



PLANNING & TRANSPORTATION COMMISSION MINUTES

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Wednesday, March 22, 2006
REGULAR MEETING at 7:00 PM
Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL: 7:05 p.m.

Commissioners:

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

Staff:

Steve Emslie, Planning Director
Donald Larkin, Senior Deputy City Attorney
Andy Coe, Interim Deputy Director
Amy French, Current Planning Manager
Gina La Torra, Associate Planner
Chris Riordan, Planner
Zariah Betten, Executive Secretary

AGENDIZED ITEMS:

1. 850 Webster Street
2. 49 Wells Avenue

APPROVAL OF MINUTES: None.

Chair Burt: Good evening. We will be convening. At this time I would like to convene the Planning and Transportation Commission meeting for Wednesday, March 22, 2006. Would the Secretary call the roll? Thank you.

Chair Burt: Commissioner Sandas is not present this evening. At this time we provide an opportunity for the public to speak on items that are not on the agenda.

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

1 Chair Burt: We do not yet have any speaker cards. So if anyone wishes to speak on items not on
2 the agenda they need to come forward. I see no one.

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

6
7 Chair Burt: Our first agendized item tonight is 850 Webster Street. A request by Channing
8 House for a Planned Community amendment to allow the construction of a two-story, 34,000
9 square foot skilled nursing and assisted living facility with a 17,000 square foot underground
10 garage. Would Staff like to make a presentation?

11
12 **NEW BUSINESS:**
13 **Public Hearings.**

- 14
15 1. **850 Webster Street*:** Request by Channing House for a Planned Community
16 amendment to allow the construction of a two-story, 34,000 square foot skilled nursing
17 and assisted living facility with a 17,000 square foot underground garage. Environmental
18 Assessment: An Initial Study will be prepared. Zone District: PC.

19
20 Ms. Amy French, Current Planning Manager: I would like to introduce Gina La Torra, the
21 project manager for this project.

22
23 Ms. Gina La Torra, Associate Planner: Good evening. The project is for the construction of a
24 new healthcare building at 850 Webster. The applicant is proposing to transfer the skilled
25 nursing and assisted living uses from the second floor of the Channing House into the new
26 healthcare building. The second floor of the Channing House would then be converted to
27 independent living units. The new building location is proposed in the area that is currently
28 developed with a service parking lot and cottage, which is used for storage. The building would
29 be two stories tall and would have an underground parking garage. The applicant is requesting a
30 design enhancement exception for a daylight plane encroachment.

31
32 As noted in the applicant's development program statement that is the third page of Attachment
33 D the Channing House building currently has 21 skilled nursing units, 48 assisted living units
34 and 191 independent living units. The project would increase the skilled nursing units by six
35 units, the assisted living units would be reduced by 22 units and the independent units would be
36 increased by 14.

37
38 In Attachment B Staff has provided information regarding the preliminary ARB hearing of
39 January 19, 2006, identified some key issues and summarized the public comments. Prior to the
40 publishing of the Staff Report Staff received 21 letters of opposition to the project and 46 letters
41 supporting the project. Those letters are attached to the Staff Report.

42
43 Since the publishing of the Report Staff has received approximately 50 additional letters, copies
44 of those letters have been placed at your table. The majority of the letters are from the residents
45 of the Channing House.

1 I wanted to point out one correction to the Staff Report. In Attachment B, page two, the third
2 paragraph lists two conflicting heights for the RM-15 zone. It should state that the RM-15 height
3 limit is 30 feet and the RM-30 height limit is 35 feet.

4
5 Staff is requesting that the Commission comment on the applicant's proposed development in
6 this initial review and recommend that the application be forwarded to the ARB for further
7 review. If forwarded to the ARB the applicant would return to the Commission for further
8 review prior to the City Council's review.

9
10 The City Attorney has some further comments for this project. Additionally, the applicant which
11 is the Channing House and the architects are here to present the project and answer any
12 questions.

13
14 Chair Burt: Thank you. Don.

15
16 Mr. Don Larkin, Senior Deputy City Attorney: A question has come with regard to whether or
17 not the Commission needs to make a finding that the project will provide a public benefit.
18 Because this is an existing PC zone it is presumed to provide the public benefit. If the
19 Commission could find that the project as a whole after the amendment no longer provides
20 public benefit that would be a ground for denial. A public benefit is usually not considered as
21 uses that are intrinsic to the site. In this case that would be housing so in order to find that there
22 is no public benefit the Commission would essentially have to find that the benefit of a
23 retirement living, skilled nursing, assisted living, nonprofit doesn't provide a public benefit over
24 housing. I think it wouldn't be rational to find that that's not a public benefit so I don't think that
25 that's an issue in tonight's decision. I would also just remind the Commission that it amended
26 this very same PC zone I think it was two meetings ago under the same type of criteria. So I
27 think it is already something that has been decided by the Commission very recently.

28
29 Chair Burt: Thank you. Do Commissioners have any questions of Staff before hearing from the
30 applicant? Okay. The applicant has up to 15 minutes to speak and then we will hear from
31 members of the public. Because of the number of speaker cards each member of the public will
32 have up to three minutes to speak. So would the applicant like to make their presentation?

33
34 Mr. John Northway, Applicant: Yes. I am a former Board Member of Channing House and now
35 am consulting with them to help guide them to the highways and byways of the PC process.
36 Here tonight is Carl Braginsky, Sandy Sloan, Allen Chan, they are respectively the head of
37 Channing House, our attorney and our contract project manager. They will be available for
38 questions if you have them.

39
40 Channing House, the official position is that they are a licensed life care facility and they are
41 regulated by the rules of the State of California. That is essentially what they are. They are not
42 exactly a medical facility and they are not exactly a residential facility. They are a licensed life
43 care facility.

44
45 This project planning started back in 2001 and as a Board Member I was fortunate to participate
46 in all of it. It was a very heavily interactive kind of process with the residents in really trying to

1 define the problem because clearly the skilled nursing and the assisted living facilities at
2 Channing House were very, very obsolete. As a result of this interactive planning actually a new
3 way of looking at assisted living came forward. Instead of many people having to go down to
4 the nursing staff to receive the help in assisted living the nursing staff will be going to many of
5 the residents in their apartments to provide this service. This allowed the number of beds
6 assigned to assisted living, which was 48, to actually drop to 27 and we were able to make that
7 part of the building smaller.

8
9 In this process eight different site options were explored. Some were within the facility and
10 some were offsite. The result was that we found that still the best use for the land was to put the
11 building on the parking lot. It kept a strong sense of community because many people who use
12 the facility it is very important that their friends that are within the Channing House community
13 could easily visit them and keep that relationship strong and also to keep the people who are
14 using the facility feeling that they really are still part of the Channing House community. Also,
15 by the laws of the State of California for a licensed life care facility the facility is required to be
16 onsite. Those are kind of a very quick summary of how we got to this point and why the
17 building is located where it is.

18
19 I think it is important to remember although the square footage assigned to Channing House is
20 increasing the actual number of residents will be decreasing by one. So there is more square
21 footage per resident but there aren't more residents. That is because these facilities were under
22 sized and now they are getting right sized. The number of employees would increase by two and
23 so basically it is a wash as far as parking and traffic is concerned and that is in your traffic report.

24
25 Channing House provides a lot of public benefit that wasn't required by any action by the City of
26 Palo Alto. Sixty-two percent of the residents are from the Palo Alto/Stanford area so it is a very
27 locally serving facility. The residents volunteer their time to forty separate different
28 organizations. The residents donate approximately 700 volunteer hours per month. Channing
29 House is very open and lets outside organizations use their conference facilities. Currently the
30 League of Women Voters, AAUW, Museum of American History and Foothill College teaches
31 classes that are open to the public there. The residents are encouraged to invite groups that they
32 are part of to use the facilities for conferencing and they are available of course by schedule to
33 other groups in the community. It is also a voting or polling location because seniors love to
34 vote and it is right there. It is the neighborhood voting station.

35
36 In terms of outreach we have had three neighborhood meetings. The last one was held last
37 Thursday, March 16. Channing House has really tried to listen very carefully to the concerns of
38 the immediate neighbors. The immediate neighbors have some very legitimate concerns. I think
39 we all would have with any new project that is going to be built right next door to them. The
40 designers and the architects listened and have absolutely redesigned the entire second story. The
41 building now conforms to the daylight planes on the south side where the zoning is RM-15 the
42 building conforms to the RM-15 daylight plane. On the west side where the zoning is RM-30 it
43 now conforms to the daylight plane of the RM-30. So it conforms to the same daylight planes
44 that any neighboring new project would have to conform to.

1 There were concerns about the landscaping and at our meeting last Thursday Channing House
2 said that they would absolutely have our landscape architect meet with each individual owner
3 and we will customize the landscaping that is going to be on the other side of the fence from
4 them. Some people wanted tall thin trees, some people wanted wide broad trees so it was just
5 easier to sit down and say we are happy to sit down and work the final landscaping plan out with
6 the individual neighbors.

7
8 The two slides up on the screen are the existing conditions in the skilled nursing situation. What
9 has happened over years is it has had a greater load put onto it. Rooms that were really supposed
10 to be for one or two patients now have three and you have very little privacy. It is just not a
11 good or up to state-of-the-art standard and this is what we are trying to fix.

12
13 Channing House did a very bad job in regulating the project when they did their seismic upgrade
14 and this caused a lot of consternation in the neighborhood and it caused a lot of consternation to
15 the residents of Channing House. Both the residents of Channing House and neighbors have
16 been very clear that they do not want the same things to happen in this one. Channing House has
17 listened, we have a project manager who will be managing the construction, we will write a very
18 hardnosed contract in terms of enforcing the parking plan and making sure that that is adhered to.
19 We are also going to be working with the contractor for putting up dust barriers so we can try to
20 keep the amount of dust drifting toward the neighbors to a minimum. Channing House has also
21 volunteered to periodically go to the neighbors and clean their windows because during the
22 seismic that was a real complaint that things just got very dirty. They are trying very hard to be a
23 good neighbor. They have been there for 40 years and we are hoping that this project can work
24 with the neighborhood and also be a catalyst for even better relations for that entire block.

25
26 I want to introduce now Tom [Bruding] who is the project architect and Lisa Wong who also is
27 one of the architects and they will go through the project for you.

28
29 Mr. Tom Bruding, Architect: Great, thank you. It is a pleasure to be here this evening. I am
30 principle in charge of this project at HKIT Architects.

31
32 You saw some previous slides of the existing conditions at Channing House at both the assisted
33 living and skilled nursing which are far outdated by today's standards. Just to give you some
34 reference this is Channing House, the main high rise building, Homer and Channing Avenues
35 being over here. The parking lot in question where the development will happen is back in here.
36 There is an existing cottage that would be demolished in order for this building to be built.
37 These are the neighboring properties south and west and across the street on either side. I
38 wanted to show some neighborhood context pictures. This is actually looking west. I want to
39 show you that on the properties on the west side what is happening is in back here where our lot
40 will be Channing House itself is a large building that looms in the background and goes quite a
41 ways as many of you may be familiar with.

42
43 There were some issues that came up at both ARB and the neighborhood about this alleyway that
44 now continues all the way through and we are curtailing that back beyond where the condos are
45 located. This will be just a service alley. We want to emphasize that there are no additional
46 delivery vehicles coming onsite for this new development. The neighbors in particular asked if

1 there was some way that we could look at the maneuverability of trucks and other vehicles in
2 that area. Unfortunately as you see here there are a number of protected redwood trees that
3 prevent us from actually creating another access point through there. Traffic studies showed that
4 there would be no impact on traffic on this site. We do want to point out that this is going to be
5 looked at much further to hopefully come up with a successful alternative for loading and
6 unloading materials.

7
8 This is back looking on the south side of the site at a number of the buildings. This is that
9 cottage that will be demolished. I want to point out that there are several large buildings back in
10 this area that are two to two and half stories as well as have parking underneath them.

11
12 Just to give you neighborhood context on the site around here a number of the buildings
13 including the one directly across the street, which is here, is two and a half stories, a number of
14 larger buildings again back in this area. This is actually a three story building here. Please take
15 note of how the proximity is of the existing building to each other, the space between them, the
16 length of them and this is all that we are looking toward in terms of neighborhood context.

17
18 Then directly on Homer, this is our lot right here where we will be building our building
19 hopefully, just some scenes and looking directly at our property from there showing Channing
20 House in the background. This is just to give you some flavor. Interestingly enough if you come
21 back and look at slide number six, if you move back further enough on the site there is enough
22 vegetation that exists even back in here that you wouldn't even be able to see our building from
23 back on the street.

24
25 There are a number of issues that did come up at ARB and certainly meeting with the neighbors.
26 We are trying to be as proactive and responsible as possible. We take those comments very
27 seriously and we want to look at in particular diminishing the scale and size of this building as
28 much as possible. So proactively we did meet the daylight planes for the RM-15 and RM-30 as
29 John had indicated on the west and south side. We diminished the scale of the building by
30 1,000-plus square feet and most importantly we lowered the height of the building considerably.
31 So bulk and mass along the neighboring properties we reduced both by moving back and then
32 considerably moving down. Landscape of course as John had mentioned people were concerned
33 about outdoor activity space, which I will show you in a later slide is actually located between
34 the new building and the existing Channing House building. We did a number of shadow studies
35 at two times of year, June 21, December 21 at three times during each day with the existing
36 building and then our new building. We have actually determined that there are no shadow
37 impacts with the new building being built to any of the adjacent properties. Maneuverability we
38 spoke about before. Parking for the Channing House bus, people wanted to know where that was
39 going to go and we looked at that and found a place for it. The building articulation, the large
40 size of this and how we break it down, we have actually had good comments from the ARB that
41 we have addressed. We are trying to use materials, massing and articulation of windows and
42 fenestration to bring it into a more residential scale. Lastly, the neighborhood wanted all the
43 properties to be accurately shown so we did a survey of all the neighboring properties both the
44 location and height of the buildings to know exactly what they are.

1 This shows the new building addition right here, which would be connected at the basement level
2 into the parking garage as well as on the second floor level into the skilled nursing facility
3 directly linked to the building. There will be a courtyard connection at the first floor going into
4 the assisted living portion of it. You see it back here and I will show you a detail in a moment,
5 the landscape buffer on the sides and I want to point out that this is the existing garage location
6 with the ramp or drive going down into the garage under Channing House which we are linking
7 into for our new building as well.

8
9 This is a landscape buffer in back which varies anywhere from ten to 17 feet depending on the
10 location. We have been hearing as John had noted earlier working with the landscape architect
11 further on the plantings and things that could happen to buffer this as well as on the front yard of
12 the setback area.

13
14 This is our garage level again linking into the existing drive into the garage below grade. It will
15 be four feet above grade just to get air and daylight into here. This is our assisted living portion
16 on the first floor. I want to point out that it was specifically designed that all the residential
17 rooms, which are the quiet rooms, will face the residential properties that they are neighboring.
18 So all the activity space is in the areas where there will be lights on during the day and night and
19 also where activities will take place are back in here toward Channing House. This is a
20 Channing House building. So this becomes a quiet edge along the neighboring properties.
21 Likewise on the second floor, which is the skilled nursing, these are all the residential rooms
22 again and the activity spaces for that nurses station and the other components of support spaces
23 are back here facing toward Channing House. You can see here this is the line at the edge where
24 we actually moved the building back in order to accommodate these daylight planes coming in.

25
26 This is the view of the Homer Street elevation this is the elevation that faces Channing House
27 itself. You can see the bridge link right up in there. I want to point out the adjacent buildings
28 here and here and also to point out that our roofline is no higher than any of the adjacent
29 properties to it. So varying between 24 and 26 feet. This is why we found the survey
30 information to be very important to study how we are indeed influencing these neighboring
31 properties. So our roofline will be even with the properties around us.

32
33 Then these are the two elevations on the west and south side. The second story on this is the one
34 that is actually pushed further back from the first floor level and using materials to break that up
35 somewhat. So in essence that is it. I appreciate the time. We think we have been very
36 responsible in addressing these issues. Thank you.

37
38 Chair Burt: Thank you. Just to let you know you will have three minutes at the conclusion of
39 the public comments to do any wrap up that you would like to do.

40
41 So do we have other speaker cards from the public beside the ones so far? If anyone else does
42 wish to speak please fill out a card. Then if all speakers would state their name for the record
43 and their city of residence. Lee, do you have a question for the applicant?

44
45 Commissioner Lippert: No, I have to state for the record that I was contacted by the applicant
46 and I did not have an opportunity to speak with them.

