months.

14
15 Chair Burt: Steve, my understanding from having watched that meeting was that the Council
16 had actually offered to allow the City Manager to increase a position in Economic Development
17 and the City Manager elected to not do that, is that correct?

18
19 Mr. Emslie: Yes, that is correct.

20
21 Chair Burt: Dan.

22
23 Commissioner Garber: I was going to report, as the City Council Rep this month the previous
24 meeting had no Planning topic on their agenda so I did not attend the meeting this week. The
25 prior week there were and I believe it was the Quimby Act and I believe there was one other
26 topic in that one too. Do you recall Steve or Amy?

27
28 Mr. Emslie: It was the Comprehensive Plan work plan and budget.

29
30 Commissioner Garber: I participated in one of those conversations.

31
32 Chair Burt: Karen.

33
34 Vice-Chair Holman: Would Staff like to report on what the outcome was of the Quimby Act
35 discussion?

36
37 Mr. Emslie: Yes. The Council acted on the Planning Commission's recommendation and they
38 also opted to set the Quimby Act fee based on maintaining our existing park ratio of three acres
39 of district and neighborhood parks per thousand. They made a modification to delete the
40 optional credit for private open space so that was removed from the Act. They wanted to include
41 the exemption for 100 percent affordable housing projects.

42
43 Chair Burt: Steve, can you clarify because there was a change from the calculation of what were
44 the fees or land that could be imposed on developers from when the Planning Commission
45 reviewed until the Council and it was a net increase?

1 Mr. Emslie: Yes. In the intervening time between the Planning Commission and the City
2 Council the ordinance was drafted and we knew more specifically the extent to which the City
3 could increase the fee. So that number was known and it was larger than the Planning
4 Commission's recommendation but that was based on more detailed legal analysis that the City
5 Attorney's Office was able to perform.
6

7 Chair Burt: So the fee was able to be significantly increased over the present park fee structure.
8 The Commission had voted in principle in support of the Quimby Act. We had not seen this
9 particular fee structure but it had seemed to be the consensus of the Commission at the time that
10 we were enthusiastic about trying to increase the ability to obtain parkland. So I think it was on
11 that basis that the Commission recommendation was viewed as generally consistent with the
12 revised Staff recommendation even though the Staff recommendation was a little bit different
13 from what we reviewed. Karen.
14

15 Vice-Chair Holman: I had one other thing, which I don't see on our Tentative Agenda. It is a
16 matter for Don. When we had our Retreat there were some things having to do with policies and
17 procedures that we asked if they could come back to this Commission so we don't have to rehash
18 them with a new Commission. So if those are on track to come to us before our last meeting in
19 July.
20

21 Mr. Larkin: I will do the changes to the policies and procedures before the end of this
22 Commission. There were a number of other things that were asked and I don't want to rely
23 entirely on my notes and I don't have the benefit of the minutes yet. If I don't have that in time
24 at a minimum I will bring back those things on policies and procedures because there I think I do
25 have detailed notes.
26

27 Vice-Chair Holman: Terrific. Thank you so much.
28

29 Chair Burt: Good catch, Karen. Lee.
30

31 Commissioner Lippert: I just wish to make one further comment. When I did go before Council
32 both times what I had as ammunition were draft minutes. We had not had an opportunity to act
33 on them. Part of it is the timeline that it takes for which Staff has been scheduling some of our
34 hearings and then turning it around to Council. Normally it would not be an awkward type thing.
35 We make minor changes in our minutes and I can pretty much speak towards any item in there.
36 One of the items was the Alma Plaza where we were commenting. What made it very awkward
37 is that I really couldn't speak on behalf of any of the individuals here because there really wasn't
38 a motion to speak of. We did take a poll of a consensus of this Commission but it did not have
39 any weight, furthermore, probably the dissenters had as much weight as the consensus of the
40 Commission. So that really put those minutes in a very I think precarious position. In
41 discussions with Steve as well as the City Attorney it put me in a position where I could not
42 really go outside of anything that was in the minutes either otherwise it would undermine myself
43 in terms of being able to hear this item again in the future. So I just want to let everyone know
44 that it is really not good when we go forward to Council without minutes that we have voted on.
45

46 Chair Burt: Don.

1
2 Mr. Larkin: I will just say that is the limits of a prescreening.
3
4 Chair Burt: Okay. Karen, you have something else? Dan and then Karen.
5
6 Commissioner Garber: I was just going to ask if there wasn't something else that would keep us
7 here for another hour or two.
8
9 Chair Burt: Tank you, Dan. Karen.
10
11 Vice-Chair Holman: The Commission doesn't typically close meetings or adjourn meetings
12 keeping someone else in mind but o this particular occasion the reason Commissioner Sandas is
13 not here is because her father suffered a heart attack. So as we adjourn this meeting which I am
14 presuming we are about to do I and the other Commissioners would like to send our best wishes
15 to Paula and her father.
16
17 Chair Burt: Certainly. Before we do adjourn we have upcoming Commission representation to
18 Council. August is the Council hiatus, correct?
19
20 Mr. Emslie: There is one meeting on August 7, 2006.
21
22 Chair Burt: And will that have Planning Commission items?
23
24 Mr. Emslie: The agenda is not absolutely set. It is very possible that it will have Planning items.
25
26 Chair Burt: Okay. So in that case we should probably attempt to have a Commissioner for
27 August and one for September. I can volunteer for September.
28
29 Vice-Chair Holman: I can probably do August.
30
31 Commissioner Lippert: I can too.
32
33 Chair Burt: Okay. We will let Karen since Lee had the honor recently. I will take September.
34
35 Then under Commission Representation I recall that it is important that we not keep listing the
36 subcommittees if they are not active. I see the CIP is down there and that is probably the one
37 that should be deleted. Is that the only one that needs to come off?
38
39 Mr. Larkin: The one that is vacant might as well come off. It can be reconstituted if it is needed.
40
41 Chair Burt: What was the other?
42
43 Mr. Larkin: The ZOU Multi-Family Commercial Working Group. Since it is currently vacant I
44 would say it could be reconstituted once the new Commission is formed in August.
45

1 Chair Burt: Okay, great. I think that concludes our business and in consideration of
2 Commissioner Sandas' father we would like to adjourn the meeting.

3

4 ***NEXT MEETING:*** Regular Meeting of June 28, 2006.

5

6 ***ADJOURNED: 8:10 PM***

7