



# PLANNING & TRANSPORTATION COMMISSION MINUTES

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*Wednesday, November 12, 2003*  
*REGULAR MEETING – 7:00 PM*  
*City Council Chambers Room*  
*Civic Center, 1st Floor*  
*250 Hamilton Avenue*  
*Palo Alto, California 94301*

**ROLL CALL: 7:05 PM**

**Commissioners:**

*Michael Griffin - Chair*  
*Phyllis Cassel – Vice-Chair*  
*Karen Holman*  
*Patrick Burt*  
*Bonnie Packer*  
*Annette Bialson – conflicted with Item 1*  
*Joseph Bellomo - absent*

**Staff:**

*Steve Emslie, Planning Director*  
*Lisa Grote, Chief Planning Official*  
*Nellie Ancel, Assistant City Attorney*  
*Joseph Kott, Chief Transportation Official*  
*Dan Sodegren, Special Counsel to City Attorneys*  
*Amy French, Current Planning Manager*  
*Steven Turner, Planner*  
*Russ Reich, Associate Planner*  
*Zariah Betten, Executive Secretary*

**AGENDIZED ITEMS:**

1. 2701 El Camino Real
2. 4010 Page Mill Road
3. Proposed Replacement and Enhancement of an Equestrian Crossing on Arastradero Road between the Portola Pastures driveway and the Arastradero Preserve.
4. Planning and Transportation Commission to initiate changes to the Zoning Ordinance to address issues raised in the report by the City Auditor regarding permit processes and appeals.

Chair Griffin: Good evening ladies and gentlemen. I would like to welcome you to the regular meeting of the Planning and Transportation Commission for Wednesday, November 12. Would the Secretary please call the roll? Thank you.

We will now undertake the Oral Communications.

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

1 Transportation Commission reserves the right to limit the oral communications period to 15  
2 minutes.

3  
4 Chair Griffin: We have no cards so we will move to Unfinished Business.

5  
6 **CONSENT CALENDAR.** Items will be voted on in one motion unless removed from the  
7 calendar by a Commission Member.

8  
9 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional  
10 items added to it up until 72 hours prior to meeting time.

11  
12 Chair Griffin: The first item the public hearing is already open because we continued this item  
13 from a previous meeting. It 2701 El Camino Real a request by Sunrise Development Inc. for a  
14 proposed senior assisted living facility comprised of 81 living units. It is a quasi-judicial item  
15 subject to Council's disclosure policy. So I would like to poll my colleagues to see if they have  
16 any disclosures they wish to make at this time. I will start on my right with Bonnie. No  
17 disclosures. Phyllis? Pat?

18  
19 Commissioner Burt: Yes. I attended a Staff facilitated tour of a Sunrise facility in Belmont this  
20 past week.

21  
22 Chair Griffin: Karen.

23  
24 Commissioner Holman: I attended the same tour and revisited the local site today.

25  
26 Chair Griffin: I as well attended that session in Belmont. Would Staff like to make their  
27 presentation now please?

28  
29 **UNFINISHED BUSINESS:**

30 **Public Hearings:**

- 31  
32 1. **2701 El Camino Real\***: Request by Sunrise Development Inc. for a proposed  
33 Comprehensive Plan Map amendment to Service Commercial from Neighborhood  
34 Commercial and Multiple Family Residential and a Planned Community Zone change to  
35 allow an 80,577 square foot senior assisted living facility comprised of 81 living units on  
36 an approximate one acre lot currently zoned Neighborhood Commercial (CN) and High  
37 Density Multiple-Family Residence District (RM-40). **SR Weblink:**  
38 <http://www.cityofpaloalto.org/cityagenda/publish/planning-transportation-meetings/2623.pdf>  
39

40 Ms. Lisa Grote, Chief Planning Official: Thank you Chair Griffin and Commissioners. I did  
41 want to just go over some of the follow up items from the September 10<sup>th</sup> hearing. The first one  
42 of those items has to do with the Comprehensive Plan Map amendment. Since September 10 we  
43 have looked very carefully at the uses being proposed in the building and determined that the  
44 Alzheimer's or dementia portion of the building, which is about 15,000 square feet, is not a  
45 residential use. It is a commercial use much more like a convalescent facility than a typical or  
46 standard residential use. For that reason it is not counted into the residential square footage.  
47 That results in a reduction in the number of units being proposed which is 59 for the assisted care  
48 which would be considered and then 22 spaces or units for the commercial use which is more of

1 a convalescent nature. So the Comprehensive Plan Map amendment would not be needed since  
2 the number of people in the residential portion would be about 59, well there would be 59 units  
3 and 68 people which falls within the 90 people per acre parameter that is set in the  
4 Comprehensive Plan for a residential land use for multiple family residential. Then the  
5 remaining people that are in the commercial portion are counted as a permitted use within  
6 residential land uses. Those are typically in non-PC developments typically considered under a  
7 conditional use permit. Since this is a Planned Community there would not be a need for the  
8 conditional use permit you write the allowed use into the use section of the PC ordinance. So we  
9 have determined that the Comprehensive Plan Map amendment is not needed.

10  
11 The design alternatives that the Commission had asked the applicant to consider are being  
12 brought forward tonight and they would like to go over that in more detail with you. Basically  
13 they involve pulling the building further away from the adjacent condominium building that is  
14 there now, closer to El Camino Real and relocating the drive isle and the auto court. They will  
15 be going into more detail about that with you tonight.

16  
17 Something to consider when you are looking at those alternatives is that in a traditional RM-40  
18 development that would be on this site could be slightly fewer than 40 units the size of the  
19 building could equal somewhere between 57,000 to 58,000 square feet if you accounted for an  
20 average of about a 1,250 square foot unit within again about a 15% increase for hallways,  
21 elevator shafts, mechanical rooms, stairwells, things like that. It would result in about a 57,000  
22 to 58,000 square foot building. This is about a 62,000 square foot building above grade. So it is  
23 within the range of what might be developed in an RM-40 zone. So that is something to keep in  
24 mind as you are looking at the design alternatives.

25  
26 The Staff did look at, as did the applicant, available assisted care facilities in the area. We  
27 looked at facilities from Redwood City to Sunnyvale and there are about 13 facilities that our  
28 Staff contacted. We included that in one of your attachments. What we found is that there is a  
29 wide variety of types of facilities out there. That it is difficult to come up with one that is exactly  
30 like this. There are a couple and I think you toured one of them in Belmont and there is one in  
31 Sunnyvale but there are just a very wide variety of types of assisted care facilities. There are  
32 some vacancies in almost all of them that were presented in your Staff Report however there is  
33 an unmet need in Palo Alto. Palo Alto has one of the highest ratios of senior citizens that might  
34 be looking for this kind of facility. So there is an unmet need and the applicant can go into more  
35 detail with you about that. Again there are a wide variety of types of facilities.

36  
37 We did contact the Valley Transportation Authority to explore the possibility of joint  
38 development on that site. They are not prepared to develop their site at this point. They don't  
39 have the money to co-develop anything at this point. The facilities that you had inquired about  
40 in San Jose that are currently being developed where excess parking facilities. They are not  
41 determined to be needed at this point and therefore VTA entered into agreements with  
42 developers on one site for the entire site and for another site for a portion of the site that was in  
43 excess. That is why they were able to move forward with those facilities and development on  
44 those sites. This facility is not in excess facility. It is one that is used and needed and they don't  
45 currently have the money to co-develop it. They would be willing to explore in the future  
46 perhaps leasing or selling the site as long as the spaces that are on the site remain there in some  
47 form.

1 The operational impacts that you had inquired about including noise-generating equipment will  
2 be addressed by the applicant but the proposal is to pull those forward towards El Camino,  
3 forward on the building and away from again the adjacent residential uses. The building itself  
4 will actually help reduce some of the noise from El Camino to the adjacent residential uses. So  
5 they will be talking a bit more about the equipment and where that would be located.  
6

7 The sustainability checklist that you had asked for is attached to the Staff Report. There is an  
8 error in our Staff Report. We had said that the building would reach a platinum rating that in fact  
9 isn't the case. It would reach a certified level. Again, we don't have a sustainability requirement  
10 at this point in the City but a certified level is certainly a very good level and the applicant is  
11 willing to include those sustainability measures in their design.  
12

13 The arborist did submit a tree report, which recommends removal of six trees on the site. Our  
14 planning arborist has reviewed that report and concurs with the removal of those trees. He  
15 would like to discuss further the removal of the holly oak because it may in fact endanger the  
16 adjacent oak. So there may be a need to remove the holly oak as well but he is in agreement with  
17 the arborist report.  
18

19 The BMR, Below Market Rate, agreement. The applicant has agreed to provide below market  
20 rate space and services for 11 residence. This is 15% of the 68 residents that would live in the  
21 assisted care units. Ten spaces would be 15% so these 11 spaces are a little bit more than 15%  
22 actually. Again it is for services as well as space but it would go to residence. So there would be  
23 11 positions reserved at a below market rate for those residents. That is especially important to  
24 note that it is for the services as well as the physical space because the services are what is the  
25 most expensive component in this type of facility. The remaining 15,000 square feet that is now  
26 in commercial more convalescent care facilities would pay the commercial housing fee. So the  
27 11 BMR positions would be for 11 residents and then the 15,000 square feet would pay the  
28 commercial housing fee.  
29

30 Then finally the public benefit involves as mentioned before the coordination with Avenidas  
31 Senior Facility, Trees for El Camino Real, the bus shelter and pedestrian amenity along El  
32 Camino and then future access to the VTA site should that ever be developed in the future. The  
33 applicant has agreed to coordinate that access for the life of their building.  
34

35 So with that we would ask that the Commission comment on the additional information and  
36 revised proposal and recommend whether or not this is ready to go to the Architectural Review  
37 Board. That concludes the Staff Report.  
38

39 Chair Griffin: Thank you. Unless Commissioners have any questions I would like to invite the  
40 applicant to make a presentation. Welcome.  
41

42 Mr. Dan Zemanek, Sunrise Senior Living Services: Hi. We are here to discuss the project at  
43 Sheridan and El Camino Real. Let me just kind of bring you up to speed. I am going to try to  
44 make this presentation as quickly as possible. Thank you very much for having us back a second  
45 time and thank you to those of you who found time to be able to come out with us to Belmont  
46 last Friday.  
47

1 When we were here last time we brought this project to the table. As of Sept 10 meeting we had  
2 81 Sunrise assisted living units, we had 38 parking spaces, all the deliveries were being done at  
3 the time basically on Sheridan Avenue, we had access to underground parking near Silverwood  
4 which was up at the northern end of the property and we showed a 20 foot setback from  
5 Silverwood at the time. This was the plan that we presented. You can see that we had the  
6 underground garage being entered off of Sheridan, traffic coming down and coming back out.  
7 This was something that a couple of the neighbors were concerned about. Then we had the auto  
8 court for drop off and pick up in this area. Again we were using this area here for truck  
9 deliveries. This was the model that we brought in and I remember Commissioner Bellomo was  
10 very shocked that we had gotten this far along in the process. We had been looking to prescreen  
11 since last November and we had just gone a distance. The buildings around us of course are  
12 Silverwood to the left and 410 Sheridan here in the foreground.  
13

14 As of tonight what we are doing, and we are really kind of excited about this because we are  
15 bringing in 81 units Sunrise building here, the same size but we have 40 parking spaces now. All  
16 the parking spaces now will be underground. All of the deliveries, the major truck deliveries,  
17 will be done on El Camino Real. The access to the underground parking is now nearer to the  
18 center of the building. We will park the van in the underground garage as well and instead of a  
19 20-foot setback from Silverwood and the north boundary we now have a 30-foot setback.  
20

21 This basically was some of the alternatives that we have gone through. We spent a great deal of  
22 time trying to rearrange this building and I will just go through them very quickly. Some of  
23 them as you can see the parking ramp to the right showing cars coming down that was even  
24 getting closer to Silverwood. Then we had this iteration, which showed the ramp coming in off  
25 of El Camino Real, which was really a no-no as far as the Transportation people were concerned.  
26 Then we finally have settled on this plan, which we call Alternate 4.1. This one we are really  
27 excited about because what we have done here is we have taken the auto court and we have made  
28 it very functional by bringing traffic in, they would do a potential drop off here, and then either  
29 drive out or they would make a right turn and they would go immediately underground. Once  
30 they get to this point they are underground. They would come back in here and they would park  
31 under this building. At the same time we have rerouted the deliveries to El Camino Real and the  
32 trucks will be there instead of along Sheridan. That is going to be a big help because they will  
33 off-load here, they will take it around into the service entrance of the building and they will not  
34 be disturbing any neighbors in the area.  
35

36 What I did hear and what I just want to quickly show you just by going back and forth how the  
37 building has changed. That was the first one that we brought in and now this is the second one.  
38 Something else I want to point out to you too on this because it is very important is we are back  
39 30 feet here instead of 20 feet, we are back to 42 feet before you get to a four-story element.  
40 Here we are at 40 feet before you get to a four-story element. So we have softened the segue  
41 between buildings.  
42

43 This is the landscape plan that the landscape architect has put together. One of the things that we  
44 are trying to accomplish, and we will talk about this a little bit later, is we are trying to get  
45 neighbor friendly areas that people can come in and enjoy and treat as their own neighborhood.  
46 This little area in here is going to be kind of a mini park with the VTA, which is the property  
47 here.  
48

1 Let's talk about what we will talk about very quickly tonight, appropriate land use with least  
2 impacts, urban design success, progressive transportation programming, extraordinary BMR and  
3 public benefits and then finally the response to the neighbor concerns.  
4

5 The appropriate land use for the site we have done a lot of positive problem solving since we  
6 were here in September thanks to Staff, thanks to you folks and thanks to the neighbor's input.  
7 The assisted living, which as you know is blending housing and care. In fact Commissioner  
8 Cassel has mentioned before that it is kind of like a mixed use and it really is. Sunrise's use of  
9 the site was found by Staff to be consistent with the Comprehensive Plan, which was very  
10 important. Something very interesting, we will provide more housing on this site than the 2002  
11 Amended Housing Element would have provided. We satisfy an unfilled need because after all  
12 this is what we are about here. We are trying to take care of seniors. The 1997 Avenidas study  
13 for senior showed a 85-plus population that will double from 1990 to 2020. Assistance, that is  
14 the activity of daily living that people need help with, will double from the ages of 75 to 85 and  
15 70% of people over 90 require some kind of assistance. Just a couple of very quick graphs.  
16 What this is showing is age 70 to 74 to 90 and over the men in the darker color here, the women  
17 in orange and showing the assistance needed as the ages are attained. You can see here where  
18 men start surpassing women in their requirements for needing assistance when they get to be 90  
19 and over. This is one of the most interesting ones, look at this, the US population is going to  
20 increase by nine percent between 2000 and 2010 and people who are 85 and over are going to  
21 increase by 34% in that same period of time. So we have to take care of our seniors. It is going  
22 to get to be a very critical situation as we move ahead.  
23

24 No impact to constrained infrastructure. This is very important for what Sunrise provides or  
25 really doesn't harm. Sunrise residents don't drive. There will be very few that would ever drive,  
26 very few. We will not impact traffic. Sunrise doesn't impact schools. We don't impact parks  
27 and playing fields and we don't impact libraries. So here is an opportunity to have housing and  
28 yet care for senior citizens at the same time with low impacts. It is like the best of both worlds.  
29

30 The PC zone change. We understand that you have to compare to an alternate development  
31 under existing zoning and not with leaving the site undeveloped and you have to evaluate the  
32 public benefits. We think Sunrise of Palo Alto can be distinguished as an exceptional PC that is  
33 neither abusive nor controversial. I know you have had some controversial PCs in Palo Alto.  
34 This one will not be.  
35

36 I wanted to show you a little bit of how we fit into this and how homogenized it will become.  
37 Out of this site and four sites two of them already are PCs. This is Silverwood here, which is  
38 adjacent to us. This PF zone is the VTA lot and if the VTA ever does anything there they  
39 probably to have some flexibility will probably have to go in for a PC zone. This is our site. So  
40 once this would be PC'd we would basically be in the same position with the entire square block.  
41 This is even a little PC across the street.  
42

43 The urban design success. What we are trying to do is create an attractive building. We have to  
44 create a building that is suitable for the people that are going to go into it. Our average age  
45 person is going to be about 83 or 84 years of age. They want to have something that looks  
46 attractive and yet is safe and secure.  
47

1 Create attractive landscape surrounds. We want to welcome public spaces around our El Camino  
2 and our Sheridan perimeters and provide bike parking for employees and visitors to be  
3 multimodal.

