



PLANNING & TRANSPORTATION COMMISSION MINUTES

MEETINGS ARE CABLECAST LIVE ON GOVERNMENT ACCESS CHANNEL 26

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Wednesday, June 29, 2005
REGULAR MEETING at 7:00 PM
Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL: 7:05 PM

Commissioners:

Phyllis Cassel – Chair
Bonnie Packer – V-Chair
Lee I. Lippert
Karen Holman
Patrick Burt
Michael Griffin
Annette Bialson

Staff:

Steve Emslie, Planning Director
Don Larkin, Senior Deputy City Attorney
Curtis Williams, Acting Current Planning Manager
Chris Riordan, Planner
Zariah Betten, Executive Secretary
Heba El-Guendy, Transportation Engineer

AGENDIZED ITEMS:

1. 2300 East Bayshore Road and 2450 Watson Court
 2. Revised Bylaws and Revised Procedural Rules
- APPROVAL OF MINUTES:** Minutes of May 25, 2005.

Chair Cassel: I would like to call the meeting for the Planning and Transportation Commission for Wednesday, June 29, 2005 to order. This is a regular meeting. Would the Secretary please take the roll? Thank you.

The first item on our agenda is Oral Communications.

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 Cassel: I have no cards for Oral Communication so I will close that item.

1 **CONSENT CALENDAR.** Items will be voted on in one motion unless removed from the
2 calendar by a Commission Member.

3
4 Chair Cassel: The next item is Consent Calendar and we have no items on the Consent Calendar.

5
6 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional
7 items added to it up until 72 hours prior to meeting time.

8
9 Chair Cassel: I have no Agenda Changes, Additions or Deletions so we are completing that item
10 and will go on to New Business.

11
12 The first item on our agenda tonight is 2300 East Bayshore Road and 2450 Watson Court. It is a
13 request for Site and Design Review of a new 77,956 square foot office building, including 4,023
14 square feet of exempt floor area, with at grade parking and related site improvements located on
15 a 5.66-acre site. The applicant is Hoover Associates along with Jim Baer of Premier Properties
16 on behalf of Richard Peery. There is an Environmental Assessment. An Initial Study has been
17 completed and a Draft Mitigated Negative Declaration has been prepared in accordance with
18 California Environmental Quality Act requirements. The Zone District is LM(D)(3). Would
19 Staff like to make some opening comments and presentation?

20
21 **NEW BUSINESS:**

- 22
23 1. **2300 East Bayshore Road and 2450 Watson Court [05PLN-00166]*:** Request for Site
24 and Design Review of a new 77,956 square foot office building, including 4,023 square
25 feet of exempt floor area, with at grade parking and related site improvements located on a
26 5.66-acre site. Applicant: Hoover Associates along with Jim Baer of Premier Properties on
27 behalf of Richard Peery (Property Owner). Environmental Assessment: An Initial Study
28 has been completed and a Draft Mitigated Negative Declaration has been prepared in
29 accordance with California Environmental Quality Act (CEQA) requirements. Zone
30 District: LM (D)(3).

31
32 Mr. Don Larkin, Senior Deputy City Attorney: Before I turn it over to Planning Department
33 Staff I wanted to bring up a couple of items. There was a question that I received as to the
34 relationship of this application to prior applications at the same location. This is a new
35 application and should be discussed on its own merits separate from the original applications that
36 we had seen previously.

37
38 The second is I think everybody is aware there is litigation ongoing with regard to a previous
39 application and that is not something that should be considered as part of the review of this. This
40 is a new application and it should be reviewed on its own terms and treated just as the Planning
41 Commission would treat any new application.

42
43 I also wanted to just briefly go over the purpose of Site and Design Review because I think it
44 needs to be made clear to the Commission. The purpose of the Site and Design Review is to
45 provide a process for the review and approval of development in an environmentally and
46 ecologically sensitive areas including established community areas which may or may not be
47 sensitive to negative aesthetic factors, excessive noise, increased traffic or other disruptions to
48 ensure that the use and development will be harmonious with other uses in the general vicinity,

1 will be compatible with environmental and ecological objectives and will be in accord with the
2 Comprehensive Plan. The factors that go into a Site and Design Review are reviewing and
3 recommending changes as necessary or approving based on construction and operation in a
4 manner that will be orderly, harmonious and compatible with existing or potential uses of the
5 adjoining or nearby sites, to ensure that investment, conduct of business, research, educational or
6 otherwise occupations in the same areas maintain their desirability, to ensure sound principles of
7 environmental design and ecological balance are observed and again to ensure that the use is in
8 accord with the Palo Alto Comprehensive Plan.
9

10 Mr. Steve Emslie, Planning Director: Now we are going to turn it over to Chris Riordan, a
11 project planner, who is going to introduce the item and our Traffic Engineer, Heba El-Guendy.
12

13 Mr. Chris Riordan, Planner: Good evening Chair Cassel and Commissioners. A similar project
14 for the site, which was reviewed by the Commission on December 17, 2003 and ultimately
15 denied by City Council on November 8, 2004. The project before you this evening is for a new
16 two-story office building with at grade parking located on a 5.6-acre site at 2300 East Bayshore
17 Road and 2450 Watson Court. The approximately 42,000 square feet of existing office buildings
18 would be removed.
19

20 As stated in the Staff Report the ARB has conducted two preliminary reviews of both the
21 building and landscape design of the project. The ARB was generally supportive of the proposed
22 design and commented on the project's improved effort to achieve the goal of the project serving
23 as a gateway to the Baylands and meeting the objectives of the Baylands Master Plan. The
24 allowable .3 floor area ratio will allow the construction of a 73,933 square foot building on the
25 site. The proposed building would equal 77,956 square feet. The additional 4,023 square feet of
26 floor area is considered exempt floor area if it is set aside for onsite employee amenities that
27 could facilitate the reduction of employee vehicle use. The applicant is proposing to incorporate
28 a cafeteria and recreation areas into the building however the details of these are not included in
29 the plan since it is being constructed as a shell building and future tenant improvements would be
30 the responsibility of the future occupants. Staff did not add to the list of conditions of
31 requirement that this exempt floor area be clearly shown on any plans submitted for building
32 permit and Staff would recommend that the Commission add this to a condition of project
33 approval.
34

35 The Staff Report includes what Staff considered the following three key issues worthy of further
36 discussion. The transportation impact analysis has been prepared and it was determined that the
37 project's impact would not have a significant impact on traffic volumes. Heba El-Guendy, who
38 will be following my presentation, will be commenting on that analysis. Landscaping, the
39 project includes a Baylands interpretive garden at both street intersections. The purpose of this
40 garden is to act as a gateway to the Baylands and signifies that one is entering the Baylands,
41 which is currently not noticeable at the project site. This garden will include benches, pathways,
42 interpretive signage and plants native to the Baylands. The project's landscape consultant I
43 believe should be present this evening to address any of the Commission's questions regarding
44 the proposed landscaping.
45

46 Parking. The applicant is proposing a minimum 244 parking spaces, which would meet the
47 project's parking requirement. The site plan allows for substantially more parking while still
48 providing landscaping in excess of City requirements. The ARB will evaluate the project's

1 landscaping and the final design of the parking will be developed when the final landscape
2 configuration is known.

3
4 Staff did receive questions from the Commission after the Staff Report was prepared. These
5 questions and Staff's responses are as follows. One, the absence of colored drawings in the
6 Commissioner's packet and material samples will be made available. The applicant submitted
7 color renderings and a photomontage, which are present at tonight's meeting. The applicant also
8 has brought material samples for the Commission's review.

9
10 Why are the plans labeled as preliminary? Plans are labeled as preliminary since they are still in
11 the review process and subject to modification by the Commission as well as the ARB and the
12 City Council. Final plans submitted for building permit would incorporate any project
13 modifications and conditions of approval.

14
15 Details of the proposed stone sculpture to be located at the corner of Embarcadero and Bayshore.
16 A conceptual idea of the proposed stone sculpture can be seen in the colored renderings of the
17 Baylands interpretive garden included in the binder prepared by the applicant and presented to
18 the Commissioners. Normally an artist is commissioned to create an art piece and is likely the
19 project applicant can expound on this issue.

20
21 The height of the proposed building as measured from existing grade. Height of the building as
22 measured from existing grade would be 36.5 feet.

23
24 Was the TIA prepared by the City or the applicant? The applicant hired and paid Fehr & Peers
25 to prepare the TIA. This report was reviewed extensively by the Transportation Division.

26
27 Why are the conditions of approval in Section 10 of the Record of Land Use Action instead of
28 Section 7? Staff added additional discussion of Comp Plan compliance and conformance with
29 the Baylands Master Plan to the Record of Land Use Action. This additional discussion
30 modified the numbering of the sections.

31
32 Staff has prepared a list of discussion topics to guide the Commission's review of the project and
33 they are shown on the overhead.

34
35 In closing, Staff's recommendation that the Planning and Transportation Commission
36 recommend that the City Council approve the Mitigated Negative Declaration with the finding
37 that the project would not result in significant environmental impacts and approve the Site and
38 Design Review based on the findings in the Draft Record of Land Use Action. Thank you.
39 Heba.

40
41 Ms. Heba El-Guendy, Transportation Engineer: Thank you. Good evening. In summary the
42 traffic study conducted for this project evaluated four analysis scenarios. The first is for existing
43 conditions which is for the year 2001 which actually had higher traffic volumes than what we are
44 experiencing today in 2005 as well as over the past couple of years.

45
46 The second analysis scenario was for the background condition for the year 2008, which is the
47 year when the project is expected to open. The way we forecasted the traffic volumes for 2008 is
48 by applying a conservative 1.2 percent compounded yearly growth rate for the 2001 volumes.

1
2 The third analysis scenario is background plus project, which includes the net new trips
3 generated by the proposed project. Of course taking into consideration the existing uses on site,
4 the restaurant and office space.
5

6 The last and fourth analysis scenario is for the cumulative condition for the year 2015. We
7 provided the traffic consultant with these volumes from the outputs of our traffic forecasting
8 model which incorporated all of the approved and pending projects within the city as well as the
9 overall regional growth.
10

11 The project does not have a significant traffic impacts under the background plus project
12 conditions. However, we are requiring the project to financially contribute towards a certain
13 number of improvements that were recently implemented or are needed in the future to meet
14 future traffic needs. These improvements include the signalization of the 101 northbound ramp
15 with San Antonio Road, which was recently implemented by Cal Trans. Also the deployment of
16 signal adaptive at the intersection of Embarcadero with East Bayshore and the intersection of San
17 Antonio with Charleston both of which are on our work program.
18

19 I should also mention that the project is proposing a transportation demand management program
20 that includes flexible work hours, compressed workweeks, the designation of a TDM coordinator
21 among other initiatives that are intended to reduce the auto trips as well as spread the peak trips
22 that would be generated by the project. However we did not give the project any credit for this
23 TDM program.
24

25 I will gladly answer any questions that you may have on the traffic study. Thank you.
26

27 Chair Cassel: Would we like to ask questions of Staff now rather than later?
28

29 Commissioner Lippert: Actually I have a comment. I should state for the record that I received
30 this binder directly from the applicant. I know that this is a quasi-judicial hearing and we are not
31 supposed to have contact with the applicant. So I should state that for the record. I contacted the
32 City Attorney's Office with regard to that as well.
33

34 Chair Cassel: You want to make a comment, Don.
35

36 Mr. Larkin: I would just comment that indeed all the Commissioners did receive that binder and
37 it has been made available to the public as well.
38

39 Commissioner Lippert: Thank you.
40

41 Chair Cassel: Thank you. Are there any other questions we should ask now or would we like to
42 hear the presentation by the applicant? Then let's go ahead and hear the presentation by the
43 applicant and then we will ask the questions.
44

45 Mr. Jim Baer, Premier Properties Management: Planning Commissioners and Staff and
46 members of the audience, this is a project that is not a first review.
47

48 Chair Cassel: Would you state your name and the city you are from?

1
2 Mr. Baer: Jim Baer, Palo Alto. Thank you.
3

4 This is a project that has gone through years of review and some with outright forceful rejection.
5 The planned community zone, which asked for 110,000 feet, was determined not to be
6 appropriate in size at this location. It was determined subsequently by Planning Commission and
7 City Council that the zone change to an LM(D)(3) was appropriate which would allow a building
8 of the size that is being proposed. The Planning Commission on a five-one vote recommended
9 to the City Council that it approve a previous submittal. That was done in December 2003 that
10 recommendation and in November 2004 for reasons that we will elaborate on and hope that we
11 have corrected the City Council determined that the applicant had not been responsive to some of
12 the conditions requested by Planning Commission, it had not been responsive to the ARB and
13 winning ARB recommendation and support. The language in the Council debate included “Are
14 we Baylands compatible? Is this project serving as an adequate gateway? Are we compatible
15 with the Comprehensive Plan?” Those are the right issues.
16

17 What are not the right issues are “Is an office building approvable and allowed in this location
18 and the size proposed and is this a project with impacts that are significant.” Those are really not
19 what is at issue. What is at issue is Palo Alto for projects of this size Stanford Research Park,
20 housing projects in South Palo Alto appropriate at this location? How rigorous. Developers
21 need embrace progressive policies of land use some of which has significant meaning to the
22 development of a project and some of which are indicating to future applicants and to the
23 community that there is an embracing of transportation, sustainability and design features that
24 are not to the core of the land use but that are to the core of embracing Palo Alto policy.
25

26 So let’s look at what has happened since November. This was a project that had not embraced
27 ways of mitigating traffic even though the traffic was determined not to be significant. There is
28 an Embarcadero overpass at 101, bicyclists and pedestrians use this overpass. There had been a
29 request that the path be connected to Watson Court to avoid a left turn at East Bayshore and left
30 turn back again into the project on Watson. The applicant has since agreed to dedicate a fee,
31 land, to the City enabling the City to make that connection. The distinction here was that a deep
32 pocketed applicant owner could be forever liable for accidents to pedestrians and bicyclists
33 occurring on land that they granted an easement to so instead the solution was to provide a fee to
34 the City and that is a condition that has been offered.
35

36 Another was that the Planning Commission asked for a Transportation Demand Management
37 program which was not provided previously and which is now provided.
38

39 The request was that this project embrace some sustainability features. The sustainability
40 features are beyond what any for-profit developer has done previously. It is the largest
41 sustainability program of any office building second only to the Foundation for Global
42 Environment. In addition there are a number of other non-mandatory but voluntary sustainable
43 features that have been introduced in the program.
44

45 How does it serve as a gateway and communicate Baylands? What has happened is a complete
46 focus on site improvements. The interpretive gardens which encompassed a portion of east
47 Bayshore have now been extended from the first point at which there is sufficient width along
48 Embarcadero Road all the way to the end of the site on Watson Court, all with native species,

1 with benches, with pedestrian seating, with lighting, with garden pathways all of which
2 communicates that we get that this is an entry to the Baylands and this is part of the
3 communication to those who will experience this site. So greatly enhanced for pedestrian
4 experience at the site. On Embarcadero Road there is no sidewalk what there is is a chain link
5 fence and a drought resistant growth on Cal Trans land. What the applicant has done is create on
6 its property at the edge of the Cal Trans fence a wooden fence of a type reviewed by the ARB on
7 two occasions now and approved as being meaningful to indicating that we are entering a district
8 that is different than research park type property. There are offered informational signage not
9 unlike what you would see for a California park or for Palo Alto Parks and Recreation. Wood
10 signs, carved, yellow letters, green letter however we are making available to the City two of
11 those locations for informational signs one along East Bayshore or Embarcadero and one along
12 the bicycle path connection.

13
14 The stone sculpture is in the notebook in section C-4 is an example of the stone sculpture.
15 Again, this is not something that has been required or is not a mandatory requirement but the
16 Comprehensive Plan speaks to art in public places where there is high visibility.

17
18 Now all of this seems to be at the edge of what this project is about. The truth is in the Council's
19 review and the Planning Commission's five-one recommendation and the review of the
20 conversion to an LM zone the core issues were not what were at issue. What was at issue on
21 November 8 when the Council rejected this plan was the failure of the applicant to speak
22 responsibly to those issues that speak about public policy, progressive development, not about
23 whether the building was an appropriate building for the site and whether the impacts were
24 insignificant and mitigatable. So with that I am really prepared to answer questions. There was a
25 lot of material provided to you in the notebook and by the Staff. We think this is a good project.
26 We are proud to come before you with two preliminary reviews from the ARB both of which
27 provided great compliment to the direction and the changes and we expect to receive a sound
28 ARB endorsement having responded in what would be our final review to a half dozen
29 elaborations that they requested.

30
31 Chair Cassel: Did you want to explain these pictures and plans that you have in front? You have
32 about seven minutes.

33
34 Mr. Baer: Not really. I will say that it is a good-looking building. One of the things that asked
35 also by the ARB is that its scale be broken. A building of this size and length at two stories feels
36 like a sideways high-rise so sort of break its scale was one of the important assignments captured
37 by Lee Ashby as the architect on behalf of this owner.

38
39 The request that there be materials provided for review we have only one material that – the
40 ARB has reviewed materials and made comments on whether the metal emollients for the
41 window and the metal roofing are of a bronze colored metal or an aluminum metal. Those are
42 appropriate for the ARB and we would expect any findings by the Planning Commission to
43 require that we go forward only with an ARB endorsement and approval. We do have samples
44 of the precast concrete materials that are an aggregate pebbly beige color that were affirmatively
45 commented on with support from the ARB in both of our preliminary reviews.

46
47 We didn't bring further materials in part because we are still studying at the ARB's request a
48 couple of the details and partly also because and it is important to say this in the record that that

1 is an issue we don't think goes to the core of the Planning Commission's purview for Site and
2 Design Review and that we would waste time if we spent what could be continuations and
3 sessions and hours of discussion on design features where the ARB has captured that flag with
4 two preliminary reviews and given us clear direction on what to return with which we will do on
5 August 13. With that I am glad to answer questions about the process and where we are.

6
7 Chair Cassel: Thank you.

8
9 Mr. Baer: The project architect, Lee Ashby, is here also to answer any technical questions.

10
11 Chair Cassel: Thank you. You have a question?

12
13 Commissioner Burt: Yes. Mr. Baer you had alluded to roof materials and because of the
14 adjacency to the wetlands I was particularly concerned with any copper runoff.

15
16 Mr. Baer: Wetlands or no wetlands Palo Alto for at least a half dozen years has had a – maybe
17 ten years – that you can't use any copper materials in drainage or roofing. So what happens is
18 there is a simulated – there is a bronze coating, a baked finish or a cinar finish that happens not
19 to be something that we are evaluating but there are no metals to be displaced by city policy
20 unrelated to design.

21
22 Commissioner Burt: So I just want to make clear because our policies talk about copper roofing
23 and not everybody is aware of what copper alloys exist in the bronzing. So the bronzing that you
24 are talking about is a bronze coloring and not metallic bronze.

25
26 Mr. Baer: It is a healthy distinction to make and that would be true in the foothills and in the San
27 Antonio corridor and in the wetlands adjacency.

28
29 Chair Cassel: Are there other questions to ask Mr. Baer? Lee.