1
2 Chair Burt: Okay. Any other comments from Commissioners? Just to let Commissioners know
3 that if you didn't have a substantive contact you don't have to state it as a potential conflict.
4

5 So we have what looks like over 20 speaker cards. Each speaker will have up to three minutes to
6 speak but you are not required to use up all three minutes. So if someone has spoken before and
7 you would like to endorse the comments that someone else has spoken please feel free to do so
8 and we will all move forward with the project as expeditiously as possible this evening. Forgive
9 me in advance if I mispronounce names, cards are often hard to read. The first speaker is Jeré
10 Foley to be followed by Herbert Hamersloogh.
11

12 Ms. Jeré Foley, Palo Alto: Good evening. I am a resident of Channing House, which is a life
13 care facility. I have lived in Palo Alto for more than 50 years so I was here when Channing
14 House was built more than 40 years ago. It was one of the first and it has been noted as one of
15 the best. As our older population has grown and incidentally I am a gerontologist so I am well
16 aware of numbers. We have grown in numbers and we live healthier and longer and more and
17 more housing is being specifically built for our age group. Every year the benefits and demands
18 of these new buildings are somewhat different than before. Human beings as we know ourselves
19 are prone to want and demand the newest and most modern. You know and I know that needs
20 change, equipment changes, methods of care change, the needs of the staff change and the ways
21 the spaces are put together are all together different. The footpath of a 40-year-old building,
22 Channing House, is no longer meeting all these new needs but something Channing House does
23 have and is very proud, always had, is still very important and hopefully we are here today to
24 address that. The accessibility of friends who care are able to sit and talk and share the news and
25 hold hands and be emotionally, and this is very important physically close together with just a
26 few steps we hope the two buildings, Channing House 40 years old and the new building in the
27 parking lot, will be connected. It is very important to us and may I say to future residents.
28 Please understand that. Thank you.
29

30 Chair Burt: Thank you. Herbert Hamersloogh followed by Albert Staff.
31

32 Mr. Herbert Hamersloogh, Palo Alto: Good evening. I am a resident of Channing House. My
33 wife and I have lived in Menlo Park and Palo Alto for over 50 years. Some important points to
34 show why we need the new health center. This is the result of many years of meetings,
35 deliberations and discussions. We do respect and share the concerns of our neighbors and
36 together with our residents we will all be impacted by the construction of the new premises. As
37 we age more of our residents will be using the assisted living and skilled nursing facilities. At
38 the present time our second floor is showing 41 years of use. The new building will bring us into
39 the 21st Century with more space, privacy and modern facilities. We urge you to pass this
40 important project to the next level. We need it. We want it and are willing to put up with the
41 inconveniences that it will bring after construction starts in the future. This will ensure a
42 building for the many of us who are still here and for those that will follow us in the years to
43 come. Thank you for your attention.
44

45 Chair Burt: Thank you. Albert Starr to be followed by Barbara Smith.
46

1 Mr. Albert Starr, Palo Alto: I am a resident of Channing House where my wife and I have lived
2 for past nine years. This includes the entire time during the seismic retrofit project. I agree that
3 Channing House nursing facility needs improvement. However, based on the information that I
4 have seen I think this improvement could be made within the second floor. As they have told
5 you the number of assisted living beds is being reduced by 22 and I think with careful planning
6 they could get the major problems resolved by redoing the second floor and keeping it there. I
7 believe this could be done with much less disruption and would be at a lower cost and therefore I
8 am one of the residents opposed to the proposal at this time.

9
10 If you decide to approve the project I urge that you place several requirements on the developer
11 so that we are protected from some of the adverse affects of noise and dust and fumes and
12 disruption. I have worked for the State Health Department for the past 50 years managing and
13 working in environmental health regulatory programs. I am aware that many environmental
14 problems create exposures that can have adverse physical and mental health problems. Channing
15 House did such a poor job in the seismic retrofit project that I hope you will adopt some features
16 that will make sure that these things don't happen again.

17
18 First Channing House should be required to have a parking plan that is approved by the City and
19 that before any construction commences this parking plan be shared for comment by the
20 residents and neighbors. Second, Channing House should be required to have an approved plan
21 for identifying and mitigating the adverse affects of the dust, fumes, noise and disruption during
22 construction. Third, the City should insist on seeing an acceptable plan for access to the main
23 building and the annex for emergency and service vehicles, employees and visitors during and
24 after the construction project. It is not now clear how such access will be handled. Fourth, the
25 City should require that any new emergency generator on the roof of the new building be
26 enclosed within a sound-limiting barrier. There currently is an emergency generator, which we
27 look down on from my apartment that is quite noisy when it runs. It runs 45 minutes a week for
28 testing and in fact in the last four months it malfunctioned and ran at midnight several nights.
29 One other time it ran when it wasn't supposed to which is very disruptive. So I think you should
30 insist that any emergency generator that Channing House has be enclosed in a soundproof
31 barrier. That is my time. I have written you a letter that has more detail on some of the things I
32 have said. Thank you very much.

33
34 Chair Burt: Thank you. Barbara Smith to be followed by Dr. Thomas Clewe.

35
36 Ms. Barbara Smith, Palo Alto: I am a resident of Channing House. Because of the good care we
37 receive there many of us live longer than we might otherwise. The health facilities are 40 years
38 old as you have heard and they are crowded. There is a great need for a new health center.
39 Thank you.

40
41 Chair Burt: Thank you. Dr. Thomas Clewe to be followed by Lee Horn.

42
43 Dr. Thomas Clewe, Palo Alto: I will be brief but not as mercifully brief as Barbara. I am a
44 graduate of Stanford Medical School 50 years ago. I live at Channing House. I have been a
45 citizen of Palo Alto for more than half of my 80 years. I have been a resident in the Channing
46 House retirement community for seven years and will be for the rest of my life. I strongly

1 support the rezoning considered here tonight to allow the construction of an improved, more up-
2 to-date, state-of-the-art healthcare center for Channing House. If I am not lucky enough to drop
3 dead suddenly when my time comes I expect to spend my last days, weeks, months or years in
4 the Channing House healthcare center. You will note that we are not talking here about a
5 doctor's office or an emergency room from which one goes home pretty soon regardless of how
6 comfortable or uncomfortable it may be. We are talking about a continuing care facility from
7 which one may not go home ever. It is important that such a facility be as comfortable as
8 possible. It is important that such a facility be not only as comfortable as possible for the
9 patients and staff but also for friends and family to visit. As is well known in real estate the three
10 most important things are location, location, and location. The proposed rezoning will provide
11 the right location for our healthcare center. Zoning is all about land use. I submit that a parking
12 lot is not good land use when compared to a health center with underground parking. Thank you
13 for your consideration of this rezoning proposal, which will affect many hundreds of Palo Alto
14 citizens in the years to come. Thank you.

15

16 Chair Burt: Thank you. Lee Horn to be followed by Richard W. Lyman.

17

18 Ms. Lee Horn, Palo Alto: Good evening. Thank you for hearing us. My husband and I are the
19 new kids on the block. We just moved into Channing House seven months ago. The time may
20 come that we may need to have or make use of the new facilities. We know that things have
21 changed in the last 40 years. The California standards have changed, the medical equipment has
22 changed, technology has changed and so therefore things need to be upgraded.

23

24 The new health center is needed. My question is if not now, when? Thank you.

25

26 Chair Burt: Thank you. Richard W. Lyman to be followed by Barbara Gordon.

27

28 Mr. Richard W. Lyman, Palo Alto: Good evening. I am president emeritus of Stanford
29 University. We have lived at Channing since August 2003, my wife Jing and I. My late mother
30 lived there her last years in the 1970s and 1980s dying there in 1987. Our main reason for
31 moving was peace of mind. Peace of mind for ourselves, peace of mind perhaps even more
32 important for our four children who live on the east coast and who would bear the burden of
33 providing or finding care for us should we come to need it and should we not be in a place that
34 provides care at all stages. I think that is true for many at Channing House. Peace of mind is the
35 most important byproduct of Channing House. This peace of mind is threatened by the
36 conditions and the obsolescence of our present healthcare center. It is unbelievably crowded. It
37 is impossible for people to live a life of dignity let alone any substantial degree of autonomy in
38 conditions such as we have now. The trends in geriatric care now a days stress keeping up as
39 much personal autonomy as possible for as long as possible, letting people live where they live.
40 Therefore the new plans to have staff come to apartments rather than the residents of apartments
41 be moved into assisted living is extremely relevant since everybody on average is living longer
42 and the need for this guarded autonomy, protected autonomy is becoming greater for greater and
43 greater numbers of people. The new building I think is therefore planned in fidelity to the vision
44 of [Russ Lee] the great founder of Channing House and of the Palo Alto Medical Foundation all
45 those years ago. I hope very much you will approve the project.

46

1 Chair Burt: Thank you. Barbara Gordon to be followed by Crystal Gamage.

2
3 Ms. Barbara Gordon, Palo Alto: I have lived at Channing House for eight and a half years. I
4 strongly support the change in the zoning to permit the new health center. I want our neighbors
5 to know that we do understand their concerns. In fact, many of us are not looking forward to
6 construction. Some of us may not live to reap the benefits. As a volunteer patient advocate I
7 spend much time in the health center. I have witnessed some sad situations. A dying friend was
8 in the middle bed of three in the skilled wing. There was hardly enough space for her family to
9 be with her. The mentally alert patient in the bed next to her became very depressed having the
10 morning family and the dying patient around her for over two weeks. An important feature at
11 Channing House is that when we have to go to the health center we are not isolated in some other
12 location. We were gratefully relieved when after much research it was found that no outside
13 location was feasible and that the best location was on our parking lot. Thank you.

14
15 Chair Burt: Thank you. Crystal Gamage to be followed by Carl Otto.

16
17 Ms. Crystal Gamage, Palo Alto: Good evening Commission Members and Staff. I do not live at
18 Channing House but I served on the Board for many years and also served as President. I am
19 here to urge you this evening to forward this application submitted by Channing House to the
20 Architectural Review Board for the formal review and hearing.

21
22 When I was President of the Board of Trustees I did work diligently with the residents and the
23 staff to figure out how in the heck we could modernize the skilled nursing and assisted living
24 areas in a building that was built in 1964. You have heard compelling reasons and there are
25 compelling reasons to relocate these services to a separate building on land that we already own
26 and it is next to our current building. The health center is a compatible use of the land and it
27 would relieve the cramped quarters that now exist. You have heard a lot of personal stories from
28 our very eloquent and energetic residents so I can't repeat those. I do know that the new health
29 center will allow staff to provide nursing services more efficiently and the residents will gain
30 more privacy and security, which is very important. I was pleased to read in the Staff Report in
31 the attachments B, C and D that the plan conforms virtually to all of the City policies and codes
32 that relate to the PC zone. So again I urge you to forward this application to the ARB so that a
33 process may begin and allow Channing House to provide much updated services. Thank you.

34
35 Chair Burt: Thank you. Carl Otto to be followed by Janet Owens.

36
37 Mr. Carl Otto, Palo Alto: I am a resident of Channing House, a relatively recent resident. I am
38 here to emphasize that the residents of Channing House are a good deal for the City of Palo Alto.
39 You heard the statistic that many hundreds of hours of volunteer work are provided by our
40 residents. We need a new health center if we are going to continue to provide those services
41 because the new people coming in will demand a better level of care and a better facility if they
42 are going to come in and live and then provide the volunteer services. I can say without question
43 that yes we will benefit but what is good for Channing House is going to be very good for Palo
44 Alto.

45
46 Chair Burt: Thank you. Janet Owens to be followed by Mary Wilcox.

1
2 Ms. Janet Owens, Palo Alto: Thank you. I have often spoken here about housing in Palo Alto
3 for others but this is different. Tonight I am talking about me and my Palo Alto friends at
4 Channing House a few of whom attended the Channing Middle School for which the house is
5 named. We all hope for a long and comfortable aging process. Although we would prefer to be
6 active to the end we know the chances are high that we will need more care before that and we
7 want that to be in an up-to-date comfortable and familiar facility. We can't make that possible
8 on our own but with this proposed building and the cooperation of the City and our neighbors
9 with our Board and staff we can all look ahead confidently. We will be looking forward to
10 sharing our experience with many younger people sitting here tonight. Please make it possible
11 without unnecessary delay. Thank you.

12
13 Chair Burt: Thank you. Mary Wilcox to be followed by Elisabeth Rubinfien.

14
15 Ms. Mary Wilcox, Palo Alto: I have been a resident at Channing House for eight years. I would
16 like to explain why the proposed plan for a health center while I approve of it and encourage you
17 to support it by telling you about two conversations I have had recently. My first conversation
18 was with a long term resident in the skilled nursing wing of our health center. She is in her 90s
19 and is in a room intended for three residents, what we call a three-bed room. During the years
20 she has experienced more than once lying just two or three feet from a roommate who is dying.
21 She talked only briefly about the difficult final hours of her roommate's death but it was with a
22 subdued voice and she used the words, "it was depressing." I imagine it was a very emotional
23 time for her and maybe still is if she wonders will this happen again? I imagine it was also
24 stressful for the family of the dying person not to have privacy at such a precious time. In the
25 proposed plan there would be no three-bed rooms only private and two bedrooms. Another
26 conversation I had was with a hospice worker who told me she has worked with many senior
27 communities in this area but she has not seen another with more able residents who show such
28 warmth and caring to their friends in the health center. You people here don't forget, she said,
29 someone always seems to be here visiting and lifting spirits. Now I believe that people at
30 Channing House are caring, compassionate people but I think it is also more than that. It is the
31 location of our health center. It is so natural for people to stop by and visit with their friends in
32 the health center on the way to the dining room before or after lunch and dinner just to give them
33 the latest elevator talk, ask how they are, a few moments. Enough time as the hospice worker
34 says, enough time to lift their spirits. It would be unfortunate to lose the quality of care that is
35 proximity encourages by building a health center even a few blocks away. So I urge you
36 approve the proposed plan for the health center on the grounds of the present back parking lot.
37 Thank you.

38
39 Chair Burt: Thank you. Elisabeth Rubinfien to be followed by Kavita Satwalekar.

40
41 Ms. Elisabeth Rubinfien, Palo Alto: Hi, my family lives on Cowper at the corner of Homer and
42 Cowper adjacent to the Channing House parking lot. It is very hard to come here and speak
43 against Channing House. I have a longtime warm feeling for it. I vote there. I have friends who
44 live there. When my children were in kindergarten they went there to sing with some of the
45 residents every month. It especially hard to argue it is almost embarrassing when you see slides
46 of overcrowded conditions and you understand the growing need for assisted living in Palo Alto

1 overall. And yet, Channing House is not a public institution offering a healthcare center,
2 nursing, or assisted living to all Palo Alto. It is a private residence with private apartment
3 owners. In fact, the project proposed reduces the facilities for skilled nursing and assisted living
4 in favor of more apartments. The question of whether Channing House's expansion is a public
5 benefit or not is a matter of opinion. I would rather address how they are proposing to do it.
6 You have heard that that plan conforms to neighboring daylight planes, roof heights and so on.
7 It sounds very reasonable. One resident just said how pleased she was that it was such a
8 neighborly design. Those statements belie the underlying reality. Channing House seeks an
9 amendment to its Planned Community designation so as to build this structure, roughly 50,000
10 square feet on a 20,000 square foot parcel. Only under a Planned Community designation could
11 this scale of building be allowed on a parcel that size let alone one that is already so over-built.
12 Yet in the same breath Channing House asks to apply for residential zoning requirements where
13 it refers to the daylight plane. That is they are seeking the very zoning they wouldn't want for
14 the building overall for this specific thing, the daylight plane. Why the switch? Because the
15 only way Channing House can build the building at the height they want so close to their
16 neighbors is if they get this kind of DEE, this exclusion. Now, Channing House could build a
17 taller building closer to its existing facility but that would impede the views of some Channing
18 House residents as they explained at their meeting the other day. Or they could retrofit the
19 second floor as one of the residents today expressed. It seems to me that it is flat unfair to try to
20 play by two different sets of rules at the same time. The Planned Community has stricter
21 daylight plane rules presumably precisely to make larger developments less of an imposition on
22 the neighborhood by forcing a greater setback or lower profile. Conversely, residential zoning
23 limits the size of the structure in the first place. I hope the Planning Commission will reject the
24 proposal because I believe the skilled nursing expansion can be achieved in other ways with less
25 disruption to the residents and its neighbors. At least if you decide to push it forward to the ARB
26 permit it under only one set of rules. Pick the rules, Planned Community or zoning. Thank you
27 very much.

28
29 Chair Burt: Thank you. Kavita Satwalekar followed by Kevin Sheehan.

30
31 Ms. Kavita Satwalekar, Palo Alto: Hi, I live in the townhouse complex adjacent to Channing
32 House. I also serve on the Board for the Channing Place Homeowner's Association. Ever since
33 we have heard about the plans for the expansion of Channing House there have been quite a few
34 concerns not only at the level of the Board but also for all the other residents in there. Most of
35 our concerns are about the construction as well as the aftermath of the new building. Over here I
36 would like to focus mainly on some of the construction issues. If this ends up being a little
37 repetitive I apologize in advance because a lot of people here have already mentioned some of
38 the construction problems. The first thing I would like to mention is the parking of emergency
39 vehicles and delivery trucks in addition to all of the construction vehicles during the actual
40 construction. There is very limited space. It is either on Channing Avenue, Homer Avenue or in
41 the alleyway. So there is very little space to actually maneuver where exactly these huge trucks
42 are going to be parked. The second thing is the noise level during construction. Some of the
43 residents here mentioned and everyone knows what happens when such big buildings are built.
44 There is a lot of noise in addition to all the dust but the noise is going to be one of the biggest
45 issues not only for all of the residents in Channing House but also for the neighbors. There are a
46 lot of kids in the neighborhood now and a lot more elderly people who are just living in houses.

1 Dual paned windows are not a luxury for everyone. Besides that they are also going to start
2 construction in the summer months where people usually leave their windows open. The
3 earthquake retrofitting was supposed to be about six months and it took approximately three
4 years so that is something to consider. Then the other thing we should consider is reduced rental
5 prices during the construction. It is going to be especially tough for some of our neighbors who
6 rent out their units to ask for the same price as well as to rent their units out because very few
7 people like renting in a construction zone. Thank you.