4  
5 Then add to the residential character of the neighborhood and then be concerned about  
6 sustainable issues. Just to give you a little bit of an idea of what the neighborhood looks like this  
7 is 410 Sheridan, this is a four-story building in fact a little taller than that because the bottom  
8 deck is really above the grade of the street where the parking is but that is directly across the  
9 street from Silverwood and it is also across the street from part of our property. This is  
10 Silverwood Condominiums adjacent to us to the north and to the northeast. Then this is an  
11 interesting shot, it looks like we are standing in the middle of the intersection, looking kind of  
12 northwest and here is 410 Sheridan, here is Silverwood, this is the VTA bus stop, the VTA  
13 parking lot and then our site right here. Some things that we are trying to do and this is the  
14 northwest portion of this newest plan that we have come up with we are trying to create  
15 something that is going to be very user friendly, neighbor friendly, things that will invite people  
16 to come in and sit and have contemplative times. This is the area that we discussed before trying  
17 to create this mini park along El Camino next to the VTA lot. Again, we don't know if the VTA  
18 is going to cooperate with us on this in the future but if they don't this is what it would look like  
19 without bringing the VTA in. I think at the last meeting Commissioner Burt you were concerned  
20 about park space in the area and this is something that we tried to move into.

21  
22 Progressive transportation programming. Again, I don't want to sound redundant but again, the  
23 major truck deliveries are going to be now confined to El Camino Real. There are going to be 40  
24 parking spaces, which will be more than adequate when we had 38 before and that was adequate.  
25 Four curb cuts on Sheridan will be reduced to two. Sunrise will provide a TDM program.  
26 Employees and visitors served by VTA and Cal Train and that is really great for our employees  
27 especially for our employees. Then the traffic impacts of course will be insignificant. The car  
28 trips, I put this little graph together. If the site were developed with 35 condos alone you would  
29 have over 200 car trips. We are going to generate about 280 car trips with our home. If you had  
30 a restaurant with 23 condominiums you could generate close to 1,200 car trips a day out of that  
31 site. So our impact is very, very low.

32  
33 Now the unique combination of the BMR and the public benefits. We said we had extraordinary  
34 BMR, which includes not only food and care with the housing. By the way, over the lifetime of  
35 the project it is about a \$10 million cost. We may be the only licensed RCFE facility in the State  
36 of California that is not either subsidized by state or county or city or has bond financing that  
37 offers that. Sunrise will also provide public transit amenity to include sunshades, benches and  
38 game surfaces. We were asked to pledge \$5,000 by Trees for El Camino and we are going to  
39 pledge \$20,000 to upgrade El Camino Real in front of the Sunrise. We will provide meeting  
40 space for Palo Alto seniors through the Avenidas Senior Center. We have worked with Lisa  
41 Hendrickson, the Director at Avenidas, and we are going to be able to put on some seminars for  
42 seniors in Palo Alto as well as the caregivers, those people that are responsible for mom, dad,  
43 grandma and grandpa who are reaching the ages where they need assistance. Again the plan for  
44 a mini park near the VTA bus stop. We will work with the VTA on future development there in  
45 some form, some size or shape when they get ready to do something.

46  
47 Lastly the response to the neighbor's concerns. I think I have handled most of them here.  
48 Concern about major truck parking on El Camino and again we moved it off of Sheridan. We

1 have reduced the curb cuts from four to two. We are moving part of the mass of the building  
2 from the north end, which was close to Silverwood up to El Camino Real. We are placing as  
3 much as possible noise producing equipment up toward El Camino Real. By the way, no matter  
4 what we have on the roof we are going to stay within the noise limitations that are set in that  
5 area. I think it is something like 72 decibels. Then we have moved the entry to parking away  
6 from Silverwood. And we are back to where we started September 10.

7  
8 So we have the architect here. We have a traffic person here. We have enough people here to  
9 answer questions. We have a BMR specialist. So if you have any questions at all. Let me ask  
10 you what your favor is, would you like the architect to make a presentation on this new plan right  
11 now or would you rather do it by question and answer?

12  
13 Chair Griffin: Commissioners, do you have any preference? Otherwise we would do it on a  
14 question and answer basis.

15  
16 Mr. Zemanek: Thank you very much.

17  
18 Chair Griffin: Thank you for the presentation. We are now able to entertain questions from  
19 Commissioners. Pat.

20  
21 Commissioner Burt: You mentioned and your report had identified a TDR program that you had  
22 developed and gone over with Staff. I don't know whether it would be best for the developer or  
23 Staff to give us some more information on that program.

24  
25 Ms. Grote: A couple of things. A TDM program? Yes, I think they have and I think the  
26 applicant can probably go into more detail. I wanted to make a very quick correction to  
27 something I said in my oral presentation. The 15,000 square feet is subject to the development  
28 impact fees. I had said commercial housing fees and it is development impact fees. They are  
29 subject to that for the 15,000 square feet.

30  
31 Commissioner Burt: Dan, would you like to explain your TDM program a bit?

32  
33 Mr. Zemanek: Yes. Unfortunately I can't really expound on it and really take you book, chapter  
34 and verse through it. What we have done is on October 13 we had Fehr & Peers do a TDM study  
35 for us and that is included in your packet. It is a very lengthy document and we are willing to  
36 entertain a lot of the TDM measures that they are talking about and we certainly want to be able  
37 to get our employees on public transportation. So we will continue working with Fehr & Peers  
38 and continue to work with Staff to bring this program to something that is very specific. If that  
39 answers your question Commissioner Burt.

40  
41 Commissioner Burt: Yes I think for now and maybe we can have Staff give us additional  
42 explanation later.

43  
44 Chair Griffin: Bonnie.

45  
46 Commissioner Packer: I have a question about the truck deliveries on El Camino. I don't know  
47 who can best answer this, maybe Staff can. Will the trucks stopping on El Camino create a  
48 problem in terms of traffic flow on El Camino in the way that a stopped bus sometimes does?



1  
2 Mr. Russ Reich, Associate Planner: In this location it would not. There is actually a special lane  
3 in addition to the lanes on El Camino. Any truck or bus stopping here would not impede traffic  
4 on El Camino. There is actually plenty of distance for the bus stop as well as a delivery stop in  
5 that location.

6  
7 Chair Griffin: I am going to ask a follow up question on the TDM program. My understanding  
8 from what you said is that you haven't finalized exactly what the consists of your TDM plan will  
9 be and I am looking for some comments perhaps about how you plan to incentivize your TDM  
10 plan.

11  
12 Mr. Zemanek: I would like to introduce Chris Gray from Fehr & Peers who is working with us  
13 on the TDM plan and let Chris explain this.

14  
15 Mr. Chris Gray, Fehr & Peers, Associates: As specified in the document that we prepared for  
16 Sunrise and also distributed to the City we thought it would be appropriate that there is a variety  
17 of measures that Sunrise include. We think the most important of them are financial incentives.  
18 There are mechanisms whereby Sunrise as an employer can give what are called commuter  
19 checks to their employees. Those are checks they can then cash for bus passes, Cal Train passes  
20 and other things. We think that is the primary method we can use to encourage people to use  
21 transit. We thought also a very important measure is that Sunrise should establish what is called  
22 a guaranteed ride home program. This is where say for instance two employees carpool, one of  
23 the employees who did not drive has a sick child or has a medical emergency or for some reason  
24 they have to go home. Sunrise would provide that person with a guaranteed ride home either  
25 allowing them to use their van or providing them with a taxi voucher. Agencies which are  
26 providing a guaranteed ride home program find that it encourages people to use transit or use  
27 carpool because it gives them a level of comfort that if a family or personal emergency arises  
28 they have the ability to get home without having to worry about my carpool left, how do I get  
29 home? We find that those kinds of measures are often very effective. We also attached some  
30 information on quantifiable studies that have been done on the effects of TDM measures to the  
31 study we provided to Sunrise and to the City. As indicated in these studies these kinds of  
32 measures, particularly the financial ones such as guaranteed ride home or transit passes, are very  
33 effective at reducing the level of automobile use by employees.

34  
35 Chair Griffin: I guess this question is for the Sunrise people. You definitely do plan to  
36 incentivize with a number of different programs? You haven't specified exactly what this plan  
37 will be but you are giving us good faith indication here that you are going to do this?

38  
39 Mr. Zemanek: Absolutely Commissioner. I want you to know that I think, at least I have been  
40 told, when this TDM program goes into effect for our home is that this will be the first TDM  
41 plan in effect along El Camino Real.

42  
43 Chair Griffin: Does Sunrise have previous experience with TDM programs in Sunnyvale or  
44 Belmont or San Mateo?

45  
46 Mr. Zemanek: No, not in those three areas we don't. One of the things that we do is if anybody  
47 needs a ride home they always get a ride home. We have been doing that demand program for  
48 many, many years.

1  
2 Chair Griffin: Karen.

3  
4 Commissioner Holman: I have a couple of questions having to do with traffic and transportation.  
5 One is the auto court that is coming off Sheridan now. In the visit to the Belmont facility there  
6 were people parked in that turnabout, that circle there. What is your management proposal for  
7 this court so that same thing doesn't happen so people actually can get in and out?  
8

9 Mr. Zemanek: We would have a ten-minute parking rule that would be there. The people who  
10 were going to drop off must. In fact, let me go back to the one that shows the site plan. What we  
11 would do here is we would create the ability in this area that a car can lay by here for a period of  
12 time while they are dropping somebody off. We would have signs posted that there would be no  
13 more than ten minutes that they could stop here at any time and we will be able to have enough  
14 room to allow cars to move around those cars that are stopped. The Belmont facility is a very,  
15 very unique facility because of the grade that we had to make and the distance that we had to be  
16 between Ralston and the creek area that you see. It was very, very tight and that is not like a  
17 typical Sunrise turnaround. That is a very tight turnaround at Belmont.  
18

19 Commissioner Holman: Just because it goes to management of the facility at the Belmont site  
20 also there is a bulb out sort of thing over the closed gate that is supposed to be a turnabout for  
21 that end and the van was parked there. So again, we are not talking about the Belmont project  
22 but we are talking about management of the facilities.  
23

24 Mr. Zemanek: After you made that comment to me about getting out there I went down and  
25 noticed that. I mentioned it to Dory Parker and so we are going to do something about that.  
26 Thank you.  
27

28 Commissioner Holman: Then you mentioned also at that site visit that there was a very high  
29 level of not TDM specific but of rideshare and commuter practices that your employees took  
30 advantage of. What percentage, do you kind of overall what percentage?  
31

32 Mr. Zemanek: Commissioner, I am not certain what it is at Belmont but typically we will do a  
33 minimum of 50% of our employees will either have a rideshare type situation or they will take  
34 public transportation. Some of our facilities run as high as 70% when they are very close to  
35 public transportation. We would expect this location to be very heavily involved in public  
36 transportation.  
37

38 Commissioner Holman: One last transportation question. Again in visiting that site it was stated  
39 that the time that people come to visit the most is late afternoon and evening. Late afternoon and  
40 early evening is when the commuter hours are at their peaks. So what is your plan to try to get  
41 visitors to use some kind of a train or bus if it is available? They can come when they can come  
42 but what are you proposing for that?  
43

44 Mr. Zemanek: That is a good question and certainly would be something that would have to be  
45 promoted. The fact that we are right next to the VTA 22 bus stop, which is wonderful, and we  
46 are a nice crisp walk from the train station is also wonderful. Typically when you talk about  
47 visitors stopping off, typically, they don't stop off during the peak rush hour traffic times. They  
48 are on their way home at that time. Usually if you get visitors that will be somebody who might

1 stop by in the middle of the day or somebody who will come out in the evening time to visit.  
2 Typically at rush hour that is not the time that most of our visitors come to a Sunrise.

3  
4 Commissioner Holman: So people don't, I am not trying to question you here but it seems  
5 obvious to me or likely to me that a lot of people would come on their way home instead of  
6 going home they would go to visit someone.

7  
8 Mr. Zemanek: Well, you would think that but that is not the typical way it happens. I think  
9 Chris Gray can probably even back that up because Chris has done the studies at our homes. It is  
10 just not – during the peak rush hour it doesn't typically happen.

11  
12 Chair Griffin: Bonnie, do you have a question?

13  
14 Commissioner Packer: I have a question about how the BMR program would work vis-a-vis the  
15 different kinds of rooms that you have. Normally when we have looked at BMR programs in the  
16 context of a PC we have asked the developer to ensure that the range of BMRs matches the range  
17 of opportunities for all people. In other words the BMRs are not only the smaller units for  
18 example. So I wondered if you have thought that through. I don't think the intent of the BMR is  
19 not to have all the BMRs only in the two bedroom units for example but to have a range. How  
20 do you propose to do that?

21  
22 Mr. Zemanek: Right. Some BMR people will want to share and some people will want to be  
23 alone. First of all.

24  
25 Vice-Chair Cassel: Can I interrupt you? I think this is so unusual that they are not catching it.  
26 You are giving the assistance to the people and not to the unit in this case. So you will be  
27 assigning a person this assistance for their housing and for their services and they may be in with  
28 someone else or they may not be in with someone else.

29  
30 Mr. Zemanek: Correct.

31  
32 Vice-Chair Cassel: This is different from our usual program because it is assigned a unit usually  
33 or a person that moves into a whole unit.

34  
35 Mr. Zemanek: Thank you, Commissioner.

36  
37 Vice-Chair Cassel: This is very different.

38  
39 Mr. Zemanek: So you may have a BMR person sharing a room with a market rate person.

40  
41 Chair Griffin: I have one more question. Dan I have been asked to request that speakers who are  
42 using the handheld microphone to stand a little bit further over towards. That is fine thank you.  
43 The question that I have for you is first of all the comment that there have been some critique  
44 that the project is somewhat under-parked depending on your point of view of course. I was  
45 pleased that you are now up to 40 spaces. You mention in your information that the consultant  
46 studied your other facilities in the Bay Area and in their opinion and in yours as well the 38 or 40  
47 spaces are sufficient. I am wondering what is the situation with Sunrise facilities outside the Bay  
48 Area. Do you typically provide more than 40 spaces in out of state locations for example?