30
31 Commissioner Lippert: You are in the flood zone. How far above base flood elevation is the
32 building and will fill have to be added to the site?

33
34 Mr. Baer: I am going to let Lee answer that. Thank you for the question.

35
36 Chair Cassel: Would you please tell us your name and the city you are from and who you are
37 representing? Then complete a card if you haven't for Zariah.

38
39 Mr. Lee Ashby, Architect, Hoover Associates, Palo Alto: Let me just answer the question on the
40 floodplain. The site is graded and has some filling to it so that our finished floor level is 12
41 inches of free board or 12 inches above the elevation, the floodplain.

42
43 Commissioner Lippert: What is currently there?

44
45 Mr. Ashby: What is that elevation currently?

46
47 Commissioner Lippert: Correct.

1 Mr. Ashby: I believe we are adding I think it is about three feet to bring that grade up from what
2 it is up to the floor grade.
3
4 Commissioner Lippert: Okay.
5
6 Chair Cassel: Bonnie.
7
8 Vice Chair Packer: Since I have a question for the architect. In the elevations it shows the
9 screening for the equipment that goes on top of the roof but it doesn't show any detail of what
10 the screening might look like. What ideas do you have for that because that is pretty high and
11 there is a lot of it?
12
13 Mr. Ashby: The mechanical equipment screens on top, it is screened on top and we are
14 proposing metal screening. It will be colored to match the precast panels. I have a sample of the
15 precast panel as Mr. Baer had mentioned if anyone is interested in seeing that.
16
17 Chair Cassel: Please, would you pass those forward so we can see that?
18
19 Mr. Ashby: Sure.
20
21 Chair Cassel: Is that the siding or is that the screening?
22
23 Mr. Ashby: This is the precast panel, the precast concrete panel.
24
25 Chair Cassel: Let me repeat what he is saying because he doesn't have a mike. That is the
26 precast panel that he is showing us at this time. Thank you.
27
28 Mr. Ashby: The color of the metal at the roof will actually match the basic color of the precast
29 panel.
30
31 Chair Cassel: I have a question as we go down the line that directly related to the screening.
32 What percentage of this area on the roof is actually screened at a height of 41.6 feet?
33
34 Mr. Ashby: I don't have that calculation. It is available but I would just mention that it is
35 approximately 70 percent of the roof would be screened. We have areas where not only
36 mechanical equipment but as Mr. Baer explained we do have a photovoltaic installation that
37 would happen at the roof as well.
38
39 Chair Cassel: Any other questions from people on this side? Okay. Any other questions before
40 we go to the public hearing? I will go to the public hearing after our questions and then go back
41 to Staff because we didn't ask them questions and I am sure we have some.
42
43 Commissioner Lippert: I have a follow up on my question regarding the grading. The three feet
44 of fill that is being added, plus or minus, is that being added in the area of the building or is that
45 being added to the entire site?
46

1 Mr. Ashby: It is primarily in the area of the building but this site has to be ADA compliant and
2 we don't have any particular ramps. Everything is the maximum that we would have would be
3 one in 20 for anything that is approaching the bay.
4

5 Commissioner Lippert: I understand that. Following up on that, how is the building height
6 determined? Is it determined where the fill occurs or is it determined at the current grade as the
7 final height of the building.
8

9 Mr. Ashby: That is probably a question for Staff. I think we are at grade.
10

11 Mr. Baer: Two things, the grade change and the fill and three feet is unchanged from the
12 previous project review as is the relative location of the building. Height under Palo Alto Zoning
13 Ordinance for this property and all properties is determined five feet from the outside edge of the
14 building. Single-family homes are determined at the sidewalk. Larger sites such as this five-
15 acre site are determined at where the building is located because that is how the building is
16 experienced and consistent with the Zoning Ordinance. I think I am saying that right.
17

18 Chair Cassel: Mr. Baer, I want to make you aware of the fact that we cannot review this in
19 comparison to the last one we saw. We have to look at it as an individual unit on its own. Thank
20 you.
21

22 Mr. Curtis Williams, Acting Current Planning Manager: Madam Chair?
23

24 Chair Cassel: Yes.
25

26 Mr. Williams: We just wanted to clarify that the amount of fill at its maximum is almost six feet.
27 It is 5.95 feet or something like that. The maximum height as Mr. Baer indicated is measured
28 from the finished outside finished grade, the line of the building on the finished grade and it is
29 30.5 feet I believe is that height. So if you add the six feet it ends up being about 36.5 feet from
30 existing grade. That was one of the questions that we had from a Commissioner today.
31

32 Chair Cassel: There is a lot of discussion on that issue in general but the floodplain issue we
33 have been working in general with buildings in the floodplain having to add the height to them
34 and residential units. So I guess the basic question that was first asked was what is the
35 floodplain in here and does this have to come up to meet the floodplain? Are there some
36 floodplain requirements?
37

38 Mr. Williams: That is the purpose of the fill and so as they mentioned it would put the building
39 then a foot above the floodplain.
40

41 Chair Cassel: So it is essentially required that this building come up some in order to meet the
42 floodplain requirements?
43

44 Mr. Williams: Yes.
45

46 Chair Cassel: Thank you. Karen.
47

1 Commissioner Holman: I have a clarifying question. The Staff Report Attachment H says that
2 the building height is 33 feet, six inches to the parapet and 41 feet, six inches to the top of roof
3 screen. What I understand now is that from existing grade the height of the building is actually
4 36.5 feet and to the top of the roof screen it is 44.5 feet and 75 percent of the building has this
5 44.5-foot height. Can Staff clarify, expand, correct?
6

7 Mr. Riordan: That is technically true but Staff doesn't evaluate height from existing grade. The
8 height of the building is measured as the applicant correctly stated it is five feet away from the
9 building at the finished grade. So yes it is true if you look at the existing grade that the building
10 would be at the correct numbers that you stated but that is not the way that building height is
11 measured.
12

13 Commissioner Holman: So then clarify for me because if the grade from which it is measured
14 then is up five feet, nine inches where does that flesh out then to what the numbers actually are?
15

16 Mr. Emslie: That is what your standard is. The height is measured from the finished grade and
17 that is the standard that is established in the zoning code. We understood the question to be what
18 is the relative change based on the flood zone requirements? So that is information that you can
19 take into account but in terms of meeting or exceeding our standard the way it is measured and
20 recorded in the Staff Report reflects that it complies with the height as it is established for this
21 zone.
22

23 Commissioner Holman: I understand how it is measured. I guess where I am confused is that if
24 measuring from existing grade it is 36 and a half feet and the fill is five feet, nine inches I think
25 is what was stated, then where does the number 33 and a half feet come from because the
26 numbers don't compute it seems?
27

28 Mr. Emslie: I think the amount of fill is going to vary on the site. I think with the numbers that
29 Staff was relaying to you is to give you kind of a sense of what the worst case in the amount of
30 fill is proposed. No site is perfectly level and would probably involve a variety of different
31 depths of that fill. So in order to give you kind of a relative sense I believe, and Staff can correct
32 me, we are attempting to kind of give you the worst case of the relative amount of additional fill
33 in relationship to the existing site.
34

35 Mr. Williams: The reason why there is a difference, and I apologize because my statement was
36 probably confusing, is the 33 feet, six inches is to the top of the parapet, the 30 feet, six inches is
37 the roof.
38

39 Commissioner Holman: That does clarify, thank you.
40

41 Chair Cassel: Do I have other questions on this side? Michael.
42

43 Commissioner Griffin: I wanted to go back to Chris's comment early on in your presentation
44 you pointed out the fact that the 4,000 square feet of exempted floor area for employee
45 amenities, etc. was not indicated on the plan. Then you went on to say that you expected that to
46 be a condition of approval tonight.
47

1 Mr. Riordan: Yes, it was called out to me after the Staff Report was completed that that
2 condition was missing in the Record of Land Use Action. So that is why I discussed it and any
3 action that the Commission was to take Staff suggests that you add to that condition that prior to
4 submittal for a building permit that since it is being built as a shell building and who knows how
5 it will ultimately end up in its appearance from the TI is that that 4,000 square feet of exempt
6 space not be any greater than that and be clearly shown on the building permit so Staff can look
7 at during our review.

8
9 Commissioner Griffin: I am wondering in your discussion of the traffic impact analysis was the
10 rather low level of current traffic given consideration in the neighborhood? What I am getting at
11 is that the 30 percent, plus or minus, vacancy rate along that Embarcadero frontage the amount of
12 traffic that is being experienced by that part of town is substantially less than it was a number of
13 years ago during the dot.com situation. I drove through that street a couple of times this week
14 and verified that situation. It has come down a lot. Consequently as the economy comes back
15 and as those buildings become rented and the traffic volumes increase in that neighborhood were
16 you able to do any kind of a study that would give us feel for the impact of this project combined
17 with the proper amount of traffic impacts that that neighborhood under normal circumstances
18 would experience?

19
20 Ms. El-Guendy: Actually what you just explained was the reason for us using the 2001 volumes
21 in our existing analysis. I have done comparative analysis for the past five years throughout the
22 city how the traffic has been changing. Its highest numbers were in 2001 that is why I requested
23 from the traffic consultant to use the 2001 turning movement volumes at all the study
24 intersections.

25
26 Chair Cassel: I don't have any cards from the public indicating that anyone would like to speak.
27 If there is anyone here who would like to speak to us on this item would you please complete a
28 card, hand it to Zariah and then I will bring us back to that discussion. Lee.

29
30 Commissioner Lippert: I would like to continue my line of questioning regarding the height of
31 the building. So the way I understand this we are adding about five to six feet of fill, the
32 building is about 30 feet so we are about 35 to 36 feet tall from where it is right now and then in
33 addition to that they have the ability to add up to 15 feet in height of roof screen. That brings us
34 to a total of about 50 to 51 feet over what we are right now as viewed from the surrounding site.
35 In fact if you are standing in the parking lot at current grade this building could possibly loom as
36 tall as 50 feet. Is that correct?

37
38 Mr. Williams: I think that math is right but the screening is only nine feet not 15 feet above the
39 roof.

40
41 Commissioner Lippert: But they are allowed up to 15 feet.

42
43 Mr. Williams: You are right they are technically allowed that much but that is not what they are
44 proposing.

45
46 Mr. Emslie: They wouldn't be allowed to increase that because the approval would be
47 predicated on the screening as it is represented not any additional screening that would be
48 allowed. As you know too, the experience of the building is going to change based on

1 perspective and the setback of the screening from the front edge of the building in terms of how
2 much of screening is visible from distant or viewing from the public streets as well. So a lot of it
3 is also going to be a product of the placement of the screening.
4

5 Commissioner Lippert: Let me tell you where I am going in my line of questioning and maybe
6 you can respond to that a little more easily. We recently reviewed the zoning ordinance for LM
7 and RLM zones and in that we talked a little bit about biotech and being able to have interstitial
8 as well as increasing the building height. My line of questioning is that what is to prevent them
9 from coming back and saying I have a biotech firm going in here. Council has not approved the
10 LM or the RLM Zoning Ordinance Update portion yet but once that is approved will they be able
11 to come back and amend what their approval is to adopt that?
12

13 Mr. Williams: Your recommendation in this zone was not to allow that height increase so that is
14 the recommendation going to Council for this area. You only allowed it in the Research Park
15 area.
16

17 Commissioner Lippert: Okay.
18

19 Chair Cassel: Bonnie.
20

21 Vice Chair Packer: I have another little question related to height. What visual impact if any is
22 there with the addition of the solar voltaic cells? You mentioned those and where do those go in
23 relationship to where all the mechanical stuff is?
24

25 Mr. Baer: As the architect pointed out the photovoltaic will be behind the mechanical screen. In
26 addition the parapet for this building above the roof deck is sufficiently high that there wouldn't
27 be a pedestrian experience, I am trying to respond to the Foundation for Global Community and
28 Ace Hardware where we can see those, this building we won't be able to see the photovoltaic
29 panels.
30

31 Vice Chair Packer: And they don't add any height?
32

33 Mr. Baer: They are taller than the roof deck. They are not taller than the roof screen. They are
34 beneath the roof screen.
35

36 Chair Cassel: Annette.
37

38 Commissioner Bialson: My question is with regard to the entrance to the project from East
39 Bayshore Road. You say in your plans it is a relocated entrance right in and right out. Is that
40 relocated from the first curb cut that is now there? Could you describe where that curb cut is
41 intended to be?
42

43 Ms. El-Guendy: Yes. The first curb cut is about 450 feet from the Embarcadero intersection and
44 it would be right in/right out only and there would be a channelizing island to force drivers to
45 make the right turn out. The full access would be out of Watson Court.
46

1 Commissioner Bialson: When you say it is 400 feet from Embarcadero I looked at the two
2 entrances that are into Scott's Seafood, the old Scott's Seafood, is that beyond the entrance that
3 is now in existence or is it in a similar spot? Sorry I am not able to visualize 400 feet.
4
5 Ms. El-Guendy: No, that is about where the existing is.
6
7 Commissioner Bialson: Okay, the first one off Embarcadero.
8
9 Ms. El-Guendy: Yes.
10
11 Commissioner Bialson: So you could have cars backed up coming down Embarcadero making
12 the right turn and then going into this building from this relocated entrance?
13
14 Ms. El-Guendy: Based on the numbers that we are expecting to use this access relative to the
15 full access off of Watson Court it shouldn't be problematic. We also analyzed whether there is a
16 right turn lane needed at this access driveway and it wasn't needed.
17
18 Commissioner Bialson: So you don't expect there to ever be any backup here to Embarcadero,
19 which could impact?
20
21 Ms. El-Guendy: The operations at the intersection?
22
23 Commissioner Bialson: Yes.
24
25 Ms. El-Guendy: No, it shouldn't be a problematic.
26
27 Commissioner Bialson: Those are your studies or studies of their traffic consultant?
28
29 Ms. El-Guendy: Both, us as well as the traffic consultant.
30
31 Commissioner Bialson: I question that quite a bit. Thank you.
32
33 Chair Cassel: I have a question on the transportation. You told us that the net trips are down and
34 I presume that is because of the different kinds of uses. But you didn't use peak trips and usually
35 we are using peak trips. What is happening to the peak trips? This space is larger than the
36 original space how can the peak trips be down? It isn't mentioned here. What happens?
37
38 Ms. El-Guendy: The net new trips were calculated for both the AM and PM peak hours.
39
40 Chair Cassel: We didn't get that data. I don't have that in this report. We only received the
41 summary we didn't receive any of the data indicating what was going on in detail. So could you
42 give us a little more detailed analysis of what is happening including the peak hour and what is
43 happening at the peak hour?
44
45 Ms. El-Guendy: Sure.
46
47 Chair Cassel: How many trips are leaving Watson Court and how that works?
48

1 Ms. El-Guendy: Sure, I will be happy to provide you with all the details if needed afterwards. I
2 will also share with you some numbers now. The project generated trips, the overall project
3 generated trips, without any credit for the existing uses would be a total of 115 trips during the
4 AM peak hour, 101 will be entering and 14 will be exiting the site. During the PM peak hour the
5 total number of trips would be 110, 19 entering and 91 existing. When we give credit to this
6 project for the existing office space as well as the restaurant the net increase in trips would be 57
7 during the AM peak hour, 53 entering and four existing. During the PM peak hour there will
8 actually be a reduction of two trips but the split will be different. A reduction of 31 trips coming
9 in and increase of 29 trips going out. We also have a figure included as part of the traffic study
10 that shows the distribution of these project-generated trips at the different study intersections. So
11 if you are interested in any part of that.

12
13 Chair Cassel: I can't do that in my brain. Is this difference and drop in the number some small
14 increases and some drops in the number of cars entering and existing at this AM and PM because
15 of the difference of use also with an active restaurant? Does the active restaurant have some
16 much more use that we can pick up double the square footage of the site and yet not really
17 increase the traffic at all?

18
19 Ms. El-Guendy: Well, the size of the project is a factor as well as the type of development. The
20 restaurant has different trip patterns in terms of its peak and distribution of trips than it would for
21 an office space. In general, even in the previous traffic study that was done the analysis is
22 always for the AM and PM peak hours. So even if the peak for the restaurant let's say is around
23 8:00 PM the PM peak for the street could be from 5:00 to 6:00 PM, which is what we work with.

24
25 Chair Cassel: Annette.

26
27 Commissioner Bialson: I have a follow up to my previous question. You indicated that there
28 would be a median put in the street so that no left turn could be allowed. That is going to be a
29 concrete or some other barricade sort of process?

30
31 Ms. El-Guendy: The channelizing island that we put as a condition on the project would be at
32 the driveway itself so that no one would violate this left turn prohibition.

33
34 Commissioner Bialson: So how is that constructed if it is on the property itself and not in the
35 street? Could you describe it somewhat?

36
37 Commissioner Griffin: It is in the street and runs down the middle.

38
39 Commissioner Bialson: It runs down the middle of the street?

40
41 Ms. El-Guendy: No, it is on the driveway itself and it is like a triangle shape that would force
42 drivers to make a right turn.

43
44 Commissioner Bialson: Okay, and people coming in?

45
46 Ms. El-Guendy: For people coming in it will allow them also to make the right turn in.

47
48 Commissioner Bialson: It is a triangular shape at the sidewalk.

1
2 Ms. El-Guendy: The encroachment is within the street. The travel lane is actually very limited.
3 It is mostly on the driveway itself.

4
5 Commissioner Bialson: Mike, you have a question.

6
7 Commissioner Griffin: Well, I somehow thought that there was going to be some sort of a
8 barricade or a curb running down the middle of the street that would keep people from crossing
9 the median and being able to make a left-hand turn. Apparently that is not the case?

10
11 Ms. El-Guendy: Our concern with putting a median on East Bayshore itself is the available
12 pavement widths in this area. We don't want to restrict the width too much that would actually
13 cause backup problems in terms of queuing and so forth. So the alternative that was selected for
14 this project is a channelizing island on the driveway instead of a median in the middle of East
15 Bayshore.

16
17 Commissioner Griffin: Thank you.

18
19 Chair Cassel: Karen.

20
21 Commissioner Holman: Two questions, one is a follow up to that. As opposed to a median is
22 there some other solution? I sort of follow the previous two speakers' concerns. Is there no
23 other solution like I hate to use the word 'bollard' because it doesn't sound very attractive but
24 some other device like fencing that is used in San Jose and parts of town to keep people from
25 crossing one lane into another? Or something that is much narrower that would impede traffic
26 from making wrong-way turns from how you want them to go that doesn't really take up much
27 space? That is one question.

28
29 Ms. El-Guendy: Yes, there could be other alternatives but we also need to consider safety
30 conditions in general and how visible such barricade would be because there are minimum
31 requirements for a median for instance and we cannot just put a barrier in the middle of the
32 street. The minimum width of a median is two feet, which is not what we want to take away out
33 of the travel widths.

34
35 Commissioner Holman: Then the other question having to do with traffic is the report refers to
36 gaps. Having been in that location and around there quite a bit I am not sure what gaps are
37 referred to because it seems like sometimes it is very difficult to get out or turn because there
38 aren't gaps. So I am curious to know more about that.