8
9 Chair Burt: Thank you. Kevin Sheehan to be followed by William McCormack

10
11 Mr. Kevin Sheehan, Palo Alto: I am a resident and owner on Channing Avenue. Channing
12 House is part of the neighborhood. We greet our neighbors every morning. One of the
13 volunteers there is the woman who knitted the blanket for my newborn. It is clear that the
14 current facilities in terms of skilled nursing are below standard. They have to be replaced and
15 something has to be done about them. The question we ask is whether the facility and the
16 structure as proposed are the required solution. There are a number of other solutions that have
17 apparently been discussed unfortunately we don't know anything about them. So our main
18 question relates to the structure, its impact on the neighborhood, the temporary impacts, the
19 construction and the parking and noise and debris created for the neighborhood and some of the
20 permanent impacts in terms of traffic. So first off it is clear that to alleviate the two or three
21 person occupancy in the skilled nursing facility another structure is required. It is not clear that
22 that needs to be a two-story structure. It is also not clear that this really is a two-story structure.
23 We talk about the roofline we don't talk about the infrastructure above it, we don't talk about the
24 fact that we have four-foot grade because the parking structure isn't entirely underground. The
25 architecture – is a smaller structure possible to do the job that everyone here so far has asked to
26 do which is to do a better job with the skilled nursing facility. We think that is possible. We
27 think it should be examined. In terms of the other things done nobody has asked for new
28 apartments so far. They are all about the nursing and assisted living facilities. So is it really
29 relevant or is it an enhancement to the volume of Channing House to the detriment of the rest of
30 the neighborhood? In terms of construction we are looking effectively at two to three years
31 probably more given the way most construction projects go. Channing House has told us that
32 they are happy to clean the windows for us. Well, unfortunately it is going to be a lot more than
33 that. The debris, the dust, the traffic, all of the construction vehicles for an industrial
34 construction is being put into the neighborhood and that is going to affect us a great deal. As the
35 father of a newborn I am very concerned about that. Lastly, the traffic study, two samples at
36 peak AM hours, nothing happens at peak hours at Channing House. Delivery vehicles come all
37 day long, service vehicles come all day long, and everybody is double parked on Channing.
38 Spend a day or spend a week in our neighborhood you will see how often our driveways are
39 blocked and that is with alleyway being able to go two-ways. Trucks coming in and backing out
40 already happen. They are allowed to leave on Homer and they won't be able to do that now. So
41 take a week, look at our traffic situation, look at the noise, look at what is going to happen with
42 construction and let's take a harder look. Lastly, I would like to ask the communication be
43 better. The original notices for this project mentioned a renovation and renovation is fixing a
44 bathroom. It is painting. It is not adding a new wing to the structure. We would like to work
45 with Channing House, we would like to work with the City of Palo Alto, we look forward to the

1 opportunity to do so we would just like to have a better process to do it with. Thank you for your
2 time.

3
4 Chair Burt: Thank you. William McCormack to be followed by Diana Steeples.

5
6 Mr. William McCormack, Los Altos: Hi, my wife and I have property at 809 Cowper to 823. I
7 hope you won't think I am an insurgent but I live in Los Altos. We renovated the property. We
8 have an 1891 Victorian and we have a duplex of unknown age. When we attended the ARB
9 meeting I was struck by a comment by one of the members of the Board who described
10 Channing House as the ugliest building in Palo Alto if not the peninsula. I have been thinking
11 about that and at the same time I am teaching freshman about critical thinking at Santa Clara
12 University. I have been thinking about the process and wonder if maybe this is a repeat of 1961.
13 It is what I kind of think of as the Robinson Caruso effect. Daniel Defoe fooled us in Robinson
14 Caruso by putting so much energy into how many males he rescued from the wreck and how
15 they made a raft out of the sail and so on that we get distracted from the central thesis which is it
16 is implausible that someone would live on a remote island without being seen for 20 years.
17 Looking at this proposal I think there may be some of what I call the Caruso effect. We have a
18 giant building proposed which in fact is an aggressive attack on neighboring properties in terms
19 of the loss of privacy, for people on the second floor they are losing their privacy regardless of
20 how much the setback is on the second floor. We have a loss of sky for the town home people to
21 the south. There is going to be a loss in property values you know that better than I because you
22 are in this kind of profession. Then there of course is the inconvenience, the dirt, the noise and
23 so on. The property line on our side, the building is ten feet from the fence. How can we
24 landscape a ten-foot buffer? I didn't get an answer at the meeting the other evening. If you have
25 trees they are not deciduous. It is about the rule of law. Please read the proposal carefully and
26 notice that Channing House does not justify this proposal. The real question is if you turn it
27 down what will they do? They will remodel the second floor. Look carefully at the policies of
28 the City on variances. I don't see them meeting any of these extraordinary need, detriment to the
29 public, public benefit and so on. That's my pitch. Thanks.

30
31 Chair Burt: Thank you. Diana Steeples to be followed by Stephen Ludvik.

32
33 Ms. Diana Steeples, Palo Alto: I am speaking to you tonight as a medial social worker and
34 former Senior Adult Community Resources Coordinator for the City of Palo Alto. Then for
35 more than 20 years a management staff person at Avenidas. So I do have extensive experience
36 of the needs of senior adults. We mustn't forget their families. I am now a Channing House
37 resident myself. By the way, I wanted to mention as someone else has a high percentage of our
38 residents are long time Palo Altoans or from elsewhere wanting to retire near their Palo Alto
39 families. So many people have said so much of what I planned to say I will try to be briefer but
40 it is hard when you have worked it out carefully. The proposed improvement of the healthcare
41 facility is essential to keep alive the farsighted dream of Dr. Russell Lee, founder of Palo Alto
42 Medical Foundation who established Channing House and made sure it was established as a
43 nonprofit entity, which is governed by a local Board of Trustees. I spent a month, by the way, on
44 our second floor last year so I speak as a user. The staff is absolutely wonderful but their
45 working conditions are far from ideal. The physical plan, as you have gathered no longer meets
46 state mandated standards, which have of course increased over these years. They layout is

1 woefully inefficient. Now, people have spoken about concerns about whether we could do it by
2 remodeling the present second floor or could we move elsewhere. The Channing House staff
3 and residents and our consultants have conducted a number of studies with multiple meetings
4 and investigations to see if remodeling would solve our problems and the answer was no. I am
5 sure our consultants and architects can give you chapter and verse on that if you need it. Two,
6 would another location elsewhere meet our needs? No, for prohibitive costs and other reasons.
7 A major reason, which others have eloquently described, for keeping these healthcare facilities
8 nearby and linked directly to our independent living apartments is critical. The benefit of daily
9 drop-in visits by spouses, Channing House friends and volunteers is invaluable. You don't feel
10 isolated. You feel loved and cared about. This unique feature is essential in my mind. Thank
11 you.

12

13 Chair Burt: Thanks you. Stephen Ludvik to be followed by Monica Yeung Arima.

14

15 Mr. Stephen Ludvik, Palo Alto: Good evening and thank you for the opportunity to address this
16 proposed expansion. We are the owners of ___ Channing which is adjacent to __ 56 between
17 Channing House and Channing Place. I think it is unfortunate this evening that we are
18 discussing this issue as being for or against the approach that Palo Alto is taking to senior care.
19 In fact, we as a family support many senior charities and are encouraged by the foresight of the
20 Commission in coming up with alternate mechanisms for the seniors. As you know there are a
21 number of different models that are evolving and we trust that this is not a forum to discuss
22 those. The point that I wish to make relates to the alleyway between Channing House and
23 Channing Place. It is our understanding that Channing Place does have a right to that alleyway.
24 We heard this evening and I was very surprised given the amount of planning that has gone on
25 that there was actually no solution to that alleyway. The consequences of that in terms of
26 vehicles accessing the underground garage, the Channing House buses, service vehicles I believe
27 has not been thought through and the traffic patterns for example people will park in the street
28 and the possibility of children walking to school being prone to accident I think is equally ...all
29 life is very important. I think we need to look very carefully at this proposal. I think other
30 speakers have addressed issues, and I certainly encourage you to look at the packet because I
31 think a lot of thought was put into the response that we gave, but basically it is poorly thought
32 out, there has been a proposal here that within Channing House there are alternate solutions, we
33 admire what the residents in Channing House do, I think there are just better solutions to their
34 needs. Thank you for the opportunity to address this issue.

35

36 Chair Burt: Thank you. Monica Yeung Arima to be followed by followed by Sally Probst.

37

38 Ms. Monica Yeung Arima, Palo Alto: I went through a remodeling myself and I come to
39 represent 837 Cowper Street that my family owns. It is a 14-unit apartment building adjacent to
40 Channing House on the backside. I still remember that my son and his friends would bring the
41 kids over to Channing House to sing to the seniors. It really is hard for me to come and speak
42 against you. I have a few things that I wanted you to pay attention to. The ordinance 2007 that
43 was passed in 1961 basically approved the PC to build the high-rise building for Channing
44 House with the conditions of the 178 parking spaces. Now it turns into 162 with four handicap
45 parking spaces. I have a concern about that because with senior facilities I was hoping that there
46 would more than that. With the decreased number in the skilled nursing units plus the assisted

1 living I felt whether that was a benefit to the seniors or was a detriment to the senior to be in a
2 more crowded situation because of the additions of the independent units that are added on. So I
3 have doubts about that. I would like or recommend that Commission to discuss this particular
4 issue. I think the OSHPD is supposed to be the one that is reviewing the skilled nursing facilities
5 and I talked to them this morning. They said they only review the permanent skilled facilities to
6 make sure that it is earthquake safe, etc. How is the rest of the facility's improvements being
7 monitored by is it Palo Alto or something else? I object to the DEE findings. If there is a need
8 to build any structures the size should be smaller in caring for your neighbors. Because the
9 findings for the DEE basically it is not any exceptional or extraordinary circumstances that you
10 need to have this large structure. To me the extra independent apartments are justifiable for the
11 economic part of the organization versus a need for the senior citizens right now. I also feel that
12 it does not enhance the appearance of the neighborhood because it really does get rid of the open
13 space for your neighbors around there. It is not related to any architectural features or enhances
14 any improvement of your neighborhood. In fact I think getting rid of the alleyway and also the
15 big structure impacts the historic house right next to them on 803 Cowper Street and
16 Professorville as well. Lastly, equipment on the rooftop I have also concerns about that because
17 the noise factor of the generator and things like that would affect all your neighbors around you
18 on the top floor of the second story. Thank you very much.

19

20 Chair Burt: Thank you. Sally Probst to be followed by Joe Ehrlich.

21

22 Ms. Sally Probst, Palo Alto: Greetings. I live in Midtown and I expect to continue to live in
23 Midtown. In other words I am not a Channing House resident or on the Channing House Board
24 but I strongly support this application for change and improvement to the Channing House
25 property. They are using their own property. They are attempting to come up to state standards.
26 They are making some changes, which are essential. In my own neighborhood the house to the
27 left of me, two houses to the right of me and two houses across the street have all either
28 remodeled or built completely from scratch. That is something that happens in Palo Alto and
29 one does not have the right to say to other neighbors you cannot remodel, you cannot improve
30 because it will be some temporary inconvenience for me. I visited a very lovely lady who lived
31 in Channing House on one of the upper floors. As she approached 100 she was moved to the
32 second floor and I went to visit her. I had visited her previously but I went to visit her after the
33 move and I was shocked at the lack of privacy and the lack of space that she would have to
34 endure for the rest of her life. I really encourage you to move this project along. Thank you.

35

36 Chair Burt: Thank you. Joe Ehrlich and then I have one remaining speaker card unless anyone
37 else comes forward and that is for Morris Rubesin.

38

39 Mr. Joe Ehrlich, Palo Alto: I am a retired architect and a four-year resident of Channing House.
40 I privately explored some alternative solutions trying to figure out whether we can get this back
41 in the original building. I found the long linear plan of the building makes the assisted living
42 difficult because it stretches way far away from the nurses stations and that would continue
43 because of the restrictions of the linearity of the building. Looking at the skilled nursing which
44 ideally should have quick access there isn't really enough room at the center of the building to
45 really do a good job. In order to arrange that getting away from the three beds per room is not
46 going to be easily accomplished within the restricted space. Even if a modern facility could be

1 designed and constructed within the existing building which I don't think is feasible the year of
2 construction would require the relocation of the skilled nursing patients to another state approved
3 facility assuming there is one, placing our most fragile and vulnerable residents out of reach of
4 their resident friends who's visits help the recovery process. Incidentally the relocation if we had
5 to move the residents out would cost several million dollars in cost that could much better be
6 spent on the new up-to-date health center. Our current health center was probably the state-of-
7 the-art in 1960. When we look at the explosion of medical knowledge, medical equipment, and
8 medical treatment over the past 40 years the need for a new state-of-the-art health center
9 becomes obvious. I ask for your approval of our much-needed project. Thank you very much.

10
11 Chair Burt: Thank you. Our final speaker is Morris Rubesin.

12
13 Mr. Morris Rubesin, Menlo Park: I own the building opposite the proposed building on Homer
14 Street. As I listen to the speakers I say well, the people from Channing House are right. Then I
15 listen to the papers and I say that they are right too. It seems to me the one thing missing from
16 all of our discussion has been sort of a cost/benefit analysis of this. The benefits you heard that
17 the people spoke about. I haven't seen the information, perhaps you have, of what the
18 demographics of the population of Channing House. If they all have to go into a nursing home
19 the new building won't be enough. So I think the Commission should look into this question of
20 how is the population of Channing House changed in 40 years and how do you expect it to
21 change in the future. Maybe we are fussing about something that is a building that will only
22 have a useful life of five or ten years before the question of adding new facilities to the big
23 building come up. So I urge that you speak to the people at Channing House and try to find out
24 and estimate yourself how long you think this new building will satisfy the needs. Right now I
25 see it as only 27 percent more space than they have today for the nursing facility and they take
26 away space by the idea of moving helpers to assist people in their apartments. There isn't that
27 enormous expansion of the space they have today and I think they are going to run out of space
28 in a very, very short time even in the new building. Thank you.

29
30 Chair Burt: Thank you. The applicant now has an additional three minutes to provide us with
31 any other comments or responses that they care to.

32
33 Mr. Northway: I will try to keep it quite brief and Sandy Sloan had a couple of comments. As
34 you look at the DEE I think it is important to note some technical reasons. If you read the
35 Planned Community Zone it does talk about this daylight plane that goes from a point ten feet
36 high and then goes over two meters and up one meter. It also says in there that if you are a
37 residential use you may use the zoning daylight plane requirements of the surrounding residential
38 neighborhood. Because Channing House is designated as this care facility it doesn't technically
39 meet the definition of a residential use but I don't think it is too hard for anyone to know that
40 from a pragmatic standpoint it is a residential use and that is why the proposal for the DEE was
41 put in and that is why working with Staff they said try your best to follow the zoning of the
42 surrounding just as essentially the spirit of the PC ordinances. I just wanted you to remember
43 that as you consider that. Sandy had some comments.

44
45 Ms. Sandy Sloan: I just want to clarify one of the comments about parking. The original PC
46 ordinance actually allowed 320 units at Channing House and required 178 parking spaces. When

1 the PC ordinance was amended in 1991 for the seismic upgrading and the service elevator
2 upgrading then that amendment said the development was to be in accordance with the
3 development plan. The development plan specified at that time 162 parking spaces which is
4 what is onsite today and that number is proposed to remain the same. Thank you.

5
6 Chair Burt: Thank you. Commissioners, no questions for the applicant or prior to proceeding to
7 questions for staff?

8
9 Commissioner Cassel: I had a couple of questions.

10
11 Chair Burt: For the applicant?

12
13 Commissioner Cassel: Or Staff.

14
15 Chair Burt: We will still have the opportunity to ask questions of the applicant during that
16 session with Staff. So at this time I would like to close the public hearing and return to allow
17 Staff to respond in any way they would like to any comments.

18
19 Ms. French: Thank you. I do need to mention that one of the people that didn't speak tonight
20 but has provided letters for your packet, Larry Wertman, who has a disability, had asked for a
21 reading of his extensive letters. I did a condensed version of that at the ARB. His concerns are
22 primarily related to the design of the project and the ARB has heard those concerns read to them.
23 He is just basically asking if the building can be farther back from the property line, if it can be
24 one story and 70 feet from the property line adjacent to the town homes where he lives and if it
25 could be windows instead of doors. He says that his concerns have not been addressed by the
26 redesign. So I just wanted to make sure I got that into the record. Thank you.

27
28 Chair Burt: Thank you, Amy. Phyllis, would you like to ask first questions?

29
30 Commissioner Cassel: Thank you. This was a question of the applicant. I wanted to know how
31 they were planning the emergency vehicle access for fire and ambulance access. I had one or
32 two others but I will take turns.

33
34 Mr. Carl Braginsky, Executive Director, Channing House: I am the Executive Director at
35 Channing House. In the planning for the project and the review of the original plans by the Fire
36 Department the emergency access by fire vehicles was taken care of by modifications by certain
37 aspects to the fire services. In terms of emergency access by ambulances, ambulances could use
38 the garage entry to access the building.

39
40 Commissioner Cassel: Can you be more specific about how you are going to handle these?

41
42 Mr. Braginsky: Do you mean fire vehicles or what?