1  
2 Mr. Zemanek: No, all of our Sunrises no matter what state or city they are in will basically  
3 follow the same formula that we are using here. We are trying to do somewhere between .4 and  
4 .45 spaces per unit and that is what we have typically done everywhere. Commissioner, it would  
5 not be sound business judgment for us to under-park any of our buildings because after all if you  
6 think neighbors get frustrated with that kind of parking what about people who are visitors who  
7 are putting their loved ones in their, they would get equally frustrated. So no we are not under  
8 parking the building in any Sunrise location. If it has happened it has happened erroneously.  
9

10 Chair Griffin: And consequently facilities outside the Bay Area also have this 40 to 50 parking  
11 places per installation?  
12

13 Mr. Zemanek: Depending upon the size of the building, yes sir.  
14

15 Chair Griffin: Phyllis.  
16

17 Vice-Chair Cassel: I have one question. How are your visitors going to access the underground  
18 garage if you have to use a card system to get in there? Will family members have a card?  
19

20 Mr. Zemanek: Yes they will.  
21

22 Chair Griffin: Bonnie.  
23

24 Commissioner Packer: I have a question I am a little reluctant to ask because it may be beyond  
25 the scope of our review but in a way it isn't because it is a PC and I want to see about the  
26 viability of this type of project. I was concerned about the size of the rooms especially the  
27 smaller rooms. There didn't seem to be room for an easy chair or whatever. Is this a standard  
28 room size that you use in all of your facilities for the single rooms and the two bedroom ones in  
29 particular?  
30

31 Mr. Zemanek: Correct. Our rooms will run anywhere from 300 square feet to 650 square feet  
32 and sometimes it might approach close to 700. Commissioner Packer we have been at this since  
33 1981 and we do nothing but keep improving the model constantly. The room sizes are basically  
34 ideal sizes because what we try to do is people shouldn't be spending their entire days in their  
35 room. They are basically looked at as bedrooms and they are out recreating and joining activities  
36 outside of their rooms. So the rooms are adequately sized, yes.  
37

38 Commissioner Packer: The other question I have is what about storage of people's personal  
39 things? I know it is very difficult for an older person to leave their home and leave behind their  
40 treasured objects and having room to display the pictures of people and the things they love to  
41 have around them so that their place looks like a little bit of home.  
42

43 Mr. Zemanek: Right.  
44

45 Commissioner Packer: I didn't see much of that in those smaller rooms so I just wondered how  
46 that has worked.  
47

48 Mr. Zemanek: When you say in the rooms themselves do you mean their own furniture?

1  
2 Commissioner Packer: A little bit of that, dresser space, something to put the pictures on and  
3 storage in the building for things that they may need to store for whatever reason.  
4

5 Mr. Zemanek: We have some areas of storage that they can use but basically people don't bring  
6 a lot in at that point in their life. Believe me they don't. In fact we try to encourage them to  
7 bring in pieces of their own furniture, things that are near and dear to them to get the familiar  
8 feeling when they get into the room but they don't bring a lot of stuff.  
9

10 Chair Griffin: If there are no further questions then I am going to give the public an opportunity  
11 to make some comments. At this point I only have one speaker request card, now I have two.  
12 Our first speaker is Dr. Bob Cutler followed by Bill Hahn. Welcome Dr. Cutler. You can use  
13 the stand up mike, it is a brand new one and it is absolutely fabulous.  
14

15 Dr. Bob Cutler, 435 Sheridan Avenue, #303, Palo Alto: Good evening. I just had a few brief  
16 comments. First I feel that the proposed PC zoning for the Sunrise development is an excellent  
17 use of the land. I think it will benefit our community as well as all of Palo Alto. I feel it is much  
18 preferable to have another multifamily condominium next to us than maybe a restaurant or  
19 something on El Camino. I think that would be much more destructive and actually less  
20 beneficial because we have plenty of restaurants on California Avenue at present. The other  
21 thing is I just wanted to comment that the changes that have been presented tonight I feel address  
22 all of the major issues we had brought up at least as I see it. I want to thank Sunrise for making  
23 the changes and also the Commission for suggesting them. That's all. Thank you.  
24

25 Chair Griffin: Thank you. Our next speaker is Bill Hahn and following Bill is James Yee.  
26 Good evening Bill.  
27

28 Mr. Bill Hahn, 435 Sheridan Avenue, Palo Alto: Good evening. Thanks for the time again. I  
29 guess I just have one comment and a couple of questions. I would like to echo the comments  
30 Bob just made and really commend Sunrise for responding to and making several changes, the  
31 deliveries on El Camino, the ramp, moving the building a little bit. I think that will help on a lot  
32 of the concerns that we did have. I am a resident of Silverwood. I tend to agree with the  
33 comment I think you just made Commissioner Griffin that I think it helps solve a lot of the traffic  
34 concerns. I am not sure it solves the parking concerns. The second point is I still have a concern  
35 about height and actually a question really on that. It is my understanding that a PC zoning is 40  
36 foot height restriction and if I understand the Staff Report correctly there is no proposal to  
37 change the zoning so therefore how does a 44 foot building fit in a 40 foot zone. I'll let you guys  
38 talk about that. The third comment is sort of a question and an inverse of how I think we have  
39 been talking about this site and its proximity to public transportation, etc. Once again  
40 Commissioner Griffin I think you actually asked a version of this question last time very late in  
41 the meeting. That is in the scheme of the whole Palo Alto planning why would we take a site  
42 that essentially is within a couple blocks of a train station that is within a half a block of all the  
43 public transportation associated with Page Mill and El Camino Real which would appear to be a  
44 very logical commuter site and basically put a facility there that is not a commuting facility? So  
45 it is just kind of an interesting question. That is all I have to say. Thank you very much for the  
46 time.  
47

1 Chair Griffin: Thank you for your comments. James Yee followed by Joy Ogawa. Welcome  
2 James.

3  
4 Mr. James Yee, 435 Sheridan Avenue, Palo Alto: Thank you. I have a question about what will  
5 occur in terms of after this project goes forward in terms of compliance to some of the things  
6 which appear to be voluntary specifically this acronym, I don't remember exactly what it is, but  
7 to encourage the employees to use public transportation or carpooling. If that doesn't occur and  
8 there is a bigger parking and traffic problem as a result what if anything will be done to mediate  
9 that? That is one question I have. Another one is I am very pleased that the plan has moved to  
10 have the major truck deliveries on El Camino but what if the truck drivers decide it is more  
11 convenient for them to unload on Sheridan? Again, who is going to ensure that there is  
12 adherence to the proposal? I would like to just understand how that occurs. Finally, while I  
13 appreciate the improvements made to the plan I also would like to request Sunrise consider if  
14 there is anything else they can do to further move the bulk and height of the building. I  
15 appreciate the step forward but I would think it wouldn't be too hard to do a bit more of that and  
16 that would be greatly appreciated. Thank you.

17  
18 Chair Griffin: Thank you Mr. Yee. Our last speaker is Joy Ogawa. If there are any other  
19 speakers wishing to comment on this topic please step forward.

20  
21 Ms. Joy Ogawa, 2305 Yale Street, Palo Alto: I am handing out some written comments so I  
22 won't go over each of my comments in detail. I do want to say that I want to outline at least four  
23 ways in which I think this project is inconsistent with the Comp Plan. One is loss of  
24 neighborhood commercial. They talked about, I heard Lisa before I came out here on TV and  
25 she said something about there was going to be some commercial but actually this is not  
26 neighborhood serving commercial. This is commercial that serves this one particular new  
27 facility and not the neighborhood. I really think the appropriate use for this site is mixed use that  
28 really has a neighborhood serving component. Also the other thing about neighborhood serving  
29 is it means the immediate residential neighborhood not the region, not the entire city. The  
30 second point is the density of the proposed project exceeds by 60% the maximum density set in  
31 the Comp Plan. Actually it might exceed it even more because this is slightly less than an acre.  
32 The third point is that I don't think this is an appropriate use for this location because this  
33 location is supposed to be earmarked for transit oriented development. This project actually  
34 creates dozens of new jobs but is not going to house any of those new workers. So actually it  
35 really worsens our job/housing imbalance as compared with our residential development, a  
36 conventional residential development. That is the word Staff used. So I think this project  
37 actually squanders the opportunity to take advantage of the proximity of this property to public  
38 transit. Fourth point about the Comp Plan is that the traffic access to this project really should be  
39 directly from El Camino. Access from Sheridan is contrary to the Comp Plan polices that say  
40 traffic should be kept on arterials and off of local streets. Now Staff says that it is fine to have  
41 delivery access off of El Camino that it creates no problem. Well if that creates no problem why  
42 not all traffic access from El Camino?

43  
44 As regards to public benefit the public benefits mentioned in the Staff Report I think are vague  
45 and inadequate and I kind of go into those. The Trees for El Camino, I mean I don't even know  
46 why that is mentioned as a public benefit. That should be something that should be expected of  
47 all projects that the ARB approves.  
48

1 The project in fact would make it very difficult to develop the adjacent VTA property at the  
2 corner of El Camino and Page Mill and actually is going to force that property to have street  
3 access off of Page Mill and El Camino very, very close to the intersection. So I don't know, they  
4 talk about how they are going to work with the VTA but there is nothing definite there. What is  
5 it that they are going to do for that VTA property? Are they going to provide access from their  
6 underground parking? If they are going to then it should be in writing.  
7

8 The plans were not made available to the public so no one can comment on the plans. The Staff  
9 Report talks about Attachment I but the Staff Report didn't include Attachment I so the public is  
10 really kind of in the dark. Maybe the Commission was provided with the plans but the public  
11 wasn't. The Staff Report is misleading when it states on page three that a conventional  
12 residential project would total 57,500 square feet about 5,000 square feet less than the 63,327  
13 square feet of the proposed project. Actually under current zoning a maximum 42,689 square  
14 foot building would be allowed to be built on this 0.98-acre property. So Staff really is talking  
15 about maybe a PC residential development not a residential development under current zoning.  
16 That means that this proposed project is actually 20,658 square feet or 48% more massive than  
17 would be allowed under current existing zoning.  
18

19 I have concerns about the BMR contribution. How is it really going to work in practice? I  
20 visited the San Mateo facility and I was told that they assess each of their potential residents  
21 under a point system. The greater your need the more points. As needs change points increase  
22 and how are they going to accommodate that? I think you should refer this to City Council there  
23 are issues that Council should address before more work is done on revising the plans because  
24 there are major use issues and other issues.  
25

26 Chair Griffin: Thank you Joy. We have no further speaker cards so I am going to bring the item  
27 back to Commissioners to ask additional questions of Staff or the applicant. Actually we do  
28 have the opportunity of giving the applicant a chance to make a wrap up comment. Mr.  
29 Zemanek are you interested in doing that?  
30

31 Mr. Zemanek: I am just going to say one thing very quickly because this is another very  
32 interesting statistic. The people that will occupy a Sunrise home 70% of them will come out of  
33 the area, 50% of those people will come out of an apartment, a home, a condominium or what  
34 have you freeing that particular housing unit up for somebody else. So one of the things that an  
35 assisted living home does provide is it also relieves the housing shortage in areas. That is a  
36 proven commodity. Thank you.  
37

38 Chair Griffin: Phyllis you have a question?  
39

40 Vice-Chair Cassel: I have a question of Staff. There is a VTA parking lot next door and when I  
41 was there today it says that it is only available for people who take the VTA but there didn't  
42 seem to be any particular markers on those vehicles that would indicate that they were riding the  
43 VTA bus. I have never seen that parking lot have more than a couple of cars in it. Is there some  
44 way to work out something with VTA for parking for people in the neighborhood or is there any  
45 way we could approach that from a different approach than we have been doing?  
46

1 Mr. Reich: We could contact them and find out. In my conversations with the VTA they did  
2 explain that this was not an excess site, as they call them, but we can certainly talk to them and  
3 find out if there is the ability to use their parking spaces with some kind of parking agreement.  
4

5 Vice-Chair Cassel: It isn't an excess space but it certainly isn't being used very efficiently.  
6

7 Chair Griffin: Karen.  
8

9 Commissioner Holman: I thought Staff might want to respond to a couple of questions from  
10 members of the public. One about the 40 foot height and one about the 90 units to the acre, I  
11 think those two should be responded to.  
12

13 Ms. Grote: Thank you. Yes I did want to respond to Mr. Hahn and Mr. Yee's questions. The  
14 height limit in the PC zone is 50 feet. That is written in the ordinance it is 50 feet maximum. So  
15 this building does fall within that height limit. Mr. Yee had asked about the TDM, which is  
16 Transportation Demand Management program, and truck deliveries and how those might be  
17 enforced in the future. We can and have with Stanford who is the other property owner who has  
18 a TDM program approved at this point required annual monitoring. They submit to us reports as  
19 to what the breakdown is for alternative transportation use, bikes, carpooling, vanpooling, Cal  
20 Train and other types of alternative transportation. So we can and have required that kind of  
21 monitoring. The truck deliveries we do have ongoing condition monitoring, which occurs on a  
22 regular basis after projects are approved. Our code enforcement officers do go out and conduct  
23 ongoing condition monitoring. We also have more traditional code enforcement where when we  
24 receive complaints we respond to those complaints as well. In terms of what would implications  
25 be of not having the truck deliveries or the TDM we would if we found out that they weren't  
26 implementing their TDM or their truck delivery or other conditions we would notify them that  
27 they would be required to implement those conditions. We could conceivably have another  
28 public hearing to review the conditions. That is unusual but it has happened for conditional use  
29 permits in the past. So there are ways for us to enforce those conditions. Again the 90 units per  
30 acre when you look at the residential portion of this project which is about 68 persons per acre in  
31 those 59 units that falls within the 90 persons per acre perimeter that is mentioned in the  
32 Comprehensive Plan. Then the remaining 15,000 square feet again is in commercial  
33 convalescent type use. So that is not looked at in terms of persons per acre. That is looked at in  
34 terms of allowed uses within a multiple family land use category.  
35

36 Commissioner Holman: I must say when I read the Staff Report I continued to be a little bit  
37 confused because I also understand the density as 50 to the acre. So I am still a little bit  
38 confused on that and how you are saying 90 units to the acre.  
39

40 Ms. Grote: It is actually 90 persons to the acre. It is up to I believe 50 units per acre under  
41 transit oriented development as a maximum. In the multiple mid range density for residential it  
42 says 90 persons per acre so this 68 persons on a little bit less than an acre is within that range.  
43

44 Chair Griffin: Phyllis.  
45

46 Vice-Chair Cassel: This site was indicated as a housing site on our Housing Element and the  
47 state is watching us pretty closely about whether we meet our Housing Element requirements.



1 How does this count towards that? Will they consider all of the units or some of the units or  
2 none of the units or what?

3  
4 Ms. Grote: It would be considered a housing use for the majority of it for those that are assisted  
5 living. We have checked with our Housing Manager and with the state and there isn't a conflict  
6 with this use in meeting our housing goals.

7  
8 Vice-Chair Cassel: Does it count towards it? Will all those assisted units that are not in the  
9 commercial area count towards it?

10  
11 Ms. Grote: It would count towards meeting a housing need. Yes it does count.

12  
13 Chair Griffin: Let me just follow up on that. So it does in fact count towards our quota of  
14 required units that we are listing in our Housing Element?

15  
16 Ms. Grote: Fifty-nine of them would. Those are the assisted units. Again what we are  
17 considering more the commercial use and the convalescent care wouldn't count towards the  
18 housing but the 59 that are housing would count.

19  
20 Chair Griffin: Mr. Zemanek said if I understood him correctly that 70% of the people that are  
21 attracted to this Sunrise facility would come from the immediate community thus freeing up  
22 housing in Palo Alto for families. I am wondering if you could elaborate on that a little bit I may  
23 not have understood.

24  
25 Mr. Zemanek: Yes. The typical area that we look at is an area say around three to five miles  
26 around a home. That is where the majority of the people are going to come from. Within that  
27 area 70% of those people are going to come from that area. When I say that area it is because the  
28 caregivers, the sons and daughters who are taking care of moms and dads who have lost their  
29 independence and let's say they may have been old Palo Alto residents that live in Phoenix,  
30 Arizona or something when they lose their independence they come back and the kids will then  
31 put them into a Sunrise home. That is what I am saying. But talking about the 70% that comes  
32 out of this area that we would appeal to, this three to five mile radius.

33  
34 Chair Griffin: Karen.

35  
36 Commissioner Holman: I have a follow up question to that. When I read the previous Staff  
37 Report and the statement was mentioned that you just repeated about freeing up residential units  
38 locally could we put a condition on the project that they would give preference to Palo Alto  
39 residents?

40  
41 Mr. Zemanek: We will volunteer that. Absolutely. We will volunteer that.

42  
43 Ms. Grote: And our legal advisor is telling us that yes we can do that.

44  
45 I also did want to follow up a little bit on the Housing Element. In the Housing Element in  
46 Appendix E, The Housing Site Inventory, we had called out 35 apartments on this site on what  
47 used to be the Green World Nursery site. So it was 35 units and considering the proposal it is 59,  
48 which is a greater number.

1  
2 Chair Griffin: Pat.

3  
4 Commissioner Burt: With regard to the TDM program Lisa, as I understand it there are several  
5 different elements that would be considered. As I recall in the past we have deferred to Staff to  
6 negotiate the final components of a TDM program. Is that the intention at this time?

7  
8 Ms. Grote: Our Transportation Planner has looked at this and conceptually agreed with it. We  
9 may want to, especially in light of some of your conversation tonight, include an annual  
10 monitoring program as part of this. But yes, so far our Transportation Planning Division is in  
11 agreement with what is being proposed.

12  
13 Commissioner Burt: One other small element to it that I might suggest as a result of comments  
14 that were made earlier, visitors to the facility would be less familiar with the alternatives.  
15 Perhaps some components of a kiosk or something like that, a transit kiosk, would facilitate use  
16 by visitors.

17  
18 Ms. Grote: Yes, we can include that as well.

19  
20 Chair Griffin: Karen.

21  
22 Commissioner Holman: Sorry I just have a lot of questions on this one. The plan that is up here  
23 is a little different than our alternative four. On the plan that we have it says that that 20-foot  
24 wide fire lane is where you now have a landscape lane. So that is a difference but the reason I  
25 am going there is because the VTA site, does Staff think that because of its location and the size  
26 of the parcel that it would develop reasonably on its own or would it be reasonable to consider  
27 that the Sunrise parcel provide access for the adjoining VTA site? To be more specific to  
28 provide egress onto El Camino from this site.