39
40 Ms. El-Guendy: Yes, actually that is a very valid concern but based on the analysis that we have
41 done for both the background and the cumulative conditions which means for years 2008 and
42 2015 there is sufficient gaps. We have also done warrant analysis for signalization at the
43 intersection of Watson Court and East Bayshore. The gaps is evaluated in terms of two items
44 how many gaps we have and the length of the individual gaps whether it is sufficient to make a
45 left turn or make a right turn. The right turn movement requires a shorter gap in traffic. We are
46 fortunate enough that Watson Court is only about 900 feet from the intersection of East Bayshore
47 and Embarcadero, which is signalized. So the fact that there are nearby signals helps in allowing
48 gaps in the traffic on East Bayshore that permit the turning movements.

1
2 Commissioner Holman: Just to follow that briefly is there are also right turn on red allowed on
3 Embarcadero coming south. So I am still not quite grasping this gap concept.

4
5 Ms. El-Guendy: In the volumes that we evaluated for East Bayshore we have analyzed it and I
6 was actually involved with the traffic consultant in doing this analysis it is based on site surveys
7 during the peak conditions. So it has taken into consideration all the traffic traveling on East
8 Bayshore including the right turn movements at the intersection of Embarcadero and East
9 Bayshore. This is how the gaps were calculated. Did I answer your question clearly?

10
11 Commissioner Holman: You did, thank you.

12
13 Chair Cassel: Pat, you have a question?

14
15 Commissioner Burt: On the Embarcadero border there is no sidewalk. Does the private land
16 boundary go right to the edge of the street there?

17
18 Mr. Baer: No, there is a very substantial Cal Trans right-of-way.

19
20 Chair Cassel: Jim, you will have to wait until I ask for you. I'm sorry.

21
22 Mr. Riordan: I was going to ask for Commissioner Burt to repeat the question.

23
24 Commissioner Burt: So my question was who owns the land adjacent to Embarcadero where
25 there is no sidewalk presently.

26
27 Mr. Riordan: Currently where there is no sidewalk present that would be part of the Cal Trans
28 right-of-way.

29
30 Commissioner Burt: Is there any potential to in conjunction with the redevelopment of this
31 parcel to get a sidewalk connection there? I believe that we have, am I trying to recall exactly,
32 but I believe that we have a sidewalk on the overpass and then it leads to no sidewalk once you
33 enter the Baylands.

34
35 Chair Cassel: Mr. Baer, do you have some information on that that we don't have?

36
37 Mr. Baer: Yes. In that notebook in D-4 there is a drawing. On the overpass there is no sidewalk
38 on the south side crossing over 101 and Embarcadero. There is an overpass that is both the
39 bicycle and pedestrian size that is about five feet wide by the time it hits ground on the backside
40 of this property and continues on beyond the adjacent building at Watson Court and then enters
41 at East Bayshore and you can cross that by bicycle across East Bayshore again. What this
42 applicant has done in response to the Planning Commission's previous request on this site was to
43 dedicate land to enable the connection for bicycle and pedestrian through the Watson Court.

44
45 Commissioner Burt: I understand that aspect and I think the clarification that I was lacking is
46 that the sidewalk is only on the northwest side of the Embarcadero overpass not on the southeast.
47 There is no comparable sidewalk on the southeast side of the Embarcadero overpass. Is that
48 correct, Steve?

1
2 Mr. Emslie: I am trying to recall because I think the problem with having and there is no
3 sidewalk connection on the west side so you can't get there if there was. I think that is because
4 Cal Trans doesn't want pedestrians or bicycles to be crossing the onramps because they would be
5 on the south side and they would have to traverse the two onramps at Embarcadero and at
6 Oregon which I don't think they want to encourage and that is the presence of the pedestrian and
7 bike overpass to provide that access.

8
9 Commissioner Burt: Then my other question has to do with landscaping. I think the gateway
10 landscaping with vegetation that is indigenous to the Baylands is really a great concept. As I was
11 looking through the landscaping scheme for the balance of the project it did not look like we
12 were having a strong emphasis for indigenous Baylands plants in the balance of the project. I
13 wanted to see whether Staff and the applicant could comment on that and if there are reasons
14 why we couldn't have a greater incorporation of indigenous plants in the balance of the projects.

15
16 Mr. Riordan: The project was reviewed by the Planning Arborist. The plants that are selected
17 were deemed appropriate for the site. The plants that are selected for the project do come from
18 the applicant. So they are proposed for aesthetic reasons and also they are chosen from plants
19 that are going to thrive in a saline environment similar to the Baylands. I am sure there are
20 alternative plants that would be native to the Baylands like you see in the Emily Renzel Baylands
21 but they may not be the most attractive types of plants that the applicant may want to place on
22 his project site.

23
24 Mr. Emslie: I would just add there are a lot of non-native ornamentals that basically the
25 Embarcadero area uses kind of traditional office park landscaping for the balance of it. The
26 applicant may want to amplify this or clarify but trying to create more of an edge that is an
27 announcement to the Baylands rather than creating it all over maybe sets this off as something
28 that is a little bit more noticeable rather than try to recreate a Baylands landscape over the whole
29 site. The idea was to maybe have a little emphasis by having it be back-dropped against more
30 ornamental trees.

31
32 Chair Cassel: Pat, do you want Mr. Baer to comment?

33
34 Commissioner Burt: Yes, I would and maybe the applicant can respond in more detail to my
35 inquiry and I guess I would like to preface it with a brief statement that I think that the
36 landscaping that we have out there that historically had not been deliberately designed to be
37 compatible with the Baylands and not indigenous is not the example that we want to follow when
38 we are redesigning and building new projects for the next 50 years. Those are scars that we want
39 to attempt to heal as best as possible. I think this gateway concept is an excellent model but I
40 don't think it should be in contrast to the rest of the landscaping. It may be a greater emphasis
41 on being a purely indigenous plant environment but the passive landscaping that we have out
42 there is an opportunity to recreate native habitat to some degree right integrated within the
43 projects. They certainly are plants that are going to thrive in that environment. Having said that,
44 could the applicant comment on whether they would be amenable to greater integration of
45 indigenous plants in the balance of the project?

46
47 Mr. Baer: Mostly yes but let me give you – I apologize that we didn't have Jim Lauderbah, who
48 is an excellent landscape architect and has worked on this project. The emphasis that we had had

1 – this project needs to be reviewed with new full blush. It so happens that the landscape plan
2 that was reviewed previously on all of the plants occurring on the selection of lawn, bushy
3 things, the types of trees which are live oak and some redwoods, some London plain trees, that
4 was an aspect of the project that was endorsed by the ARB in its previous life. Therefore we
5 paid attention to the pedestrian edge condition because this had had review and support
6 previously on other elements. Now saying that we would be glad to have the Planning
7 Commission ask that the ARB give rigorous scrutiny to the landscape plan not just on this well
8 received pedestrian edge but on the landscaping trees and the planting around the building. The
9 answer is I am sorry we didn't ask Jim Lauderbah to be here because this was not expected to be
10 an issue. We would welcome these comments going to the ARB and be fully prepared to address
11 that at the ARB.

12

13 Commissioner Burt: Thank you.

14

15 Chair Cassel: I have a question on parking. This site requires 244 spaces, there were 300
16 proposed. The project said that they are putting in 244 but with 56 in reserve. So I looked at the
17 site plan and I can't find where the site plan allows for a reserve. At the pre-Commission
18 meeting the response I received was that the impervious surface was the same the parking spaces
19 are just marked larger so that if you need more parking spaces you can just mark them more
20 narrowly and get more parking spaces. I would like a comment from the developer on that
21 because that doesn't seem to be the reason for parking spaces in reserve.

22

23 Mr. Baer: The Planning Commission in a previous review of a similar project but different
24 project had asked that there be a landscape reserve. The reasoning applied wasn't because there
25 was inadequate landscaping, open space and pervious area in fact the pervious standards have
26 been substantially increased with C-3 subsequent to the last review by this Board but that the
27 response from the applicant was that that reason to increase the foliage, open space and
28 permeability of the site wasn't what the Planning Commission was getting at it was somewhat
29 indirectly getting at if you have more parking spaces than the 244 minimum won't that
30 necessarily translate to you are generating more traffic. Here is the answer to that the IPE
31 standard for how and why the applicant said it didn't want to limit its parking to 244, and it
32 didn't do that last time, was because that connection that somehow trip generation and the
33 number of parking spaces is related is not how ITE studies for traffic generation occur. In the
34 Downtown the parking standard for office is four per thousand. In some communities the
35 traffic....

36

37 Chair Cassel: I think you are not answering my question.

38

39 Mr. Baer: I am going to get there. If you give me one more minute I am going to get there. In
40 many communities the parking standard for office is five per thousand. The ITE trips generated
41 bear no relationship to whether the zoning ordinance

42

43 Chair Cassel: But that is not my question. My question is why did you not put the land in
44 parking reserve? Why did you just cover enough land to do 300 parking spaces?

45

46 Mr. Baer: I don't know what pre-Commission statement was. Our statement is that we still have
47 a couple of issues to work out with ARB. There was some question about the size of the
48 landscape islands in the parking lot and secondly the landscape islands can't occur in part of the

1 public utility easement. We will have more than 244 spaces that is our proposal. We don't yet
2 know until the final ARB plans whether that is 274 spaces or 284 spaces. We will know that by
3 final review. The objective of the applicant is not to limit its ability to provide the number of
4 parking spaces in the paved surface area that exists and that they will do that in the final
5 application to ARB when they work out these island issues. The point that the applicant is
6 wishing to make is the request for landscape reserve wasn't because there is a deficient
7 landscape it was because there was somehow a sense that reducing the number of parking spaces
8 available would somehow restrict the numbers of trips generated. In this project there is
9 abundant open space and pervious area.

10
11 Chair Cassel: Thank you. Annette.

12
13 Commissioner Bialson: Going back to my concerns about East Bayshore. As I look at the site
14 and where most of the parking is provided on the site you are going to get a lot of people who do
15 wish to go, let's say we are effective in the use of that triangular bollard or whatever you want to
16 call it, having people go right out of that entrance. Just the number of cars in this area of the
17 parking lot turning right impacts the ability of those employees to go down Watson Court and
18 want to make a left. Did the Staff in review of this consider requiring that the property owner
19 signalize that intersection of Watson Court and East Bayshore? Considering also that the office
20 buildings that we have East Bayshore while not fully occupied now or even in 2001 may
21 someday be fully occupied and that we are going to have a great deal more usage of the
22 Bayshore parks both in Mountain View and Palo Alto. I would also like to know what the cost
23 of signalization would be.

24
25 Chair Cassel: What page are you working on from our reports?

26
27 Commissioner Bialson: What do you mean by reports?

28
29 Chair Cassel: Well this is the material I received.

30
31 Commissioner Bialson: I am looking at the plans.

32
33 Chair Cassel: I don't seem to have those plans.

34
35 Commissioner Lippert: Phyllis, we have reduced plans. They are the same plans just ours are
36 reduced.

37
38 Chair Cassel: Some people got big plans and some of us got little ones?

39
40 Commissioner Bialson: We can discuss that.

41
42 Chair Cassel: Okay, go ahead.

43
44 Ms. El-Guendy: If I may just note what is shown on the most recent site plans that were
45 submitted is actually a total of 260 parking stalls including the accessible parking spaces which I
46 understand may increase in the future plan submittals.

1 To answer your question with regard to the signalization it was evaluated under the 2008 traffic
2 volume conditions as well as the 2015. It was warranted based on only the peak hour traffic for
3 year 2015 but it was not warranted for the rest of the volumes in terms of the pedestrian crossing
4 volumes, collision statistics at intersection, visibility conditions and so forth. So it was
5 determined that the only peak hour warrant was not sufficient to recommend the signalization of
6 this intersection for year 2015.

7
8 The cost of signalization really varies. For a T-intersection like that it could be in the range of
9 \$150,000 to \$200,00. What the project would be responsible for is only their share and the City
10 would have to pay for the rest, which is the majority really of the dollars. So it was not
11 recommended for this intersection.

12
13 Commissioner Bialson: In doing that analysis what did you consider given the reconfiguration
14 of this parcel that we are now dealing with that the number of automobiles coming out of that
15 ancillary exit would be going right? We have no figures for that at this point.

16
17 Ms. El-Guendy: What we have used for the turning movements at this intersection is what was
18 counted for the existing buildings, 2370 which is across the street on Watson Court because one
19 of their two parking lots is off of Watson Court in addition to the trips being generated by the
20 proposed project. I should also note that we did not give credit of existing uses on the site when
21 we analyzed the gap analysis as well as the warrant analysis. We have taken them as is the full
22 number of trips that will be generated off the project without existing uses.

23
24 Commissioner Bialson: I guess my point still is we have changed the configuration of traffic
25 there once we have all the cars pouring out of that secondary exist going right and that may
26 remove the gaps you are speaking of and thereby affect those trying to make a left turn off
27 Watson. I don't see how you have done that study.

28
29 Ms. El-Guendy: This was actually taken into consideration in distributing the project trips and
30 assigning them at the two driveways. We have considered the secondary driveway, which is to
31 the north as only right in/right out so we focused all of the left turn movements at Watson Court,
32 all of them.

33
34 Commissioner Bialson: Correct, but did you consider that all the right turns would reduce your
35 number of gaps with respect to coming out?

36
37 Ms. El-Guendy: Yes.

38
39 Commissioner Bialson: Thank you.

40
41 Chair Cassel: Lee, you have a question?

42
43 Commissioner Lippert: Yes. I am still not clear on this. The curb cut that is on East Bayshore
44 traffic coming in there would be able to come south on East Bayshore Road and make a right-
45 hand turn into that driveway.

46
47 Ms. El-Guendy: Yes.

1 Commissioner Lippert: Traffic coming out of there would have to make a right-hand turn they
2 could not make a left-hand turn.
3

4 Ms. El-Guendy: Yes, that is correct.
5

6 Commissioner Lippert: So technically if somebody wanted to get onto Bayshore Freeway, 101,
7 what they would have to do is exist through Watson Court, make a left-hand turn at East
8 Bayshore Road and then make another left-hand turn at Embarcadero to zip onto the Bayshore
9 Freeway.
10

11 Ms. El-Guendy: Yes, that is correct and the reason that it was designed and distributed this way
12 is because the secondary driveway is too close to the intersection of Embarcadero with East
13 Bayshore. So we didn't want to allow full access, which would actually impact the operations at
14 the main intersection that is nearby.
15

16 Commissioner Lippert: So I guess the question that I am leading up to here is why not just
17 simply restrict traffic from exiting from that curb cut at all and just have it a one-way drive,
18 right-hand turn in only and forget about exiting that way? Then make everybody exit through
19 Watson Court because people that are going south are going to have to head basically in that
20 direction anyway.
21

22 Ms. El-Guendy: Yes, I understand. We did discuss it with the project representatives. The
23 thought was to properly serve the site plan it is desirable to have two access driveways even if
24 one of them would be only right in/right out.
25

26 Chair Cassel: Is there need for emergency vehicle access as well? Is that one of the reasons?
27

28 Ms. El-Guendy: Well, the emergency services would be allowed access at both and it is
29 beneficial to have two driveways to serve the overall site.
30

31 Chair Cassel: Pat, you had a question?
32

33 Commissioner Burt: Yes. Could I get clarification regarding the TDM program? Is it going to
34 be mandated on the development?
35

36 Ms. El-Guendy: No it will not it will be optional for the future employers that will be using this
37 site which was the reason that we didn't dictate a monitoring program and we didn't allow the
38 project any credit for this TDM program. We didn't give them any percentage of reduction in
39 their trips to reflect the TDM program.
40

41 Commissioner Burt: So is that because the traffic impact doesn't require a TDM program is why
42 it is not mandatory?
43

44 Ms. El-Guendy: Yes, that is correct but it is still from our perspective it is desirable to have a
45 TDM program and the hope that we will work with them in the future.
46

47 Commissioner Burt: Can Mr. Baer add his comment to that?
48

1 Chair Cassel: If you would like to hear that, yes.

2
3 Mr. Baer: I think the applicant had agreed that a condition of approval be that a TDM program
4 be adopted and it would be imposed on a future tenant. We did not take any credit for the
5 potential trip reduction, which means that there isn't a monitoring but it didn't reduce the impact.
6 I wish somebody would ask me a question on gap analysis since I became such a student of that
7 issue and I think what I would say is comforting.

8
9 Commissioner Burt: Okay, just a sec. I want to make sure I understood correctly that the
10 applicant would accept the TDM program as a condition of approval.

11
12 Mr. Baer: Yes.

13
14 Commissioner Burt: What was it you want to say about gap analysis?

15
16 Mr. Baer: Of course this is a highly, highly considered issue that moves beyond being technical
17 when it is on a close call. I am sorry I don't have the traffic study here but we really spend a lot
18 of time and Heba is as fine and diligent a worker as there is in the quality of this report,
19 independent analysis and the Staff supported analysis is really extraordinary and is a standard
20 that is going to be met for future projects. I really want to compliment Heba and it is a challenge
21 for an applicant.

22
23 It is not a close call in this way, I don't have the traffic study right in front of me, but these
24 would be the questions I would ask that I am going to give you what the solution is. The number
25 of gaps available for right turns from Watson Court are 11 times the number of gaps necessary
26 for the traffic generated by this project taking no credit for the existing trip generation. The
27 number of gaps available for left turns is 5.6 or 6.7 and again without the study in front of me I
28 don't have the precise answer. How are those determined? How many seconds does it take for a
29 car to turn right? And how many seconds does it take for two cars to be able to turn right? That
30 is what a gap analysis is. How many seconds does it take for a car to make a left turn without
31 danger and if there are three seconds more can two cars make a left turn? But the issue that I
32 wanted to point out is that the number of trips that this project generates exiting the site left and
33 right at peak hour and when you look at how they are stretched out over 60 minutes at its greatest
34 hour of use it is not a great number. Secondly, I really do mean to say this 11 and five times
35 factor was part to say there is such comfort in the fact that perhaps the trips being generated
36 today are fewer because of some vacancy but it is not a close call.

37
38 Second, on the signalization, this is one where we would hold to the CEQA standard. If there is
39 no nexus compelling an applicant to mitigate an impact that does not exist then you can't compel
40 that. This happens to be one of those cases where very rigorously the traffic has been analyzed
41 and there is no signal warrant again until the year 2015. Heba could answer those with great
42 precision but we worked so hard at looking at the data and it sounds like an applicant's made-up
43 story but it is that magnitude of opportunity for gap, 11 times for right and five or six times for
44 left that provides an enormous cushion for the many concerns about are we taking into
45 consideration the site exiting right on its East Bayshore entrance and is that going to impact the
46 left turn opportunity on Watson Court? They are not a close call is what I am saying.

47
48 Chair Cassel: Bonnie.