43
44 Commissioner Cassel: Well, fire vehicles for one because they can use the street in the front but
45 there are some issues people are having about behind the building. How will you be handling

1 those during construction and later on? I understand the Fire Department has to approve this and
2 this is still in a preliminary stage but do you have any more detailed information you can tell us?
3

4 Mr. Braginsky: Well the Fire Department could access the rear of the new building by the
5 alleyway and park there on an emergency basis. They have determined that is what they would
6 do.
7

8 Commissioner Cassel: And the ambulance when it is under construction will come in how?
9

10 Mr. Braginsky: They would continue to use the same rear freight entrance, which they use
11 currently. That would not be blocked. Also the front of the building conversely on Webster
12 Street.
13

14 Commissioner Cassel: And in the new building it will go underground?
15

16 Mr. Braginsky: It should go underground, yes.
17

18 Commissioner Cassel: Thank you.
19

20 Chair Burt: Lee.
21

22 Commissioner Lippert: I have a question for Staff. In reviewing the original PC application or
23 PC ordinance it didn't describe in there what the public benefit was. Can you illustrate that or
24 tell me what the public benefit actually is?
25

26 Mr. Larkin: I think many of the speakers tonight said it much better than I could. You are
27 basing public benefit over straight for profit housing and I think what we have heard today says
28 it far better than I could.
29

30 Commissioner Lippert: Is that written down anywhere or prescribed in the ordinance.
31

32 Mr. Larkin: It is presumed by passage of the original PC zone that it met all of the criteria. If
33 you think that the project as a whole doesn't provide a public benefit that would be grounds to
34 say no expanded use but you would have to make that finding and I think you would be hard
35 pressed to do so.
36

37 Commissioner Lippert: The reason I am asking this question is that back in the same time period
38 there were PCs for instance for the auto dealerships. For one of the auto dealerships it described
39 in there and specifically said the public benefit is the landscaping.
40

41 Mr. Larkin: I realize that wasn't done in this ordinance but it is presumed that it provides a
42 public benefit. You would have to rebut that assumption if you were to deny on the basis that it
43 doesn't provide a public benefit.
44

45 Chair Burt: So Don if I might make sure that I understand you correctly, are you saying that at
46 the time of the original ordinance, 45 years ago, it did not explicitly state what the public benefit

1 was however, the public benefit that is understood to have occurred is the inherent services that
2 are provided by this as a nonprofit toward a community need, is that the essence?
3

4 Mr. Larkin: Basically, yes.
5

6 Chair Burt: Don, would you also comment, if this is relevant, on whether there has been any
7 change the criteria for public benefits on PCs over this 45-year period.
8

9 Mr. Larkin: I don't have the benefit of PC zoning ordinances prior to the latest 1978 amendment
10 so I don't know what the code was when the project was originally built. I know that the
11 Commission has taken a position that has evolved over the years as to what the public benefit is
12 and what they are going to require for findings of public benefit. That is not codified that has
13 been Commission's own growth in how they have chosen to do that. Again, I think that because
14 the zone already exists you are presuming that there is a public benefit to the project so you are
15 not required to go back and make the findings over again. It is presumed. If you were to look at
16 this project and say gee, if they do this then there is no more public benefit to this project or in
17 other words if the expansion would be removing the public benefit that exists that would be a
18 reason for you to take a second look at it. I don't mean to say that you have to approve the
19 project or that you are bound to approve the project but if you are inclined to make suggestions I
20 think you would be hard pressed to do it on the public benefits argument.
21

22 Chair Burt: Just one more follow up clarification if you would. It is my understanding that even
23 if the standards for public benefits have changed in recent years the basis for this project's
24 approval is what were the standards for the public benefit at the time it received its PC. Is that
25 correct?
26

27 Mr. Larkin: Basically that is correct because you are not going to be in a position to change the
28 use of the project now.
29

30 Chair Burt: Lee, you had another follow up? Okay. Next questions? Karen.
31

32 Vice-Chair Holman: I would like to follow up on Commissioner Cassel's question about the
33 emergency egress. The plans say that the driveway behind or the alleyway behind, whichever
34 way you want to describe it, is a private road. While the Fire Department says they can use that
35 and indeed it is accessible but it is a private road. Help me out here if I am wrong or
36 misperceived something but wouldn't Channing House need an easement over that? Other
37 projects that we have reviewed in the past had to provide their own emergency ingress and egress
38 for fire trucks and such. We have some legal requirements here that we have to deal with so I
39 would like some clarification on that.
40

41 Ms. La Torra: The private road is actually owned by the Channing House property. If you will
42 look at the site plan it is actually drawn incorrectly. Maybe the applicants can speak to this
43 better than I can but the private road is an easement for the adjacent condo complex.
44

45 Vice-Chair Holman: Thank you for the clarification. It didn't read that way to me. Thank you.
46

1 Chair Burt: Did the applicant wish to respond?
2
3 Mr. Braginsky: I just want to say we do own the alleyway and we grant the easement to the
4 Channing Place Condominiums.
5
6 Chair Burt: Thank you. Phyllis.
7
8 Commissioner Cassel: Can we follow that up with okay this road is going to be blocked off so
9 the easement allows people to go in and out of Channing but are they allowed with the current
10 easement to block it off from going to Homer?
11
12 Ms. Sloan: Maybe I should address that. The entire alleyway is owned by Channing House and
13 the easement that is granted to the condominium homeowner's association is for approximately
14 half of the easement. It goes only from Channing halfway in. There is a sign and there has been
15 a sign there a long time on the Homer side that says this is private property, right to pass is
16 permissive only. It is the same sign you see on all the Stanford roads.
17
18 Chair Burt: Lee.
19
20 Commissioner Lippert: Again, in going through the original ordinance back then we didn't have
21 FAR. Has anyone calculated out what the FAR of the existing building is as well as the
22 proposed new construction?
23
24 Ms. La Torre: No, I don't have those numbers here but the applicant may.
25
26 Commissioner Lippert: Does the applicant have those numbers? Okay. I have one other
27 question. May I continue? Okay. Are there any provisions in this project for accommodating
28 BMR units or facilities for people that can't afford to pay?
29
30 Ms. Sloan: No there are not. We are actually reducing the number of units by two so we are not
31 required to make a BMR contribution. I might point out that the cost of Channing House is quite
32 moderate. I don't think it would qualify for a BMR unit but it is one of the facilities in town that
33 is very moderate at least compared to the Hyatt if you have been over there.
34
35 Chair Burt: Phyllis, you had a follow up? And then Dan had questions.
36
37 Commissioner Cassel: No, she answered my question. That was my understanding also that this
38 provides a lot of housing for moderate income and middle income people in a retirement facility.
39
40 Chair Burt: Dan.
41
42 Commissioner Garber: The applicant had mentioned some of the statistics relative to the
43 ordinance that have been previously passed like the number of units when it was originally
44 passed in 1961 was 320 and the parking spaces were 178. Was 1991 the last time it was
45 amended?
46

1 Mr. Larkin: Other than two meetings ago?
2
3 Commissioner Garber: Yes, because the one two meetings ago didn't address units and square
4 footage. Is square footage also articulated in each one of the amendments? It was in the first I
5 believe.
6
7 Ms. La Torra: The lot coverage was but not the square footage.
8
9 Commissioner Garber: What were the number of units that were actually allowed in 1991?
10
11 Ms. Sloan: It actually didn't say the number of units in the 1991 ordinance it referred to the
12 development plan. We think that the development plan shows 260 units.
13
14 Commissioner Garber: How many units are there now?
15
16 Ms. Sloan: Now there are actually 259 because two units were combined into one.
17
18 Commissioner Garber: And then in the proposed it would be?
19
20 Ms. Sloan: It would be 258.
21
22 Commissioner Garber: So this ordinance would have to be amended again, is that correct? And
23 what would be added to that? This new use or is this considered a new use?
24
25 Ms. La Torra: It is not a new use. The difference would be the setbacks so the development plan
26 itself, what the site would look like, and then the square footage would change.
27
28 Commissioner Garber: From the 1961?
29
30 Ms. La Torra: Yes.
31
32 Commissioner Garber: So those are the two key pieces relative to the ordinance? The DEE or
33 the changes to the sidelines, the daylight plane, etc.? Thank you for the moment.
34
35 Chair Burt: Annette.
36
37 Commissioner Bialson: I have two questions. The first one with respect to the alley or what will
38 be left of the alley if we approve this. Does the applicant plan on expanding the width of the
39 alley to the 20 feet that the Staff Report recommends?
40
41 Mr. Northway: Gina and I talked about that today. We are going to be meeting with Gina and
42 Heba and David Docktor. Channing House is happy to expand the driveway but we have a
43 clump of redwood trees that are not exactly in the path of the expansion but could be affected by
44 the expansion especially the lower limbs in dealing with trucks. So we didn't want to become
45 the meat in that kind of little sandwich so we wanted to have a meeting with all of the concerned
46 people so that if the driveway is absolutely necessary to be 20 feet wide we can do it but we also

1 need to have Dave Docktor sign off on the possible ramifications to the redwood trees. So we
2 will work that out with the Staff.

3
4 Chair Burt: Lee.

5
6 Commissioner Lippert: I have a question for the architect. When you went through the process,
7 the programming phase, did you look at all at keeping the skilled nursing and health center
8 within the main building and look at developing more independent units on the adjacent parking
9 lot?

10
11 Mr. Bruding: That is a very good question. Actually we looked at eight to ten alternatives. In
12 particular as one person had mentioned the OSHPD standards are radically different today than
13 they were back in 1961. So the floor plate doesn't allow itself to work very well with the
14 amenities needed for that. We did look at alternatives to keep even a portion of the second floor
15 healthcare. The minute you begin to move from one area to another and we have another scheme
16 that looked at even removing the whole third floor to include healthcare center as well, the
17 minute you begin to separate services OSHPD will not accept that to begin with. So I do want to
18 clear up that a portion of the second floor currently as planned the portion toward the back of the
19 building away from the large floor plate of Channing House itself still is part of the skilled
20 nursing support. So that is still being planned as part of the building. I hope I answered your
21 question.

22
23 Commissioner Lippert: You did. Did you look at all at building an annex or an appendage onto
24 the existing structure and leaving the surface parking where it is?

25
26 Mr. Bruding: We did. We looked at several alternatives of expanding out the building, how far
27 we could go in order to do that and it just doesn't work with the existing floor plate. In particular
28 when you begin to expand outward from that building the floor-to-floor heights become a
29 problem. There are a lot of issues in terms of maintaining the amount of space you need,
30 proximity to nurses stations, requirement that OSHPD has in terms of support spaces within that
31 too. There wasn't enough area to make that work. As a matter of fact our first preference would
32 have been to keep as much of it within the building to minimize a lot of new construction but it
33 just wasn't feasible.

34
35 Commissioner Lippert: If the Chair would allow I have one last question. Why did you take a
36 radically different approach to the quality and character of the architecture of the adjacent
37 building versus building a structure that was more in keeping with the quality and character of
38 say the surrounding homes that are there?

39
40 Mr. Bruding: Well there are two reasons for that. One is that we are dealing with a blend of
41 existing neighborhood around us which has one particular character to it and Channing House
42 itself which is an international style building built in the 1960's that has to be a blend transition
43 type structure. The other more important factor is that with an OSHPD regulated building we
44 have to be what is called a Type 1 structure meaning steel or concrete. We can't deal with wood
45 and other appendage type materials that one would see in typical residential construction.

1 Commissioner Lippert: No but you could do a concrete slab building with steel studs and then
2 you could in fact on the outside of it use synthetic materials that approximated wood
3 construction. I am thinking of the Awani Hotel that is all concrete.

4
5 Mr. Bruding: Actually it is a concrete structure, it is steel stud and it is stucco as well as tile
6 material. On the small scale you can't tell a lot of the detailing going on and we don't have a lot
7 of large appendages sticking out from the building but we do have articulation within that
8 primarily using the stucco material and the tile material.

9
10 Commissioner Lippert: Thank you.

11
12 Chair Burt: Dan, did you have another questions.

13
14 Commissioner Garber: Yes, just to follow up. Sorry to put you back on your feet. You had
15 mentioned I think Lee had chased down three of the different alternatives. Could you just walk
16 through what the other ones were?

17
18 Mr. Bruding: There are many and we looked at first of all renovation of that second floor, how
19 much we could actually fit on that second floor in terms of assisted living and skilled nursing.
20 We found in a couple of instances we couldn't even fit one or the other of those in order to meet
21 the criteria for the number of beds that were required. We knew that we couldn't meet the
22 OSHPD requirements for that as well as the fact that looking at that third floor became another
23 option. Could we put assisted living on one floor and skilled nursing on another floor? Here are
24 the options that we actually looked at. I don't want to read these at length but we looked at
25 providing the healthcare offsite. We looked at various buildings offsite in order to do that
26 including across the street. Another option was a two story building with the underground
27 parking which we have, skilled nursing care in a new one-story building. We were very
28 concerned about could we manage in just a one story as opposed to a two story, which didn't
29 work. Another one was a one-story building with ground parking in some way. We actually
30 looked at just having grade parking with the building above it as another option. We looked at
31 the internal modifications as I mentioned to the second and third floor. We looked at the
32 apartment buildings and adjacent properties but it was all within the infrastructure of both that
33 land and adjacent lands and other properties beyond that.

34
35 Commissioner Garber: Were these shared with your neighbors?

36
37 Mr. Bruding: They were not. They were shared with Channing House. We went through an
38 entire master plan review on that but the neighbors were not a part of that review.

39
40 Commissioner Garber: Thank you.

41
42 Mr. Bruding: You are welcome.

43
44 Chair Burt: I have a couple of questions for Staff. Would Staff review for the Commission and
45 the public the purview and the requirements for compliance with the Design Enhancement
46 Exceptions, I should have said the purview of the Commission in regards to the Design

1 Enhancement Exceptions and the findings that must be met to meet those and then the way in
2 which Comprehensive Plan compliance is part of our responsibility for review just so that
3 everybody has that general sense of that whether that is best done by Amy or Don or anyone.
4

5 Ms. French: I will start and Don can finish. Basically because this is a PC the Design
6 Enhancement Exception (DEE) is the purview of the Planning Commission, the ARB also looks
7 at it. The ARB is normally the body that would look at DEEs and look at the quality of the
8 architecture and how that is being responded to. The three findings are listed on your
9 Attachment D. The first is the extraordinary or exceptional circumstances are a condition
10 applicable to the property or site improvements involved that do not apply generally to property
11 in the same zone district. The second being the granting of the application will enhance the
12 appearance of the site or structure or improve the neighborhood character of the project and
13 preserve and existing or proposed architectural style in a manner which would not otherwise be
14 accomplished through strict application of the minimum requirements of this title and the
15 Architectural Review findings set forth in the section of Architectural Review, which when it
16 does go to the ARB they will be looking at this through their lens of 16 findings. The third
17 finding for the DEE is that the exception is related to a minor architectural feature or site
18 improvement that will not be detrimental or injurious to property or improvements in the vicinity
19 and will not be detrimental to the public health, safety, general welfare or convenience. So that
20 is the answer to the DEE question. Does that wrap that one up?
21

22 Chair Burt: Yes I think so. Then if you would just go on to the Comp Plan.
23

24 Ms. French: Okay. The Comp Plan policies that Staff identified for...
25

26 Chair Burt: Excuse me Amy. Could you put it in context as to the reasons why the Comp Plan
27 policies are part of the responsibility of the Commission to review compliance of the project with
28 the Comp Plan just so everybody understands how the Comp Plan fits within our discussion?
29

30 Ms. French: Well, the Comprehensive Plan, which includes the City's Housing Element, is a
31 document that is the policy document which the Zoning Ordinance follows and the Zoning
32 Ordinance Update is updating the Zoning Ordinance to follow our 1998 Comp Plan. In order to
33 approve any discretionary review project this City governing bodies which is the Council,
34 Planning Commission and the ARB, all of the Boards that review discretionary projects do need
35 to affirm that the project is in conformance with the Comprehensive Plan policies. So for your
36 convenience we do cite them in Staff Reports as a rule. We try to find the applicable Comp Plan
37 policies that would apply to this project. Don, did you want to add anything more legal or
38 technical to that?
39

40 Mr. Larkin: I think it was in there.
41

42 Chair Burt: Amy, thank you very much. I think that is real helpful and in particular also helpful
43 for the many members of the public who were so generous with their time to come and
44 participate in this process tonight so that they understand the context of what we are discussing
45 and why our City's Comprehensive Plan is our overall governing document of principles and
46 policies and then we have our Zoning Ordinance which is the more specific guidelines. So I just

1 think that helps us put that into context and everybody understand what we are talking about and
2 why. Lee.

3
4 Commissioner Lippert: Are we going to start having comments or are there other questions?

5
6 Chair Burt: Dan has a couple more questions.

7
8 Commissioner Garber: So is the applicant relative to the Design Enhancement Exception is the
9 applicant suggesting that they meet one of these three findings? These are the ones that are
10 being cited.

11
12 Ms. French: These are technically the generic wording of the findings.

13
14 Commissioner Garber: I am just asking in general does the applicant find that they fall within
15 one of these three, or believe that they do?

16
17 Chair Burt: Dan, if I might clarify, the obligation is all three. You are welcome to ask them that
18 but we have to figure out if they are in compliance.

19
20 Commissioner Garber: That's fine. One other follow up if I may with the general plan. In the
21 general plan that you have mapped out in the packet Policy L-49 talking about design buildings
22 to revitalize streets and public spaces and to enhance a sense of community and personal safety,
23 etc. You note that the project does not have an entry or porch along the street. If I have read the
24 plan correctly there actually is an entry there but has it seated this way because it is not a primary
25 entrance>?

26
27 Ms. French: Correct.

28
29 Mr. Bruding: That is correct. As a matter of fact all guests and people entering the building
30 have to go through the front door at Channing House. That is primarily an emergency exit point
31 and a place for staff to be able to enter the building.

32
33 Commissioner Garber: So is the actual front door actually on the second floor then?

34
35 Mr. Bruding: Yes to enter into the healthcare center, correct.

36
37 Commissioner Garber: Thank you.

38
39 Chair Burt: Karen.