29  
30 Ms. Grote: Whenever possible on a busy street I think it is advisable to combine points of access  
31 so you have fewer points of access off of a busy street such as El Camino. For that reason we  
32 would want to seriously consider having a shared access for these two sites especially given the  
33 proximity of the corner where the VTA site is located. So yes we would encourage a shared  
34 access. So that is why we consider this ability to provide that in the future important.

35  
36 Commissioner Holman: I guess one other question, one question for Staff and then one for Staff  
37 and Commissioners and one for Commissioners. From my estimation I think it is a great project.  
38 It is a great facility and it was very educational to go visit the site in Belmont. Having said that I  
39 also think that the public benefits associated with this project are not what they should be. Public  
40 benefits associated with PCs are things that normally would not be able to be accomplished  
41 without a PC. So I am asking Staff for what they would consider to be intrinsic and maybe  
42 fellow Commissioners to think too about what other public benefits they might think would be  
43 appropriate as public benefits for this project.

44  
45 Chair Griffin: Bonnie.

46  
47 Commissioner Packer: I was thinking about that and I have to back and think about why this is  
48 before us as a PC in the first place. The reason it is is because we don't have a use in our zoning

1 code to accommodate this type of use. So in a sense because our zoning code hasn't caught up to  
2 what our society may be needing in terms of defining these uses then developers have to come in  
3 the form of a PC and then is bootstrapped with the requirement for additional public benefits. If  
4 we had an assisted living use with development centers and the whole ball of wax in our zoning  
5 code then we wouldn't have to be dealing with it as a PC. So it is kind of in this particular case  
6 because of it is a unique or a new use for us I feel a little bit differently about trying to – I think  
7 the public benefits that the developers proposed are good ones. I am not saying that you  
8 shouldn't do it. I don't feel as though it is as much of a bootstrapping as in another situation.  
9 For example if somebody came to us with an office use but wanted a PC in order to get more  
10 FAR that is different. Here it is a PC because we don't have it in our zoning. There is no other  
11 way for somebody to come and bring this except through a PC. That is one way for us to think  
12 about this when we talk about public benefit.  
13

14 Chair Griffin: Now I take it then we are finished up mostly with questions and we are ready to  
15 make comments at this point. Phyllis, do you have a comment?  
16

17 Vice-Chair Cassel: This is a special project. I think the first thing I want to indicate is that  
18 assisted living is a term that runs a long range, a big gamut. I was looking through the list we  
19 have of all the assisted living facilities that there are and noticed that assisted living covers units  
20 that have three meals a day and some housekeeping services. For many of those people it is very  
21 independent living. This project is obviously being built by the way it is designed and the way  
22 the rooms are for people who have much more dependent needs than the more independent  
23 people who are in Channing House for instance. I don't know many people who are in Channing  
24 House that consider themselves in assisted living but that is the way it is listed. The only  
25 comparable project we have in town of any size is Palo Alto Commons. It is also different  
26 because it is a rental facility. So we have other assisted living facilities in town that have income  
27 restrictions or purchasing restrictions so you have to have low income in order to be in Lytton II.  
28 You have to purchase a unit in order to go to the Hyatt when it comes or in order to go to  
29 Channing House or in order to go to some other facilities in the area. So those units are not  
30 really easily accessible to people.  
31

32 The public benefit in this is not in the BMR units because of course we expect everyone to have  
33 BMR units but in the assistance for the services that are being provided to those people who are  
34 in the BMR units. In Palo Alto Commons we tried having some BMR units and didn't work  
35 because they also needed the services and the people's whose incomes were low enough to  
36 qualify for the BMR units didn't qualify for the services and we had to revamp the way we were  
37 handling that program. I will go ahead and let someone else talk at this point but come back to  
38 me please.  
39

40 Chair Griffin: Pat.  
41

42 Commissioner Burt: I will just make a few comments. One, I think that the applicant has done a  
43 good job of responding to many of the concerns of the neighbors and the Commission that were  
44 raised at our last hearing. I would also like to share for those members of the public and the  
45 Commission that didn't get the opportunity to visit their Belmont facility it was an enlightening  
46 tour. A couple of the things that by looking at the design I really would have had additional  
47 questions on the application of some of the design features those questions were largely  
48 answered by seeing the other facility. Where they are talking about having landscaped zones that

1 are public access, I saw at the Belmont facility they actually have a beautiful landscaped garden  
2 adjacent to a school and they have intergenerational activities where the seniors at the residence  
3 are interacting with students at the school on a regular basis. This would be not an identical  
4 circumstance but it was genuine. Also the architectural features, when you see a rendition it is  
5 hard to really have a clear notion of how much that building is a nice painting and how much of  
6 it would end up being a very attractive building that would blend in the environment. Certainly  
7 the one in Belmont was a very attractive building with a lot of features that made it very  
8 interactive not only for the residents but for the adjacent area and it blended in extremely well  
9 with the surrounding landscaping. It was frankly quite impressive. Not only that but in terms of  
10 the intrinsic value of the program I just was extremely impressed with what the folks at Sunrise  
11 are doing in terms of very sensitive care for elderly population. It was maybe the best living  
12 environment for elderly who needed assisted care that I have ever encountered. I think it is  
13 going to provide a very valuable service to our families and maybe someday ourselves in this  
14 community. So all those things combined and not the least of which is the way in which they  
15 have addressed many of these concerns that were raised by the neighbors and the Commission  
16 make me be supportive of the project.

17  
18 Chair Griffin: I will just speak for a couple of items here. For me this is a difficult project from  
19 the standpoint that it presents a series of tradeoffs. For sure we have less impacts on our carrying  
20 capacity of the infrastructure due to the nature of a senior facility on the other hand it doesn't do  
21 much for helping our jobs/housing imbalance. It does provide housing for a growing senior  
22 population however we have other projects coming along that will also add to the availability of  
23 senior housing in the immediate area. I am thinking of the JCC campus as well as the Hyatt  
24 Classic project. So it is not as if other people aren't likewise attempting to provide facilities for  
25 seniors. I was quite pleased that Mr. Zemanek offered to establish some method of giving  
26 priority to Palo Alto seniors. That really speaks to me a lot from the standpoint that if we could  
27 in fact feel confident that we were making housing available for local folks and trade up so to  
28 speak so that families could assume some of those senior houses that would be terrific. Karen  
29 asked a moment ago about more appropriate public benefits and that is one of the items that I  
30 have been agonizing over myself trying to figure out what else might we do that was appropriate  
31 and make this project more amenable with what we are trying to achieve here. Myself, I think  
32 that the concept of 11 BMR units that do provide the services to go along with is terrific. It is a  
33 big step in the right direction. I, myself, might propose the number 12 instead of 11, as a way of  
34 upping the ante on that public benefit but that would appeal to me. Karen, do you want to  
35 respond?

36  
37 Commissioner Holman: Yes I think I am ready to make a motion if everybody has made their  
38 comments. I also really appreciate the invitation and the opportunity to tour the facility. It is  
39 quite a fine facility it seemed to me. I also was very pleased the Mr. Zemanek was willing to  
40 volunteer to give preference for Palo Alto residences. There would of course need to be a  
41 program coming back with that. I am going to make a motion because I also struggled with this  
42 project and we don't have a zoning that would encapsulate this. Bonnie is absolutely right. I  
43 agree with all of her comments on that.

44  
45 MOTION

46  
47 So my motion is going to be that we make recommendations that we look at access for the  
48 adjacent VTA site for the project so that they have common shared access. That the preferential

1 treatment for preferential access for Palo Alto residents be included. That a specific TDM  
2 management plan be included. The public benefit package to me really isn't adequate because  
3 the VTA site, that is nice if that happens but we don't know if it is going to happen, Avenidas,  
4 that program needs to be more fully fleshed out and the last piece of this is that because this is  
5 such a unique project we are not the policy makers so I move that we refer this to the City  
6 Council so that we make this the most expeditious process for the applicant as possible. I would  
7 hate to see them go down a long design process at the ARB and then get to the City Council and  
8 find that there were or were not enough public benefits included. That's my motion.  
9

10 Chair Griffin: Any seconds? I am not hearing any seconds so the item drops. Yes?

11  
12 MOTION

13  
14 Vice-Chair Cassel: I'll make a motion. That we forward this project to the ARB for their  
15 recommendation and approval and that we recommend plan 4.1 for further refinement. I  
16 understand that this is a preliminary review. Why don't I wait a minute and see if there is a  
17 second.  
18

19 Chair Griffin: Is there a second?

20  
21 SECOND

22  
23 Commissioner Burt: I'll second.  
24

25 Vice-Chair Cassel: Thank you. This is a preliminary review and not the final review so the  
26 public benefit package will be worked on and the TDM program will be worked on before it  
27 comes back to us and the other benefits. I found that the benefits are roughly appropriate under  
28 the circumstances. We are serving a frail, elderly population in this project and that provides a  
29 special need that we need to be aware of and we need to accommodate in the community. I  
30 found that this project met the Comprehensive Plan objectives under Policy C-15 and C-18 and I  
31 won't list all of those for us tonight. We can look them up. It would include Policy C-15 and C-  
32 16 and C-17 and it also serves Policy H-18 to support housing that incorporates facilities and  
33 services to meet the health, care, transit or social needs of households with special needs  
34 including seniors and persons with disabilities. We meet the Housing Element because we are  
35 able to meet the requirements for units for this site. In fact we are able to put in additional ones.  
36 We will meet an urgent need for Alzheimer's beds. These are very hard to come by and very  
37 urgently needed. When you need them you need them now so you need a little space in the  
38 community, an empty bed here and there. I think that this is going to meet the El Camino  
39 guidelines that we have a requirement for. The owner/applicant here has been very cooperative  
40 in agreeing to work with this project and I think it is very helpful. I have some more comments  
41 but I will give Pat a chance.  
42

43 Chair Griffin: Pat.

44  
45 Commissioner Burt: I think my earlier comments covered what I needed to say. I look forward  
46 toward this moving forward in the process. I know the applicants have been patient in waiting to  
47 get this far along and I wish them luck.  
48

1 Chair Griffin: Bonnie.

2  
3 Commissioner Packer: I just want to take this opportunity to say that I enthusiastically support  
4 the comments that Phyllis and Pat and Karen have made as well and Mike. I think this is a  
5 wonderful opportunity for Palo Alto. Keep in mind we will probably free up some of the homes  
6 that the seniors are coming from. I hope it goes forward and I am looking forward to seeing a  
7 good project built.

8  
9 Chair Griffin: Karen.

10  
11 Commissioner Holman: I think that the motion probably would include the comments that have  
12 been made earlier like about access and such so I won't go there. One comment I would make is  
13 I am a little bit uncomfortable still about the parking adequacy. I am a little uncomfortable with  
14 that. I am only going to oppose the motion not because I don't have support for the project I  
15 have a lot of support for the project. I am very enthusiastic about the facility. I am just  
16 concerned about the process being more expeditious for the applicant going another direction.

17  
18 Chair Griffin: I will not be supporting the motion for a lot of the reasons that Karen has  
19 mentioned. I think that we in fact could have come up with some more public benefits on our  
20 own here this evening and I am a little disappointed that we didn't have the opportunity to pursue  
21 that. I am also concerned about parking and whether or not the project is under-parked of  
22 course. We have heard a couple of different points of view on that already. I continue to have a  
23 question about it and I also have trepidation about abandoning this site so close to transit and so  
24 close to the Stanford Research Park, abandoning this site to housing that would more directly  
25 address our jobs/housing imbalance. For that reason I am opposing the motion. Pat, you have  
26 something?

27  
28 Commissioner Burt: I just had one follow up comment. From both Michael's comments and  
29 some of those of members of the public there are valid concerns about other potential uses for  
30 this site that would address other components and objectives of the Comp Plan. I think they are  
31 accurate and the problem is that we really can't do all things with one site. What we I think need  
32 to concentrate on is how many of the reasonable objectives can achieved through a given plan  
33 and then what we can do in an overall neighborhood and look at addressing many of the  
34 concerns that are there in our overall plan for this neighborhood. While respecting that those  
35 statements are accurate I just think that we can't achieve every favorable to a given site and that  
36 in the net this is a very positive project. When I think about the various arguments that might be  
37 made against different types of development that might go here I think that this is probably as  
38 few of objections as you might garner against any proposal. When we compare it to the  
39 discussions that we had on problems just a few blocks away and from some of the adjacent  
40 condo projects who are being impacted by The Edge and Antonio's Nut House I can't imagine a  
41 project that is more in the opposite direction in terms of neighborhood quiet than this one might  
42 be as compared to that. So any project is going to have its pros and cons and what do we think  
43 of it in the net.

44  
45 Chair Griffin: Yes, Phyllis.

46  
47 Vice-Chair Cassel: I asked that you bring it back to me. I confirm everything that Pat has said  
48 there. I had wanted to make some comments on circulation. This is a fairly quiet neighborhood

1 and you wouldn't think it would be as close as it is to El Camino. I am often on this street and it  
2 is amazingly quiet. This is going to help that actually because other uses, commercial uses and  
3 other uses, would actually cause more problems. The idea of parking on El Camino, I actually  
4 went out and measured the width of that road to see if that would work. I actually watched the  
5 cars making the turns to see if they pulled into that lane and they don't and I don't when I pull  
6 around that corner. I was very impressed with them moving the massing and scale of this project  
7 back away from the Silverwood Apartments. I had a whole list of things and they have  
8 addressed all of those things, which I think is very impressive and very helpful. So I think this is  
9 going to make a nice project and when it is done we are going to be very pleased and the  
10 neighbors are going to be pleased that this is a residential project near them.

11  
12 MOTION PASSED (3-2-1-1, Commissioners Holman and Griffin voted no with Commissioner  
13 Bialson in conflict and Commissioner Bellomo absent).

14  
15 Chair Griffin: I think we are ready for the vote then. All those in favor of the motion say aye.  
16 (ayes) Opposed? (nays) The motion does carry with Commissioners Griffin and Holman voting  
17 negative, Commissioner Bialson is conflicted and Commissioner Bellomo is absent.

18  
19 Thank you everyone for this item. It is now time for a break. We will come back in ten minutes.  
20 Thank you.

21  
22 Good evening ladies and gentlemen. We are going to be reconvening the meeting of the Palo  
23 Alto Planning and Transportation Commission. I would like to announce a change in our  
24 agenda. It does not have to be moved it is Chairman's choice. We are going to be substituting  
25 Agenda Item Three in place of Agenda Item Two. We will be just exchanging the two of them  
26 so that we can deal with this item hopefully on an expeditious basis.

27  
28 I would also like to welcome back to the desk Commissioner Bialson who now joins us for the  
29 remainder of our meeting.

30  
31  
32 ***NEW BUSINESS.***

33 ***Public Hearings:***

34  
35 Chair Griffin: Item number three will be our next item and it will be handled under the New  
36 Business portion of our agenda. I would like to open the public hearing on a Proposed  
37 Replacement and Enhancement of an Equestrian Crossing on Arastradero Road between the  
38 Portola Pastures driveway and the Arastradero Preserve. Would Staff like to make a  
39 presentation, please?

- 40  
41 **3.** Proposed Replacement and Enhancement of an Equestrian Crossing on Arastradero Road  
42 between the Portola Pastures driveway and the Arastradero Preserve. **SR Weblink:**  
43 <http://www.cityofpaloalto.org/cityagenda/publish/planning-transportation-meetings/2607.pdf>  
44

45 Mr. Joseph Kott, Chief Transportation Official: Good evening Commissioner Griffin and  
46 members of the Planning and Transportation Commission. I would like to note that this is a  
47 somewhat unusual item. We have never address at this Commission the needs of equestrians,  
48 which is possibly the oldest means alternative of transportation. We do not have a warrant for

1 equestrian crosswalks so we are using what amounts to engineering judgment in this item. We  
2 do not need to go to Council with it because it is essentially a replacement of what was there  
3 with considerable enhancement of the effectiveness of what was there. However, since we are  
4 proposing a set of measures, we don't have a warrant or criteria for these kinds of facilities and  
5 there is interest on the part of the equestrian community in this, we thought it appropriate to  
6 bring this to the Commission for review and also give the public an opportunity to comment in a  
7 public hearing about the appropriateness of the proposed measures and the need for them.

8  
9 I also should note that this is done as a courtesy to a peer Commission of yours, the Parks and  
10 Recreation Commission, which has in fact requested this crosswalk enhancement as well as a  
11 number of equestrians who have done likewise. This evening a member of the Commission,  
12 Jennifer Hagan and a City Staff colleague of mine, Greg Bets are here and they would be most  
13 happy I am sure to answer any questions that the Commission may wish to ask. There are in  
14 addition some other members of the equestrian community. I should note Commissioner Hagan  
15 is an equestrian herself.