1
2 Vice Chair Packer: I have a question on the shifting parking number. The preliminary landscape
3 plan that was in our packet does that reflect this new number that you mentioned of 260 parking
4 spaces? The reason I am asking is if the number of parking spaces changes how will that affect
5 if at all the landscape area that we see in the plans before us? How can we make a decision
6 tonight if that is going to be a moving target?
7

8 Chair Cassel: You are asking that of Staff?
9

10 Vice Chair Packer: Yes.
11

12 Mr. Emslie: Let me make a general statement first. I was going to talk about this when we got
13 into the design and site issues, which we seem to be at now. This is an unusual process peculiar
14 to Palo Alto. I have never encountered it before in my 25-plus years of experience where you
15 have two Boards and Commissions with the same overlapping oversight. In this case in the
16 Baylands in the D overlay both the ARB and the Planning Commission have architectural and
17 site authority over this site. You dealt with this in a way last time when you ended up as the
18 majority of the Commission decided to delegate that to the ARB which it is perfectly within your
19 purview to do that it is not required because your purview is established by code and it does
20 include this. We are strongly recommend as a way to deal with the 12 different people that both
21 the ARB and the Planning Commission offering various viewpoints on Site and Design issues
22 and in this case landscaping and where there is a landscape reserve that the Planning
23 Commission reserve its role in terms of Baylands compliance, policy analysis, a higher level land
24 use review but because you also have a lot of experience in the community both living here and
25 practice of your role as a Commissioner you provide advice and comment to the ARB for
26 concerns that you would like them to address. In the case of landscape reserve and the number
27 of parking spaces they would not be able to change the configuration of the parking and reduce
28 the amount of landscape area that is being provided. They would be able to reconfigure that in
29 some way by reconfiguring the islands in between parking and a lot of the details which frankly
30 the ARB has a great deal of experience and does deal with them extremely well. We get great
31 projects because of that incredible laser focus that they have in looking at those details. So we
32 think that the Commission's time would be best served in providing general guidance in terms
33 we want to maximize the amount of landscaping on this site, we don't want to see it reduced and
34 if you can try to increase it where possible where it makes an impact. But for us to kind of try to
35 overlap that review I don't think it is a productive use of your time and two I don't necessarily
36 see it leading to a better product. That is basically my opinion and my strong recommendation as
37 to how you might handle those issues that overlap with the site and architecture.
38

39 Chair Cassel: In the case of parking I wouldn't dare try to argue with the ARB about how the
40 layout would go. However, we are talking about a situation where our code requires 244 parking
41 spaces and we have an owner that wants to put in more. My sense from what I have is that rather
42 than putting some of that space in landscaping so you could use it in the future if you needed it
43 that all of the area that would accommodate the larger number has been put down in impervious
44 surface to be worked out as to how that would fit later. Landscape reserve means that it is
45 impervious in addition to the other open space it is pervious surface that can be used later as
46 impervious surface if it is needed and demonstrated. So my concern is that we aren't providing
47 impervious surface for 276 spaces and leaving none of the land in reserve. So it is a much more
48 general question. I don't want to encourage more cars to be used by having more spaces and

1 two, I don't want to cover more land, especially out in this area but anywhere, than I need to
2 cover for the spaces.

3
4 Mr. Emslie: Let me just respond very quickly. We don't recommend that. We don't
5 recommend putting in a certain number of spaces in pervious coverage that someday they can be
6 repaved or used if they are needed. We feel as a Staff that you have ample amounts of landscape
7 area. As you know when we rezoned this site it is the lowest intensity industrial zone that we
8 have in the Baylands and it has the highest requirement for open space. They are exceeding that
9 and I am sure someone here could tell you by a double-digit percentage. It is a great bonus of
10 landscape area. We don't see that there is a direct value. We think we would be giving up some
11 future flexibility in the tenancy and occupancy of this building. We all know we have plenty of
12 job producing uses and plenty of offices. There are other uses that are allowed in the LM zone
13 that are more parking intensive that are more retail oriented. I can tell you we have a tremendous
14 demand for example health and fitness clubs. If that were to be located in the site we think that
15 would be a very good use. It would serve the employment population. It could possibly take
16 some midday trips off for employees that would use this instead of going Downtown, going up
17 Embarcadero or Oregon Expressway to workout at lunchtime. We think those would absolutely
18 good uses but they require more parking. So because we are able to achieve our objectives of
19 having a very well landscaped green site and have the flexibility to introduce uses that may
20 require more parking and provide necessary services for this area. We think it is good balance
21 and it is our strong recommendation that we not start looking at putting in spaces in reserve. We
22 think that would be a disincentive for uses that we would like to encourage.

23
24 Chair Cassel: Thank you. Michael.

25
26 Commissioner Griffin: I am going to come back to this traffic issue. Heba, speaking for myself,
27 I have really very vivid memories of what the traffic situation was like in that part of town during
28 1998, 1999, 2000 and 2001. It was awful. In my opinion it was just really bad. Here we are
29 looking at a project that is if you look at it today it is out of context. I want to put this project
30 back into the context that I think is coming down the road literally as well as figuratively. I
31 realize that your engineering study say not to worry but I want to tell you that experientially I am
32 not convinced. I am really concerned about the impact that this project in the correct context is
33 really going to have in less than ten years from now. Nothing that I have been presented with
34 tonight really

35
36 Chair Cassel: Do you have a question?

37
38 Commissioner Griffin: My question is how can you convince some of us non-believers or
39 maybe this non-believer that we aren't really looking at a dangerous situation coming forward?

40
41 Ms. El-Guendy: I think maybe part of your concerns are because you weren't provided with the
42 complete traffic study that was conducted for this project. I should note that even under the 2015
43 traffic conditions the project in this location would operate under acceptable conditions. When
44 we came up with the 2015 traffic volumes as part of updating the traffic-forecasting model we
45 didn't just include all approved and pending projects with the City of Palo Alto. We have taken
46 into consideration the developments within the surrounding cities from the information that VTA
47 provided us with and I contacted the different cities to get information about their projects. We
48 have also taken into consideration any shifted traffic because of congestion on highway 101

1 because Cal Trans is planning improvements to highway 101 north and south of Palo Alto
2 without the segment that is actually abutting the City of Palo Alto which would divert some of
3 the traffic to the major roadway network within the city. So when we came up with the volumes
4 for 2015 we were very conservative. I fully appreciate your concern but based on the numbers
5 and analysis we have conducted there are no impacts to be concerned about at least up to 2015.
6

7 Commissioner Bialson: Follow up?
8

9 Chair Cassel: Do I have two follow-ups? Pat and then Annette.
10

11 Commissioner Burt: Just as follow up one of the points that I think you made at the outset is that
12 there are changes in the smart signal system that is going to occur.
13

14 Ms. El-Guendy: Yes.
15

16 Commissioner Burt: That maybe is one of the reasons that a comparable traffic volume to what
17 we had in 2001 will not necessarily have a comparable congestion to what we had in 2001. Is
18 that correct?
19

20 Ms. El-Guendy: Yes that is correct. The changes in the signal operations and the deployment of
21 adaptive signals along the Embarcadero corridor are not just based on the volumes but we have
22 also checked the collision statistics at this intersection. Some of them could be mitigated through
23 signal timing improvements at this intersection, which is what we are planning to achieve from
24 the improvements conditioned on this project.
25

26 If I may add something small about the parking. Just from a design perspective for the parking
27 layout if additional parking stalls are needed in the future we don't necessarily have to takeaway
28 from the landscaped area. There are other means like for instance the middle isle with the
29 perpendicular parking stalls could be extended as long as the turning movements would not be
30 restricted and the isle widths would still correspond to our ordinance requirements. We could
31 change the circulation system within the parking area to one-way circulation and change the
32 configuration of the parking stalls based on that. There are other means that we can proceed with
33 without touching the landscaped area.
34

35 Chair Cassel: Thank you. Annette.
36

37 Commissioner Bialson: You mentioned that you are looking for some improvement by Cal
38 Trans and these improvements would be north and south of Palo Alto. Would those
39 improvements take the traffic that now comes off on Oregon Expressway into this
40 intersection...you are saying something?
41

42 Mr. Emslie: I think what Heba was saying is that when we did our traffic forecasting and you
43 may recall we talked about this issue when we did the Charleston/Arastradero corridor that in
44 2015 our traffic goes up dramatically. The reason for that is that all the traffic forecasting shows
45 that our neighbors to the north and the south will have a wider 101. The model does not include
46 because of our policies that disprove any increase in 101 right-of-way will narrow. What the
47 traffic forecasts is that because ours will narrow it will be a bottleneck and people will get off of
48 the freeway because they will be stopped and they will get onto our surface streets. That will be

1 an increase in traffic. So say they want to get off at University when they are coming up from
2 San Jose they are going to get off at San Antonio and they are going to take Bayshore. More
3 cars are going to do that because our section will be clogged because we do not promote
4 widening whereas areas outside of our jurisdiction are going to be adding more cars to our
5 section of 101. I think Heba is saying we have taken that into account so we have accounted for
6 the possibility of a higher influx of traffic coming onto our street system as a result of that
7 phenomenon of 101 staying narrow in Palo Alto and wider in Menlo Park and in Mountain
8 View.

9
10 Commissioner Bialson: That goes to my point that more people will be coming off 101 on
11 Embarcadero as the earliest place that is relatively convenient to get across to the Dumbarton
12 Bridge.

13
14 Mr. Emslie: Even those trips do not trip impacts. Even when you account for the worst case of
15 more cars using our streets rather than the freeway it still does not affect the recommendations
16 that you have.

17
18 Commissioner Bialson: So that is not going to make that intersection any worse than it is at this
19 point. It is F now and it is going to continue to be F?

20
21 Ms. El-Guendy: Actually for the 2001 traffic volumes it is E not F. It will go to F in 2015. If
22 we look at the volumes for 2001 and 2008 and compare it to the 2015 volumes it increases
23 significantly because of the shifted traffic. With the improvements that are planned for this
24 intersection it should mitigate.

25
26 Commissioner Bialson: So you are talking about your models and your predictions?

27
28 Ms. El-Guendy: Yes.

29
30 Commissioner Bialson: Thank you.

31
32 Chair Cassel: Bonnie and then Lee.

33
34 Vice Chair Packer: So if I understand you correctly in 2015 the situation will deteriorate to F
35 under this worst case but not because of this project but because of so many other things that are
36 happening. Is that correct?

37
38 Ms. El-Guendy: Yes, that is correct.

39
40 Vice Chair Packer: Also another point is that the 2015 numbers are built on Michael's
41 experience in 2001 plus 1.2 percent growth compounded for each year, is that correct?

42
43 Ms. El-Guendy: Yes but the 2015 actually goes a step further not just the growth locally but the
44 regional growth and the improvements planned for highways and so forth.

45
46 Chair Cassel: Lee.

1 Commissioner Lippert: I just want to clarify something that Steve Emslie said earlier which is
2 both the ARB and the Planning Commission are both doing Site and Design Review for this but
3 we each have different standards. The ARB is really looking at it from a quality and character
4 point of view. They have their 16 points of review that they are supposed to be looking at this
5 project with. We are looking at this from a zoning and use point of view, which brings me to my
6 next question. There is a contradiction in something that you had said earlier which I need
7 clarification on which is that it says here in the report in the first paragraph is that there are
8 4,000-plus or minus square feet of exempt floor area, which would then go into something like a
9 gymnasium or a cafeteria. Then you stated later that that would help in terms of reducing trip
10 generation, people at lunchtime would either go to the cafeteria or they would go workout, but
11 hopefully what we would see is that if an athletic club was located there they might use that and
12 draw on other people coming there which would increase the number of parking spaces. So we
13 have exempted 4,000 square feet from parking but yet we are looking at an increase in parking so
14 shouldn't we be looking at overall where the landscape reserve would be as part of the Site and
15 Design Review overall?
16

17 Mr. Emslie: I think my example was that the 4,000 is proposed as internal and serving a smaller
18 amount of square footage that would be restaurant or cafeteria or workout rooms that would be
19 ancillary to the primary use as an office. What I was referring to is the possibility that a larger
20 amount of the ground floor if not maybe all of it could be taken over by health club and it would
21 not be ancillary it would be the primary use. Therefore, it would attract other trips hopefully
22 from the surrounding employment area that would help shorten trips but not take them off the
23 streets completely. So I was referring to the fact that there is a possibility that the larger amounts
24 of the office area, what is anticipated to be office, could be put into so other recreation or retail
25 use and not be accessory to the principle use as office.
26

27 Commissioner Lippert: Typically thought when ARB does review of parking though and putting
28 parking into landscape reserve the plan shows the maximum build out in terms of parking and
29 indicated on the plan would be those spaces which would be put into reserve and that is the way
30 it would be built at the time a building permit would be issued but in the future the tenant has the
31 ability to reclaim those.
32

33 Mr. Emslie: The reason we are not recommending that is that because the end-user is not
34 known, there is a distinct possibility that there could be a higher more retail oriented use, higher
35 parking generating use that could be the primary tenant that the building would be built for and
36 the plans would already be approved for the excess parking that may be required for that type of
37 use. We think that provides a sales or marketing point to attract a tenant that might be more
38 parking intensive like a retail use.
39

40 Chair Cassel: Pat.
41

42 MOTION
43

44 Commissioner Burt: Well, I would like to make a motion. The motion would be to support the
45 Staff recommendation for approval of the project including the Mitigated Negative Declaration
46 and the finding that the project will not result in a significant environmental impact, approve the
47 Site and Design Review including the findings in the Draft Record of Land Use in Attachment A
48 and to add two conditions and one request. The conditions being that the support space of 4,023

1 square feet of exempt floor area be a condition of approval and that those uses are for internal
2 ancillary uses that would facilitate trip reduction by keeping employees on site more and second
3 that the TDM program be a condition of approval under the guidelines that are within the Staff
4 Report. Finally, the recommendation to ARB and to the applicant that the landscaping on the
5 balance of the site pursue as many opportunities as possible to integrate compatible indigenous
6 landscaping to whatever degree possible.

7
8 SECOND

9
10 Commissioner Lippert: I will second that.

11
12 Chair Cassel: Pat, would you like to speak to your motion?

13
14 Commissioner Burt: Yes. First I would like to say that I think the improvements to this project
15 versus the previous project that we had seen for the same site are very extensive. I think they are
16 generally quite favorable and I would like to commend the applicant for coming forward with a
17 project that I think is going to meet many of the objectives of the Baylands Master Plan and
18 result in not only a significant improvement over the prior project proposed but also over the
19 prior buildings that are already on the site now and evolve us toward the sorts of development in
20 the Baylands that we are striving for. I think that many aspects of this project are going to be a
21 model for the community, the sustainability aspects and the TDM program and the native plant
22 landscaping and I think that the applicant should be quite proud of the project that they are now
23 bringing forward for the community and I think it represents a model project in a lot of ways and
24 I hope that we can continue with these sorts of themes as other buildings in that area likely to be
25 redeveloped from grade B to grade A commercial.

26
27 Chair Cassel: Lee, do you want to speak to your second?

28
29 Commissioner Lippert: Yes. I know we are not supposed to speak to the previous submittals but
30 having been involved in reviewing this site from day one I agree with Pat that this has come
31 really a very, very long way in terms of development of the project. Originally, this project was
32 presented and it had looked like a building that was a spec building out in Fremont on the other
33 side of the Dumbarton Bridge. The applicant has done significant work to really make it a
34 building that I think will do very well and be the gateway to the Bayshore area.

35
36 I do have some minor concerns with regard to the project and I alluded to that in the very
37 beginning with my line of questioning with regard to the height of the building. This is where I
38 would like to sort of add a cautionary footnote which is that with the required fill that is
39 necessary on that site and with leaving the parking at approximately the existing grade we are
40 looking at an overall building height that is somewhere on the order of about 45 feet. Now
41 mitigating that of course is this row of eucalyptus trees but they are not a native species here.
42 One of the concerns that I have is that one day Cal Trans is going to come along and that row of
43 eucalyptus trees is going to become cordwood somewhere, actually you shouldn't burn
44 eucalyptus, but it is going to become a pile of rubble and that building is going to be exposed.

45
46 What I would like to add as an amendment to the motion is that story poles be erected for the
47 building to get an idea as to the height and configuration of the building for review by the
48 Architectural Review Board.

1
2 Commissioner Burt: I think that would be helpful for the ARB review. On the prior project I
3 took the overpass there and did my own best estimates of story pole heights in relation to the
4 eucalyptus. This whole issue of building height versus elevation from street grade is one that we
5 are going to have to struggle with in the Baylands in general and I don't think that we can just
6 stick with a formulaic approach that says well, by the way we calculate it it is only this high
7 when in fact we are building buildings today upon earthen pedestals out there. Nevertheless this
8 project I think has enough improvements from our Site and Design standpoint I would still
9 support the project but I think that that is something that would be helpful for ARB's final
10 review.

11
12 Commissioner Lippert: Thank you.

13
14 Chair Cassel: I assume that you are going to accept that.

15
16 Commissioner Lippert: I am going to accept that and I am just going to add to that a little bit
17 more just to say that with the eucalyptus trees possibly gone in the future because of the PUE
18 easements that are there, the Public Utility Easements, it won't be possible for the owner to be
19 able to adequately screen the building in the future if those eucalyptus trees are gone.

20
21 Chair Cassel: I am going to start now with Karen and work back.

22
23 Commissioner Holman: I did not raise a point of order but I do out of courtesy or maybe it is
24 wrong of me but we had not been asked if we were complete with our questions and I did have
25 one quite significant question. We went straight from questions to a motion without going
26 through discussion.

27
28 Chair Cassel: We can do that when we have had extensive discussion. Do you have another
29 question you would like to ask?

30
31 Commissioner Holman: The point is we didn't have discussion we had questions. So my
32 question is this, yes, where is the pedestrian/bike commitment made? It is not in the conditions
33 of approval. Where is that transfer made? Where is it committed?

34
35 Chair Cassel: Do you mean is it in Attachment A?

36
37 Commissioner Holman: I did not find it in the Staff Report. It is referenced but it is not in the
38 conditions of approval and I see no other document that commits it unless I am overlooking it.
39 So I am looking for where it is committed, how do we know we are getting the pedestrian/bike
40 path?

41
42 Ms. El-Guendy: It is actually shown on the site plan. If you like it to be edited in the list of
43 conditions we would gladly do that but the land dedication is shown on the site plan.

44
45 Commissioner Holman: I know that it is but my discomfort and I have a list of things I am
46 uncomfortable about.

47
48 Chair Cassel: Karen, they said that they would put it in the conditions. Is that all right with you?