40
41 Vice-Chair Holman: I want to go back to vehicles for a moment. We did the emergency
42 vehicles but delivery vehicles. Delivery vehicles also make backup noise so can you clarify
43 where the deliveries are going to be made?
44

1 Mr. Bruding: Deliveries will continue to be made at the current location in the back loading area
2 at 850 Webster. We wouldn't anticipate any more deliveries than previously and vehicles still
3 have to backup currently to get to that loading area. So we don't anticipate any changes in that.
4

5 Vice-Chair Holman: So having the alley closed off will not make a difference?
6

7 Mr. Bruding: The track will be routed through Channing instead of Homer. In other words, half
8 the traffic may come, I am not sure where the deliveries come from whether it is Homer or from
9 Channing, but most delivery vehicles come through Channing to get to our delivery entrance.
10

11 Vice-Chair Holman: What I am getting at is what comes in has to go out. So what you are
12 saying is they have to backup to a dock but then does that backing up to the dock then get them
13 so situated they don't have to backup any more to get back out onto Channing.
14

15 Mr. Bruding: There is no change between before and after construction in that.
16

17 Ms. Sloan: We could show on the slide if you would like to see the slide again we could find
18 that.
19

20 Vice-Chair Holman: That would probably be helpful. Thank you. Maybe while you are looking
21 for that I could ask another question which has to do with the service equipment. This seems to
22 be an issue for both the residents of Channing House and the neighbors. What are your plans for
23 improving the silencing of that and did you look at or is it feasible to put it say in the parking
24 garage or someplace like that.
25

26 Mr. Bruding: That is actually where the new generator would be going is into the new basement
27 and it will be sound muffled with exhaust up to the roof from the basement. There will be some
28 mechanical equipment on the roof and we have submitted the decibel level to the Planning
29 Department on that. In so far as the existing equipment is concerned on the main Channing
30 House roof we are looking at some engineering options to correct that with variable frequency
31 drive motors on those fans.
32

33 Vice-Chair Holman: Great. Thank you.
34

35 Mr. Braginsky: This might be helpful just showing the Channing Avenue approach into the
36 alleyway. This is the service/delivery court, which is this area down in here, the redwoods being
37 in this location looking at those photographs coming down into it. So this is the place where
38 vehicles will actually park in, back in and then come out onto Channing. The one difference
39 being that the alleyway does not now with the new development continue down to Homer.
40

41 Vice-Chair Holman: So that configuration obviously isn't changing and you don't anticipate that
42 the impact would be any different than it is now.
43

44 Mr. Braginsky: Correct and what we did mention before is we looked at the option of trying to
45 cut through here unfortunately the redwoods were in the way.
46

1 Vice-Chair Holman: Okay. A question for Staff if I might. If we wanted to put some conditions
2 of approval, should the project get approved if we wanted to put conditions of approval if this
3 went to the ARB, which would be the next step and then it will come back to us could we then
4 add further conditions of approval if anything came up in the meantime?
5

6 Ms. French: You can certainly add anything at you two chances at this that you would like to
7 forward on to the Council.
8

9 Vice-Chair Holman: Okay, thank you.
10

11 Chair Burt: I have a question I guess I would first like to put it into context. The second Design
12 Enhancement Exception talks about enhancing the appearance of the site and improving the
13 neighborhood character and then a couple of the policies under the compliance or conformance
14 with the Comprehensive Plan are Policy L-17 talking about treating the residential streets as both
15 public ways and neighborhood amenities including among other things benches and Policy L-49
16 designing buildings to revitalize streets and public spaces. So in that context this building was
17 built long before this Comprehensive Plan was adopted so we certainly recognize that the
18 original design didn't address many of the issues that we would look for a building to address
19 today. In order to achieve greater conformance with the DEE findings and the Comprehensive
20 Plan consistency would the applicants be receptive to doing certain enhancements to the site that
21 might address those? For example there has been a lot of discussion over the possibility of
22 turning Homer and Channing into two-way streets again and we have had in fact members of
23 Channing House who were very concerned with the safety of crossing those streets should they
24 be two-way. It seems that sidewalk areas that might have islands that would not only directly
25 benefit Channing House residents but also the general neighborhood might be beneficial. Then
26 when I look at the site overall you have passive landscaping out front of some large ivy patches
27 that might once again with some benches and some other amenities turn those into more of a
28 mini-parkette for both the residents and the neighborhood in general and make this something
29 that would be an even project. So what would be the applicant's thoughts on those subjects?
30

31 Mr. Braginsky: The answer to that is certainly yes. I would like to point out also that at the end
32 of our seismic project we went ahead on our own and did about \$15,000 of repairs to the
33 sidewalks in that area. Restriping the crosswalks is being a good neighbor. The other thing
34 again getting back to fire access also in our conversations with the Fire Department we would
35 also agree to paying for upgrading the signaling system so that they could get to Channing House
36 and that neighborhood faster also.
37

38 Chair Burt: Thank you. Annette and then Dan.
39

40 Commissioner Bialson: For the applicant, could you tell me what would happen to the new
41 structure if we did not approve the daylight planes you are asking for?
42

43 Mr. Braginsky: If you did not approve the daylight planes we would basically not have enough
44 room to house our entire health center in a new building. In other words we would only have
45 basically a one-story building, which would not work, for our purposes.
46

1 Chair Burt: Dan.
2
3 Commissioner Garber: Two questions. One for the Staff is has the City's Arborist reviewed the
4 plans?
5
6 Ms. La Torra: Yes he has. They are pretty preliminary right now so he would review a complete
7 landscape plan at the ARB hearing should it go to the ARB.
8
9 Commissioner Garber: Several of the letters indicate concerns about existing trees that are on
10 adjacent properties. Is there anything and perhaps the applicant can speak some of those issues,
11 are there any issues that need to be mitigated there?
12
13 Mr. Bruding: I do think it is important to note that we had an arborist report look at the adjacent
14 properties and the adjacent trees. We actually moved the building back in several locations in
15 order to avoid the drip line of those trees.
16
17 Commissioner Garber: One more. The applicant also mentioned that the way the PC Ordinance
18 is written recommends, I am not exactly sure what the language is, that where PCs are allowed
19 that they mirror the daylight planes of the adjoining properties. Is that in fact the case and what
20 is the language that actually speaks to that?
21
22 Mr. Larkin: What the code says is that for projects that are at least 60 percent residential the
23 daylight planes may be identical to the daylight plane requirements of the most restrictive
24 residential district abutting each side or rear sight line until intersecting the height limit otherwise
25 established for the PC district. The issue here is that because it is not defined as residential and it
26 is defined as residential care facility it doesn't meet the strict definition of this code section
27 however certainly the principle applies. So that is where the DEE comes from.
28
29 Commissioner Garber: Are the adjacent properties that are in the RM-15 and RM-30 areas all
30 comply with the current residential daylight requirements for those areas?
31
32 Ms. La Torra: It doesn't appear that all of them do. Some of them do and I think the applicant
33 has done a study of that.
34
35 Mr. Bruding: I think sort of the irony of this project is I think the only property on that whole
36 block area that actually complies is the single residential building. I think all of the other
37 apartments....
38
39 Commissioner Garber: The only one that complies is the one that is being proposed.
40
41 Mr. Bruding: The single family dwelling which is the corner of Homer – the rest of them
42 including Channing House were all built in a different era. It was kind of ironic when we were
43 looking at this, we went out and surveyed everything and when you looked at the condominium
44 buildings that are on the south property line they absolutely and I think their roof angles are
45 absolutely the RM-30 daylight plane. They don't comply with RM-15 because the zones

1 changed. So the irony of the entire block is that none of the buildings conform to existing zoning
2 and should something happen to any of them they couldn't be built the way they are.

3
4 Chair Burt: Phyllis. We are doing a PC review so our purview tonight is to either say we aren't
5 going to do this at all and send it back to City Council or yes we think that is may be able to
6 comply and it will go on to the ARB and we will all make our comments but we don't put
7 conditions on details of landscaping tonight or any of those things. We just individually make
8 comments and then they come back to see if they can meet to our satisfaction the DEE and the
9 other findings, right?

10
11 Chair Burt: Well, I think from our discussions with Staff at the pre-meeting it would be valued if
12 the Commission would give clear indication of what sorts of conditions of approval would be
13 necessary for a subsequent approval by the Commission. We still have a final cut at it but what
14 we don't want is the applicant to have lack of clarity when they go to the ARB and return to us
15 and we want to make sure they have a clear understanding of what we are looking for so they
16 have an opportunity to attempt to respond to those as best as they feel that they can by the time it
17 comes back to us. So I think we want more than just our comments. We want to see if we can
18 provide some consensus when we forward this so they understand what the expectations are.
19 Does that seem correct? Okay. Do we have any other questions or can we go forward t
20 discussion and motion?

21
22 Commissioner Cassel: There is a motion to forward it to ARB.

23
24 Chair Burt: Yes, there is a motion to forward. Karen.

25
26 Vice-Chair Holman: Just one question. I am looking in particular at the north elevation, the
27 Homer Avenue elevation. There is a thing that happens when buildings are flat topped and when
28 buildings have slope to the roofs. This has been to the ARB and I was wondering if that was a
29 part of their discussion or you might comment on that because what I am trying to say here is the
30 impact of two buildings of the same height when one has a flat roof and the other has a sloped
31 roof the impact is quite different on the street and to neighbors. So was that a part of the
32 discussion?

33
34 Ms. La Torra: These plans before you have not been reviewed by the ARB. The plan was
35 different when it went to ARB and there was more of a roof slope. There wasn't as much of a
36 flat roof and the heights have been lowered.

37
38 Vice-Chair Holman: I know they lowered the height but now it is flatter but lower.

39
40 Ms. La Torra: Correct.

41
42 Chair Burt: Would the applicant's architect like to comment?

43
44 Mr. Bruding: I do. I want to comment that the flat roof portion being right here if you look
45 beyond there are sloped areas and there are other roof planes that go on beyond the front façade

1 right here. We have a skylight beyond that has a different shape to it. It is not entirely a flat roof
2 across the entire building.

3
4 Commissioner Garber: A question if I may interrupt. For the applicant, since we received the
5 packet last week I have walked by the property several times but I am just not remembering on
6 the lower elevation the existing building that is all the way on the right is that in fact what that
7 building looks like?

8
9 Mr. Bruding: The answer is yes and this is a single-family house that we have been talking
10 about. The one that is sort of the one that would meet all the criteria today.

11
12 Commissioner Garber: Am I looking at a flat façade and flat roof or is that actually pitched back
13 or what?

14
15 Mr. Bruding: This is pitched back to a ridgeline.

16
17 Chair Burt: Okay. Annette.

18
19 MOTION

20
21 Commissioner Bialson: I think we have all made some comments that would be helpful to the
22 applicant in terms of their going forward and appearing before the ARB. At this point I would
23 like to make a motion that we will move this on to the ARB and I will make a few comments
24 myself on the issues that Staff Report has set forth.

25
26 SECOND

27
28 Commissioner Cassel: Second.

29
30 Chair Burt: Okay, that is a motion by Commissioner Bialson and seconded by Commissioner
31 Cassel. Commissioner Bialson would you like to speak to your motion?

32
33 Commissioner Bialson: Yes and I think it would be appropriate for each of the Commissioners
34 to speak with regard to their comments and I will limit myself to the bullet points that are raised
35 on page two of the Staff Report.

36
37 With regard to the proposed building location, overall height and daylight plane encroachment I
38 am impressed by the team the applicant has constructed, that they have considered all the
39 alternatives and that this project as it has been described to us is the best that they have been able
40 to come up with. I think there are some issues with respect to the bulk of the building, the fact
41 that it is two stories but I am convinced that it is necessary and that the purpose that the building
42 will meet within Channing House is extremely important, the creation of more privacy for those
43 who are in the healthcare facility and those who visit the patients. The daylight plane
44 encroachment I think is something that I have had the most difficulty wrestling with and I find
45 that what we have here does meet the exceptions that are set forth as being necessary to be found
46 in terms of findings with regard to the Design Enhancement Exception. With respect to the

1 landscape requirements I think those are somewhat in a state of flux at this point and the
2 applicant has indicated their comfort with working with both the City and neighbors in that
3 regard. The parking and traffic operations I am completely satisfied with. I have to say that the
4 comment made by Mr. Northway with respect to there being no shadows cast upon neighbors
5 was very important to me and I would like to make sure that that is reviewed thoroughly by the
6 ARB and that that is exactly what they find to be case as well. I have some other comments to
7 make but they are general ones and I will wait to see what everybody else's comments are.
8

9 Chair Burt: Phyllis.

10
11 Commissioner Cassel: I feel that this has progressed to the point where they will be able to come
12 in with some more on this project with an attractive building that will fit into this site
13 appropriately. There are some areas I think they want to continue to work on one is we will want
14 more information of course about the landscaping and how they work that out. I am concerned
15 that what appears to be the front of the building doesn't look like the back. Ramps can be done
16 quite nicely. They are trying to keep people from trying to enter that way but I think you have to
17 deal with the street side of that building as if it is a street side to the building and that it is
18 attractive. I can't tell from these rough pieces that we have now and it is not appropriate for the
19 architect to have brought in anything more detailed now but that is an area I think we want to
20 work with. I am glad to hear they are going to work with the loading dock area to see if they can
21 make that more amenable. That is an existing problem. I am afraid I didn't watch it for several
22 days but in the watching I did do of what went up and down that alley I don't think it will make a
23 difference to the convenience of the neighbors. They may think so at this point but I suspect
24 they will have fewer cars going up and down. That little back piece of the four townhouses will
25 no longer have traffic running through there by their houses which actually may be helpful to
26 them and make it quieter. I had a couple of other issues. I think there is some work to be done
27 in some of these other areas before it comes back to us like the texture of the building and trying
28 to make that blend a little bit to the neighbors. I have some other issues but go ahead and see
29 what other people say.
30

31 Chair Burt: Lee.

32
33 Commissioner Lippert: Well I am having great difficulty with this project and I will explain
34 why. First of all we are looking at this project I think in the context of itself and not in the
35 context of the adjacent buildings or the neighborhood. We are not given complete documents
36 that really show how this project works in elevation with the adjacent multi-story building. I
37 have great difficulty I think it is shown maybe in section or one street elevation but it is not
38 shown in any great detail. The problem I have is that when this was approved it was approved
39 with, and it wasn't stated but it was implied, an FAR that is way in excess of anything that we
40 look at today. What is being asked of us is to approve additional floor area on the same property.
41 No one has been able to provide that information. So without that information and without
42 seeing the context of this building in relationship to the other projects it is a vacuum. It is very
43 difficult to look at this and get a handle around it. So my feeling about is this application is
44 somewhat incomplete and I need to see the rest of the information associated with it.
45

1 Now, with that in mind there are a couple of other things I have difficulty with which are namely
2 the conformance with the Comprehensive Plan policies. I see that there are a number of policies
3 that in fact that have been written in support of this but my point of view is that they are actually
4 contradictory to these policies. The first one that I can see right off the bat is Policy L-5,
5 maintain the scale and character of the City, avoid land uses that are overwhelming and
6 unacceptable due to their size and scale. Again I go back to the FAR. Without that number it is
7 hard for me to judge whether this building is in fact in context with the neighborhood. The next
8 policy that I have difficulty with is Policy L-12, preserve the character of the residential
9 neighborhood by encouraging new or remodeled structures to be compatible with the
10 neighborhood and adjacent structures. Well, if you look at the architectural style I alluded to in
11 my questioning is that again it is very different than the adjacent neighborhood buildings. I
12 suggested in my line of questioning ways of beginning to get that quality and character in line
13 with the adjacent neighborhood structures. This falls more in line with the policies of the ARB
14 but I am going to cite it anyway which is Policy L-48, promote high quality creating design and
15 site planning that is compatible with the surrounding development and public spaces. Again, in
16 this adjacent I don't see high quality creative design here either. What I see is it reaching back to
17 the international style of that building. So those are just a couple of instances in which I see the
18 Staff Report in variance to my point of view.
19

20 Lastly, I would like to mention that I don't see any reason at all to approve a DEE on this. The
21 first two findings here that there are exceptional or extraordinary circumstances or conditions
22 applicable to the property or site improvements involved that do not apply generally to properties
23 in the same zone district. Well, PCs come in all shapes and sizes. There are no hard and fast
24 rules for approving DEEs within a PC zone. What is meant, a DEE, is if you had say a
25 substandard lot, I am going to just give an example here. Let's say it is an RM-15 and you had a
26 substandard lot. The minimum lot width for RM-15 is 75 feet but if you had a piece of property
27 that let's say was 65 feet that would be a reason for granting a DEE on a property like that
28 because it was slightly narrower. This lot or property is very large and so right off the bat I have
29 a difficult time finding that there are exceptional or extraordinary circumstances associated with
30 the property. Then the second one I have difficulty with is the granting of the application will
31 enhance the appearance of the site or structure to improve the neighborhood character. In
32 looking at this I don't see that happening with this proposed scheme either.
33

34 SUBSTITUTE MOTION 35

36 Lastly, what I would like to mention is that there is a principle when you do have multi-story
37 buildings to keep the building further away from the property lines, to center it on the site and
38 part of that is because it reinforces what is going on around the site as well as the street and the
39 adjacent properties. In this case we are adding more building mass to this site. It is being built
40 tight up against the property, and when I say "tight up" it is up against the adjacent properties.
41 There is a setback associated with it but again it is violating the daylight plane and the
42 development standards. So I am having some difficulty with this. I am not saying that I am not
43 going to move it forward to the ARB but I would personally prefer to see this item continued to
44 see the applicant address some of these issues and to come back before this Board before we did
45 move it forward to the ARB. So I am going to put in a substitute motion as such.
46

1 Chair Burt: Okay, so Commissioner Lippert has just made a substitute motion that the item be
2 continued. Is there a second to the motion?

3
4 SECOND

5
6 Vice-Chair Holman: I will second and see what discussion ensues.

7
8 Chair Burt: Okay. Lee, do you have any other comments to your substitute motion?

9
10 Commissioner Lippert: I think I got them out there before I made the motion.

11
12 Chair Burt: Okay, any other discussion? Dan.

13
14 Commissioner Garber: Actually before I make some comments I am just curious if the Staff has
15 any comments relative to the FAR issues that Commissioner Lippert has brought up. Meaning
16 what is the role of FAR in the PC consideration here?

17
18 Ms. La Torra: There is no requirement. The PC establishes its own FAR.

19
20 Commissioner Garber: Currently none of the ordinances define that?

21
22 Ms. La Torra: No.

23
24 Chair Burt: I am sorry I should have provided Commissioner Holman the opportunity to speak
25 to her second.

26
27 Vice-Chair Holman: I seconded Commissioner Lippert's motion because I thought it might
28 bring forward other comments by Commissioners that might support or not support that. I have
29 both the support that other Commissioners have mentioned and I have some of the same
30 reservations that Commissioner Lippert mentioned. Whether it goes to the ARB to work out
31 those problems is kind of six of one/half a dozen of the other almost.

32
33 As I look at the plans I am also having great difficulty making the Design Enhancement
34 Exception findings most especially with the first one but also with the second one.

35
36 Mr. Larkin: If I can interrupt just real quickly I just want to remind the Commission that you
37 don't have to make the DEE findings because it is outside of your purview.

38
39 Vice-Chair Holman: But you are looking for comments from us having to do with

40
41 Mr. Larkin: That is correct. There is a lot of discussion on the DEE findings and the only way
42 that those get made is if it is forwarded to the ARB because it is the ARB that reviews the DEE.