16  
17 As the Staff Reports indicates this is a recommendation to enhance a crossing, which connects  
18 Portola Valley Stables to the Arastradero Preserve and a horse train in the preserve. There was a  
19 crosswalk at this facility for use by equestrians. Pedestrians never used it apparently. It was lost  
20 when the road was resurfaced and it was not replaced really I think inadvertently but it did and  
21 does create a safety concern for us. We propose addressing the safety concern by not only  
22 reestablishing the crosswalk and in fact making it more visible that is through our ladder striping  
23 variety of crosswalk as well as improving and enhancing the advance warning signage which is  
24 present now by using our yellow-green signs which we use somewhat sparingly but we found to  
25 be very effective. And adding at the crosswalk itself on either side an additional yellow-green  
26 sign to indicate the presence of a crossing. In addition some vegetative trimming near the  
27 crosswalk site. These measures in conjunction with the high profile of equestrians should  
28 provide quite sufficient safety warning and hazard mitigation for equestrians and for drivers for  
29 that matter. So the Staff Report details how we propose to treat this crossing. Again I would  
30 like to remind the Commission that a member of your companion Parks and Recreation  
31 Commission is here as well as a Staff colleague of mine to answer questions as well.

32  
33 Chair Griffin: Thank you for the presentation. I would like to give Commissioners an  
34 opportunity to ask Staff questions. If there aren't any at the moment I am going to pose one to  
35 you, Joe. My question is on the photograph showing the curve on Arastradero Road the location  
36 for the proposed crosswalk is westward of the apex of that curve. Obviously it is there for a  
37 reason but I am thinking if I were on horseback or if I were trying to cross that section of road I  
38 would rather do it at the apex of the curve where I might be able to see east as well as west. Do  
39 you have any comments on that?

40  
41 Mr. Kott: Well Commissioner Griffin that is a very good question and point. It is considered a  
42 desirable practice to locate crosswalks near but not in intersections. This is in effect a T-  
43 intersection with a driveway. So it is considered not good practice to place a crosswalk in there.  
44 In doing so you would create at least theoretically some potential for conflict with turning  
45 vehicles and equestrians. We would like to minimize that sort of conflict.

46  
47 Chair Griffin: I was thinking of the crosswalk being where the letter S is perhaps on the map.  
48



1 Mr. Kott: The proximity of the proposed location is more desirable we think in respect to the  
2 equestrian trail, which is the purpose of crossing Arastradero Road from the driveway of Portola  
3 Pastures. Else there would be a need to create an additional length of trail along Arastradero  
4 Road, which may not be feasible.  
5

6 Chair Griffin: Pat.  
7

8 Commissioner Burt: I have a similar question and I was wondering whether there was a  
9 feasibility of moving the crosswalk in the opposite direction where we already have the trail with  
10 Arastradero Preserve. It goes, let me just see, west of the Portola Pasture driveway, is that right?  
11 And either from you, Joe or from Commissioner Hagan I would just be interested in hearing  
12 whether it would be even more desirable to move the crosswalk some number of yards in that  
13 direction, westerly.  
14

15 Mr. Kott: I would be happy to defer to Commissioner Hagan who is an equestrian or Greg Bets  
16 to answer that question in the context of needs of equestrians.  
17

18 Chair Griffin: Commissioner could you introduce yourself? Thank you and welcome.  
19

20 Commissioner Jennifer Hagan, Palo Alto Parks and Recreation Commission: Thank you. Good  
21 evening Commissioners. Thank you for allowing me to speak. With respect to your question the  
22 proposed crosswalk is really the only safe place for equestrians to cross Arastradero Road. The  
23 section of the trail that meets Arastradero Road coming out of the preserve is essentially I would  
24 say maybe eight feet wide and it was just recently elevated by the open space because Mr. Bets  
25 had instructed that it be raised so that cars coming both ways could actually see bobbing heads  
26 coming out of the park. So I think that if we were to move that crosswalk one way or the other it  
27 would entail additional work for the open space to create a new trail system. They are already  
28 working with the Arastradero Trails Master Plan, which is approved by the Commission three  
29 years ago. So although the Trails Master Plan recommended a crosswalk it did not state in the  
30 plan where it thought the crosswalk should be. They left it up to your Commission to determine  
31 that.  
32

33 Commissioner Burt: A follow up question. I guess my concern is whether we are doing enough  
34 in addition to this crosswalk, which I wholeheartedly support. My concerns are not only with the  
35 equestrian crossing but also the pedestrian crossing, which is maybe a couple hundred yards  
36 away. First the speed limit in this zone is what? Is it a 35?  
37

38 Mr. Kott: You know I will have to fly by the seat of my pants here. I think it is 35.  
39

40 Commissioner Burt: I think you are right. From having been a frequent Arastradero Preserve  
41 user I would venture that there are a lot of drivers that go 50 miles an hour in this area. We have  
42 both the equestrian crossing and the pedestrian crossing from the City owned parking lot, which  
43 puts all of our pedestrians on one side of the road, and they all have to cross to the other side to  
44 make use of the park. I am just wondering whether other enhancements to pedestrian and  
45 equestrian safety should be considered in this area which might include a lower speed limit in  
46 this zone of heavy pedestrian crossing and also whether speed tables or raised crosswalks would  
47 be feasible. I am presuming that it might be not so feasible for an equestrian crossing and I  
48 would be interested in the comments there even if it were a wide raised crosswalk there might be

1 problems for horses there but maybe some preceding speed table along with a lower speed limit  
2 in this area because I have always been frightened walking my children across at the pedestrian  
3 crossing there and I can imagine it is very comparable for equestrians. So I just wanted to ask  
4 those questions not in any way to delay this valuable action but this issue has prompted me to  
5 want to raise related pedestrian safety issues for this zone for future consideration.  
6

7 Mr. Kott: I am sure Commissioner Hagan will have comments in terms of the equestrian needs.  
8 From our standpoint and use of raised features on arterial roads we are generally very reluctant to  
9 recommend those because of the design and prevailing speeds of streets like Arastradero Road  
10 are really too high. Then ironically enough having a raised feature may cause more of a safety  
11 problem than it would cure. There are very aggressive ways in which one can calm arterial  
12 streets but they are extremely contentious and you would have to do a whole series of raised  
13 features and other things, in fact redesign the street and lower prevailing speeds. We don't think  
14 a single feature or even two spaced apart would have that effect. In terms of speed limits we  
15 think that without very intensive enforcement a street that is designed for a higher speed but  
16 posted at a much lower speed will see a great degree of noncompliance with the speed limit.  
17 Therefore the measure of reducing the speed limit will very likely be ineffective. In terms of  
18 enhancements at least in the equestrian crossing we think the proposed measures in conjunction  
19 with the higher profile of equestrians should be quite effective. In terms of pedestrians, they  
20 have a lower profile and we certainly could consider other measures including even potentially a  
21 lighted crosswalk if there is enough demand for it.  
22

23 Chair Griffin: Do other Commissioners have questions on this? Karen.  
24

25 Commissioner Holman: I have but one. It is on the second page of the Staff Report where it  
26 talks about the ladder striping, which is fine by me, changing the two existing advance warning  
27 signs to high visibility yellow-green signs. I am certainly wanting to make this as safe a  
28 crosswalk as possible at the same time, and I am interested because Commissioner Hagan is on  
29 the Parks and Recreation Commission as well as being an equestrian, this is a very natural  
30 environment and I am wondering if there is something that could be done instead of having those  
31 really highly urban signs in place there. For instance maybe a couple of extra signs, additional  
32 striping or a symbol on the roadway or something like that instead of doing the very urban  
33 yellow-green signage.  
34

35 Mr. Kott: Commissioner Holman you are way outside of my own league here in terms of  
36 aesthetics. In just terms of traffic operations our experience has been that the highly visible signs  
37 are the most effective signs we've used. Other measures we can use on a street like this would  
38 probably also be intrusive visually. For example radar readout speed warning signs and so forth,  
39 conceivably even a lighted crosswalk might be intrusive in some way visually. It is kind of a  
40 tradeoff. Drivers' attention is hard won. Particularly now with a lot of additional distractions  
41 that drivers have so we have to be a little bit crafty in the way we try to grab their attention. That  
42 is why we are somewhat stingy about using our yellow-green signs. We know if we proliferate  
43 those the effectiveness of each one of them will decline.  
44

45 Commissioner Hagan: I would like to echo what Mr. Kott said. There are actually signs out  
46 there right now, the standard yellow signs on the curve, approaching the curve, both from west to  
47 east and east to west. I believe they say 25 miles on the curve. There is one sign coming from  
48 Portola Valley going towards Los Altos or going toward Page Mill that is a horse riding sign that

1 say “horse crossing.” My experience with the drivers there are that those signs are either ignored  
2 because they are focusing on line of sight which is they are taking a right-hand turn or the drivers  
3 coming the other way are taking a left-hand turn so they are focusing on line of sight and not  
4 seeing those signs over on the right-hand side. Also the vegetation has grown up around those  
5 signs to somewhat obscure them so they kind of blend in with the background.  
6

7 The Parks and Recreation Commission has three recommendations for your Commission. We  
8 wanted to add an additional recommendation that was not in your Staff Report which was to  
9 maybe do a little bit heavier pruning of the vegetation especially from Gate A through to the  
10 crosswalk. Gate A is the pedestrian crosswalk that is more towards the Page Mill side of  
11 Arastradero Road. The reason for that is there are equestrians who do cross at that crosswalk  
12 quite frequently and there is a large bush that obscures line of sight for the equestrians and you  
13 have to actually step out onto the road to actually see around that bush. By the time you are out  
14 on the road you are in harms way. So we also thought that when you are coming out of the  
15 Preserve and getting ready to cross towards Portola Pastures there is also vegetation to the right  
16 and some to the left, which obscure line of sight to the point of about 200 feet. Two hundred to  
17 250 feet is safely you can step out and kind of assess whether or not you are going to be able to  
18 make that crossing in time or somebody is bearing down on you at about 50 miles an hour. So I  
19 echo Mr. Kott’s concerns about the neon signs but I know that there is one neon sign now at Gate  
20 A and people do actually see that sign. The signs that are there I think are not highly visible to  
21 the automobiles for various reasons. So I think that with the additional pruning of vegetation it  
22 might help both the equestrians for their own safety in making judgments on when to cross the  
23 street and it might also help the drivers to see the equestrians coming up out of the Preserve.  
24

25 Chair Griffin: Jennifer, I take it then that you or your Commissioners don’t have a particular  
26 objection to the proposed location of this crossing. In other words, both Commissioner Burt and  
27 myself have a little trepidation as to the perhaps visibility provided by its location as shown in  
28 the Staff Report but you folks are alright with that? Am I saying that correctly?  
29

30 Commissioner Hagan: Yes, Chairman Griffin. Our Commission passed the crosswalk proposals  
31 7-0 at this location.  
32

33 Chair Griffin: Thank you for your comments. We have in addition to yourself we have another  
34 speaker who wishes to address this item, Katy Stella and Louise Stroschein and Herb Borock.  
35 You will have three minutes, Katy, welcome.  
36

37 Ms. Katy Stella, 152 Waverley, Sunnyvale: Thank you. First of all I would like to say how  
38 appreciative I am to have this wonderful park available to us. I have been using it as an  
39 equestrian for quite a number of years. I am very happy that we are getting some kind of safety  
40 access to the other side of the road. The one point I would like to perhaps suggest a footing by a  
41 roughening of the pavement, there are several different methods that can be used, but a  
42 roughening of the pavement so that the horses could get traction on it. I know sometimes the  
43 iron horseshoes will slip on the pavement and potentially a horse could go down and many times  
44 they do go down especially if we are trying to beat a speeding motorist across. I was involved  
45 with Los Altos Hills a few years back when we roughened driveways. You could either heat  
46 roughen or there is a kind of a paint on product that you could paint on and swirl and it worked  
47 quite nicely and I think it was very inexpensive. So that is something that I personally would  
48 like to see. I want to thank the Commission for hearing our issues on this. Thank you.

1  
2 Chair Griffin: Thank you, Katy. Our next speaker is Louise Stroschein. Welcome Louise.

3  
4 Ms. Louise Stroschein, 2217 Ewell Road, Belmont: Thank you. In addition to being an avid  
5 equestrian I work in disease prevention research at Stanford University and I am well aware of  
6 the benefits of exercise. I am also an avid cyclist and a jogger so I have used the park for a  
7 number of activities. I did want to point out that in addition to the equestrians a lot of people use  
8 that area for cycling. When I am in the park I see people with strollers and little children so it is  
9 well used. I am really rather appalled at how fast people drive down that road. There is one  
10 crosswalk now for pedestrians but people just go flying through it and often I am the first one to  
11 stop while there are people on the side of the road waiting to cross. They wave at me like I am  
12 doing them a big favor. So it frightens me even as a jogger and on bicycles, people just fly down  
13 that road, 50 is probably the low side of that figure. I wanted to point out that I think this will  
14 benefit not only the equestrians but I am hoping that if people start to slow down to approach the  
15 equestrian crossing then they won't be going quite so fast when they reach pedestrian crossing. I  
16 think it will benefit the folks who are crossing the road as well as the horses.

17  
18 I also wanted to point out that unless you are educated about horses, a lot of people don't realize  
19 that they spook rather easily and they are not big dogs. I think people think they are just a big  
20 dog but a dog is a predator and a horse is an animal of prey. So when they are frightened they  
21 run so they are subject to doing really stupid things when they are frightened. If a car  
22 approaches them really quickly the accident potential can be great. So to have this crossing well  
23 marked will benefit I think not just the equestrians but also the drivers, the cyclists and the  
24 pedestrians in that area and all of the people that are enjoying the park.

25  
26 Chair Griffin: Thank you, Louise. Our last speaker is Herb Borock. Welcome Herb.

27  
28 Mr. Herb Borock, P.O. Box 632, Palo Alto: Thank you Chair Griffin and good evening  
29 Commissioners. I have concern about taking any action to benefit the equestrian use on this  
30 Stanford owned property in the City of Palo Alto because there have been at least two letters  
31 from Code Enforcement Officers to the property owner or tenant informing them that there is an  
32 illegal use of the property. The letter I have before me, I will read some to you, is from May 4,  
33 2001 from Paul Candelaria, Code Enforcement Officer and the previous one I believe was in  
34 1987. It says that the Planning Division has received a complaint regarding the use of the  
35 property at 1600 Arastradero Road. In checking our records it is noted that there is a PC  
36 ordinance, number 1941, and a use permit, 61-UP-21, the use of the property is for a research  
37 center. The current type of activity is not in conformity with the existing PC ordinance and use  
38 permit. The former use at 1600 Arastradero Road was a DC Powers Laboratory of Stanford  
39 University that was demolished in 1986. The laboratory operated under the conditions  
40 established by use permit 61-UP-23 that was issued pursuant to the Planned Community zone  
41 district established by Ordinance 1941 as modified by Resolution 3355. PC 1941 and use permit  
42 61-UP-23 were originally adopted for the Sylvania Electric Products Incorporated division of  
43 General Telephone and Electronics Company in 1960 and 1961. DC Powers Laboratory was  
44 deemed to be in conformance with that. No application was filed or approved for Portola  
45 Pastures or any other use to replace the laboratory. Also that if the existing PC ordinance and  
46 use permit are modified to allow for the horses on the property it would be necessary to obtain  
47 building permits for the stables, corrals, etc. that have been constructed without approvals or  
48 permits. Then as in the previous letter the Code Enforcement Officer says that no enforcement

1 action will be taken until after the zoning is changed. So essentially the occupant of the property  
2 is told that they are in violation of City law and then it says you don't have to do anything that  
3 we won't enforce it until after you come into compliance rather than take an enforcement action  
4 to get it into compliance. The open space zone permits permits for this type of use. That will be  
5 the appropriate thing to do first. Thank you.

6  
7 Chair Griffin: Thank you. Does Staff wish to respond to any of those comments at all?

8  
9 Ms. Grote: The letter did go out in, I don't recall the date I think 2001. We can follow up on  
10 that issue. It would not necessarily mean that you couldn't take action on this action tonight.  
11 This action is for the public right-of-way it doesn't have anything to do with that private piece of  
12 property. So we wouldn't recommend that you delay your action tonight based on that code  
13 enforcement issue. We will follow up on the code enforcement issue and remind them again that  
14 they need to get a conditional use permit or apply for a conditional use permit for that particular  
15 use.