1
2 Commissioner Holman: Well it is up to us to add it to the conditions of approval.
3
4 Chair Cassel: Right but they are willing to do that. If you are interested I will check with the
5 seconder and the maker of the motion.
6
7 Commissioner Holman: Yes, I would ask that the maker of the motion accept as a condition of
8 approval as a friendly amendment to the motion to add the dedication of – and I am not sure
9 what the language is Staff will have to help me with this, if it is the transfer of the land or if it is
10 an easement, I am not sure how it should be handled.
11
12 Mr. Emslie: We will put the wording in we understand the amendment that you want that added
13 as a condition. It would reinforce what is already required as a part of the site plan. So it would
14 just be putting it in two places, which is fine we agree to that.
15
16 Commissioner Holman: And the maker and seconder would approve that?
17
18 Commissioner Burt: Yes, I would accept that.
19
20 Chair Cassel: Let me explain to Lee. What she is doing is adding into Attachment A a condition
21 that the bike path be included as one of the conditions.
22
23 Commissioner Lippert: Yes I got that as the general drift of where you were going. That's fine.
24
25 Commissioner Holman: Then I had one last question, which is one minor question and then one
26 other question regarding the height as Commissioner Lippert referenced. I am not clear why 70
27 percent of this building is at the maximum height indicated on the plan. I am not clear why it is
28 necessary for 70 percent of the building to have the essentially 45-foot height.
29
30 Mr. Emslie: With the equipment screen? Someone might correct me but I think it is because
31 they are putting extensive photovoltaics on the roof. So the footprint of the equipment would be
32 much smaller without the photovoltaic because it would just be the HVA system and any other
33 mechanical but because of the extensive array of photovoltaic they have a bigger footprint to
34 screen.
35
36 Commissioner Holman: A clarifying on that then. The photovoltaic I don't think stand up very
37 high so would they be even visible from the ground without a parapet?
38
39 Mr. Emslie: I understood in the previous questioning that the photovoltaics were going to be
40 behind the screen. We might want to get that clarification but that is how I understood the
41 response earlier.
42
43 Commissioner Holman: I follow that that the photovoltaics would be behind the screen. The
44 clarification I am looking for is the photovoltaics I don't believe stand very high so if you
45 looking from the ground up at the building is it necessary to have the screening because would
46 you not be able to see them anyway?
47
48 Mr. Emslie: Good question.

1
2 Chair Cassel: Let me ask the applicant.
3
4 Mr. Baer: Along with the landscape review we would accept that we look closely at the
5 relationship of the size of the roof covered by the screen and the photovoltaics to consider a
6 reduction of that size if possible.
7
8 Commissioner Holman: Would the maker and seconder of the motion consider that as either a
9 friendly amendment condition of approval or as a recommendation to ARB way one or the
10 other?
11
12 Commissioner Burt: Yes, I think it would be best to accept it as a recommendation to the
13 applicant and ARB to look at minimizing the screening to whatever extent possible both the
14 height and the lateral extent of the screening.
15
16 Commissioner Holman: Then my last minor...
17
18 Commissioner Burt: We have to hear from the seconder.
19
20 Commissioner Holman: I apologize.
21
22 Chair Cassel: I need to get it written down. Go ahead Lee.
23
24 Commissioner Lippert: I will accept that.
25
26 Chair Cassel: Just a minute. Look at minimizing the screening height and lateral, what was the
27 next word?
28
29 Commissioner Burt: The lateral extent of the screening.
30
31 Commissioner Holman: Then my last and it is more of a minor point but it is one that is of some
32 concern on the conceptual plans for the welcome to the Baylands sign it talks about green
33 pressure treated poles. I would just suggest that PT is pretty noxious material especially going
34 into a sensitive environment. So I would suggest that pressure treated wood not be used.
35
36 Commissioner Burt: Is the design of that part of the conditions of approval or something that
37 simply could be readdressed?
38
39 Mr. Emslie: I think it is an issue that would be readdressed.
40
41 Commissioner Burt: So Staff agrees to readdress that and if it is all right with Karen we won't
42 have that as a condition of approval but we will ask Staff to do that.
43
44 Mr. Emslie: I think we can address that, absolutely.
45
46 Chair Cassel: Okay? Annette.
47

1 Commissioner Bialson: Yes, going back to my concerns about traffic impacts here I continue to
2 be very concerned about that secondary access road in somewhat for it's ingress possibilities as
3 having a difficult effect on the intersection of East Bayshore and Embarcadero but I absolutely
4 feel that traffic coming out that secondary access is going to cause difficulties for not just people
5 leaving this particular project but that entire East Bayshore area. So I would ask if you would
6 accept a friendly amendment indicating that the secondary access should be used only for
7 ingress. I think that takes care of your safety issues for Fire Department, ambulance, etc. and not
8 allow any egress from that secondary driveway. It is my only amendment.
9

10 Commissioner Burt: The reason for my hesitation was hearing the Staff response. I would be
11 open to Annette if you would permit having Staff give additional response to their thoughts on
12 that recommendation. Is that all right?
13

14 Commissioner Bialson: That is fine. I don't think you are going to have any change in their
15 appraisal. I am just going on 35 years of living in this area and dealing with that intersection
16 quite often.
17

18 Commissioner Burt: So if that other curb cut were only ingress are there substantial problems
19 that Staff perceives would result from that?
20

21 Ms. El-Guendy: There will not be substantial problems but some things will need to be
22 reevaluated because all of the existing traffic will be out of Watson Court whether right turn or
23 left turn. So gap analysis, signal warrants will need to be reevaluated for the numbers to be
24 correct. In terms of findings it is not going to change – I don't believe it is going to change the
25 findings.
26

27 Commissioner Burt: Annette, would you be receptive to that being a recommendation that Staff
28 reevaluate that prior to submittal to Council and pursue the feasibility of that? I just am hesitant
29 as to whether we can draw a conclusion tonight on the technical merits of that.
30

31 Commissioner Bialson: I am a little concerned about that because I will vote against this motion
32 if we don't have that provision in it. Merely asking for a review or a consideration of that by
33 Staff and having this project go forward I am very concerned about. This project, I agree with
34 you, Pat, is a much better project than it initially was but I feel like we are sort of rewarding the
35 applicant for coming in with a terrible project initially so we all feel great about this one. I have
36 seen it happen before and I don't like the process but here we are again and I would like to deal
37 with this at this point we have a project with a very sophisticated applicant and a very
38 sophisticated team dealing with Staff and I would rather make a decision ourselves. This will go
39 before City Council and Staff can come forward with their opinion at that point that it does not
40 work with this additional amendment.
41

42 Commissioner Burt: Because of my feeling of a lack of present technical basis for making that
43 as a condition of approval I wouldn't be able to accept it as a friendly amendment but I would be
44 receptive to any Commissioner making it as a recommendation to Staff to pursue this as a
45 favorite alternative prior to submittal to Council.
46

47 Chair Cassel: I haven't heard any other comments on that. Did you want to do that? I am going
48 down the line for comments.

1
2 Commissioner Bialson: I think I will wait for a vote on your motion and then I will do a
3 substitute motion.
4
5 Chair Cassel: Michael.
6
7 Commissioner Griffin: I tend to be supportive of Commissioner Bialson's concern about the
8 traffic situation and if anything my concerns transcend hers. I really am worried about the
9 impacts on that stretch of road that this project is going to bring in future years. At this stage I
10 am not going to support the motion.
11
12 Chair Cassel: Pat.
13
14 Commissioner Burt: Maybe the City Attorney is going to slap my hand for this but when we had
15 this prior project or a prior project it had a certain ingress and egress pattern. Does Staff recall
16 how that differed from what we have before us on ingress and egress given that this Commission
17 approved the traffic flow pattern at that time?
18
19 Ms. El-Guendy: It was initially a full access but what was approved by the Commission was
20 right in/right out at the time.
21
22 Commissioner Burt: So comparable to what we have right here.
23
24 Ms. El-Guendy: Yes.
25
26 Commissioner Burt: So these same Commissioners approved that same pattern last time.
27
28 Ms. El-Guendy: Yes.
29
30 Commissioner Burt: Thank you.
31
32 Chair Cassel: Did you want to say anything else, Michael? Then we will work down to Bonnie.
33
34 Commissioner Griffin: Well, nothing more than to say that this is a new project and I guess we
35 all the right and ability to change our mind.
36
37 Chair Cassel: Bonnie, you are next.
38
39 Vice Chair Packer: I am going to support the motion and I have a question for Pat on one aspect
40 of it. I also want to speak to the concern that Annette raised about that driveway. So first my
41 question was about your request with regard to landscaping. Was that simply a request that
42 applicant and Staff consider indigenous plants but not make a condition of approval?
43
44 Commissioner Burt: It was a request that the applicant and the ARB pursue all reasonable
45 alternatives to using native plants in the balance of the project. That was I believe somewhat
46 consistent with the applicant's indication that they were willing to pursue that and Staff's
47 indication that that is something that could fall under the ARB review process.
48

1 Vice Chair Packer: So my comment is this, I am not a botanist or anything like that, but I am
2 aware that currently the Baylands does have a lot of non-native trees especially because trees are
3 not native to the Baylands yet they seem to be very much a part of the current ecological system.
4 I was out looking at the egrets nesting in the trees around the duck pond, which are certainly not
5 native, but it really does enhance the life out there. So I am not certain what we mean when we
6 say indigenous. I would wonder if you would just clarify your request to say indigenous and/or
7 compatible with the current Baylands environment. The reason that this might be helpful is that
8 when and if those eucalyptus trees reach the end of their useful life if there are other kinds of
9 trees that could be planted to screen the concrete that are not indigenous because the Baylands
10 don't have trees but certainly compatible. Would that meet your concerns?
11

12 Commissioner Burt: I think I am okay with that distinction. We have an oddity here and really
13 throughout the Baylands because what was once swampland is no longer swampland. So what
14 were the plants that were formerly on these lands really are today not the replacement
15 alternatives that would be considered. They are not plants that can exist in brine water and
16 things like that. What we have done with the Bay fill is we have created these lands down by the
17 Baylands and today they are more comparable to the lands that were originally between 101 and
18 Middlefield. They were dry lands and oak wood lands and grasslands and we had riparian
19 corridors where we had trees and larger bushes and richer vegetation. So yes, we cannot attempt
20 to prescribe that the vegetation in these development parcels will in fact be title land vegetation.
21 So your greater latitude in your recommendation I think is acceptable with an emphasis that we
22 are looking at what is the extent to which we can have indigenous species that would be at this
23 soil and transitional area. So that is a long answer to say yes.
24

25 Chair Cassel: Okay, let me see if I have got the writing of this down correctly. A
26 recommendation that the ARB and the applicant pursue landscaping on the balance of the site be
27 as compatible, which is what I had originally, as possible to

28
29 Mr. Larkin: Excuse me. Was that a clarification or was that a friendly amendment?
30

31 Commissioner Burt: I think we can use Bonnie's language which is a minor modification is to
32 the original motion that it would be either indigenous vegetation or compatible vegetation and
33 we will leave it with that latitude but the seconder has the prerogative of approval or acceptance
34 of the motion.
35

36 Chair Cassel: Lee.
37

38 Commissioner Lippert: I accept that and just in accepting that I want to say that the site is first
39 of all on the edge of the Baylands. Second of all the site is surrounded by eucalyptus which are
40 not native species anyway. So what you really need to do is create a vegetative corridor that sort
41 of makes a bridge between the bay area and the freeway and working at being able to screen the
42 freeway in a way. The last clarification that I want to make in terms of an inaccuracy I think that
43 Commissioner Packer had is that there are two zones there, which are PUEs in which they can
44 have nothing in those zones. So once those eucalyptus trees are gone they can't be replaced with
45 any vegetation at all.
46

47 Chair Cassel: Did you want to make any other comments on this motion?
48

1 Vice Chair Packer: Yes I am going to support the motion and for the reasons that Pat and Lee
2 have stated. It is a good project even though it has a height issue it is within the zoning and it is
3 setback so far from the edges of the property that I think the visual impact is not going to be a
4 negative one.
5

6 I do want to respond to the concerns about traffic. I think that the right ingress and right egress
7 on that East Bayshore Road driveway is appropriate. I don't see that it would really cause a
8 backup there is a dedicated right turn lane on Embarcadero Road from 101 that goes right there.
9 I don't see how – it is very smooth. It may only be an issue for people crossing Embarcadero
10 Road from the other side of East Bayshore but I can't imagine the backups that my fellow
11 Commissioners are imagining. So I think it will be fine with that driveway. Also I would be
12 concerned if there were no egress from that driveway. It would create a very negative circulation
13 problem within the site itself when people are leaving because the area in front of the building
14 going out to Watson Court looks like there is only room for one lane of cars. I could see all
15 kinds of backups just when people are leaving on the site itself. So I don't see the need to create
16 circulation headaches on the site. So those are my comments and I will support the motion.
17

18 Chair Cassel: I have some people on this end that would like to speak again. Karen, you wish to
19 make another comment.
20

21 Commissioner Holman: Yes. Perhaps I could add some clarity to the additional condition of
22 approval regarding the plants. There is, I would remind the Commission, an approved Baylands
23 Plant List. I think if reference was made to that as opposed to reference to indigenous and this
24 sort of thing I think it might be a little clearer what the intention is. Could I just offer that up?
25 Then I have just one other thing.
26

27 Commissioner Burt: Yes, I am not very familiar with the plant list. Is it predominated by
28 indigenous plants?
29

30 Commissioner Holman: That would be the purpose. Yes, it would be both plants that are
31 appropriate to the environment and also would survive the salty environment. So I think if the
32 Baylands Plant List was referred to and reviewed by the Planning Arborist for instance that we
33 would have probably where the Commissioners are trying to go.
34

35 Commissioner Burt: That sounds reasonable.
36

37 Commissioner Lippert: On the surface it sounds very reasonable unfortunately I don't think that
38 there are good quality trees in that list and that is really the main concern.
39

40 Commissioner Burt: Well if we were to have that as a recommendation then to the extent
41 feasible that be incorporated then I think that gives latitude.
42

43 Chair Cassel: It will be reviewed by an arborist anyway. That is part of the standing
44 proceedings and it will be reviewed by an arborist so that doesn't need to be added.
45

46 Commissioner Burt: So Karen, would your friendly amendment be to utilize the Baylands Plant
47 List to the extent feasible?
48

1 Commissioner Holman: I was just trying to – there seemed to be some struggle going on about
2 how to deal with plants and I was trying to add some clarity to that but if you don't want to
3 accept that as a clarification.

4
5 Commissioner Burt: No, I am asking would your friendly amendment be to include the
6 Baylands Plant List to the extent feasible. Would that qualify? I would be open to accepting that
7 amendment and I just want to provide enough latitude that we have given ARB, Staff and the
8 applicant the direction that we want to go. Everybody seems to be receptive to that. Your
9 recommendation of the Baylands Plant List seems to give greater guidance but I don't want to
10 handcuff people. I want to as much as you know that I am an advocate of this I want to allow a
11 certain amount of discretion based upon these guidelines.

12
13 Commissioner Holman: I would be fine with that if that is acceptable to both of you. Then I
14 have just one other thing.

15
16 Commissioner Burt: I would accept it.

17
18 Commissioner Lippert: Let me ask you, would you be inclined to vote in support of the motion
19 if that was included?

20
21 Commissioner Holman: My next comments will address that.

22
23 Commissioner Lippert: Okay, let me hear your next comment.

24
25 Commissioner Holman: I do have some comments and they are frustrations actually which I am
26 not happy to bring up but they are frustrations I think that need to be stated. This is a project that
27 has come a long way, it does respond so much better to the Baylands and its location as a
28 gateway. That said and not having anything to do with the project itself this is an unusual
29 situation and almost an isolated instance from my experience where we have a Site and Design
30 project that has come to us without benefit of color elevations, without benefit of a full
31 compliment of materials including paving, we did see the body material but we do have a charge
32 to review Site and Design. That is part of our charge. I am uncomfortable that a lot of the plans
33 say not just 'preliminary' but they say 'preliminary,' 'conceptual' and 'illustrative.' That leaves
34 me with a feeling that this not really a complete application ready for Planning and
35 Transportation Commission Site and Design Review. We did not receive the full traffic analysis.
36 These are frustrations that I have. I am frankly happy with the amendments that have been made
37 and appreciate Commissioners accepting and initiating those amendments. I do still have some
38 of the traffic concerns that other Commissioners have referenced. I think I would probably be
39 more inclined to support a motion that did change the egress out of the first driveway.

40
41 Commissioner Burt: First we have....

42
43 Chair Cassel: Wait a minute, I'll call on Lee. Do you want to accept that friendly amendment or
44 did you not?

45
46 Commissioner Lippert: Well on the face of it I am going to have to say no.

47
48 Chair Cassel: Okay, thank you. Go ahead, Pat.

1
2 Commissioner Burt: So I think Commissioner Bialson talked about wanting to address the
3 ingress/egress as a separate motion.

4
5 Chair Cassel: Would you like me to comment first? I think I am next. Well, I think maybe I
6 should talk before you make the next motion because I am going to support the motion. I would
7 like to have seen the traffic report first although it is very difficult to go through these things.
8 We have done it before and have reviewed them before and I think it might have saved us some
9 time this evening. I will support the motion and I would like to see and I don't know if this takes
10 acceptance or not this right exit is not in the conditions and is not on this report that I could find.
11 At least it isn't on the bottom of page one of Attachment A and I presume that you will just add
12 that in to that report if it passes. Pat, go ahead.

13
14 Commissioner Burt: Annette and I may be on the same page as far as the process on this but it
15 seems that there is strong good support on the Commission for the project as a whole and then
16 we have one issue that we have as divisive which is substantive but it is not fundamental, as I
17 would characterize it. So I would hope that we could as a Commission vote on the main motion
18 and then separately have a vote on the ingress and egress issue. Can we break those two up?

19
20 Chair Cassel: Don.

21
22 Mr. Larkin: The way to accomplish what I think you are getting at is to have a secondary
23 motion. The secondary motion would be subsidiary to your motion. It could be brought forward
24 first voted on and then return to the main motion.

25
26 Chair Cassel: She should make an amendment to the motion.

27
28 Mr. Larkin: She should make a secondary motion, something that is a subsidiary motion.

29
30 Chair Cassel: I am sorry I am having trouble with the term subsidiary. I am used to amendments
31 to motions or substitute motions.

32
33 Commissioner Burt: If I understood the City Attorney the secondary motion can precede the
34 vote on the main motion.

35
36 Mr. Larkin: Right because it does not change the main motion.

37
38 Commissioner Burt: That just seems like from a process standpoint that might be a good way to
39 address it.

40
41 Chair Cassel: Okay.

42
43 SECONDARY MOTION

44
45 Commissioner Bialson: Do I finally get heard now? What I would make is a secondary motion
46 asking that we provide, not speaking to the rest of the project but with regard to the ingress and
47 egress that is provided by the secondary access to alter that to allow for only ingress. That would
48 be my motion.

1
2 SECOND

3
4 Commissioner Lippert: I would second that.

5
6 Commissioner Bialson: I think we have spoken to it enough so let's vote.

7
8 MOTION PASSED (4-3-0-0, Commissioners Burt, Packer and Cassel voted against)

9
10 Chair Cassel: I really think I better ask though if there is anyone who would like to speak to that
11 in addition to those that have already spoken. Okay. All those in favor of the amendment to the
12 motion please say aye. (ayes) Opposed? (nays) I believe that passed four to three with Karen,
13 Annette, Michael and Lee voting in favor and Pat, Bonnie and Phyllis voting against.

14
15 Now let's bring us back to the main motion. I think we have all had enough to say on that I
16 would like to call the vote. All those in favor please say aye. (ayes)

17
18 Commissioner Bialson: A clarification. This is with respect to everything in that main motion
19 except the

20
21 Chair Cassel: The main motion now covers the egress as you passed it.

22
23 Commissioner Holman: Should the main motion be restated?