43
44 Vice-Chair Holman: Right. Okay. Additionally the Comprehensive Plan policies that we have
45 to find that this project is in compliance with and the transition, scale and mass I am having
46 difficulty with those as well. If you look at the north elevations on Homer Avenue either the

1 drawings or the schematic the building the way it is currently designed is not transitioning to the
2 adjacent property most especially it seems on that street face.

3
4 There are some other conditions of approval and other comments that I would be making that
5 have to do with construction period parking plan and something that gets overlooked a lot of
6 times in those plans is accommodating street sweeping. A lot of times when there is a long-
7 standing construction project the streets just go unswept and that is both environmentally bad and
8 also bad for the neighbors. I concur with Chair Burt's comments about Homer and Channing
9 about that potential two-way. The equipment and the noise from the equipment both the new
10 and since this is a PC I think we could have some comment on the existing equipment to look at
11 ways to reduce the noise from the existing and also to absolutely minimize the rooftop element
12 of the new equipment. I think that would cover most of my comments right now.

13
14 Chair Burt: Thank you. Annette and Phyllis.

15
16 Commissioner Bialson: In responding to the substitute motion that was made by Commissioner
17 Lippert I think that the Commission as a whole would benefit from the comments to be made by
18 the ARB and that to ask this applicant to come back to us after they have done a review and prior
19 to going back to the ARB would unduly lengthen the process. I have been moved by the
20 compelling and eloquent comments of most of the members of the public here that this is a very
21 necessary project that needs to go forward. I would hope to expedite it by referring this to the
22 ARB and getting their thinking on the matter.

23
24 Chair Burt: Phyllis.

25
26 Commissioner Cassel: I want to speak to the exceptional and extraordinary circumstance. It is
27 sort of the reverse of what we normally experience. In this case we have a very large facility that
28 was approved at the very beginning of developing a PC process in the City. We have a life care
29 facility that is under the state guidelines for healthcare facilities, which is providing an
30 extraordinary circumstance and problem here. If they do this within the existing building they
31 have to renovate the whole building, that was in our notes, causing a great deal of difficulty if it
32 is an attached or just a slight extension to the current building. Current medical needs and
33 requirements for healthcare facilities, the nursing home part of it, are dramatically different than
34 they were in the 1960's. I worked in the 1960's as a nurse on acute care types of units and came
35 back to nursing in the late 1980's. They are not the same and I can't imagine there is a hospital
36 anywhere that exists in the same format without major changes from the early 1960's until now.
37 Everything as they were talking about just the distance that nurses go to walk to their areas and
38 things of this sort make a great deal of difficulty in the size and the shape of the facility that you
39 are using. In addition to that staffing needs change depending on the numbers of floors you have
40 and how many patients you put where and how far they are away from each other. So it is the
41 life care facility, which is so unusual and today we are not getting new ones of this sort unless
42 they are extremely expensive. So that is what creates the exceptional and extraordinary
43 circumstance in this particular condition.

44
45 Chair Burt: Dan.

1 Commissioner Garber: I have a variety of comments. I will organize mine around this task
2 request for further review and key issues. Relative to the location of the addition I believe that
3 the addition as it is currently placed in the parking lot is the right place not only for the reasons
4 that the applicant has iterated but in support of those I suspect that they are right. The issues of
5 convenience, adjacency, cost, impact, etc. are all right. It surprises me not at all that the location
6 that was chosen is the one that makes the most amount of sense for them.

7
8 I do not have any problem with the use of that space as well to support the institution as a whole.
9 Channing House in old Palo Alto is an extremely important institution and caring for it,
10 supporting for it, improving it is not only important for the residents but it is important for the
11 City.

12
13 Some of the governing thoughts about how to think about the addition, I keep going back to the
14 fact that the addition is surrounded by multi-family housing zones. Even though those zones are
15 occupied by a variety of different housing types that have responded to different zones in the past
16 the reality is they are currently zoned multi-family and can take on those characteristics at any
17 time by either current property owners or future. So it is important I think for the addition to
18 respond to those things. I can understand and it makes sense to me that the property that is being
19 added, the proposal, takes on those characteristics. Takes on the daylight plane characteristics.
20 Takes on height, massing, etc. The question that is out there is the FAR question. However,
21 there are certainly ways that the perception of the mass can mitigated through design. Therefore,
22 items that require further review are all the ones that Commissioner Lippert has already iterated.
23 I think they are all spot-on scale and materials. Perhaps the one place that we depart is the
24 question of the applicant's strategy of trying to blend the existing neighborhood with that of the
25 Channing House. Far be it from me to advise the architect on his business I think that is a
26 solution that will never be solved. Channing House is an animal of itself and the reality is that
27 the building that needs to be built there is going to have its own presence and shouldn't, despite
28 one's like of the international style or not, should take on a life of its own and add to the
29 community and the neighborhood as opposed to trying to find a way to ameliorate what
30 Channing House is.

31 Then the other topic is the whole issue of how that addition faces onto the street, what it looks
32 like, etc.

33
34 The two other topics that require for the review are the mitigations both for the construction
35 which have been listed at length by the public as well as the letters, they are well-known, i.e.,
36 noise, dust, emergency vehicle access and then importantly the ongoing communication with the
37 neighbors. Then there is the ongoing mitigations once the property is in place a parking plan
38 needs to be put in place, probably a series of different benchmarks for how to deal with the alley
39 and recognizing and communicating on a consistent basis with the community to determine what
40 works and to recognize that they may not get right the first time and that they have to go back
41 and change things. I think that is the bulk of my comments. There may be a few others as they
42 come out.

43
44 Chair Burt: Let me make my comments on the substitute motion and then maybe we can move
45 to a vote on that and figure out where we go from here. First I think Commissioner Lippert
46 raised some valuable and important issues but I think that the ARB will be the appropriate forum

1 to address those issues. They are going to have an even stronger role in this process than they
2 might even ordinarily in terms of assuring that the project is conformant with the Comp Plan
3 guidelines and the DEE guidelines and that to a good extent these are issues that are more
4 architectural than not. Even though we have two expert architects on the Planning Commission
5 it will be predominantly their role. Commissioner Lippert did raise the issue of knowing the
6 FAR and I think that is something that is important that the Planning Commission have an
7 understanding and look at that context. I would like to say that it is important to remember that
8 in regard to Policy L-5 the Comprehensive Plan and the scale and character issue it is only the
9 addition that would be under consideration at this time as Commissioner Garber has emphasized
10 we are not going to change the fundamental architecture of Channing House. So then it becomes
11 this question of how can you best address the compatibility? Ordinarily I would lean toward
12 trying to respond to the neighborhood. I will defer to the ARB on that but I can certainly
13 understand how that would be a great challenge and that in this case it may be more appropriate
14 to for this addition to be a high quality creative design that relates to Channing House in a way
15 that enhances the quality of what we have there today at Channing House. So those I think are
16 my final points. Commissioner Lippert, you have a final comment?
17

18 Commissioner Lippert: Yes, two things. Number one, I will withdraw my substitute motion. I
19 think my comments were heard and I believe that those will go forward to the ARB and I think
20 that that's probably the most important thing here.
21

22 I would like to respond however to Commissioner Cassel's comments earlier. First of all I do
23 acknowledge that OSHPD is a very difficult entity to deal with. It is somewhat arduous. But I
24 do recognize that there are thousands, I can't even begin to count the number of facilities, in this
25 state that are deficient with regard to current OSHPD requirements and how we are at a deficit
26 right now with being able to have facilities that respond to the current standards that OSHPD
27 requires. So there is an urgency to this I do recognize that. I also recognize that his building,
28 which was built back in the 1960's, has reached the end of its lifecycle cost. Somebody in the
29 audience had talked about a cost/benefit analysis and in fact it might be worth recognizing that in
30 fact this building has lived its life and needs to be re-improved, I am not saying razed, but re-
31 improved in order for it to live the next 50 years as a viable facility.
32

33 Chair Burt: Vice-Chair Holman.
34

35 Vice-Chair Holman: I had indicated to Commissioner Lippert that I was going to remove my
36 second. I think the motion and the second got a conversation going among Commissioners that
37 stressed the importance of issues that we see. I have heard from all of us and I know certainly
38 for myself that we support this kind of use. We certainly understand and appreciate the need for
39 expansion and modernization because the facilities do need to be upgraded to deal with stresses
40 that are currently not being addressed. We did hear from Mr. Ehrlich and he being an architect
41 looked at how they might or might not be able to do that in the existing building. So with that
42 we could go onto the main motion. Again, I think the substitute and second I hope stressed the
43 importance of the issues that we want to have addressed at the ARB.
44

45 Chair Burt: Okay. Phyllis.
46

1 Commissioner Cassel: I have one issue that I picked up from reading the comments from the
2 neighbors that we haven't addressed and that is what I would call construction manners. I don't
3 know how you deal with these construction workers but I think it would be very helpful if the
4 contractors and Channing House tried such things as staying off private property, find a place for
5 the workers to eat that is not on other peoples' private property, not blocking driveways for other
6 people and being courteous to neighbors. Those kinds of things tend to get forgotten. I know in
7 the construction in my neighborhood I have difficulty with construction workers understanding
8 those, not all of them but some of them particularly blocking driveways. If there was some way
9 you could work with that and put that in your proposal to make it evident to everyone that you
10 are working on it and really try I think that would be helpful for everyone.

11
12 MOTION PASSED (6-0-0-1, with Commissioner Sandas absent)

13
14 Chair Burt: I would like to concur with that. I think that the applicant had in their comments
15 acknowledged that they were going to have a construction management plan that would be
16 comprehensive. I have often wondered whether there is actually a contractor license obligation
17 to buy Burger King wrappers and scatter them throughout the neighborhood. We learn
18 something new everyday too. OSHPD is an acronym that I hadn't been familiar with. It sounds
19 like a very challenging regulation but it is one of the most lyrical acronyms I have run into in
20 quite a while.

21
22 So on that note are we ready for a vote to forward this to the ARB with the comments that have
23 been provided by the Commission? Yes.

24
25 All those in favor? (ayes) Opposed? That passes unanimously. I would like to thank everyone
26 here, the applicants and the public for all of their valuable contributions to this process. We look
27 forward to it proceeding to the Architectural Review Board and then it will return to the Planning
28 Commission once again before it is presumably going to the City Council.

29
30 We will now take about an eight-minute recess. Thank you.

31
32 Okay, at this time we would like to begin item number 2, 49 Wells Avenue, a request by Jeff
33 Warmoth on behalf of Sand Hill Partners, LLC for an Initial Review of a redevelopment on the
34 property at 49 Wells Avenue via a rezone from the existing Service Commercial (CS) zone
35 district to a Planned Community for the development of a four-story building with a ground floor
36 parking garage topped by three levels of residential condominiums totaling 30 units. Would the
37 Staff like to make a presentation?

- 38
39 **2. 49 Wells Avenue***: Request by Jeff Warmoth on behalf of Sand Hill Partners, LLC for
40 an Initial Review of a redevelopment on the property at 49 Wells Avenue via a rezone
41 from the existing Service Commercial (CS) zone district to a Planned Community for the
42 development of a four-story building with a ground floor parking garage topped by three
43 levels of residential condominiums totaling 30 units.

44
45 Mr. Chris Riordan, Planner: Yes, good evening. The project before you this evening.

1 Commissioner Garber: Excuse me.

2
3 Chair Burt: Commissioner Garber

4
5 Commissioner Garber: I am sorry to interrupt. I have to unfortunately recuse myself from this
6 conversation because my office is within the 600-foot boundary of the applicant's proposal. So I
7 will see the Commission next week.

8
9 Chair Burt: Have a good evening. Okay. Chris, would you like to continue?

10
11 Mr. Riordan: The project before you this evening is a request by Sand Hill Partners for a
12 Planned Community rezone of the property located at 49 Wells Avenue. Located on the
13 northwest corner of Wells Avenue and Urban Lane the site contains approximately 17,000
14 square foot warehouse building. The site is zoned Service Commercial the maximum residential
15 density permitted in the CS Zone District is 30 units per acre. This could allow a total of nine
16 units on the .39-acre site. The project would include the retention of existing concrete walls of
17 the warehouse with the exception of the wall adjacent to the Westin Hotel. This would be
18 removed as it crosses the property. The remaining walls would be used for the exterior façade of
19 the first floor parking garage. Constructed on top of the parking garage would be two levels of
20 residential floor space comprising 30 condominium units. The floor area of the proposed project
21 would be 50,660 square feet. The proposed density would be 77 units per acre.

22
23 The applicant incorrectly calculated that the project would be required to provide 57 parking
24 spaces. Since the project would include some tandem spaces six additional guest parking space
25 would be required increasing the number of required parking spaces to 63. The proposed project
26 would provide 43 parking spaces. Parking reductions would be requested to reduce the number
27 of parking spaces since the project is within the close proximity of the Caltrain station and
28 increased number of bike racks above the minimum would be provided.

29
30 One of the three findings that must be met for an approval of a Planned Community is the
31 provision of public benefits. Public benefits as proposed by the applicant are listed on page six
32 of the Staff Report as well as the applicant's Development Program Statement that is included as
33 Attachment C. Staff has reviewed these proposed benefits and does not believe that they can be
34 considered as benefits for the purpose of making the required PC findings. Staff would
35 recommend that the Commission conduct its initial review of the PC rezone application as
36 proposed by the applicant and forward the application with a recommendation for denial since
37 the required determination for approval of a PC zone cannot be met.

38
39 There is one correction to the Staff Report that I would like to note. Comprehensive Plan Policy
40 H-4 is not applicable to the project and should not have been included in Attachment D. That is
41 the danger of cut and paste. Thank you that concludes Staff's report.

42
43 Chair Burt: Thank you, Chris. Any questions by the Commission of Staff before hearing from
44 the applicant? Phyllis.

1 Commissioner Cassel: What would happen if we generally approve this and sent it to City
2 Council for their review before it went to ARB, just because it is pushing the edges? Could we
3 approve it and send it to City Council.

4
5 Mr. Riordan: If you give your approval of this application it would be forwarded to the ARB.

6
7 Commissioner Cassel: That is the standard. My question is can it be forwarded to City Council?
8 So I guess my question is to the City Attorney. Can this be forwarded to the City Council with
9 an approval so that they can review something? I think we have done this before.

10
11 Mr. Larkin: Give me a minute and I will get back to you.

12
13 Chair Burt: Lee.

14
15 Commissioner Lippert: I have a land use question actually it is an easement question. The
16 existing building overhangs the property line. So by virtue of the fact that the rear wall of the
17 building is on the property line there is a prescriptive easement there, correct? If that wall is
18 moved what is going to happen to that space between the adjacent buildings? Is it just going to
19 be a void?

20
21 Mr. Riordan: There currently is a void between the two buildings. There is a space. That
22 building, my understanding is the existing wall was part of a warehouse that was on the Westin
23 Hotel parcel before it was demolished for the hotel. When the Wells project was constructed that
24 was a shared wall. So when the Westin warehouse was destroyed for the construction of the
25 hotel they had to leave that wall there as the wall for the Wells project so that is why it is still
26 there.

27 Commissioner Lippert: How much space are we talking about? Are we talking about a foot or
28 are we talking about nine inches?

29
30 Mr. Riordan: Perhaps the applicant could discuss that.

31
32 Mr. Larkin: I have an answer. The code says that if the Planning Commission acts favorably in
33 its initial review of the PC application the development plans shall be submitted to the
34 Architectural Review Board for review except in the case of single family and accessory uses.
35 So that would lead me to believe that it would be forwarded to the ARB.

36
37 Chair Burt: Okay. Should we hear from the applicant at this time? The applicant has up to 15
38 minutes to speak and then we will have an opportunity to speak for three minutes after the public
39 comments. Welcome.

40
41 Mr. Jeff Warmoth, Sand Hill Property Company: Good evening Chairman and Commissioners.
42 I have 15 minutes that is why I wrote you all those volumes because it is hard for me to do
43 anything in 15 minutes. I am just going to make a few comments and then I am going to
44 introduce the architect, Rob Steinberg of the Steinberg Group who is going to walk you through
45 the project.

1 Chair Burt: Could you identify yourself as well, please?
2

3 Mr. Warmoth: Sorry, Jeff Warmoth of the Sand Hill Property Company. Then after Rob does
4 his presentation I will come back and make a few comments. Then we will both be available for
5 any questions that you have.
6

7 I want to begin by thanking Staff. They did a very thorough job as we went through the project
8 and reviewing and pointing out the issues. Then in the Staff Report I think they have done a
9 thorough job of evaluating the project. We of course as I said have given you volumes in writing
10 including Attachment C, which was our Development Program Statement that explained the
11 initial project proposal and what we thought were the merits of that project and how it conforms
12 to the Comprehensive Plan. As you have seen from my letter that you just received after we
13 received the Staff Report and reviewed the Staff Report and thought through the issues
14 associated that they raised we have come up with an idea for a modified project that would fit
15 within the Comprehensive Plan.
16

17 The primary difference between that modified project and the initial project which we are also
18 going to walk you through is the number of units would go down from the 30 units to 19 and the
19 configuration, the floor plan of those units, would become larger. That is the primary difference.
20 The parking would be not an issue. It currently is an issue in the Staff Report under the modified
21 project the parking wouldn't be an issue. Also in that letter we, in trying to understand better the
22 whole idea of the public benefit we have also offered some public benefits that we have been
23 thinking about about what was needed in that neighborhood anyway as far as benefiting that
24 neighborhood as a whole. So with no further ado I would introduce Mr. Rob Steinberg who
25 some of you have probably seen up here before and I will let him present the project.
26

27 Mr. Rob Steinberg, Steinberg Architects: Good evening Mr. Chairman, Commissioners. I will
28 just take you through a quick overview of what our thoughts are. As Staff pointed out our site is
29 located here at the end of Wells adjacent to the medical clinic, there is a new building going in
30 here under construction, access under the tracks and adjacent parking. It is sort of an interesting
31 site in the sense that it is somewhat isolated. It is an existing one-story tilt-up warehouse
32 building that you might look at as a negative. We tried to see the positive aspect of it. It has a
33 variety of different edges from very urban and rather plain to the lower slide on the right where
34 there is extensive foliage on that side of the site. This is a little sketch of our idea for the project,
35 which is to retain the existing base building, to incorporate parking behind that and then to try in
36 a very thoughtful way to delicately insert housing in the middle of it. Our thought was to insert
37 small workforce type housing that would be able to capitalize on access to transportation and
38 services. The way it would work, this is rotated just slightly so Wells is along here now, but this
39 is the existing building. We would take advantage of openings to get access for parking. We
40 envisioned where the road bulbs out and there is an opportunity to develop a little landscaping, a
41 plaza, to develop an entry to an elevator that would take you upstairs. We have some areas
42 located in this area that we call teleconferencing and that could potentially have an opportunity
43 to be a public benefit and used by nonprofits. It would have direct access from the street and that
44 is something that we have talked to Staff about exploring.
45

1 Typical residential level on top of the garage would have a series of units that could orient out in
2 different directions. We haven't totally enclosed the block so that we are getting the south
3 sunlight into a plaza in some open space that could be developed on top of that.