16  
17 Vice-Chair Cassel: This is not a Stanford property that we are dealing with?

18  
19 Ms. Grote: I believe it is. I don't recall who owns the site. I would need to look into that I can't  
20 verify that tonight.

21  
22 Vice-Chair Cassel: Then I have a conflict and I can't participate in it.

23  
24 Ms. Grote: No, this action tonight has nothing to do with the private property. This is all in the  
25 public right-of-way.

26  
27 Mr. Kott: We in the Transportation Division are somewhat agnostic about these other issues.  
28 This is strictly a traffic safety concern for us on the public right-of-way and what really appears  
29 to be a safety hazard.

30  
31 Chair Griffin: Then I am closing the public hearing on this item and bringing it back for  
32 Commissioners. Annette.

33  
34 Commissioner Bialson: I have no questions. My only comment is I think this needs to be done  
35 and perhaps some consideration given to roughing the crosswalk. I see you nodding, Joe, does  
36 that mean that you agree with that or that would be studied?

37  
38 Mr. Kott: Well it is one of these trade-off problems. We would like to talk to our cycling  
39 advisory committee because there are a lot of cyclists who use Arastradero Road. Sometimes  
40 cyclists are as skittish as horses are and any disturbance in the pavement, an unevenness, causes  
41 some concern among cyclists. It may be fine with them but I would like to consult with them  
42 first.

43  
44 Commissioner Bialson: What do you say with regard to the pruning of the vegetation from Gate  
45 A forward to the equestrian crosswalk?

46  
47 Mr. Kott: We would absolutely support that. That is one of the most effective traffic safety  
48 measures that we could ever do.

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MOTION

Commissioner Bialson: Then I would like to make a motion if it is an appropriate time. My motion would be to move the recommendation of Staff as presented in the Staff Report with the addition of some investigation being done by Staff to determine whether it would be appropriate to “rough” the crosswalk and also to include in the improvements that are being done some pruning of the vegetation from Gate A to the equestrian crosswalk.

SECOND

Commissioner Holman: Second.

Chair Griffin: Do you wish to speak any further on your motion?

Commissioner Bialson: No I do not.

Chair Griffin: Karen? Commissioners? It looks like we can take a vote on this item.

MOTION PASSED (6-0-0-1, Commissioner Bellomo absent)

All those in favor of the motion say aye. (ayes) Opposed? There are none. The item carries unanimously with Commissioner Bellomo absent.

Mr. Kott: Thank you Commissioners

Chair Griffin: Thank you. We are now ready to entertain Agenda Item Number Two taken out of sequence. I will open the public hearing on item number two which under New Business is 4010 Page Mill Road, an application for a Site and Design Review to allow a 1,700 square foot addition to an existing single family residence. This item is a quasi judicial item subject to Council’s disclosure policy consequently if Commissioners would please make any disclosures at this time. I will start on my right with Commissioner Bialson.

Commissioner Bialson: No disclosure.

Chair Griffin: Bonnie.

Commissioner Packer: I visited the site this morning but I don’t have to say that.

Chair Griffin: Phyllis? Pat? Karen?

Commissioner Holman: I visited the site and the owner was there and we spoke briefly.

Chair Griffin: I too visited the site and spoke very briefly with the owner.

Would Staff please make their presentation?

- 1           2. ***4010 Page Mill Road\*: Application for a Site and Design Review to allow a 1,700***  
2           ***square foot addition to an existing single family residence, including a request for the***  
3           ***following variances: a 29'6" side yard setback where a 30' setback is required, a 46'***  
4           ***front yard setback where a 200' setback is required, and a total lot coverage of 20.7%,***  
5           ***where 3.5% is normally the maximum allowed. Zone District: Open Space (OS).***  
6           ***Environmental Assessment: a Negative Declaration has been prepared for public***  
7           ***review and comment. File Nos: 03-D-10, 03-EIA-15, 03-V-15. SR Weblink:***  
8           ***<http://www.cityofpaloalto.org/cityagenda/publish/planning-transportation-meetings/2609.pdf>***  
9

10 Mr. Steve Turner, Planner: Thank you Chairman Griffin and Commissioners. Staff recommends  
11 that the Planning and Transportation Commission recommend approval of the negative  
12 declaration, the application for a Site and Design Review and the variances to the City Council  
13 based upon the findings and subject to the conditions of approval located in Attachment B. The  
14 variances that the applicant is requested on located on page four of your Staff Report. That  
15 would be a 29 foot, six inch side yard setback for the main living area addition where a 30 foot  
16 side yard setback is normally required, a 46 foot front yard setback for the exterior entry stairway  
17 and landing where a 200 foot scenic setback is normally required, a 69 foot front yard setback for  
18 the garage addition where a 200 foot scenic setback is normally required and impervious area of  
19 20.7% where 3.5% is normally required.  
20

21 Commissioners this project is before you this evening for Site and Design Review and for an  
22 addition to an existing single family residential structure in the Open Space District. Site and  
23 Design Review is required for all development prior to securing any permit or any other approval  
24 for the construction or expansion of facilities. As mentioned in the Staff Report the project site  
25 is a one acre parcel located in the Open Space District and contains a single family residential  
26 structure and accessory facilities. The site is currently legal non-complying for lot area in that  
27 ten acres is the minimum lot area required in this district. The site became non-complying in the  
28 early 1970s when the zone district changed from Residential Estate to Open Space.  
29

30 In addition the entire site is located within the 200 foot scenic setback along this portion of Page  
31 Mill Road. This setback was established in 1972 after the construction of the existing residential  
32 structure. Therefore any structure requiring building permits would also need a variance from  
33 the 200 foot scenic setback regulation. The requested variances for this project are again  
34 described in the Staff Report.  
35

36 At the request of one of your Commissioners Staff has created a table to describe the basic  
37 zoning parameters of this project in comparison with the Residential Estate zone district, which  
38 this site was once a part of, and the Open Space District. You should have those tables at your  
39 places and it is also up on the screen. It basically illustrates that the project is very similar in  
40 scope to what would normally be required for a Residential Estate District. A big difference  
41 between Residential Estate and Open Space is that in the Open Space District there is no floor  
42 area requirement and the impervious area calculation is 3.5% of the site area and that includes  
43 walkways and driveways that are constructed of impervious surface. In the Residential Estate  
44 you have something called lot coverage, which is similar to an R-1. It looks at building  
45 footprint.  
46

47 The Planning and Transportation Commission may want to discuss issues related to the design of  
48 the project such as the amount of impervious area requested for the project. The areas for

1 driveways and walkways are included in the pervious area calculations since they are proposed  
2 to be using materials such as asphalt and concrete. It is possible that alternative materials could  
3 be used to reduce the amount of impervious surfaces on the site. In addition the site slopes down  
4 to Page Mill Road, which creates design challenges for the project especially for construction of  
5 the pool and the retaining wall.  
6

7 The record of Land Use Action in Attachment B of the Staff Report contains recommended  
8 conditions for tree protection, lighting and grading activities. The Commission may want to  
9 comment on the adequacy of these conditions.  
10

11 The applicant and property owners are here to make a presentation and answer any questions that  
12 you may have. A model is available for viewing and material samples are also available for  
13 inspection. That concludes the Staff Report. Thank you.  
14

15 Chair Griffin: Thank you Steven. Would the applicant care to step forward and introduce  
16 themselves please?  
17

18 Ms. Cathy Cartmell, Cartmell/Tam Architects, 4001 Page Mill Road, Los Altos Hills: Hello I  
19 am here to introduce you to a project located at 4010 Page Mill Road. This property is located in  
20 the Open Space District in the City of Palo Alto. It is on upper Page Mill Road about six miles  
21 due south of 280.  
22

23 Some aspects of this property that I would like to point out to you include some of the things that  
24 Steven has already mentioned. That there is an existing residence on the property and also there  
25 is a storage shed that exists and a cloth greenhouse and also a hot tub with a deck in the rear  
26 yard. This residence was built in 1967 and is 3,433 square feet. It is three bedrooms and two  
27 baths with a two car garage. It is on two levels the upper level being the primary living area and  
28 then the lower level having an accessory room and the current two-car garage. This property is  
29 one acre and as Steven mentioned currently the zoning is a ten-acre minimum. It is located in  
30 the Open Space District and because it is one acre it does create several challenges. The OS  
31 District uniformly has setback requirements of 30 feet front yard, 30 feet side yard and 30 feet in  
32 the rear yard. However, this particular property having Page Mill Road located on the east and  
33 north sides of it is subjected to the scenic corridor setback of 200 feet which does encompass the  
34 whole property, the property being at its deepest maybe 148 feet. One of the other challenges  
35 that the OS District zoning does provide is the 3.5% building and impervious surface coverage.  
36 On a ten acre property that would allow a little over 15,000 square feet of developable area  
37 including the building and impervious area. However, when you apply that same 3.5% to a one  
38 acre site it allows only a development area of 1,500 square feet. The current property as it stands  
39 has building and impervious surface coverage of approximately 16%. As I mentioned to the east  
40 and to the north of the property is Page Mill Road. To the south of the property it is bordered by  
41 another one acre parcel with a single family residence. To the west of the property is Los  
42 Trancos Open Space Preserve. Some of the other criteria we considered when designing this  
43 property was that the existing residence was to remain and its development footprint already  
44 exists. Around the development footprint, which is the whole upper part of the site, which has  
45 been graded in the past when the property was first developed, is mostly non-native plants.  
46 However, on the north side as the property slopes down is native oak woodland adjacent to Page  
47 Mill Road. Some of the other aspects that we consider when designing is of course is the client  
48 program. Very close to the proposed addition to this property is a very large pine tree that we



1 wanted to preserve so we did work around that with the design. Also we do consider the weather  
2 up in this area because it is more severe than the weather down here in that when the storms  
3 come in there are high winds and a little more protection is sometimes wanted around doors. We  
4 did also of course keep in mind the Open Space Design Criteria which includes minimizing the  
5 impact on the environment and that includes keeping the development compact, keeping the  
6 development in one area of the site. We also wanted to respect the view from the road and other  
7 public areas. We also tried to keep in mind the privacy and the view of the neighbors, both the  
8 neighbors to the south directly adjacent to this property and also the neighbors across the street.  
9 The Open Space Criteria also recommends following the natural terrain and the preservation of  
10 trees and native landscape. They also recommend you site the building to minimize grading and  
11 so we did try to do that by placing the addition on a portion of the property that was already  
12 graded and maintaining that grade. The Open Space District also asks you to consider natural  
13 materials and colors and maintain a rural character and a low profile.  
14

15 So while we were designing we did take into consideration all this criteria and as we were going  
16 to keep the existing house in place we sited the additions of course both to the north and to the  
17 west. We wanted to keep the roofline of the existing house. It creates a nice longitudinal axis to  
18 work off of. To the rear of the house we would like to add a four foot area to better utilize the  
19 existing house and take advantage of the properties the existing house contains as it sits. As we  
20 do that we would also enclose an existing covered patio that is surrounded by the house and is an  
21 internal patio and add a covered rear patio to the back. Also in the rear yard we would like to  
22 add a swimming pool adjacent to the existing hot tub and place it in an existing lawn area. This  
23 is really about the flattest area on the property but it still does have some terrain to it that needs  
24 to be dealt with. The new garage and storage area that is going to be added to the north side of  
25 the house does accentuate the longitudinal axis. It also provides a balcony to the upper story  
26 living space. When we introduce this addition we tried to tie it to the existing house by creating  
27 a diagonal line that wraps all the way around the balcony and comes across the front of the house  
28 and across the front of the existing house to the front door to help tie the two together. This also  
29 gave us the opportunity to correct some water damage that has been done to the front of the  
30 house. The hardscape there has been undermined by water and created some water problems for  
31 the downstairs area in the house. So we were going to take this opportunity to create a more  
32 welcoming entry and a covered entrance place to enter the house. When we added the new  
33 garage we needed to alter the existing driveway to provide a new turnaround. So we have  
34 created a hammerhead to back out of the garage so you can head out of the driveway head first.  
35 We also would like to widen the driveway to provide better fire access. The owners would also  
36 like to convert to gas. So we are introducing a propane tank to provide gas heating, cooking and  
37 water heating. The house colors would be neutral in that they would be gray. Then we would  
38 introduce redwood siding that would be stained natural colors.  
39

40 In order to do all this we have to request these variances. A variance on the side yard because  
41 the existing house currently sits in the side yard by about six or seven inches and in order to keep  
42 the south wall straight without creating a six or seven inch job in it we would have to ask for a  
43 variance for that side yard. The other variance is to the 200-foot front yard setback. Anything  
44 we do on this property would require a variance to that setback requirement. The other variance  
45 we are asking for is a variance to the 3.5% site coverage required in the OS District. As I  
46 mentioned before when you apply that development restriction to a one acre lot it does only  
47 allow a total of 1,500 feet and that is for everything including any paving, any building. If you

1 look at the model that is a little over half of what the driveway is. The driveway is around 2,500  
2 square feet.  
3  
4 We did review a variety of different design solutions for this property and we worked hard to  
5 reduce the size and utilize the existing aspects of the house to maximize its use and still meet the  
6 client's minimum programs. We do have full support of the neighbors and some of them are  
7 here to speak on our behalf. I hope this project meets with your approval. I, myself, would be  
8 happy to answer any questions or my partner, Tony Tam, if I can't answer.  
9  
10 Chair Griffin: Thank you. Commissioners do you have any questions? Bonnie.  
11  
12 Commissioner Packer: Have you considered converting the asphalt driveway into a pervious  
13 surface so as to have an impact on this 16% to 20% increase that you are proposing?  
14  
15 Ms. Cartmell: We have considered the permeable concrete but we feel they don't have much of  
16 a track record. The driveway is on a slope and we are concerned about it being able to maintain  
17 that.  
18  
19 Commissioner Packer: The 16% that you say is the current impervious does that include the  
20 asphalt driveway or not?  
21  
22 Ms. Cartmell: I got that actually out of Steven's report and I believe it is building and site  
23 coverage. So it is the same number, it represents the same thing.  
24  
25 Chair Griffin: I am going to ask you a question also related to the driveway. When I was there  
26 for my site visit I couldn't help but notice the width of the driveway while not terrifically wide  
27 seemed to be adequate. I am curious as to why you are looking to expand the width of it  
28 particularly considering the sensitivity here that we are looking at on site coverage.  
29  
30 Ms. Cartmell: My experience with the Fire Department up in this area is that they do require  
31 wider driveways to get in and out of the properties.  
32  
33 Chair Griffin: Has Fire actually ruled on your plans?  
34  
35 Ms. Cartmell: No.  
36  
37 Chair Griffin: Okay, so that still needs to be done. Would it be the City Fire Department or is  
38 this the County we are talking about?  
39  
40 Ms. Cartmell: It is the City.  
41  
42 Chair Griffin: It is City.  
43  
44 Ms. Cartmell: Yes.  
45  
46 Mr. Tony Tam, Cartmell/Tam Architects: May I address your question?  
47  
48 Chair Griffin: Would you introduce yourself please?

1  
2 Mr. Tam: My name is Tony Tam. I am the partner of Cathy Cartmell. With all the questions  
3 that you posed here I think that they are great questions. The impervious concrete is something  
4 that we are consistently keeping our eye on and using because I think it helps not just the  
5 calculation but I think that in the long run if it proves to be what they promise it does a lot for  
6 permeability and so forth. So if it will withstand the dynamic loads that the fire trucks, the big  
7 trucks are what we are concerned about not really the cars, that possibly go up and stop on the  
8 dime. That data still hasn't come in yet pertaining to that type of product. We have done a  
9 project in the Open Space District and the Fire Department did require a wider driveway. I think  
10 that we would concur with you in that the width of the driveway would obviously need to meet  
11 the fire safety requirements. Let's defer that to what they require.

12  
13 Chair Griffin: Thank you, Mr. Tam. Steve.

14  
15 Mr. Turner: Chairman Griffin, as part of the project review the Fire Department did review the  
16 plans for this project and they did not make any comment specifically on the driveway. So we  
17 could possibly assume that they thought that the driveway was adequate. If the Commission  
18 recommended a narrower driveway we would have to confer with our Fire Department to see if  
19 that is acceptable.

20  
21 Chair Griffin: So just to clarify, you are saying that Fire did look at the plans and the plan that  
22 they saw was the wider version. Is that what you are saying?

23  
24 Mr. Turner: That is correct.