24
25 Chair Cassel: Oh lovely, yes, it should be. Let's go from scratch on this one. The motion is that
26 we approve the Mitigated Negative Declaration with a finding that the project will not result in
27 significant environmental impacts and approve the Site and Design Review application to allow
28 the construction of a new office building in the LM(D)(3) Limited Industrial Combining District
29 based on the findings in the Draft Record of Land Use Action, that we support the space of 4,020
30 square feet that it be a condition of approval, that the TDM program be a condition of approval,
31 recommendation that the ARB and the applicant pursue a landscaping with indigenous or
32 compatible plants for the balance of the site to be as compatible as possible to the environment,
33 that story poles be erected for the ARB review, that the ARB look at minimizing the screening of
34 the height and the lateral extension of the screening. I believe that was it, right?

35
36 Commissioner Holman: No, there was one more the bike and pedestrian path.

37
38 Chair Cassel: The pedestrian path is included in the conditions.

39
40 Commissioner Burt: That the dedication of the bike and pedestrian path be included as a
41 condition of approval.

42
43 Chair Cassel: Okay. Did you get that? This motion is amended to eliminate the egress as a
44 right-hand turn out of the East Bayshore driveway. It is limited to be a right turn in but there is
45 no right turn out.

46
47 Mr. Larkin: It is appropriate to restate that as part of the main motion so it is just for clarification
48 purposes.

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Chair Cassel: Okay.

Commissioner Holman: One minor question here of clarification. In regards to the pedestrian and bike path dedication I guess will Staff deal with maintenance and that sort of thing and who is responsible for that? Should that be a part of our condition?

Mr. Emslie: No, no that will be dealt with as a public facility and it will be dealt with as any other city maintained facility.

Commissioner Holman: Okay, great. Thank you.

MOTION PASSED (6-1-0-0, Commissioner Griffin voted no)

Chair Cassel: Do we have it all down? All those in favor please say aye. (ayes) Opposed? (nay) The motion passes six to one with Lippert, Burt, Packer, Cassel, Bialson and Holman voting yes and Griffin voting no.

That completes that item on the agenda. We have one more. Let's take a break for 15 minutes and then I think we can come back and work on this. Ten minutes, sorry, ten minutes, pardon me. We will be back and we will set the timer. Thank you Staff for the work that you have done. It is a complicated project and we appreciate it.

Would everyone please come back? I need seven Planning Commissioners although I can start with fewer and will.

There was one piece I didn't do in our last motion and I did not close the public hearing. I want to be sure that it is on the record that that was closed I had no other cards for public testimony besides the applicant so I continued with the discussion but that public hearing has been closed.

The next item on our agenda is our bylaws and our procedural rules. This evening we are going to start with the bylaws. We need to discuss these and then we are going to introduce them for adoption and they are going to be voted on at the next meeting. Is that the wording we are using?

Mr. Larkin: That is correct.

Chair Cassel: Okay. Then we will go on to our revised procedural rules. Technically we could approve those in one meeting but what we would like to do is accept everyone's comments and have a discussion on those. There have been several small comments for minor changes at this point and then we will bring them back when we bring back the bylaws in a final form is that is agreeable with everyone. Did you want to say something, Don, on these?

Other Items:

2. **Revised Bylaws**: Consideration and adoption of revised Bylaws of the Planning and Transportation Commission of the City of Palo Alto.

1 Mr. Larkin: If it would be helpful what I could do is go through on the bylaws just generally
2 what the changes are and they are very minor. The main one that was brought up at the study
3 session is that it is no longer the Planning Commission it is the Planning and Transportation
4 Commission. The transportation role is not very clear in the current bylaws so what I have done
5 in addition to changing the name is included a statement that was drafted primarily by the
6 subcommittee of Pat Burt and Phyllis Cassel and included that statement of duties as part of the
7 bylaws and most of those are taken directly out of the various code sections that impose duties
8 on the Planning and Transportation Commission.
9

10 The other significant change is that we have added a provision that allows for describes study
11 sessions and describes the types of actions that can't, mostly can't because no action can be
12 taken at a study session, but describes the purpose of a study session and how those are called for
13 and run.
14

15 Those are really the only significant changes to the bylaws from the existing bylaws and those
16 were the ones that were identified at the study session.
17

18 Chair Cassel: Are there any comments? Any corrections or additions? Otherwise what we can
19 do is simply move that this be considered at our next meeting as a second reading.
20

21 Mr. Larkin: The motion would probably be to – it took me a long time to figure out what exactly
22 it is but it is approve the first reading of the bylaws for adoption at the next regular meeting
23 would be the motion that we would be seeking.
24

25 Chair Cassel: I am just trying to write this down before we lose it again. Karen, you had a
26 question?
27

28 Commissioner Holman: I have a few questions and comments. I don't know if you want me to
29 do all of them or do a couple and throw it out to see what else other Commissioners have.
30

31 Chair Cassel: Try two questions and then see what other people have.
32

33 Commissioner Holman: Okay, the only reason I posed that is because there didn't seem to be a
34 plethora of hands flying up in the air. On page I-2.
35

36 Mr. Larkin: We are talking about the bylaws now.
37

38 Commissioner Holman: I am sorry.
39

40 Chair Cassel: So it is only the bylaws at this time. Do you have questions on the bylaws? We
41 will go back and have more discussion on the procedures. Are there any other questions on the
42 bylaws? Could I please have a motion? Go ahead.
43

44 Commissioner Lippert: With regard to preparation of an annual report was any consideration
45 given to that and where is that?
46

1 Mr. Larkin: That was discussed at the study session and my review of the minutes and my notes
2 there wasn't a consensus that that should be part of the bylaws however, if my notes are wrong
3 there is no reason why that couldn't be put into the bylaws.

4
5 Commissioner Lippert: My understanding from that meeting was that it was something to be
6 considered and looked at and brought back to this body for consideration and discussion.

7
8 Chair Cassel: Well, I am sorry I have a full three-ring notebook of notes at home and did not
9 remember to bring it. So I cannot tell you. I remember the issue coming up and I do not
10 remember there being a consensus for that. I remember we had some discussion on that. I
11 wouldn't recommend putting such a thing in the bylaws. If we wanted to do such a thing I would
12 think you would put it in the procedures because otherwise you are really bound in a very
13 difficult way. These should be very minimal bylaws covering very minimal things. If you
14 would like to do that and I would suggest we do I would suggest we do it in the procedures. We
15 can discuss that next.

16
17 Commissioner Lippert: Fine, we can talk about it in procedures. I think that it is important to
18 have an understanding and a record of where you are coming from and where you are going to in
19 terms of an annual cycle.

20
21 Chair Cassel: Other than the minutes that we have, I understand because I remember the
22 discussion that you were talking about a summary of what we were doing but I would
23 recommend that we don't do it in the bylaws. Are there any other comments? Would someone
24 please make a motion to approve the first reading?

25
26 MOTION

27
28 Commissioner Bialson: So moved.

29
30 SECOND

31
32 Commissioner Griffin: Second.

33
34 MOTION PASSED (7-0-0-0)

35
36 Chair Cassel: Is there any other discussion? All those in favor please say aye. (ayes) Thank
37 you. This will come back. We will not be meeting on the 13th of July so that will be coming
38 back in the last meeting of July. That was approved on a unanimous vote. Thank you.

39
40 **Revised Procedural Rules**: Consideration and adoption of revised Procedural Rules for
41 the Conduct of Meetings of the Planning and Transportation Commission of the City of
42 Palo Alto.

43
44 Chair Cassel: Okay, now let's go back to the procedures. This is a quite different set of
45 procedures from the ones that you saw at the study session. Pat and I have discussed these once
46 before the study session and again since then and made some recommendations to Don. They
47 are not underlined in red because there are so many changes that that would be meaningless.
48 What we did was pick up from the City Council procedures that they worked on so carefully,

1 those things that seem to be applicable to the Planning Commission to be sure that our language
2 was correct, incorporate those pieces that we had been talking about in our last study session, put
3 this in more outline form so it is a little easier to read. There is a summary of motions here that
4 City Council uses that would be applicable and we added a couple of things. Don can add more
5 to this. Since I talked to Pat we added the very, very last under special meetings, committees, we
6 added a paragraph on the pre-Commission meeting because we have nothing in here that
7 explains what the pre-Commission meeting does so I picked up the language from City Council
8 for their Council meeting. This is on 5-2 at the very end of the Transportation Procedural Rules.
9 It is just a short paragraph. We added the study sessions under Special Meetings and
10 Committees. It discusses site visits and offsite visits, which I don't think we had before. In
11 other words we were picking up some of the legal changes that took place. I think those were the
12 big basic changes. Did you have some other points you wanted to make before we open it up for
13 discussion?
14

15 Mr. Larkin: Maybe you can tell me if it would be helpful. I did review these with two members
16 and received comments from three members, which is the maximum number of Commissioners
17 that I would be allowed to talk to prior to a meeting. I can go through what some of those
18 questions are and some of the changes that I would consider making in response to those to see if
19 they would be adequate if that would be helpful and then get to the other questions. I am certain
20 that some people have similar questions.
21

22 Chair Cassel: Thank you please do.
23

24 Mr. Larkin: One of the things I would like the Commission to focus on is some of the broader
25 concepts rather than the wordsmithing. There was a question about certain sections that we say
26 'shall' and certain sections that we say 'will.' There was a question as to why and it is mainly
27 because the word 'will' is a statement of intent whereas 'shall' is a statement of requirement.
28 There are certain expectations we are putting on the Chair and it is the intent of the Chair to
29 follow those but it shouldn't become a matter of debate if it is something that for whatever
30 reason doesn't happen. So we said 'will' because that is the intent is that the Chair will do these
31 things but there isn't a sanction if it isn't what is done. Whereas things like time limits we put
32 'shall' because we are putting those as a requirement on speakers.
33

34 We added a section about notifying the Chair or Staff prior to an absence. We added some
35 sections on the timing of the meetings and what to do if meetings go on past a certain time. We
36 have changed those and we have also stated the intent of the Commission to complete all
37 meetings before eleven o'clock, which we will try to do tonight despite the fact that it is not in
38 the procedures yet.
39

40 There were some questions about a tie vote and what happens in a tie vote. I have tried to clarify
41 that but I may not have succeeded so if those questions remain.
42

43 Chair Cassel: What page?
44

45 Mr. Larkin: On page iii-7, item number 11. I have two sets of question and I am going through
46 them one at a time. Going back to the beginning, public participation section, the very first page
47 i-1, paragraph B-2-c. There was a concern that this would be a confusing sentence and this was
48 copied from another set of rules but I would suggest rewording them to 'except as provided by

1 these rules no person shall be permitted to enter into any discussion without the permission of the
2 presiding officer.’ The concern that was conveyed is that this paragraph conflicts with the one
3 on the next page, which limits the ability to speak out of turn. So rather than saying ‘no person
4 other than a Commissioner shall speak without permission of the presiding officer’ it is ‘except
5 as permitted by the rules’ is a more clear statement I think so I am suggesting that wording. It
6 has also been suggested that we clarify that Oral Communications shall be provided for members
7 of the public to address the Commission shall be provided at all regular and special meetings of
8 the Commission because it is not clear in the special meeting section that that all special
9 meetings allow public participation.

10
11 Chair Cassel: Can you tell us what the spot is you are looking at?

12
13 Mr. Larkin: Yes, that would be inserted on page 1-2 under 4-a, the very first sentence after Oral
14 Communications. We would just clarify that Oral Communications applies to all meetings
15 regular, special, study sessions, etc. We would also just to make it real clear because where the
16 study session section changes when in the process Oral Communications are heard that we would
17 put in there for study sessions to refer to the section that deals with study sessions. I don’t have
18 that written out but that would be the change that would be made.

19
20 As a general rule I would suggest going back, it has been suggested and I think it is a good idea
21 to go back, all of the sections here that are pulled directly from the Brown Act I would just
22 reference the Brown Act so that it is clear that is where they are coming from and what they are
23 intended to address. There are a number of things where we talk about for example on page 2-5,
24 subsection H we say ‘no final action shall be taken on matters other than those in the agenda’ and
25 then we talk about emergencies and that is a quote directly from the Brown Act. So just to make
26 a reference that that is from the Brown Act.

27
28 Then on the quasi-judicial that starts in section iv-1 make changes to clarify that these are
29 additional requirements for quasi-judicial hearings that all of the regular requirements for
30 Commission meetings apply in quasi-judicial. These are just add-ons when it is a quasi-judicial
31 matter. A mistake is on that same page in section B-1, subsection f where it says architectural
32 review actually that should be Site and Design Review.

33
34 Then on page 5-1 where we talk about study sessions in subsection d to clarify a regular study
35 session instead of saying ‘regular study sessions’ at the bottom of that paragraph we would say
36 ‘study session conducted prior to a regular meeting’ because that is what a regular study session
37 is but since we don’t define that term it is not clear what is meant. Then we would add the
38 appropriate part from the bylaws which talks about the types of business that can be conducted at
39 a study session and that no action can be taken because that alleviates the need to go back and
40 forth between the bylaws and the rules to figure out what we are doing at a study session. So we
41 will have it in both places.

42
43 Those are the comments that I have received so far and sort of what the language is that I would
44 be inserting based on the those comments. What I would suggest that we do here, and I think the
45 Chair has already suggested this that we get additional comments so that I can come back to you
46 at the next regular meeting when we adopt the bylaws with a document that reflects the changes
47 and questions that is much closer to complete.

1 Chair Cassel: Michael and then Lee.

2
3 Commissioner Griffin: Don, I am wondering if you could take a look at v-1 talking about special
4 meetings and committees. You start off special meetings and you are talking about giving 24
5 hours notice before the time of the meeting to the newspapers of general circulation. Is 24 hours
6 really a sufficient time for them to get a notice into print?

7
8 Mr. Larkin: This is one of the sections and I meant to comment on this directly. This is one of
9 the sections that is taken directly from the Brown Act so I will make that reference in here. It is
10 actually word-for-word from the Brown Act.

11
12 Commissioner Griffin: I saw Herb Borock here earlier tonight and it reminded me of a number
13 of years ago Lisa tried to have a special meeting and we finally rescinded the meeting because
14 we felt we didn't get sufficient notice spread around. It doesn't refer here to posting on library
15 bulletin boards, etc., etc.

16
17 Mr. Larkin: That is not required but it is certainly desirable. The question would be whether the
18 Commission wants to require itself to go beyond the Brown Act or have it as a policy that we go
19 beyond. The recommendation would be that certainly we strive to give as much notice as we
20 possibly can but that where circumstances warrant that we allow ourselves the ability to have the
21 24-hour notice if it is necessary.

22
23 Chair Cassel: This is an item that we would very, very rarely use. It is more of an emergency.
24 It is in here like this one other item that we put in here I think it was for meetings that were
25 related to if we were sued.

26
27 Mr. Larkin: There is a closed session that would be used even more rarely.

28
29 Chair Cassel: A closed session and it is here just in case you possibly need it but we would
30 certainly not be using it on a regular basis for anything, which is why they didn't do it that time.

31
32 Commissioner Griffin: Okay, Steve probably remembers the circumstances involving the
33 rescinding of that special meeting and if he is happy with it then I am too.

34
35 Site visits. We are saying that we are not going to have any more site visits. Is that the proper
36 way to read this? But we can visit a site in groups of one, two or perhaps three that would still
37 be allowed?

38
39 Mr. Larkin: We are still allowing for site visits even under these rules. They are discouraged but
40 there are situations where they are necessary and appropriate and we are allowing them. Yes, the
41 one, two or even three people going on a site visit is allowed under the Brown Act as long as
42 there is not a gathering of a quorum and there is not a standing committee created to do these site
43 visits. We are discouraging group site visits or site visits or offsite meetings of the Commission
44 but certainly there are occasions where it is necessary and we have allowed for those in here.

45
46 Chair Cassel: Lee.

47

1 Commissioner Lippert: Just following up on that if we were to hold an offsite meeting or site
2 visit meeting per se wouldn't it be appropriate to include something in there in which you would
3 say there would be no solicitation of public comment until the next hearing at Chambers to
4 qualify that? It is problematic trying to have any public – you have to have public testimony but
5 it is not the appropriate venue for public testimony.
6

7 Mr. Larkin: That is why they are discouraged because at any meeting of the Commission you
8 have to allow public testimony. So if there is a meeting that starts in Chambers – there are
9 conceivable ways it could be done but as a practical matter it is going to be required that there be
10 some public comment period at these offsite visits and that is why it is strongly discouraged.
11 There will be occasions when it is appropriate and we will have to accommodate public
12 testimony.
13

14 Commissioner Lippert: What we could say is that at any offsite meeting public testimony will be
15 given immediately following that meeting back at Council Chambers.
16

17 Mr. Larkin: It would have to be part of the same meeting is the issue.
18

19 Commissioner Lippert: Correct. The site visit would be continued to the Chambers.
20

21 Mr. Larkin: I will have to think about that one and see.
22

23 Chair Cassel: I think when we discussed that before that was why we were trying to stay away
24 from them. The problem is there are some people who would be there who couldn't get to the
25 Chambers and then feel that they have the right to speak and that is what happened to us one
26 evening when we tried that. So we can't really put that in here, that is a Brown Act thing that
27 you would have to have the right to speak.
28

29 Commissioner Lippert: I think that it needs to be defined otherwise it is going to be problematic.
30 I was totally unprepared for what went on a year ago and I couldn't hear. There was no proper
31 amplification presented. There were no speaker cards distributed. People were talking
32 individually to
33

34 Chair Cassel: That is why we recognized it.
35

36 Commissioner Lippert: So procedures have to be defined for how we are going to handle public
37 comment at an offsite meeting. My question was with regard to quasi-judicial hearings. In there
38 should there not be something that says that applicants will not seek to communicate directly to
39 Commissioners and will only contact Commissioners through Staff?
40

41 Mr. Larkin: Well we can't prohibit an applicant from contacting Commissioners. We can
42 discourage them but we can't prohibit it.
43

44 Commissioner Lippert: What I am saying is couldn't in the procedures it say that applicants will
45 not communicate with Commissioners directly but through Staff channels?
46

1 Mr. Larkin: We can't tell them they can't talk to Commissioners. All we can tell them is we
2 would prefer that they direct their comments through Staff but we can't tell an applicant sorry,
3 you can't talk to our Commissioners.
4

5 Commissioner Lippert: Okay.
6

7 Commissioner Holman: Follow up to that, that is one of my points too. Currently the
8 Commission has a practice of not having dialogue with the public, applicants or appellants on
9 quasi-judicial or PC projects. So I would concur that we can't tell anyone not to contact us but
10 we can govern ourselves in saying that we can't have this discussion by agreement of the
11 Planning Commission. So I actually think we could eliminate a lot of the language on page 4-1,
12 number two having to do with restrictions on Commission communications outside of quasi-
13 judicial hearings and say that it is the policy of the Commission to limit contact with public
14 applicants and appellants to public meetings and receipt of only written communications. That is
15 pretty much what we do now.
16

17 Commissioner Burt: Karen, that is in reference to quasi-judicial and PCs only, not legislative?
18

19 Commissioner Holman: That is correct. What this section is is it deals with quasi-judicial. I
20 think a separate item should be added regarding PCs. That is a practice we carry on now and I
21 think it is pretty simple.
22

23 Chair Cassel: I would recommend that we leave this as it is. It is much more detailed but it
24 helps people understand what is going on. It helps people who are new. One of the problems we
25 have been having is we have not had a way to reflect it. So this area covers identification of
26 quasi-judicial matters, the tracking of comments that are made to us, disclosure of those items
27 and no contacts after hearings. So there is a whole series of items. These are exactly the same
28 ones that are used by City Council and gives some consistency if we are using the same
29 definitions that City Council is using.
30

31 Mr. Larkin: My concern would be that as diligent as the Commissioners may be you can't
32 prevent somebody from coming up and talking to you and you have to disclose those
33 communications regardless of whether you encouraged them or told them you didn't want to talk
34 to them. So we need to have the procedures in place for those situations in which you do receive
35 information whether you solicit it or not.
36

37 Commissioner Holman: Well, if I could follow up on that with due respect to both the Chair and
38 the City Attorney. I have had developers approach me in supermarkets or whatever saying we
39 have a project coming along and I say is it a PC and they say yes and I say I am sorry I can't talk
40 about it. So feel free to ...
41

42 Chair Cassel: Are you suggesting that we change this for the quasi-judicial hearings or are you
43 just saying we add a paragraph someplace that says we are currently using these guidelines for
44 PCs as well?
45

46 Commissioner Holman: What I am suggesting is that the language that is here now goes back to
47 where we were and allows Planning Commissioners to meet in their homes with appellants or
48 applicants to review projects. We have not been employing that process for quite some time now

1 and it keeps all of the review of this body in public and it has not been problematic. At least no
2 Commissioner has stated either at a meeting or to me personally that it has been problematic nor
3 have I heard from Staff that that has posed problems. As a matter of fact it seems to me that it is
4 clearer and cleaner because we all have the same information and assures that that is the case.
5 The language as I read it here takes us back to where we were two and half or three years ago.
6 There is nothing here that precludes us meeting.