4
5 Our initial proposal as Jeff had suggested was for modest size units. We were proposing one
6 bedroom units that you see here about 750 square feet and two bedrooms that got up to about
7 1,200 square feet as an idea. We recognize that we may have to adjust that but our overall
8 concept we think is a very interesting one. It is taking an existing building it is not tearing it
9 down but trying to build on top of it to take advantage of that, to take environmental issues and
10 improve them, to develop housing in a smart growth philosophy adjacent to transportation and
11 services in a way that would be a very thoughtful and creative sort of infill housing. So that is a
12 once-over lightly of the thoughts that we have as we approach this project. Thank you.

13
14
15 Mr. Warmoth: I am just going to make a few more comments. We have kind of an emotional
16 attachment to the initial proposal. We like the idea of being able to do a lot of smaller units in
17 this great location where the pedestrians will have access through the Homer Undercrossing, they
18 will have access if they happen to work at the Palo Alto Medical Foundation but we certainly
19 understand the reasons that the Staff gave on why they could not support that project.

20
21 A couple of points about the public benefits. One of the ideas that we have there is to enhance
22 that frontage. Right now Urban Lane has some very nice frontages along it and as soon as the
23 Clark building is done that will kind of complete that puzzle. This will be the only piece that is
24 left out. So we want to try and compliment that with the same level of quality that is evident in
25 those projects along the frontage. We have talked about also providing a crosswalk from across
26 Urban Lane there at that intersection. If you have spent some time at the site you will notice that
27 it is a little bit busy at times because of the medical foundation so creating a nice way for
28 pedestrians to get around we felt was really a benefit to that neighborhood. Then we talked also
29 with Staff about the telecommuting center and also the utility room, enlarging those and making
30 those available for nonprofits. We have had a conversation with one of the nonprofits in Palo
31 Alto and they have expressed that they have a significant need for such space.

32
33 Then finally we had proposed again because of the curvilinear nature of that road just to increase
34 the safety for pedestrians putting a lighted crosswalk in there that gets people from the Palo Alto
35 Medical Foundation side – Westin side of Wells Avenue over to the Homer Undercrossing. So
36 now with that we are available for questions. I think that is probably the best way to sum up.

37
38 Chair Burt: Thank you. Lee, do you have a question at this time before hearing from the public?

39
40 Commissioner Lippert: A question regarding your alternate proposal which we don't have in
41 front of us here is to make larger units and reduce the number of units that are proposed. That
42 would directly impact the parking. How does that impact the parking?

43
44 Mr. Warmoth: Our proposal would be to go to 19 units they would be about 1,750 square feet
45 each. They would still be two bedroom units. The number of parking spaces that would be
46 required would be the 38 plus 33 percent of the number of units because we will have a secured

1 parking garage and that would take us to a requirement of 44.4 before you apply any reductions.
2 In the Staff Report they recommended because of the proximity to the Intermodal station or
3 Caltrain a nine percent reduction would be appropriate they felt in keeping with the Santa Clara
4 guidelines. So that would take us down to 41 spaces and we provide 43.

5
6 Commissioner Lippert: So basically it takes two spaces out of the current plan.

7
8 Mr. Warmoth: Well, we would keep the spaces as additional spaces. Unless there was a feeling
9 that for instance in the telecommuting room if we worked that around perhaps those spaces
10 would be converted to space that could be used for the nonprofits.

11
12 Chair Burt: Okay. Thank you very much. You will have three minutes to respond after the
13 members of the public. At this time we only have two speaker cards from members of the public
14 Elaine Meyer to be followed by Herb Borock. You will each have five minutes to speak.

15
16 Ms. Elaine Meyer, Palo Alto: Good evening Commissioners. At your last meeting I pointed out
17 that Palo Alto has already exceeded the housing projections of the Comprehensive Plan EIR. I
18 am sure you know it and the City Administration already knows it but the extent to which the
19 numbers have already been exceeded is underestimated. The City's estimate is that we are 16
20 percent above the EIR. In fact we are exceeding the EIR by much more than that because 16
21 percent only takes into account the very big projects and doesn't count the smaller ones. For
22 example this project is not in their count. The many five, four, three and two unit developments
23 are not counted and they add up. I don't know why they aren't counting them but these little
24 projects have also become more difficult to track because the Planning Department isn't keeping
25 track of them anymore. I think the Planning and Transportation Commission needs to advise the
26 City Council in no uncertain terms, if you haven't already done so, that it is improper and
27 possibly even illegal to keep approving these projects and others that will be forthcoming.
28 Thank you.

29
30 Chair Burt: Thank you. Herb Borock.

31
32 Mr. Herb Borock, Palo Alto: Good evening Chair Burt and Commissioners. The Staff Report
33 and the architect's description are referring to something that is in your printed Staff Report but
34 now you have another piece of paper from the applicant that has just arrived. I don't know
35 which of these you are supposed to be deliberating about and voting on. I support the Staff
36 recommendation to recommend denial of the project to the Council at least the one that was
37 publicly noticed and that was available for the public to review. However, if what the applicant
38 wants is for you to review a different project which apparently has the same floor area ratio
39 although that seems to be missing from the description in this three-page letter then maybe what
40 you need to do is to continue the project with the applicant's consent, renote it and have us all
41 look at a different project unless the applicant wants to come in with another one the day before
42 the next meeting.

43
44 This parcel and floor area ratio is being compared to RM-30 tucked under parking. This is not
45 tucked under parking as that term is described and shown in diagrams for the RM-30 zone and
46 the legislative history. This as described just now is a parking structure. I believe in RM-30 .6 is

1 the correct one to compare. The other thing you can compare it with is another CS parcel of
2 about the same size on Encina Avenue where the Opportunity Center is being built. That has
3 floor area ratio also and all of its housing is low-income which is a kind of public benefit one
4 would think of as well as its service center. Compare it with this, which is market rate and if the
5 kind of public benefit that you have there on Encina Avenue gives one floor area ratio what
6 should you expect this one to provide?
7

8 The RM-30 would require certain kinds of setbacks, which you don't have if you retain the
9 existing structure. The purchase of the parcel from the previous owner who is in bankruptcy in
10 Santa Clara County the terms are available and public because the property was first offered to
11 the bankruptcy trustee who didn't accept the terms because it couldn't use it to pay off all the
12 debts. So then it was offered to Mr. Rogers who owned and as I recall it was an escalating price
13 depending upon the floor area ratio that was obtained for the entitlement but the assumption was
14 that they were willing to pay a certain price based upon the existing floor area ratio if they didn't
15 get an increase from public benefit and the PC zone. That tells me that they can make a fair
16 return on their investment with the CS zoning of 1.0.
17

18 This property was considered for the Opportunity Center but the previous owner wanted too
19 much money so that is why Encina Avenue was eventually chosen. As I said the sites are about
20 the same size.
21

22 From the previous warehouse site there is probably hazardous waste in the ground. I don't know
23 whether any environmental study of the first level or second level has been done. I am
24 disappointed that at this stage, the first stage for an application, that there is no Environmental
25 Assessment available yet for us to look at. The site at one point was being considered for an
26 internet service site by [YIPES] Communications and that may still be in litigation between the
27 former owner and [YIPES] and I don't know what interest they have in the property and how
28 that would affect the housing.
29

30 So if you want me to comment on the new proposal I would like to have the time to see it and
31 come before you with the same type of analysis that has been done for the first proposal.
32 Otherwise I just suggest that you just approve the Staff recommendation. Thank you.
33

34 Chair Burt: Thank you. Does the applicant wish to use up to three minutes for responses or
35 additional comments?
36

37 Mr. Warmoth: Certainly. I think the Staff Report did a great job of detailed analysis of the
38 project at this level before it would go on to ARB for obviously much more in depth review at
39 that time and then coming back to Planning Commission for another public hearing before it
40 goes on to City Council for another public hearing. So I think there is still plenty of life left in
41 the project and plenty of time for any interested parties to comment on it.
42

43 I will just note that the modifications that we are talking which we have discussed with Staff are
44 really relatively minor in that they are reducing if anything any potential impacts that the project
45 would generate by going from 30 units to the 19 units that are proposed. We are talking about
46 essentially a floor plan change as to the residential units.

1
2 The massing model right there shows that obviously if you went with the current zoning the
3 building would be smaller than the lowest first level there or if we used the existing building it
4 would be the size of that first level. You can see how that really would not fit in that particular
5 neighborhood. Whereas the proposed project I think fits very well so that is what that massing
6 model which we generated for our own purposes to understand is supposed to show. With that I
7 will just say we are available for any more questions that you all do have. We do respectfully
8 request that you do forward the project on to the ARB for their consideration and then their
9 return to you for another public hearing on the modified project. Thank you.

10
11 Chair Burt: Thank you. Commissioners, I have one question for the applicant if no one else
12 does. Could you comment on your familiarity with the requirements for approval of PCs in this
13 community in recent years and what had given you a sense that this proposal would be in the
14 context of what has been acceptable based on current community, Council and Planning
15 Commission expectations?

16
17 Mr. Warmoth: That is a really interesting question. I served as a Planning Commissioner for
18 four years in Los Altos so I have been on the other side and have looked at these issues from a
19 Planning Commissioner standpoint. I looked at the general plan and quite honestly I looked at
20 how many pages did I write in support of our conformance with the general plan. That is the
21 planning document for the City. I think it is very clear where it states that currently the site, let's
22 see I am going to go to the exact quote here, I can't find exactly what I am looking for. For
23 instance one of the policies was the requirement for public benefit findings, this was on the
24 Policy H-10 which was one that was addressed in the Staff Report, that the requirement for
25 public benefit finding can be eliminated if the project significantly increases the affordable
26 housing supply over what otherwise would be allowed by existing zoning. Our proposal was to
27 go from 1.35 to eight units. To me that is a 450 percent increase. That is a rather significant
28 public benefit in its own right and that is what the original proposal was for. So to answer your
29 question there is nothing I can point to as a specific project to say that we are trying to model
30 that. We are just trying to provide a good project and provide public benefits that help out that
31 particular neighborhood.

32
33 Chair Burt: Thank you. Don.

34
35 Mr. Larkin: I just wanted to respond to one thing that Mr. Borock brought up, not to respond but
36 to elaborate. In addition to the environmental review that would be done if this was acted on
37 favorably the applicant would be required because of the current use of the property to do a
38 hazardous materials closure and go through that permitting process that will also require some
39 level of testing of the existing ground to make sure that there is no environmental contamination
40 in addition to the normal CEQA review.

41
42 Chair Burt: Thank you. Commissioner, do you have questions of Staff? Who would like to go
43 first? Phyllis.

44
45 Commissioner Cassel: Do you know what the FAR is of the surrounding buildings, the hotel, the
46 Westin Hotel for instance and the Palo Alto Medical Foundation buildings?

1
2 Mr. Riordan: I don't have the information in front of me but I can research our Planning files
3 and get back to you on that when it comes back.

4
5 Chair Burt: If I might ask a process question before we proceed. We have the option of
6 forwarding this to the Council with a recommendation for denial, which is the Staff
7 recommendation. We could forward it to ARB. Is the third option that we could continue the
8 item? Just for the record that was a yes. Then also if we recommended denial and the Council
9 affirmed that recommendation could you clarify, my understanding is that the applicant could not
10 then come back with a substantially similar application for one year? Is that correct? I just want
11 to make sure everybody, the applicant and the Commission, understand the process and the
12 options.

13
14 Ms. French: Unless it was denied without prejudice. And then I guess it is anybody's judgment
15 as to what is substantially similar. If they reduce the number of units significantly somebody
16 could make that determination that that is not similar.

17
18 Chair Burt: Okay, thank you. I just wanted to make sure everybody understood the options.
19 Phyllis.

20
21 Commissioner Cassel: I have another question. In this case the parking is above ground so it is
22 1.0 FAR on the first floor and that counts, right? So if it were submerged parking it wouldn't
23 count and if it is at first level the way this is it does count.

24
25 Mr. Riordan: That is right. Exactly.

26
27 Chair Burt: Annette.

28
29 Commissioner Bialson: Are we only to ask questions or can we get into comments?

30
31 Chair Burt: Why don't we go questions first? Any other questions? Karen.

32
33 Vice-Chair Holman: A clarification for all of us. Two things. One of them is should we
34 forward this to the ARB we are approving of the land use, is that correct? We have to approve
35 and make the findings for the PC in other words make that land use finding or we would not be
36 sending it to the ARB, is that correct?

37
38 Mr. Riordan: It is not your final approval. It is not your final opportunity to make that
39 determination but what you would be doing by forwarding on to the ARB is you would be
40 indicating your favorable.

41
42 Vice-Chair Holman: So if we actually can't make that determination now and we send it to the
43 ARB potentially that ARB review could be moot and maybe not necessary. Could you spell out
44 the difference between a denial and a continuance in terms of result for the applicant and for the
45 process?
46

1 Ms. French: If you are continuing for the purpose of directing the applicant to modify the project
2 to something that could be acceptable you are indicating that there is something favorable about
3 the project, or to vote that way you are indicating there is something that is favorable about the
4 project but we haven't advertised it as such. So I think we would in fact re-advertise it for a
5 modified project if you so directed them in that. Again, it would be indicating that you favor a
6 reduced number of units if you continued it for that reason.
7

8 Vice-Chair Holman: The only difference then between a denial and continuance really is that the
9 applicant couldn't come back with as you say a substantially similar project within a year and
10 that is somewhat subjective.
11

12 Ms. French: After the Council. If the Council were to deny it yes effectively, with prejudice
13 then they couldn't come back.
14

15 Chair Burt: Lee.
16

17 Commissioner Lippert: I just want to make a procedural comment here, which is that I am
18 having great difficulty looking at this in the context, which the applicant has asked us to look at
19 this project. That Staff has written not a favorable report for this project. The applicant has
20 come back with an alternative and I think it is to the benefit of all of us to continue this item and
21 allow the applicant to either modify or amend his application before we give any further
22 comments on the project. I think it is totally inappropriate for us to move forward with
23 something that the applicant is in fact not asking us to do.
24

25 Chair Burt: Well, I had a similar concern about the prospect of moving forward based upon this
26 couple page description of a fairly significantly modified project. So we don't really have
27 enough details to act in a favorable way. I would like to get the Commission and Staff's
28 perspective on what my thought is on how we might want to proceed tonight. That is to give
29 conceptual comments because basically I am not sure it would be beneficial for the applicant, the
30 Staff or the Commission to just have them go back and do a whole bunch of work to give the
31 details on this two-page proposal if conceptually we have problems with the two-page proposal.
32 So I think that could be an important thing to accomplish tonight is just to the degree that we are
33 comfortable with commenting conceptually on either the proposal that the Staff reviewed or this
34 sketch of a proposal that we received tonight. That may help expedite the process in the future
35 and I think that might be beneficial for all parties. Can ask Staff whether that first is
36 procedurally correct and second whether they think that would be beneficial or not?
37

38 Mr. Larkin: That would be procedurally okay.
39

40 Ms. French: I believe beneficial to both the applicant and Staff.
41

42 Chair Burt: Okay, Annette and then Karen.
43

44 Commissioner Bialson: I want to support you in your analysis of what we should do tonight for
45 benefit of Staff and the applicant and to try to shorten as much as possible the process that the

1 applicant will be going through. I am ready to delve into the conceptual comments, which I
2 think will be helpful to the applicant if the rest of the Commission is.

3
4 Chair Burt: Okay. Karen.

5
6 Vice-Chair Holman: Just one really important clarification. Staff said that you would renote
7 this if we should happen to continue this. Continued items aren't always noticed but there would
8 be a specific point of doing it for this revised proposal that might come back to us if that is what
9 we end up doing.

10
11 Ms. French: Right. Normally we look for a date certain and then we don't have to renote it but
12 in this case we would renote it.

13
14 Chair Burt: Okay. Annette, would you like to start off?

15
16 Commissioner Bialson: Yes. I think this is a very interesting site, which can be an excellent one
17 for purposes of a multi-family dwelling. The only concerns I have certainly with the initial
18 proposal were that there were too many units being placed on the site. I like the fact that the site
19 is a great one for pedestrians and transit oriented sort of purposes. I am very disturbed by the use
20 of the present tilt-up concrete walls. I assume they are tilt-up or cast in place. Expansive long
21 blank walls is not something that is pedestrian engaging and in the rest of the area work has been
22 done by both the City with regard to the Homer Avenue Tunnel and by the clinic to have plazas
23 and pleasant areas to walk in and this would not be pleasant to walk next to. We have had
24 difficulty with structures such as this in areas such as Downtown and on California Avenue and
25 so I find maybe this is an interesting design opportunity as you phrase it but I think it is not
26 beneficial and is actually harmful to that area to try to continue to use those walls. I would be
27 more impressed if the site brought down some engaging aspects for pedestrians and had the
28 garage or vehicle storage underneath grade level. I think that would make that feel less massive
29 and bulky and to have cars have the priority place of the ground floor to me does not make a
30 heck of a lot of sense.