25  
26 Chair Griffin: So consequently we don't know whether they would approve or disapprove the  
27 existing dimension of the driveway width as it stands today.

28  
29 Mr. Turner: That is correct.

30  
31 Chair Griffin: Bonnie.

32  
33 Commissioner Packer: Steve, while we have you, can you address the issue of permeable  
34 surface for driveways because we have seen them in other Open Space applications before us.  
35 So apparently they must be working somewhere. Would you recommend it for this site? I  
36 understand there is a slope issue.

37  
38 Mr. Turner: Right. There are a number of permeable surfaces that can work. They do depend  
39 upon slope and other site characteristics but as you recall on the project down the street, the  
40 Kniss project, they had an Echostone crushed granite type of surface that was acceptable to the  
41 Fire Department. That is a pervious surface that does work. We would need to check with the  
42 Fire Department to see if that type of surface at that slope would be acceptable for emergency  
43 vehicle access. There are a number of products on the market that are becoming quite  
44 satisfactory materials in other jurisdictions for permeability and for support structure for  
45 emergency vehicles. We would be happy to recommend those types of materials to the  
46 applicant.

47  
48 Chair Griffin: Pat.

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Commissioner Burt: So Steve given what you just said, that there are the alternatives that we just had one up the road from this one, we had one on Los Trancos Road where I believe we required a permeable surface and that was acceptable and that had quite a slope as well, why is Staff recommending that we accept this variance with an impermeable surface?

Mr. Turner: The driveway as asphalt will work as a driveway. We felt that although there are additional materials the applicant has told us that because of the slope of the driveway that a pervious surface like asphalt is the way to go. However, we can work with the Fire Department and the applicant to see if there is another material that's out there that will work. The driveway on I think the Kniss project was relatively flat and that is why that material, the crushed granite, may have worked better on that site and may not work as well on the project before us. We would be happy to work with the Fire Department, Public Works and the applicant to see if we can come up with a material that would be pervious and therefore reduce the impervious area calculation.

Commissioner Burt: Okay. Is there a current garage on the site?

Mr. Turner: I believe that there is. The applicant can probably provide more information on that.

Chair Griffin: Under the house.

Ms. Cartmell: Yes sir, it is under the current house. It is in the lower level of the house.

Commissioner Burt: What would happen to that garage under this plan?

Ms. Cartmell: It will be converted to living space.

Commissioner Burt: This proposed garage is 36 by 40 feet?

Ms. Cartmell: Yes, I believe that is true.

Commissioner Burt: Can you explain why there is a need for such a large garage given that it requires Open Space variances for us to grant it?

Ms. Cartmell: It is a three car garage. The current owner does have three cars they would like to house. There is also a workshop behind the garage.

Commissioner Burt: Where is the proposed propane tank?

Ms. Cartmell: It is [off mike]

Commissioner Burt: I see it. Then finally on the landscape plan you have existing non-native vegetation and you are going to be redoing some landscaping I presume as part of this redevelopment.

1 Ms. Cartmell: We were maintaining the existing landscaping pretty much as it was. We are  
2 adding a little bit of rockscaping and a specimen tree to the front but we are leaving the existing  
3 landscaping as it is.

4  
5 Commissioner Burt: Okay, thank you.

6  
7 Chair Griffin: Karen.

8  
9 Commissioner Holman: I would concur with fellow Commissioners about the driveway and  
10 finding a permeable surface there. The Staff Report mentions several times as did the applicant  
11 that what would be allowed here would be 1,500 square feet of impermeable surface but what  
12 currently exists is 7,100 square feet. That is almost half of the amount of impervious surface that  
13 would be allowed on a ten acre parcel. So given that I think it is incumbent upon the applicant to  
14 make valiant efforts not to increase that. So the question is was there consideration of a two car  
15 garage instead of a three car garage? What about a different landing around the swimming pool  
16 so that that could be a permeable surface? Those are the two questions at the moment.

17  
18 Mr. Tam: The Open Space District requires three car parking, two covered and one uncovered,  
19 but because of the upper Page Mill Road as the inclement weather blows across we regularly get  
20 80 mile an hour winds coming at you. So most people who do live up in the upper Page Mill  
21 Road do choose to have all three of the required parking under cover. I'm sorry there are four  
22 spaces required. Nonetheless because of the requirements that are imposed on the Open Space  
23 District and the inclement weather that the property is constantly subject to most if not all  
24 property owners up in the upper Page Mill Road do choose to house the cars.

25  
26 Chair Griffin: Bonnie.

27  
28 Commissioner Packer: I have a question for Staff. I don't mean this to sound argumentative but  
29 it might sound that way. This is a non-complying facility and your code says that non-  
30 complying facilities can't be enlarged. What is non-complying is the impervious surface. So I  
31 want to ask Staff why are you recommending that the amount of impervious surface be made  
32 larger when it seems to not be accord with our code. That is 18.94.080.

33  
34 Ms. Grote: Well they are requesting that a variance be considered for that non-compliance  
35 because this is a special circumstance where all of the site is in this special setback where it is a  
36 different condition than you would ordinarily find in an OS District because of the size. So they  
37 are specifically asking for a variance from those requirements. We have definitely heard your  
38 comments about the amount of impervious coverage and there are ways to explore reducing what  
39 they have proposed or making it less of an expansion.

40  
41 Chair Griffin: Karen.

42  
43 Commissioner Holman: I want to raise one other issue to that I noticed on the site visit today  
44 and wondered if Staff could comment on this. There is a shed that pretty recently placed on the  
45 front part of the parcel. It certainly is within the front setback because the whole parcel is but it  
46 is very near the road. Is that counted in the impervious surface or not?

47  
48 Mr. Turner: That is also counted as part of the impervious surface.

1  
2 Commissioner Holman: What is Staff's opinion about, when I had brief conversation today with  
3 the applicant it was stated that that was temporary? Can Staff comment about what should  
4 happen, what will happen, what you anticipate happening and what you would require to happen  
5 with that if this project goes through?  
6

7 Mr. Turner: If the shed is greater than 120 square feet then building permits are required for  
8 those types of structures that have any sort of permanence to them. I think the Building Division  
9 is pretty strict on what types of buildings they see as permanent or temporary meaning that they  
10 see most buildings as permanent and not temporary. So anything over 120 square feet would  
11 require a building permit and the applicant would have to apply for that.  
12

13 Commissioner Holman: I didn't notice the dimension of this. It is fairly sizable but it may well  
14 be within the 120 square feet. I guess the point is, this is going to sound very harsh, it was  
15 placed there within the setback area and I am not sure quite how to address that. Maybe Staff  
16 could comment on that, whether it is 120 square feet or 60 square feet, it seems like it is there  
17 without permission.  
18

19 Mr. Turner: We could take a look at those structures that are on the property. We could require  
20 them to move them perhaps or at the very least go ahead and get a building permit for those  
21 structures. That is most likely what we would do moving forward from here is to make sure that  
22 those items that had not received building permits get building permits if they are able.  
23

24 Commissioner Holman: But wouldn't it be more than a building permit? Wouldn't it also need  
25 to have review because it is Open Space District?  
26

27 Mr. Turner: It would be part of this overall Site and Design Review that we are looking at.  
28

29 Chair Griffin: Pat.  
30

31 Commissioner Burt: Does that also apply to the greenhouse or is that viewed as a temporary  
32 structure? Is that exempt from requirements?  
33

34 Mr. Turner: I think that the applicant can comment more on the permanence of that structure and  
35 how that is being used. Perhaps they can provide more information on that structure.  
36

37 Commissioner Burt: I would be glad to hear them but I am more interested in our own City's  
38 interpretation of that structure.  
39

40 Mr. Turner: Any sort of site improvements that are on the site would be part of the site and  
41 Design Review whether it is the new shed that Karen spoke of or the cloth greenhouse structure  
42 that is on the plans. All those facilities have been included in the overall impervious area  
43 coverage that is presented in front of the Commission tonight.  
44

45 Commissioner Burt: Right. My concerns aren't limited to the impervious area coverage. It is a  
46 structure that is within our scenic corridor there and I regret that I didn't have an opportunity to  
47 do a site visit because I had wanted to be able to see how visible that is. Maybe other

1 Commissioners can share their insights with me on that greenhouse and whether it is visible  
2 either from Page Mill or from the adjacent Open Space Districts.

3  
4 Chair Griffin: I am wondering before we get into the comments perhaps it is appropriate to have  
5 the public make some remarks.

6  
7 Commissioner Burt: Mine is a question.

8  
9 Chair Griffin: Do you want it answered now?

10  
11 Ms. Cartmell: Could I give you a picture of the greenhouse so you can see what they are talking  
12 about?

13  
14 Commissioner Holman: In absence of anyone else responding the greenhouse is very visible  
15 from the roadway. It also looks like it has been there for quite some time. As I understood from  
16 the owner who was present today that the surface or sheathing has been replaced numerous times  
17 because it has blown off. The structure looks like it might be fairly old. I don't really know how  
18 long that has been there. I think the applicant said it had been there for quite a long time. What  
19 brought my attention to the shed is it looked pretty obviously new and it is also visible, not as  
20 visible certainly as the greenhouse, but it is visible.

21  
22 Chair Griffin: Bonnie.

23  
24 Commissioner Packer: I didn't see a variance request for setbacks for the pool. The pool is right  
25 up against the rear yard. Shouldn't there be a variance request for that as well?

26  
27 Mr. Turner: Not for the pool. The pool is allowed per the Municipal Code to be located within  
28 the side yard no more than three feet from the property line. So that is allowed by the zoning.

29  
30 Commissioner Packer: Thank you.

31  
32 Chair Griffin: Steven that is because it only extends one foot above grade, is that the rationale  
33 there?

34  
35 Mr. Turner: That is correct.

36  
37 Chair Griffin: I must say it looked from the model that the terrain back there at the pool location  
38 was somewhat subject to change. I am just wondering where is grade going to be actually.

39  
40 Mr. Turner: It depends upon the slope of the lot but on an essentially flat lot of a slope of less  
41 than 10% grade as measured at the lowest ground elevation at a point measured five feet from  
42 the house I guess around the perimeter. So you take five feet out from the house, draw a circle  
43 around it, find where that lowest point is and that is grade. The applicant is aware of that  
44 requirement and I believe has a portion of the model to show you the pool and maybe can  
45 provide other details about the construction and how that would meet that requirement.

46  
47 Chair Griffin: Pat.

1 Commissioner Burt: A follow up to Michael's question. I look at the drawings and the model  
2 here. I see the tall tree behind the house appears to be near one corner of the intended pool  
3 location and that makes it look as if there is going to be a grading requirement necessary to put in  
4 the pool. Is that correct and is that addressed in the report?  
5

6 Mr. Turner: The report does not address any sort of grading requirement for the pool. The  
7 applicant may provide more information on the grading that would be required for that.  
8

9 Commissioner Burt: Would that grading be permissible?  
10

11 Mr. Turner: That grading would be permissible subject to Public Works recommended  
12 conditions of approval.  
13

14 Commissioner Burt: But from the standpoint of conformance with the Open Space guidelines  
15 that additional grading is not an issue?  
16

17 Mr. Turner: That additional grading would not be an issue.  
18

19 Commissioner Burt: Okay.  
20

21 Chair Griffin: Then if there are no further questions we would like to hear comments from the  
22 public. I have four cards. The first one is Richard Geiger followed by Timothy Drabik and Scott  
23 Selover. Good evening Richard.  
24

25 Mr. Richard Geiger, 714 East Charleston Road, Palo Alto: Good evening. I own one of the  
26 properties across the street from this site. My feeling is they have done a very good job of  
27 blending the house in, that it essentially has very minimal impact. I am certainly for it. I am for  
28 them being able to expand and use the property. I think it is commendable that they have hired a  
29 high quality architect to match the addition to the house.  
30

31 I will make a comment that that shed has been there for a long time. I know the original owners  
32 had a daughter who had a horse and it was used as a hay barn for their horse. That was over 30  
33 years ago. That was just a comment.  
34

35 I am very satisfied with seeing this. Thank you.  
36

37 Chair Griffin: Thank you. Now Timothy. If you could introduce yourself, please.  
38

39 Mr. Timothy J. Drabik, 3995 Page Mill Road, Palo Alto: Good evening. I am an across the  
40 street neighbor of the owners and actually a next door neighbor of the architects. I know them  
41 all to be considerate and thoughtful neighbors. I have no concerns about the project. I am very  
42 happy to see how much effort has been put into trying to make sure the character of the Open  
43 Space area is kept and also efforts to make the experience non-intrusive to the neighbors. As  
44 people who have visited the site will recall and those can see the model now will see the house is  
45 raised above Page Mill Road and in fact it is very difficult to see the main building site from  
46 Page Mill. It is not possible to see it from my home. I would venture to say that for most or all  
47 of the neighbors the building site itself is invisible. One final thing regarding the question of the  
48 percentage of impervious space, on the west side I think of this house are hundreds and hundreds



1 of acres of open land with no impervious surfaces whatsoever. If the specification, the 3.5%,  
2 was computed with regard to having a number of adjacent parcels with that amount of coverage  
3 then that idea would breakdown because there is nothing at all completely along the half plane  
4 adjacent to the house. There is really a great deal of open land. Thank you very much.  
5

6 Chair Griffin: Thank you. Scott Selover.  
7

8 Mr. Scott Selover, 4020 Page Mill Road, Palo Alto: My wife and I own the property directly to  
9 the south. So we actually are the only property that really has a view of the site. During the time  
10 that Dave and Mike and Tony and Cathy have been working this project they have regularly  
11 engaged my wife and I in looking at ways of minimizing the impact of this project on us. In fact  
12 from our house looking down onto theirs the only thing we wind up seeing is this little four foot  
13 bump out that basically squares up the end of the house. The addition of the enclosed patio is  
14 absolutely consistent with improving the sight lines from out house. The pool is not visible.  
15 You might be surprised. We are the closest people to that piece but they have done a wonderful  
16 job of tucking it in close up to that hot tub abutment. So from our house we can't see any of the  
17 improvements. The only thing we are going to see is an improvement to the roof structure, an  
18 improvement of the symmetry of the building, the enclosed patio. Like I say, during this whole  
19 process we have had regular dialogues. They have been very interested in getting our input.  
20 They have listened to the concerns about lighting and visual impact. They have been extremely  
21 thoughtful in keeping us engaged in the project and I wholeheartedly endorse the project and  
22 would solicit your support as well. Thank you.  
23

24 Chair Griffin: That is quite a testimonial. Thank you. Finally the applicant David Ditzel. Good  
25 evening.  
26

27 Mr. David Ditzel, 4010 Page Mill Road, Palo Alto: Thank you. I live at the property in  
28 question. I have lived there for the past 16 years. I picked this particular space because I am  
29 extremely fond of the open space area and wanted to find a situation exactly as we have it there.  
30 I have a tremendous respect for the area. I got married a few years ago, my wife is here and also  
31 our step-son lives at the house now, which has caused an increase in the number of vehicles. I  
32 used to live there by myself. This is one of the reasons for causing some of the change. We use  
33 the open space trails regularly and we have going with the architects for over two years and I  
34 have thought over the last several years about what to do with this property. When I originally  
35 purchased it I had some ideas in mind for the wonderful location that it is. I also wanted it to fit  
36 into the open space area in particular. As we hiked the trails behind the house we designed the  
37 particular additions so they would be the least visible possible. A typical thing one might do  
38 when adding an addition to a house would be add more living rooms. In fact we have not done  
39 that. We have limited this to basically a garage with a deck area because we felt that the roofline  
40 if we were to add above the garage there, add another floor, which is a typical temptation, would  
41 have been visible from the Open Space District. So we have trying to be cautious about that.  
42

43 Another issue we struggle with and you have had some discussion here is the impervious area.  
44 One of the features of the design in particular, we have examined some of the other structures on  
45 the property or expanding in other places for variances, is for those of you who visited today  
46 there is a driveway and in fact the new structure sits exactly on top of the driveway so as to  
47 minimize the additional impervious area that would be there. So that was certainly a particular  
48 consideration and just the overall structure of the design was meant to fit in with the terrain of

1 the landscape, to reduce the visibility from both the road, from the neighbors and from the Open  
2 Space District.