7
8 Mr. Larkin: I should point out that this part of this language is actually in the current rules as
9 well. This isn't a change. There has been a Commission generated policy but not a rule written
10 about it. I think we say that we discourage it but the problem is that it is a difficult thing to
11 prevent altogether. So for example in tonight's hearing each Commissioner received a binder
12 from the applicant and some of you chose to read them and some of you didn't but it was
13 disclosed that all Commissioners received this and had this and were able to use it in their
14 deliberations. So that is something that needed to be disclosed and it was and it would be under
15 this policy.

16
17 Commissioner Holman: Well, I am going to hang in on this one because it is a very, very
18 important one to me because I think it is – I understand that the other bodies don't necessarily
19 follow what we have for ourselves adopted even though they haven't been in writing. I think it
20 is very, very important that our business be conducted in public. One of the things that I said
21 when I first came on the Commission was that I was going to do everything that I personally
22 could to restore public confidence and trust in this body. I think this has helped considerably. It
23 is true that we can't dictate each others behavior but I do trust the honor and integrity of the
24 members of this Commission to behave and I have no reason to think that anyone has not
25 behaved as we had agreed which was to limit our contact to public meetings and receipt only of
26 written communications. At the same time there is nothing that absolutely we can be sure of that
27 people aren't receiving gifts from people. I don't think that is happening but there is nothing we
28 can do to say that it isn't happening. There is a level of trust that we have to rely on each other's
29 integrity.

30
31 Mr. Larkin: I know other Commissioners want to comment and I don't think it is a sense of the
32 Commission that this is a change that it wants to make but just real briefly I do think that part of
33 the reason for having these in there is that this is a legal requirement that if the contacts are made
34 that these disclosures be made. So my strong recommendation is that regardless of where the
35 Commission thinks it wants to go with prohibiting ex party contacts that there be some
36 allowance for those contacts when they do happen. I am not discounting your point but even if
37 that change is made to prohibit ex party contacts I think I would strongly recommend this
38 language stay.

39
40 Commissioner Holman: So my recommendation then you would say would be additional
41 language.

42
43 Mr. Larkin: If that is where the Commission wants to go.

44
45 Chair Cassel: I am trying to quickly go through these and see if this was someplace else. Lee,
46 go ahead.

1 Commissioner Lippert: Is it possible to include in here language that says that applicants at the
2 time that they make application would be notified in writing that communication with
3 Commissioners is discourage and that all written communication go through Staff? Just put
4 them on the alert and make them sort of sign that they understand that.
5

6 Mr. Larkin: Well, they could be given a copy of these rules when they apply. That would get
7 the message to them.
8

9 Chair Cassel: Pat.
10

11 Commissioner Burt: I wonder whether the best place to do that is our procedure rules or instead
12 departmental guidelines that would go along with applications that would be guidelines. One of
13 the things Phyllis and I talked about was we have some guidelines for the public but what is our
14 process for notifying the public that there are these guideline? Some of these things might be as
15 simple as printing them on the backside of a speaker's card. Here are the ground rules for
16 speakers because how do we expect the public to know these things? We go through them and
17 we forget half of them after doing them for five years.
18

19 Mr. Larkin: These rules wouldn't bind Staff to that extent but certainly that is something that
20 Staff could into their own procedures.
21

22 Commissioner Burt: If I might also add that my recollection when we had the discussion on the
23 ex party meetings for both quasi-judicial and PCs was that the City Attorney at the time made a
24 distinction regarding spontaneous encounters if I recall correctly, allowing that those are going to
25 occur. Now, if an applicant comes and happens to corner you in the farmer's market that might
26 be more obviously deliberate but if a neighbor does and grabs your arm and says what about that
27 project up there and what are the boundaries for the spontaneous contact. If I recall there were
28 distinctions there but I am not remembering the details that were made and then separately
29 whether we want that distinction to be included within our procedures or would some of these
30 fall into that third level which is our protocols and policies which can go into a less binding set
31 of guidelines?
32

33 Chair Cassel: Are there any other comments? Go ahead, Bonnie.
34

35 Vice Chair Packer: I will just weigh in a little bit on the discussion of ex party. I agree with
36 Karen that we probably should have somewhere in here a statement that says it is our intent to
37 discourage ex party contacts to the extent that it is reasonably possible.
38

39 Mr. Larkin: It is in there, I can make it more strong though.
40

41 Vice Chair Packer: I think it does say that it is the policy to discourage the gathering and
42 submission of material that would affect our impartiality. Maybe to make it a little bit stronger
43 an example to make it a little clearer what it is we are trying to do to reflect what has been our
44 agreed behavior over the past couple of years which is when somebody comes up to us we say
45 sorry, I really can't talk about this with you, is what we are doing. Then if that doesn't work
46 when we get to do protocols to reflect it in there. So just so you want to know if there is a
47 consensus among us that we agree with the intent. Just to answer Lee I don't think we can
48 address what applicants do in procedures that apply to us.

1
2 Commissioner Lippert: No, we can't but we can give them written notice and make them sign or
3 at least validate that they understand, correct?
4
5 Mr. Larkin: Yes, we just can't – they have a First Amendment right so we can't ask them to give
6 up their constitutional rights but we can certainly discourage them from ex party contacts and let
7 them know that it is your intent not to hear them.
8
9 Chair Cassel: Pat, go ahead.
10
11 Commissioner Burt: When I read the language that is in here I think technically, legally it
12 addresses our concern but not necessarily in a common language approach where it says
13 discourage the gathering and submission of information. What we are meaning is in
14 conversations. That is what we are trying to get at is to avoid ex party conversations.
15
16 Chair Cassel: In addition to what is here.
17
18 Commissioner Burt: Yes. What is here probably technically covers conversation but to a
19 layperson it is not clear enough perhaps.
20
21 Mr. Larkin: To be clear it also includes written communication so we probably ought to put
22 those.
23
24 Chair Cassel: Is that better the sense of the group?
25
26 Commissioner Burt: The Planning and Transportation Commission for dummies.
27
28 Chair Cassel: Okay. Lee, you had another item? Annette, go ahead.
29
30 Commissioner Bialson: This is on an unrelated item and it is sort of a question on v-2, e,
31 Committees. You say ad-hoc subcommittees shall be made up of Commission members only
32 and shall be formed for a specific duration not to exceed six months. Does that count for the
33 ZOU things that we have had going on for years?
34
35 Chair Cassel: We are not independent committees on that. We have very specifically, this was
36 done very deliberately. We are part of the Staff committee and have been invited as a
37 representative on that committee therefore it is not a committee of the Planning Commission.
38
39 Commissioner Bialson: So while it says design and environment committee or parking
40 subcommittee.
41
42 Chair Cassel: Right, but we are part of another committee. We are representatives on that
43 committee. There are other people such as Staff and so forth on that committee.
44
45 Commissioner Bialson: It works for me.
46
47 Mr. Larkin: We are going to revisit how we define those and describe them in Staff so that we
48 abide by these rules.

1
2 Chair Cassel: We will be sure that when we do the agenda after we follow these procedures we
3 will redo the agenda so that that and the agenda reflect that. That is something that came up.
4 Lee, you are next.
5

6 Commissioner Lippert: At this point I would like to ask my fellow Commissioner's indulgence
7 that we add another section to this with regard to asking the City Attorney to look at what would
8 be involved in adding language for an annual report of this body.
9

10 Chair Cassel: Would someone like to speak to that?
11

12 Commissioner Griffin: I think I would. Lee, I am not sure exactly what objective that would
13 serve. The way you have explained it it would be a recap and kind of explain to citizens in town
14 what we have been up to for the last 12 months and whatnot. It might be an interesting item for
15 some people but I am not sure whether the cost benefit really works. I don't feel it works for me
16 and I am interested in what other colleagues have to say about it.
17

18 Commissioner Lippert: Would you like me to respond to that?
19

20 Commissioner Griffin: Yes.
21

22 Commissioner Lippert: Well, the intent here is not to create additional work for anybody but it is
23 a way for us to reflect back and be able to look at the work that this body has done in terms of
24 the number of applicants it has reviewed, the type of applicants, what the votes have been in
25 terms of either approval or denial or the actions that have been taken and then the third part of it
26 really is gauge the action that our recommendation has had on the City Council. So in other
27 words, where we have made a certain recommendation whether that recommendation has been
28 either supported and upheld by Council or reversed or not even looked at. So I think it is real
29 important in terms of us being able to plan the future of where we are going by being able to
30 reflect on where we have come from each year. I think it also adds a certain amount of
31 institutional memory. Now I am not suggesting that this be pages and pages of an annual report I
32 am simply looking at statistics and box scores here. I think that it can probably be distilled down
33 to probably a coversheet and then probably one or two pages of Excel spreadsheet probably.
34

35 Chair Cassel: Annette.
36

37 Commissioner Bialson: Initially I was not taken with the idea of an annual report but now that I
38 see it as a box score and perhaps educational both for us and Staff as they prepare these items to
39 go forward to the City Council I think it might be helpful. I think it will be very educational for
40 City Council to look back at the respect they have given our decisions, how things have worked
41 out perhaps in a matter of years over their decisions versus the recommendations we have made.
42 If we can keep it to something that does not impose upon Staff substantial work but does create
43 some sort of an institutional memory beyond the most senior members of this Commission there
44 is something to be said for that. So I don't if we are going to derive a benefit from it within the
45 time we are all on the Commission but I think future Commissions might be helped by it. We
46 probably will have to fiddle with it a little bit in terms of making it something easy for Staff to do
47 as well as helpful for us but I tend to support Lee on this.
48

1 Chair Cassel: Karen, I think you are next.

2
3 Commissioner Holman: I also would support the notion. It would require probably the election
4 of a Secretary or something of that nature because someone needs to be responsible for tracking.
5 So there needs to be a mechanism for that. I think a couple of things. One is I don't know that
6 tabulating, kind of thinking out loud here, I am not sure that tabulating how much the Council
7 agrees with or disagrees with the Commission is valuable since I believe our, and I think it is
8 true, that our role is to vet the issues for the Council and the Council will do with the information
9 in our vetting of issues what they will because we are not a political body. Our job is to vet
10 compliance with all the different things that we are charged with. Having said that, I am
11 basically in support of the notion and I think it might also be an opportunity where in a concise
12 form we can identify those areas that might need attention either on the part of Staff which we
13 cannot direct or on the part of City Council. One thing I think of is business licenses and how
14 much that has come up as an issue in projects we have reviewed and of course we have no
15 purview over that at all. So I think an annual report to Council would be very advisable.

16
17 Chair Cassel: I am not sure that this box thing would pick up the detail of that kind of a business
18 license issue. Bonnie, you haven't had a chance to speak and then Pat.

19
20 Vice Chair Packer: I don't know if we are ready yet to put this report, an annual report, in these
21 rules now. What I would recommend is that we add in the description of the retreats that the
22 retreats include a review of work we have done. So we can try that out for a year or two and see
23 if we accomplish the result you are looking for and that is to reflect on what we have done and to
24 what extent our advice has been accepted or not accepted by Council to see if that really helps us
25 in our retreats. So maybe we could just add a line for now under retreats that that is something
26 we consider. Because one of the concerns I have is whether the statistics that this report would
27 produce would be of any statistical value because we are reactive. The amount of PCs we may
28 look at each year or variance appeals or HIEs really depends on what is happening out there and
29 what comes to us and what we have the purview to review and it has nothing to do with how we
30 behave. So that is why I don't know how valuable it would be but I would suggest we try it out
31 in the retreats. We could always come back if we end up with a good format and identify what
32 we want to discuss in these reports that we add it in a year or two to the procedural rules.
33 The amount of PCs we may look at each year or variance appeals or HIEs really depends on
34 what is happening out there and what comes to us and what we have the purview to review and it
35 has nothing to do with how we behave. So that is why I don't know how valuable it would be
36 but I would suggest we try it out in the retreats. We could always come back if we end up with a
37 good format and identify what we want to discuss in these reports that we add it in a year or two
38 to the procedural rules.

39
40 Chair Cassel: Pat, go ahead.

41
42 Commissioner Burt: Well I think the retreat might be the correct forum to review the report but I
43 am not sure that it would replace the value that the report might provide. I think it would be a
44 mistake tonight for us to get hung up on the content of the report. The most that we might do
45 tonight is say that conceptually we think this is something that we want to include. I think there
46 have been a number of potential benefits that have been identified and we are going to have to
47 work out what we start off with and then after we do it for a year or more maybe it would build.
48 I can think of in addition to the things that have been talked about of some of the proactive

1 measures that it might give us an opportunity to look at, that is supposed to be part of what we
2 do, it is not just go reactively but proactively. There is also the institutional memory part where
3 we have had both at the Council level and here there has been discussion of where is this
4 memory? It just is lost unless we go to Herb Borock or Bob Moss we don't have any memory.
5 Then yes, there is potential benefit from looking at the votes taken and the Council responses.
6 There is also potential benefit in looking at have we in the last two years had a tripling in
7 Variances and if we look back in time and say oh, we have had a change in the Commission's
8 reaction toward Individual Reviews or Variances or some other trend pattern that we don't really
9 have a mechanism for looking at gee, we have had a significant drift and it hasn't been conscious
10 and deliberate. This is a way in any organization periodically stop, take a big picture look and
11 say okay, there are these trends and did we mean to move in this trend direction and have it be
12 more conscious decision-making. So I think there are a number of potential benefits. I would
13 support putting it in as an item for our procedure but at a later time to flesh out what we want to
14 have as the initial content for the report. Then have the annual study session as the form in
15 which we would review it.

16
17 Chair Cassel: The question then becomes where would you put it? Would you for the moment
18 add, as Bonnie had suggested, a line under the annual retreat that says we will discuss an annual
19 report of the actions of the Commission?

20
21 Commissioner Burt: It could be there but I think it might get buried there. I think as Lee said
22 put it as h on v-2.

23
24 Chair Cassel: Those are special meetings.

25
26 Commissioner Burt: I'm sorry.

27
28 Chair Cassel: It doesn't fit there. It is not a special meeting it is a report.

29
30 Commissioner Burt: Okay. How about if we let the City Attorney look for a good spot for it? If
31 the best place is under the study session then I could live with that.

32
33 Mr. Larkin: To make this a little bit shorter I will come back at the next meeting with several
34 options and the Commission can choose which one they think is most appropriate.

35
36 Chair Cassel: I think we have the majority but not all of the Commissioners saying that some
37 type of an annual report would be worth exploring I think for a variety of reasons. Is that
38 agreeable with you?

39
40 Commissioner Lippert: It does agree with me. I just want to make two other minor comments in
41 following up on some of the other comments that the Commissioners had.

42
43 Chair Cassel: Okay, and then we will go back.

44
45 Commissioner Lippert: I think that one other benefit is that what it also allows us to do is to put
46 us on notice that we understand some of the concerns that were in the City Auditor's report and
47 in the annual report be able to respond or address those concerns on an ongoing basis in terms of
48 how we operate in terms of procedures.

1
2 Then the only other comment that I really have with regard to this is that what is important is
3 timing. We do sit on this body in a term and the terms are all staggered here. So what is very
4 important is that we begin each year and that it happen at the same spot annual so that we are all
5 here to review the results of the year before there is a changing of any one of us. So I think that
6 that is particularly important as well. So if it is done at an annual retreat that annual retreat has
7 to happen before the end of a term.
8

9 Chair Cassel: That gets really complicated to do because they tend to happen at the beginning as
10 we begin to get going for a year hopefully with our new members. Obviously what we are going
11 to do at this point is come back with some options and look at some things and see whether it
12 should go into the procedures. I think Karen was next then I will come back to you, Pat.
13

14 Commissioner Holman: On page i-2, 4-b-1, spokes person for a group. It is unclear to me the
15 way this is worded if it addresses a couple of different issues that this Commission has discussed
16 kind of at length. It seems to address that if there is for instance a neighborhood group for
17 instance that may want to have a representative speak then their time could be lumped into ten
18 minutes. It doesn't address the other topic of discussion that we have had that is what if there is
19 an applicant that has an attorney, an architect, an engineer, landscape person and they all
20 sometimes speak in addition? It doesn't seem to address that and maybe it is just because of how
21 I am reading but it isn't clear to me that it addresses both of the items of concern that we have
22 discussed.
23

24 Chair Cassel: It doesn't and I think we discussed that someplace else, did we? There were some
25 limits and Don can explain that.
26

27 Mr. Larkin: This particular paragraph refers only to the Oral Communications portion of the
28 agenda. When we talk about quasi-judicial.
29

30 Chair Cassel: This isn't on Oral Communications this is on when someone wants to speak on
31 other items on the agenda. We did discuss this other issue that she is talking about someplace
32 else.
33

34 Mr. Larkin: You are right. It is the very next paragraph that is 15 minutes for presentation we
35 say a person who participates during the 15 minute period allotted for appellants and/or
36 applicants may not speak during the time allotted for public comment without first securing the
37 permission of the presiding officer. This means that if you have an applicant who comes up and
38 speaks and then wants to speak again as a member of the public or someone who has had the
39 opportunity to address the Commission has already had the opportunity to address the
40 Commission they don't get another opportunity. But just because they are related to the project
41 doesn't mean that you can deprive that person of their opportunity to speak to the issue. So we
42 can't say sorry you are part of the applicant's team you can't speak if they didn't get a chance to
43 speak originally.
44

45 Chair Cassel: Pat.
46

47 Commissioner Burt: I would like to dive in on that. So are you saying that, and this is the crux
48 of what we have had as a concern, if you have an applicant who comes in and they are allotted

1 15 minutes and they choose to have one representative consume that 15 minutes and they come
2 right behind and have five more paid people with vested financial interest, they are either paid as
3 the architect, the landscape architect, those people can all now speak as members of the public
4 and not be restricted under the applicant's time? This is what we are trying to address and that
5 deck has been stacked at times and it has been ambiguous to the applicant's and I have seen it at
6 the City Council as well. This is an issue that lacks clarity and this is what we are hoping to
7 address.