31
32 Chair Burt: Thank you. Lee.

33
34 Commissioner Lippert: Well having reviewed this site a couple of times I know what some of
35 the inherent problems with the site are and I can sort of outline what they are and how the
36 applicant might be able to deal with them. Number one is Wells street and the sidewalk that is
37 currently there don't allow for both a street and a public right-of-way in the way of sidewalk as
38 well as planting what we are currently used to. The current walls that exist there are a zero lot
39 line condition where the walls are actually placed virtually on the property line and by
40 eliminating those walls I think what the applicant is afraid of if that they lose an entitlement here.
41 But by the virtue of the fact that they are asking for a PC there really is no loss of entitlement
42 here. So I think that your comment with regard to looking at the ground floor level and how that
43 interacts with the street is paramount to this project because there is no public space around the
44 building that is usable as sidewalk or planting strip.

1 With that in mind in addition to that there really is reduced open space per se with this project.
2 Usually we require that open space be associated at the ground level and again we don't even
3 have that and we don't really have any landscaping. So again looking at this property and how it
4 relates to the site is very important in terms of looking at it as being a PC. Very, very interested
5 in the housing element I think something that they have hit upon here is really great because it
6 makes for a very good transition between the PAMF facility, the hotel, the train station and so
7 what they are able to do here is actually use a critical mass to leverage some street life there,
8 some life in terms of people living there in the evening and weekends.

9
10 The last thing I want to say with regard to this is that I don't know if reduction in the number of
11 units is necessarily called for in this case. I like the fact that it is dense. It is not around any
12 other units. It is near the hotel facility and that is already dense by the virtue that when you
13 check into a hotel you get a single room. So it sort of appeals to me to have this high density in
14 this neighborhood. I think it is how they work out the details that are really important here.

15
16 Chair Burt: Annette would like to do a follow on.

17
18 Commissioner Bialson: Just to wrap up my comments. I did want to mention that with regard to
19 the public in the original application and the public benefit listed in the sketch of an alternative I
20 am not terribly impressed with the public benefits. So I would ask the applicant to look a little
21 harder for some public benefit that would be compelling.

22
23 Chair Burt: Commissioner Lippert, you wanted to say something for the record?

24
25 Commissioner Lippert: I am sorry I am also in agreement with Commissioner Bialson's
26 comment there.

27
28 Chair Burt: Phyllis.

29
30 Commissioner Cassel: When I looked at this I had the same response Annette had in terms of
31 the street presence and the pedestrian orientation. If you kept these walls, and I can understand
32 why they want to keep the walls, you have to do something with these walls that make them
33 exciting. I don't know what it would be but it has to do something because it is dead the way it
34 is now. Perhaps that can be done with tiles and other things that part of it. It could probably be
35 done by somebody clever. I am not an architect so you may know better.

36
37 I had no problem with the high density but I have no idea how we would approve it. I don't
38 know under what grounds. This is a TOD. This is what we have been looking at with TODs and
39 all the problems with parking that comes with that. What we have been looking for are small
40 units, Downtown that aren't impacting any other single-family residential area. Just as Lee said,
41 it is an ideal location for small units. I would not be interested in this project at this site if we
42 made 1,700 square foot units because we have lost the small unit concept that you want right
43 Downtown where the train station is and probably increase the number of school kids by doing
44 so. People move into town just to get into the school system. I didn't know how to work the
45 number of units and we know we have been doing this with our mixed-use numbers and our
46 TOD numbers. How do we make a site just like this, right Downtown, on the train station,

1 walking distance to everything work when we have this parking requirement? Now if we
2 increase the number of units then I don't see any point in preserving the wall and doing all of
3 that. You might as well do something decent because the rents are going to be really high if there
4 are fewer units on that site.

5
6 Chair Burt: Karen.

7
8 Vice-Chair Holman: Having to do with the Staff Report that came to the Commission I would
9 have concurred with their recommendation to deny the project. I also concur with previous
10 Commissioners comments about having this renoticed if the applicant wants to come back with
11 something different. The residential density that they had proposed with the original project was
12 77 units per acre, which in my estimation is too much. I am interested in workforce housing but
13 that density is much more than is even considered for a P/TOD, which is 50 units per acre. The
14 floor area ratio of three is also really pushing the limits. The public benefits as Commissioner
15 Bialson noted in their submission today really don't overwhelm me by any means. So I think
16 they need to look a little bit more at true public benefits. I also concur with Commissioner
17 Bialson's comments about the wall and I am all for adaptive reuse and this maybe one of the
18 only occasions I can think of where I am really questioning the adaptive reuse of this wall given
19 where it is located and given as I understand it that this wall isn't really going to be reused as a
20 structural element it is going to be reused as a perimeter wall. Retaining it also precludes other
21 possibilities for landscaping and making this a much more attractive pedestrian friendly building.
22 So I think I will leave my comments at that at the moment.

23
24 Chair Burt: Okay. I will wade in. First I concur with a number of the concepts voiced by other
25 Commissioners. Part of the context that I think the applicant needs to look at they have cited our
26 Comp Plan intention to create zoning that would be pedestrian and transit oriented development
27 is that we have just finished a series of Commission meetings and have some tentative guidelines
28 for our P/TO District and the California Avenue area. We will soon go through a similar process
29 for the University Avenue area. In the California Avenue area we had a 1.25 FAR I believe that
30 would be allowable and then with a significant BMR component I think you had to have like 60
31 percent BMR units to go up to a 1.5 FAR if I remember correctly. Amy is that incorrect? Okay.
32 Then the only FAR higher than that is for a hotel which could go all the way up to a 2.0 FAR.
33 So when we look at this project and it is, if I am understanding it correctly, quadruple the FAR of
34 current zoning and more than triple the FAR that would be allowed under the California Avenue
35 Pedestrian and Transit Oriented Development. We don't know what we will end up settling on
36 for University Avenue whether it would be the same or something different from California
37 Avenue. This is a much higher density than is being envisioned as we are trying to implement
38 that Comp Plan concept.

39
40 I agree that the public benefits aren't very substantive. One of the things that we are trying to do
41 is we are creating the P/TOD zoning is to create standards rather than having just this
42 discretionary process without any guidelines. There are design standards and there are going to
43 be transportation demand management program requirements in the P/TOD district and a number
44 of other things that I am sure Staff can share with you on expectations that we have for those
45 areas.

1 Also in terms of the number of units I think you were correct in your general sense within your
2 initial project that we would favor probably more smaller units. In my mind the problem wasn't
3 that you had too many units it the problem is that the FAR is so high. The second problem is that
4 the public benefits are not what we have been considering to substantial public benefits. So I
5 would also if it came back as a PC rather than awaiting our P/TOD zoning for this are I would
6 look more favorably toward more smaller units than a fewer number of larger units.
7

8 Just as far as this retention of the base building I can see architecturally that that is a creative
9 concept to kind of have this retention of the industrial flavor of that building but having
10 acknowledged that and that is more of an architectural decision and I am not an architect, I am
11 more gravitating toward the issues that were raised by Commissioner Bialson in how this project
12 will relate in a pedestrian oriented area. We deliberately renamed these transit oriented
13 development areas to Pedestrian and Transit Oriented Development because we acknowledge
14 that the trip reduction impact is foremost as a result of the pedestrian traffic and only secondarily
15 as a result of the transit use. So the whole pedestrian element of this is going to be very
16 important both from a practical standpoint and the sense of pedestrian environment that is
17 conveyed by the architecture. I don't know how to convey that. You have a much better sense
18 of how to do that than I do but those are the objectives that I would like to see there. So I think
19 that covers my primary comments. Karen you had comments?
20

21 Vice-Chair Holman: Yes I did. If this does come back as a PC again we should all remember,
22 including the applicant that we have to again be able to make the findings for a PC. One piece of
23 that is the public benefit but that is not the only finding that we have to make. Should it come
24 back as a PC and we can make the findings it is a question and then a comment both. Was this
25 site as a speaker from the public indicated included in the housing count?
26

27 Ms. French: No, it is not on the Housing Inventory.
28

29 Vice-Chair Holman: Not on the Housing Inventory, okay. So we do potentially have the Comp
30 Plan EIR issue that was mentioned by the speaker. So that is one thing and keeping that in mind
31 I would also be interested in exploring having service and retail here as opposed to an all housing
32 project just as the P/TOD talks about mixed use. I think that would be something that would be
33 looked upon from my perspective more favorably.
34

35 Chair Burt: Lee.
36

37 Commissioner Lippert: In looking at this I had a couple of thoughts as to how some of these
38 deficiencies might be corrected. It is beyond the purview of the Commission but one possibility
39 is to look at things like offsite parking agreements. I know that there are facilities around it that
40 have an overwhelming amount of parking that in some ways might be more than they need and
41 could be co-opted to fill the parking deficit of this parcel and thereby creating some open space.
42 That is one aspect. Another aspect is because of its proximity to public transit it does allow for
43 parking reduction. The third element I think was alluded to by the applicants themselves that
44 was that this was really meant to be worker housing. If you look at the surrounding properties
45 there are people that work in those facilities that could probably make use of that housing in a
46 way that they would by virtue of the fact that they would walk out their front door and be at

1 work. I know that it is difficult for us to make that happen but there are ways for the applicant to
2 make that happen.

3
4 Chair Burt: Phyllis.

5
6 Commissioner Cassel: I don't believe that we are limited in approving housing projects in the
7 City based upon whether or not we have had a few more units than before. Those requirements
8 from the state that we get periodically or the regional are minimums that they hope to have us
9 meet not maximums. We are going to be working on the EIR. Did you want to comment on
10 that?

11
12 Mr. Larkin: I just wanted to remind the Commissioner that until we have updated our Housing
13 Sites Inventory we are limited in our discretion to deny applications for housing.

14
15 Commissioner Cassel: You mean it would be very difficult to deny an application for housing
16 based on the fact that it was housing?

17
18 Mr. Larkin: That is right.

19
20 Commissioner Cassel: I would think so. Housing as far as I can see this is a good site for it. I
21 don't know what you would do in this as a commercial site. It has lots of other stuff around it.
22 You might have a small commercial site function but this is an ideal location for housing. It is
23 exactly what we have been looking for. It is a small site. It is near a hotel, near a large medical
24 center and right next to the train station. It can't be seen, I drove up the five-story parking
25 garage on the other side and I can hardly see this site from up there. It doesn't show from El
26 Camino because you can't see it from the large buildings that are around it. So it doesn't make a
27 good commercial site because it is not easily visible. It doesn't have the usual visible area and it
28 is exactly what we are looking for for high-density housing. So this would be a housing site that
29 we have been begging for it would seem to me. But it is unusual in the location and the shape of
30 the property.

31
32 Chair Burt: I would just say that even though we have favored mixed use in the California
33 Avenue P/TOD I am not sure that this particular site is a real good candidate for mixed use. I
34 would certainly prefer it if it were possible but it is not going to have the sort of pedestrian traffic
35 and the flow. So I would tend to agree that this is a site would be appropriate for housing but
36 within the guidelines that we had discussed earlier.

37
38 Don, could you clarify one other thing in regards to the housing? I think the issue that Vice-
39 Chair Holman was raising was whether we are in any way having a problem with needing to
40 update our Comp Plan EIR if we are exceeding the anticipated housing from the EIR.

41
42 Mr. Larkin: Two things, number one the project will have to undergo its own CEQA review.
43 Number two, I don't believe that we have exceeded our housing expectations. We certainly have
44 not exceeded our housing requirements. So I would expect that we have not exceeded our
45 expectations either.

1 Chair Burt: You are referring to including what's in the pipeline because that is not my
2 understanding?
3

4 Mr. Larkin: I think that if we were to identify all of the sites that are in the pipeline we would
5 have probably identified sufficient sites but not all of those projects have been built yet so we are
6 talking about a large number of future sites that have yet to even have development applications
7 for.
8

9 Chair Burt: So just to clarify, if we were with the projects that are in the pipeline if we were
10 exceeding our EIR by something more than a nominal amount are you saying that if a project has
11 been approved or is in the pipeline but hasn't been built yet then we should not be concerned
12 with its impact on whether we are exceeding our EIR just because they haven't been built? Even
13 though they have been approved or submitted?
14

15 Mr. Larkin: It is late so I am going to try to answer this as best I can. We would be if we were
16 to exceed the scope of the study we would possibly be required to do supplemental studies. We
17 are certainly going to have to environmental review on every project that comes through so in
18 those instances we would be able to address the impacts and address the increased impacts as
19 well. The other thing I would just remind the Commission is that we are in the process of
20 updating our Comprehensive Plan and we will be doing an EIR as part of that as well. So we are
21 going to be doing this anyway.
22

23 Chair Burt: Okay. Karen.
24

25 Vice-Chair Holman: Just to clarify, yes it was the EIR that I was referring to. It was the concern
26 about that and not the Housing Inventory Sites.
27

28 The comments about this being a housing site. In some ways I agree with that and I also think,
29 and I am not going to try to solve this here, I also think it might be a different kind of opportunity
30 for mixed use than what we typically would consider. I am not talking about pedestrian oriented
31 mixed use I am talking about for the very reasons that were mentioned previously this has the
32 medical foundation and the hotels nearby. What I am suggesting is that there might be a unique
33 need for those facilities to have some kind of service or retail that would serve them that would
34 also be revenue generating for the City. I am not going to try to solve it I am just saying I would
35 like to see the applicant look at that possibility.
36

37 Chair Burt: Okay. Lee and then what I would like to do is try to move forward to a motion.
38

39 MOTION
40

41 Commissioner Lippert: I would like to move forward to a motion. I move that we continue this
42 item so that the applicant has a chance to review our comments as well as their second proposal
43 and begin to reformulate what they propose as their PC.
44

45 Chair Burt: Do I have a second?
46

1 SECOND

2

3 Commissioner Bialson: Second.

4

5 Chair Burt: Motion to continue the item with Commission comments made by Commissioner
6 Lippert and seconded by Commissioner Bialson. Don.

7

8 Mr. Larkin: To clarify that will be a motion to continue to a date uncertain to when the applicant
9 is prepared to come back.

10

11 Chair Burt: Correct. Lee, do you wish to speak further to your motion?

12

13 Commissioner Lippert: I don't really have anything else to say except that 'formulate' was not an
14 appropriate word, probably they should 'reconsider.'

15

16 Chair Burt: Okay. Annette.

17

18 Commissioner Bialson: Nothing further. I think that we can just vote.

19

20 Chair Burt: Phyllis.

21

22 Commissioner Cassel: I get a sense from everyone and I want to know if it is true that they think
23 a PC is appropriate at this site if we don't have our TOD in place.

24

25 Chair Burt: My response to that would be in an ideal world we would have our P/TOD in place.
26 Shy of that I would like to see a project that takes into consideration at least the guidelines that
27 we have established for the P/TOD district, that we have a proposal on the table for is the best
28 reference point that they would have. Perhaps by the time it comes back they will have even
29 more information as this emerging right now and that my general comments would be to reiterate
30 that I think this project, its density in terms of FAR is a lot more than anything we have approved
31 that I can recall and the public benefits are I believe substantially less than other projects that we
32 have approved. So I hope that the applicants have a strong sense of that sentiment. At least that
33 is my sentiment. Do other Commissioners wish to weigh in on any other guidelines that we
34 would like to provide the applicant about what we are looking for in the future aside from
35 continuing the item? Lee.

36

37 Commissioner Lippert: I just want to respond to Commissioner Cassel's comment. I don't think
38 that this site can be developed in any way except as a PC. It is such a constrained site and there
39 are such deficiencies in it that whether it is residential or whether it is warehouse, well, that is
40 probably about all that it could be, it needs to be considered as a PC.

41

42 Chair Burt: Annette.

43

44 Commissioner Bialson: I think we have given the applicant and Staff as much direction as they
45 can take at this point in the evening so I would really encourage the Commission to vote and
46 allow everyone to go home.

1
2 MOTION PASSED (5-0-0-2, with Commissioner Sandas absent and Commissioner Garber
3 conflicted)

4
5 Chair Burt: Okay. Are we ready? All those in favor? (ayes) Opposed? That passes
6 unanimously and the motion was to continue this item to a date uncertain with the
7 recommendation to the applicant that they consider the comments made by the Commission this
8 evening.

9
10 So that concludes our regular business this evening.

11
12 ***APPROVAL OF MINUTES:*** None.

13
14 Chair Burt: We have no minutes to approve.

15
16 ***REPORTS FROM OFFICIALS/COMMITTEES.***

17
18 Chair Burt: Do we have any Reports From Officials or Committees? Phyllis.

19
20 Commissioner Cassel: One thing. Paly High is doing a play called The Love Songs of Traffic or
21 Traffic and Love Songs, something like that. Whatever it is if you can go Friday or Saturday
22 night it is a wonderful spoof on the Planning Commission process.

23
24 Chair Burt: No kidding.

25
26 Commissioner Cassel: They are really fun to watch especially the Staff. The tickets are only
27 \$10.00 for adults and five dollars if you bring your kids.

28
29 A local high school teacher, they couldn't get money that they wanted to put on a regular
30 program and he had this half in place. It is a first time, just done. They have had all the fun of
31 trying to make it come off.

32
33 Commissioner Lippert: I heard the original title of the play was Planning, Transportation and
34 Love Songs.

35
36 Commissioner Cassel: It would have done.

37
38 Chair Burt: April we have Commissioner Bialson representing the Commission and if she is
39 absent she will be asking for a substitute and in May it is Commissioner Lippert.

40
41 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

42
43 Chair Burt: Our next meeting is March 29, which is a week from today.

44
45 ***NEXT MEETING:*** Regular Meeting of March 29, 2006.

1 Chair Burt: The meeting is adjourned.
2
3 ***ADJOURNED***: 10:55 PM
4