8
9 Mr. Larkin: I appreciate that and I think that the way to address it is that the Chair should
10 encourage the speakers to limit the number of people who speak directly related because it is not
11 helpful to the applicant but we can't tell them sorry, your interest has already been spoken for so
12 you can't speak.

13
14 Chair Cassel: I presume that is a Brown Act issue. We are trying to discourage it but that
15 because everyone gets the right to speak whether we like it or not.

16
17 Mr. Larkin: Right, everyone gets the right to speak.

18
19 Commissioner Burt: I need to understand how we define an applicant. Functionally we give an
20 applicant 15 minutes and we don't define who is part of that applicant team.

21
22 Mr. Larkin: That's right it is the applicant who has 15 minutes but the applicant who is the
23 property owner or the person coming in with the application is free to allow other people to
24 speak under his or her time. The issue comes up when the architect isn't part of that presentation
25 and wants to explain what a great project it is and then the landscaper wants to come in and say
26 what a great project it is you can't tell them sorry, you don't get to address the Commission
27 because your interests have been spoken for.

28
29 Commissioner Burt: You keep saying you can't but you haven't given us the legal basis as to
30 why we can't. We say that the applicant can't speak 16 minutes. We can put that restriction but
31 we can't define what an applicant is?

32
33 Mr. Larkin: What the Brown Act says is that anybody that wants to we have to give opportunity
34 for anyone who wants to address the Commission the opportunity to address the Commission
35 prior to the vote being taken. So it is not anybody with a vested interest or anybody without a
36 vested interest it is anybody. So anybody who wants to address the Commission has to be
37 provided that opportunity.

38
39 Commissioner Burt: So if they want to they can stack the deck as much as they want and kind of
40 abuse that.

41
42 Mr. Larkin: The suggestion would be that they be reminded that that is more likely to work
43 against them than for them.

44
45 Chair Cassel: Karen.

46
47 Commissioner Holman: Follow up to that. Then I am more confused than I was before because
48 going back to where I was previously with 4-b-1 the spokes person for a group this doesn't say it

1 is quasi-judicial but there could be an applicant who comes and speaks, all the representatives
2 from that applicant's team can speak because we cannot limit them but this specifically limits
3 members of the public.

4
5 Mr. Larkin: It would limit the other members of the group but they have to agree to that.

6
7 Commissioner Burt: It is at their discretion to have a ten minute presentation in lieu of
8 individual presentations that maybe cumulatively longer. It is the intention here that it is at the
9 discretion of the group to choose this path rather than that being imposed upon them.

10
11 Chair Cassel: We get people coming in and asking for that.

12
13 Commissioner Holman: This says it is at the discretion of the presiding officer. The other part
14 of the question is

15
16 Mr. Larkin: If I can clarify. It requires both the presiding officer and the group to agree to that.
17 So both the presiding officer would have to agree that it is appropriate and the group would have
18 to agree that they are going to have one spokesperson speak for them, that the individuals won't
19 speak on their own time. Once that agreement is made then the Chair would have full discretion
20 to say you have agreed not to speak as part of this allowance for extra time.

21
22 Commissioner Holman: I think it is not clear. To me it is not clear that this is how this is
23 written. Then the other thing it says is up to ten minutes and it is not on parody with what an
24 applicant is allowed. So what determines up to ten minutes and why ten minutes as opposed to
25 the same amount of time that an applicant could speak?

26
27 Mr. Larkin: That is what the Commission wanted at the study session. That can change.

28
29 Commissioner Griffin: I am wondering, it says here a group of five people can agree so
30 theoretically if you had ten groups of five then each one of those groups could appoint their
31 spokesperson.

32
33 Chair Cassel: That is correct. If we had 50 people each one of them could speak too.

34
35 Mr. Larkin: The idea was it cuts the allowable time in half.

36
37 Chair Cassel: We have actually had people request that because they want one person to do the
38 presentation it is more cohesive. So it is a way to try to help a group have the opportunity to
39 speak with one cohesive person speaking. Many of them have asked for that rather than getting
40 three minutes which is what happens when there is a large group and a lot of people speaking.
41 Lee.

42
43 Commissioner Lippert: Actually, what we talked about in the last meeting where we discussed
44 this was to have a group speaker card where on the speaker card the person would write the
45 person who is the spokesperson and then identify the additional persons that that speaker was
46 speaking on behalf of so that it was on the record that this person was speaking on behalf of
47 those five people.
48

1 Mr. Larkin: I have deliberately left these procedures somewhat ambiguous so that there is room
2 for the Chair to create a procedure and the Commission to create a procedure. This is what
3 happens, how it happens I would think would be something that the Commission could try
4 different ways. We shouldn't get bogged down in the real details of that.

5
6 Commissioner Bialson: Follow up?

7
8 Chair Cassel: Annette and then Bonnie.

9
10 Commissioner Bialson: So when you are saying we shouldn't get into detail we shouldn't say
11 something here with regard to the necessity of those five people having to stay? What you don't
12 want to have is five people show up, sign a card and then walk out.

13
14 Mr. Larkin: We say present at the meeting and it is at the discretion of the Chair. So I would
15 think and I agree but the problem is we are talking in a vacuum. We have never tried this before.
16 I think it is hard to set down a rule and figure out a way to implement it but I could add a
17 sentence.

18
19 Commissioner Bialson: I think you should add that because I could see this being subject to a
20 great deal of abuse.

21
22 Chair Cassel: It does say 'present and the Commission meeting,' but what you are saying is
23 present at the time of the presentation.

24
25 Commissioner Bialson: Exactly, and the Chair can decide whether it wants a show of hands as
26 to the five people listed or whatever but I think that that would make more sense. If we decide
27 we don't need to do that then we can drop it but initially as we experiment with this let's have it
28 in there.

29
30 Commissioner Lippert: Can I make a suggestion? Identified and present is what the language
31 might say.

32
33 Chair Cassel: It is getting late, are there any more issues that we should be thinking about?
34 Bonnie, I think you were next.

35
36 Vice Chair Packer: This will be quick because I can't anticipate the answer. Just beating this
37 dead horse about the applicants having all these architects and people wanting to come back and
38 talk would it be legal under the Brown Act if the section which says the applicants have 15
39 minutes to say the applicants including the applicant's agents on this project have 15 minutes to
40 speak? I know that could be very difficult to implement and what do we mean by an agent but I
41 just wondered.

42
43 Mr. Larkin: I will look into that and come back with an answer.

44
45 Chair Cassel: Other issues? Pat and then Karen.

46
47 Commissioner Burt: One small one just from kind of a formatting standpoint. I don't know if
48 other Commissioners feel this way but I find it a lot easier if sections are bolded and titles of

1 subsections are either underlined or something. When I am looking for something it just lets me
2 find it quickly. So like where it says 'spokesperson for a group' whether that is underlined or
3 bold or something when I am trying to reference something I don't have to read the whole thing.
4

5 Mr. Larkin: The direction was to copy Council's, which is what I did, but if you want to
6 improve upon it I am happy to do that.
7

8 Chair Cassel: Maybe they will copy us. They have been known to occasionally.
9

10 Commissioner Burt: Remember, this is Planning Commission for dummies.
11

12 Chair Cassel: But it does help. Thank you, Pat. Karen.
13

14 Commissioner Holman: Thank you. A couple, three things. One is the discussion we had
15 earlier regarding contact with public applicants, appellants, what we have been using as a
16 practice is also applying that to PCs so maybe the Commission might consider that we add a
17 section about PCs incorporating that. There seem to be some nods of heads here.
18

19 Mr. Larkin: I can include that as part of quasi-judicial.
20

21 Commissioner Holman: Okay. Then on page 2-5, item D, items to be considered after 10:00
22 PM. The very last sentence there says, "The Commission will make every effort to complete the
23 meeting before 11:00 PM." I appreciate the goal I am uncomfortable with the language because
24 I would rather it say something like the Commission will make every reasonable effort to
25 complete its responsibilities prior to 11:00 PM. Otherwise it just sounds like curfew, we are
26 done at 11:00 and I am just not comfortable with that language. I am hoping other
27 Commissioners can appreciate why. We do have responsibilities that we do take an oath to
28 uphold.
29

30 Chair Cassel: Right, but I think that is the intent of what was said there was that we would
31 complete this if we possibly can by eleven o'clock. It is just a little softer language.
32

33 Commissioner Holman: If what I said is the intention I would really appreciate that language
34 being used. It still gets the intention to be done by eleven.
35

36 Chair Cassel: Okay.
37

38 Commissioner Holman: Thank you.
39

40 Mr. Larkin: Can you repeat it? Tell me where it is first and then repeat it.
41

42 Chair Cassel: I can't find it either.
43

44 Commissioner Holman: It is 2-5, item D, the very last sentence. It now says "The Commission
45 will make every effort to complete the meeting before 11:00 PM." What I am proposing is that
46 the Commission will make every reasonable effort to complete its responsibilities prior to 11:00
47 PM.
48

1 Commissioner Lippert: It is ten of eleven.

2
3 Commissioner Holman: I appreciate the agreement. There are a couple of places here that it
4 talks about motions being made. It is a general question. Two places where I read this it sounds
5 like the way I read it at least that motions have to be made before discussion can proceed on an
6 item. I don't think that is the intention but is how it reads to me.

7
8 Chair Cassel: Where is this?

9
10 Commissioner Holman: On page 3-1, 3-b, second sentence where it talks about a motion being
11 made. It says, "A motion must receive a second before the Commission can consider a matter."
12 Then the other place is 3...

13
14 Commissioner Burt: Wait, I can't find it.

15
16 Chair Cassel: She is on 3-1, item b, Motions. This is stuff that is taken straight out of the way
17 the Council makes its motions, debates and voting. This is their language that they use with the
18 exception that we switched out the word 'Commission' and made sure that it was In
19 summary of rules it says Palo Alto does not follow Robert's Rules of Order see the summary
20 table below and this is exactly what they have there.

21
22 Commissioner Holman: I understand and it also shows up, just quickly it does show up also 3-6,
23 Debate and Voting, presiding officer to state the motion, the presiding officer shall assure.....

24
25 Chair Cassel: Give us a chance to catch up to you, please.

26
27 Mr. Larkin: If I can clarify here....

28
29 Commissioner Holman: I am trying to hurry here because it is approaching eleven.

30
31 Mr. Larkin: That was the intent. It is not what the Commission currently does although it is in
32 the Commission's current rules but it is the intent that the subject of a motion doesn't get
33 discussed until a motion is made to discuss. That is typically how it works. That is not how the
34 Commission practices but that is how it is intended.

35
36 Chair Cassel: Technically we should be asking our questions but not really discussing it until
37 there is a motion on the floor and that is normally what is done. We have not been following that
38 procedure but that is typical.

39
40 Mr. Larkin: Motions can be made at any time. To clarify something that came up earlier,
41 motions can be made at any time that doesn't necessarily cutoff questions but what it does do is
42 allow discussion.

43
44 Chair Cassel: And it focuses the discussion.

45
46 Commissioner Holman: That is just it, it focuses the discussion and sometimes that is to the
47 detriment because you can only speak to the motion once the motion is made and that can limit
48 the scope of questions.

1
2 Chair Cassel: That's right and that is the intent of that and that is standing procedure in a format
3 that you normally would have. In most meetings that you would go to someone would make a
4 motion and you would have the motion and then you would debate your motion.
5

6 Commissioner Burt: I would just like to say that both here and at Council the standard procedure
7 is questions, discussion then a motion and a focused discussion on the motion. There is as
8 practice here and in Council almost invariably a discussion period prior to motion.
9

10 Chair Cassel: That may be true but I was thinking on a more broader perspective and they have
11 been working back at

12
13 Commissioner Burt: We are talking about whether we want our procedures to reflect our reality
14 and what we really think to be our best practices.
15

16 Chair Cassel: Annette.
17

18 Commissioner Bialson: I think what often happens in truth is that we have statements which
19 contains some questions but also a lot of discussion. I think we would be fooling ourselves if we
20 say we stick to questions and then go on to discussion and then go on to a motion and then have
21 this more focused discussion. I think rather than end up in a situation where you may be called
22 upon by the Chair to say that is not a question that is a discussion, which I don't think is really
23 going to benefit this group, you are better off recognizing the fact that you are going to have a
24 little of each of these items in any statement or conversation that we have up here. I think it
25 would be a benefit to us if we did have more focused discussion after a motion was made and not
26 to have a three stage process of questions, discussion, focused discussion.
27

28 Commissioner Burt: I just want to make sure that we are not in our procedures essentially
29 prohibiting discussion prior to a motion. I think that is the literal reading of what we have here.
30 That is the point that I was making. I am all for the latitude. I thought the way it was written
31 handcuffed us.
32

33 Chair Cassel: Well, I think we can proceed. This is generally to give us an outline. It is
34 important that this outline I think be consistent with City Council's so people can have some
35 consistency between the various bodies that are operating.
36

37 We need to get to the end of this meeting we have some minutes and some other things and it is
38 approaching eleven. Lee, one comment and then we will figure out what we are going to do
39 next.
40

41 Commissioner Lippert: I think that there is a middle ground between the questions and the
42 discussion and that is comments. Here you are we sit and listen to an applicant, we listen to Staff
43 and then we listen to the public and there are certain salient points that I think we each hear and
44 we think are important to eventually leading up to the discussion or the motion. That I think is
45 an appropriate time prior to having a real motion or a discussion is to get those comments out in
46 the public arena and how we feel about certain aspects of either an application or the topic that is
47 being discussed.
48

1 Chair Cassel: I think we have an interesting broad-based discussion at the moment over which
2 we do not have consensus. We are not going to resolve it I think in the next five minutes. What
3 I would like us to do at this point is keep that one on the table, Pat and I will discuss it some
4 more, talk to some of you as much as we can with the Brown Act and then come back with this
5 particular wording because we are not going to resolve it right now unless someone is going to
6 make a motion and say this is the way it is going to be. Are there any other items? What I
7 would like you to do at this point is just raise the items of concern so that we can get this done in
8 the future. Karen.

9
10 Commissioner Holman: I will be quick I will just as you say raise the issue. Special meetings
11 that were discussed earlier there is no differentiation here between special meetings as it refers to
12 here and special meetings as opposed to our regular meetings which we hold quite frequently.
13 So I think there needs to be differentiation there because it affects noticing.

14
15 Study sessions, these are all on page 5-1.

16
17 Chair Cassel: I am going to make a list because I can't keep up with you. Special meetings.
18 The regular meetings are the ones that cover everything else the special meetings are the
19 additional ones.

20
21 Commissioner Holman: But we regularly have special meetings.

22
23 Mr. Larkin: No you don't, they are special meetings but they are not the second and last
24 Wednesday of every month.

25
26 Chair Cassel: We will look at that.

27
28 Commissioner Holman: Anyway.

29
30 Mr. Larkin: Those meetings that aren't the second and last Wednesday of every month.

31
32 Commissioner Holman: Okay, study sessions, I know this is how it has been but I think it is a
33 burden on the community that public comment is heard at the end. I would like to see that go to
34 the front and after the Staff presentation and limited to a certain amount of time. Then also there
35 is no consideration here for working groups of the Commission, which is what I understood the
36 ZOU GROUP is, is a working group so I think that needs to be included as an item as well. I
37 will stop there.

38
39 Chair Cassel: Thank you. I don't want any answers at this point it is so tempting to debate them.
40 Anything? Anything? Bonnie.

41
42 Vice Chair Packer: Do we deal with assessment protest hearings in that list on iv-1?

43
44 Mr. Larkin: I will cross it out.

45
46 Vice Chair Packer: Thank you.

1 Chair Cassel: Pat, anything else? Any thing else? I am going to close the discussion on this.
2 We will repair those things that we can and keep open the discussion on the items that we still
3 have open bringing in what we can. So that will close that item.

4
5 We will bring forward the bylaw changes for next time we meet and then we will go on and
6 finish the last two or three pieces of this meeting tonight.

7
8 Reports From Officials, you have an item. Would you want to discuss the item on our meeting
9 with Council?

10
11 ***REPORTS FROM OFFICIALS.***

12
13 Mr. Emslie: No, we are agendizing that for our next meeting. We are going to have it posted on
14 the agenda so that we can discuss it as an agenda topic.

15
16 Chair Cassel: That's right and apparently the way that this is done is that the Chair of the
17 Commission and the Mayor sit down and talk about what they would like to do and that will give
18 you a chance to give me the information I need to go do that.

19
20 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

21
22 Chair Cassel: Commission Representation at City Council I thought we had someone for
23 September. Did someone agree to do that in September? No. I think it will be me. I don't think
24 it will be Michael. Michael is sitting here making faces at my back I suspect, and that will get
25 into the minutes.

26
27 Commissioner Griffin: And smiling all the way.

28
29 Chair Cassel: Okay, we will be adjusting the Commissioner Representation at Committees as we
30 get moving on the procedures.

31
32 Approval of Minutes for May 25, 2005. Do I have a motion?

33
34 ***APPROVAL OF MINUTES:*** Minutes of May 25, 2005.

35
36 MOTION

37
38 Commissioner Bialson: So moved.

39
40 SECOND

41
42 Vice Chair Packer: Second.

43
44 MOTION PASSED (7-0-0-0)

45
46 Chair Cassel: Any corrections or omissions? All those in favor please say aye. (ayes) That
47 motions passes unanimously.

1 The next meeting of July 13, 2005 we have nothing on the agenda I need a motion to cancel.

2

3 MOTION

4

5 Vice Chair Packer: So moved.

6

7 Chair Cassel: Second?

8

9 SECOND

10

11 Commissioner Burt: Yes.

12

13 MOTION PASSED (7-0-0-0)

14

15 Chair Cassel: Would you kindly pay attention on the other end? We are canceling the next
16 meeting and you want to know about that. So the meeting of July 13 we need to cancel and we
17 have a motion on the floor. All those in favor please say aye. (ayes)

18

19 The next meeting of the Planning and Transportation Commission will be held on July 27, 2005,
20 here at 7:00 PM. We are making up for having three and four meetings a month all last spring
21 and summer.

22

23 ***NEXT MEETING:*** July 27, 2005.

24

25 Chair Cassel: Thank you very much everyone and I will close the meeting. We almost made it
26 by eleven. Yes, we did.

27

28 ***ADJOURNED: 11:00 PM***

29