3  
4 Just to clarify another question I think Mr. Geiger referred to as well since the house was  
5 constructed in the late 1960s there has been a horse shed on the property. Over the last 40 years  
6 or so that structure deteriorated so in fact that had been upgraded. Some of you who saw the  
7 structure noticed that it seemed to have been new but that was basically an existing structure that  
8 was there, it was falling apart, a bit of an eyesore and so what I have done is simply kind of  
9 improved that particular structure trying to reduce the eye strain on anybody driving up Page  
10 Mill Road. But it is in the same location as the previous structure has been for the last 40 years.  
11 My other particular hobby is gardening which is one of the other reasons why I opted to buy a  
12 house up in the hills rather than down in the area where the land would have been smaller. I  
13 would have loved to have gotten ten acres but was not able to find such a property. The garden  
14 area here is what is called the cloth covered greenhouse is mainly for tomato gardening. I found  
15 it was simply too cold with the 2,000 foot elevation to grow my passion which is tomatoes there.  
16 So that is what that structure is for and I would consider that to be a temporary structure and as  
17 the house is done I wouldn't be surprised at all if that could be changed or the cover comes off  
18 from time to time. So maybe we shouldn't be counting that as part of the impervious space for  
19 the time when it is covered. As for the driveway and other things I think if you will look at the  
20 particular diagram here since most of the existing driveway is now being covered by the  
21 structure the remaining portion of the driveway although we could use an impervious material, in  
22 fact I am quite open to that, I am not sure it would change the overall area significantly enough  
23 to make it a requirement. But in fact I will make a commitment to you examine with our  
24 architects to see if there is an appropriate material there and to reexamine the width of the  
25 driveway. I know that Fire Department has in fact pulled up our driveway before for either our  
26 site or for neighboring sites the width seemed to be a little bit small. Again, I think that is really  
27 a condition that we are doing to make it easier for the rest of the City. So I will be here also to  
28 answer any further questions you have this evening. Thank you.

29  
30 Chair Griffin: Thank you. Phyllis.

31  
32 Vice-Chair Cassel: I have a question for you. That shed that is out front, you are adding quite a  
33 bit of storage space into this building. Did you intend to keep that shed if it is in bad shape? Not  
34 the covered one that you are using for the plant but the other one, were you planning to keep that  
35 shed after you installed all this other storage space you are putting in?

36  
37 Mr. Ditzel: The shed there was a replacement for existing things. I guess after we build the  
38 house I would reexamine that issue whether it was needed or not.

39  
40 Chair Griffin: Commissioners, do you have further questions? What about comments then?  
41 Bonnie.

42  
43 Commissioner Packer: I will start with saying that if we weren't in the Open Space District but  
44 we were only looking at the Site and Design and see how it blends in I think I would agree the  
45 architect did a fine job of minimizing major changes, the extension, etc. seems to work well.  
46 The only major issue that I have is with the impervious surface issue because there is a good  
47 reason for that in the Open Space District. It is in our Comprehensive Plan, it has been in the  
48 Zoning Code for as long as the Open Space District has been there and I think we need to do our

1 best to respect that whether it is a five acre parcel or a one acre parcel or a ten acre parcel. If you  
2 keep on expanding the amount of impervious space and you do that on ten one-acre parcels you  
3 kind of defeat the purpose of having a limit. It looks like there is some room here to have no net  
4 increase in the existing impervious space if the driveway could be made permeable. I would  
5 suggest that we recommend that the applicant take this back and think about doing that and any  
6 other further improvements to be able to get the addition that they want and see where you could  
7 take back some of that impermeable space and make it permeable so that there is no net increase  
8 in what was there when it was in the RE District. I think that would be the fairest thing to do. I  
9 don't know if the other Commissioners would agree with that approach but that is where I think  
10 it would be fairest.

11  
12 Chair Griffin: Karen.

13  
14 Commissioner Holman: Yes, I would agree with Bonnie that that's the fairest approach. I also  
15 as I mentioned earlier and as follow up to Bonnie's comments about not increasing a non-  
16 compliance I think it is incumbent upon the applicant to do just that, not increase the impervious  
17 surface. I think the applicant is to be congratulated on working with the neighbors. I think that  
18 their project is low profile. I think there are some really good things about the project.  
19 Sometimes it is not very easy to be a Commissioner, this is kind of a hard one because they have  
20 done a good job in so many regards. So I would concur with Commissioner Packer and I would  
21 also suggest that Staff take a look at the storage shed. I have gotten different stories about what  
22 the situation is with that and it does appear to be a brand new unit to me. I have gotten different  
23 information about it so I would suggest that Staff take a look at that.

24  
25 Chair Griffin: Do I have a motion? Pat.

26  
27 Commissioner Burt: Before a motion I had some additional comments. I concur with some of  
28 the statements that have already been made. I think I would like to put this in context. I agree  
29 with my fellow Commissioners that the design has been thoughtful and sensitive to neighbors  
30 and that is one of the considerations. Two other considerations that are really even of greater  
31 responsibility to the Commission are that this is a scenic corridor and it is adjacent to an Open  
32 Space District. So the protection of the interests of the general public are even greater than those  
33 of the immediate neighbors although all matter. So when we have a project that is existing  
34 noncompliant and that is acceptable for something to be noncompliant and continue in that  
35 manner but to have major changes to that are significant. I see problems not only that the  
36 application is using impervious surfaces where pervious ones could exist and I think that can be  
37 addressed probably relatively easily. I think that we should have our Fire Department determine  
38 what is the minimum driveway width that is necessary. I also have a concern with this  
39 greenhouse. I am a tomato gardener as well and I appreciate that desire but that appears to be  
40 quite an eyesore in the middle of the scenic corridor, visible from the scenic corridor and not a  
41 permitted use. I think that needs to be addressed as well. I think from the scenic standpoint that  
42 is probably as problematic as any of the other issues. Finally, we have heard about this garage.  
43 We are talking about a 1,550 foot structure. That is one heck of a garage. I think that I would  
44 like to see a garage that addresses the minimal needs of housing. If it is three cars then so be it  
45 but you don't need half that size garage for three cars. If we are going to allow variances in this  
46 Open Space area then I think we should be looking for what is minimal to meet the true needs of  
47 the property owners. It is not really whatever they would like but it is a variance from what are  
48 existing zoning requirements. We have to be scrupulous on what we are going to allow above

1 what is a permitted use. So I would have concerns with all four of those and would like to have  
2 this return to us with a proposal that does the best job possible of addressing those different  
3 concerns.

4  
5 Chair Griffin: Karen.

6  
7 Commissioner Holman: I have one other comment too which I think is good to put out there too.  
8 I think Staff and this Commission have a responsibility too to be consistent in how we make  
9 determinations about variances and HIEs and such. We have had discussion about this recently  
10 because we have had some apparent inconsistencies. I think the action that we are about to take  
11 tonight it seems like would be going towards speaking to having a consistent determination in  
12 regards to variances and HIEs. I think it is only reasonable and responsible of us to act in that  
13 way. I think it also is only a reasonable expectation that the public should have of us.

14  
15 Chair Griffin: Now I was seeing a motion percolating over here.

16  
17 MOTION

18  
19 Vice-Chair Cassel: I was going to move the Staff Report with the following exceptions. That is  
20 that the owner work with Staff to develop as much reasonable impervious surface as they can in  
21 order to come back so they are not expanding the impervious surface on the site.

22  
23 SECOND

24  
25 Commissioner Bialson: Second.

26  
27 Vice-Chair Cassel: Now can I speak to it? This is a property located totally within the 200 foot  
28 setback. So it has to have a variance. There is no way around it. The setbacks for the extra six  
29 inches here and there again they have to be there there is nothing else they can do with that. The  
30 choice of what to do with this impervious surface is their choice. So if they choose to put a large  
31 garage on it it is not visible. I have been up there. I did drive up there and did go into the  
32 driveway and back out. It is not going to be an obvious garage on that site. It may not be what I  
33 would put on the site but that is not the issue. The issue is as long as it is not increasing the  
34 impervious surface and you can't see it from anywhere and it blends in, I think we have a color  
35 board over there with the colors they are going to use, then I think they have the right to do that.  
36 I am concerned about the small building because you can see it from the street but it is a  
37 preexisting building. It is not my understanding that we take down preexisting buildings that are  
38 40 years old. The owner can certainly consider that and would be wise to do that. The one  
39 question I didn't ask and can be asked later is the cloth cover I believe is 30 feet back from the  
40 street, it is not pretty but again it is on the site, it is a gardening piece and I think it is allowed.  
41 So I think that my biggest concern is the impervious surface. We need to keep this down to a  
42 minimum. The owner can think about how they would like to best get that impervious surface  
43 down.

44  
45 Chair Griffin: Would the seconder like to speak to the motion?

46  
47 Commissioner Bialson: I second all of Phyllis's comments as well as the motion. I am relying  
48 on Staff to determine whether or not that shed building is preexisting as to a 40 year old shed or

1 whether it is a new shed. I have some concerns I share with Karen with regard to that shed but if  
2 it is a preexisting building, if that is what Staff is determining, then I don't think we can change  
3 it. Ours is not the obligation to investigate or to have suspicions that is up to Staff to investigate  
4 and determine for us and we rely on them to do that. I think that the property owner has the right  
5 to build what he wishes to build within the confines of the plan he has set forward.  
6

7 Chair Griffin: Bonnie.  
8

9 Commissioner Packer: Phyllis, I have a question for you on your motion. Are you moving the  
10 granting of the variances except for the one relating to the increase in impervious surface? The  
11 reason I ask that is because if we ask the applicant to go back and rethink that it may come back  
12 with a slightly different design that would change the details of the variance request by a foot  
13 here or an inch there. I thought that we may want to make it subject to any changes in the  
14 variance request when this comes back to us.  
15

16 Vice-Chair Cassel: This doesn't come back to us. I think it goes straight to City Council and  
17 that was my motion in that I would presume that when they go to City Council my  
18 recommendation is that that impervious surface comes down or there is a very good reason to  
19 explain to City Council why it is not. We can do that, we can sent it to City Council without  
20 making it go another step which is part of the issues of keeping things moving with a condition  
21 that every possible alternative is looked at for bringing the impervious surface down. It can be  
22 done in a number of different ways. That can be explored by Staff. They can choose a lot of  
23 different ways of doing it, they can cut the building, they can cut the width of the driveway, they  
24 can put impervious surface up near where the patio is, they can put impervious surface where it  
25 is flat and asphalt where it isn't. There are a number of things that can be done. They can't do it  
26 tonight it takes time to think about such things. If they absolutely can't they will need to explain  
27 that to City Council.  
28

29 Commissioner Packer: Then I will support your motion now that it has been explained to me.  
30

31 Chair Griffin: Karen.  
32

33 Commissioner Holman: One thing the Commission has not commented on is the materials board  
34 and inclusion of those specifics in the conditions of approval. So I am wondering if  
35 Commissioners have any comments on that.  
36

37 Vice-Chair Cassel: I can see them from here but probably they should be picked up so everyone  
38 can take a look at that because that certainly should be a condition. It always is.  
39

40 Commissioner Bialson: I apologize I picked them up looked at them and didn't pass them down  
41 the line.  
42

43 Chair Griffin: Karen, do you have any further comments on the motion?  
44

45 Commissioner Holman: Only to say I not totally satisfied with the specificity of the motion so I  
46 will be voting against it.  
47

48 Chair Griffin: Pat.

1  
2 Commissioner Burt: I also am not satisfied that it is specific enough when we have had the  
3 project on Los Trancos Road and I think we required it to come back to us and we approved the  
4 changes. I think that in this case we seem to be confusing this project doesn't have any  
5 development rights by right. This is all by variance and it should be a project if they are looking  
6 for very significant variances then it should be carefully scrutinized and I think this is something  
7 that goes beyond what I would feel comfortable with for all the reasons I cited before.  
8

9 Chair Griffin: I won't be supporting the motion either because of the reasons that have been  
10 discussed here. It seems to me that on the bunker property we did insist on permeable building  
11 materials for a rather long and steep driveway. It seems to me that we could take a look at this  
12 project again after the architect has had a chance to perhaps investigate that kind of driveway  
13 material in more detail. The location of the gas tank seems to me awkward I am going to say. I  
14 was hoping to see that hidden somewhat more adroitly than the way it is treated at the moment.  
15 The width of the driveway is likewise something that needs to be worked on. I would be happy  
16 to see this project some back to us after some changes have been addressed by the applicant.  
17

18 Commissioner Packer: I have also been rethinking. I don't know if it moves things along any  
19 better to send it up to City Council when there are enough problems. We might as well have the  
20 applicant work on it, come back to us with a project that maybe more of us could approve and  
21 then send it up to City Council. It might end up being a smoother process. So given that I am  
22 sorry Phyllis I will not support this motion.  
23

24 Chair Griffin: Could we have a substitute motion then? It fails while counting noses. Do you  
25 want to withdraw your motion, Commissioner?  
26

27 Vice-Chair Cassel: I would rather see you do a substitute motion.  
28

29 Chair Griffin: Pat.  
30

### 31 SUBSTITUTE MOTION 32

33 Commissioner Burt: I will take a stab at it. I would move that the Staff review alternatives with  
34 the applicant first to truly minimize the use of impervious surfaces including consideration of the  
35 scale of the garage addition, not a requirement but a review with the applicant. Second that the  
36 City Staff review with the Fire Department the minimal driveway width that is necessary. Third,  
37 that the gas tank location and visibility be reconsidered. Fourth that the greenhouse be examined  
38 as to whether it is a permissible structure in the location that it currently exists. I think that  
39 covers all of my recommendations. Also to report back to us on whether the shed is a  
40 permissible structure at its location.  
41

### 42 SECOND 43

44 Commissioner Holman: Second.  
45

46 Chair Griffin: Second by Karen. Does the maker of the motion wish to speak any more on it?  
47

1 Commissioner Burt: No, I think that this gives guidance to Staff and the applicant on the sorts of  
2 issues we would like to have addressed. It does not prescribe the outcome of reexamination of  
3 these issues but I think clearly the Commission would like to see significant progress in these  
4 areas after Staff has reviewed whether each of these things are appropriate.  
5

6 Chair Griffin: Karen.  
7

8 Commissioner Holman: The only thing that I would add is ask for the maker of the motion to  
9 accept a friendly amendment to be specific that the impermeable surface not be increased over  
10 what currently exists.  
11

12 Commissioner Burt: It would certainly be my hope that that would be the outcome. I don't  
13 know that I would want to send it back with that as a strict prescription. So I would prefer to  
14 leave that open with a request to minimize it and we will examine the project as a whole when it  
15 returns to us. That would be my preference.  
16

17 Commissioner Holman: I am actually going to withdraw my second then because it looks like  
18 based on the scope of the project it seems to me that that would be doable and I think that should  
19 be the goal.  
20

21 SECOND  
22

23 Chair Griffin: I would like to second the motion. Annette.  
24

25 Commissioner Bialson: Would the maker of the motion entertain an amendment whereby the  
26 scale of the garage addition is not mentioned? I have a feeling that that is not within the purview  
27 of Commission to go into. It is a question as to how the property owner wishes to layout his  
28 home and his garage and while I can support the motion aside from mentioning the scale of the  
29 garage addition I don't want to have that sort of level of detail and intrusion of the property  
30 owner.  
31

32 Commissioner Burt: Well, let staff correct me if I am mistaken but it is my understanding that  
33 any construction within the 200 foot setback is within the purview of the Commission and  
34 something that is appropriate for us to be considering. This isn't a construction by right when  
35 there is that restriction. They have a preexisting condition that allows them to retain what they  
36 have but any additional construction is within our purview fully. Can Staff comment on that?  
37

38 Mr. Turner: That would be correct.  
39

40 Commissioner Bialson: I think that the question is we have a piece of property here that is  
41 essentially all within the 200 feet and for us to design it for the property owner I think is  
42 inappropriate. So that is what prompted my comment and I take your comments to be a no to my  
43 request. Thank you.  
44

45 Commissioner Burt: Yes and I am not attempting to design it. What I am requesting is that we  
46 have a project return to us that has truly the minimal impacts that will meet the necessities of the  
47 owner. In these sensitive areas we don't give carte blanche for people to build whatever they  
48 want there. So that is within our purview in my opinion.

1  
2 Commissioner Packer: I am going to agree with Annette. I don't think we can define up here  
3 what a necessity of an owner is. I think that really is getting into a level where we shouldn't go.  
4 So I am not going to support your motion. I would support a motion that simply sends this back  
5 for redesign taking into consideration everything that we have talked about tonight and as a  
6 minimum do the best they can not to increase the impervious surface from what it was, just keep  
7 it simple like that and let it go from there. That is the kind of motion I would support. When  
8 your motion goes through its process I will make that motion.  
9

10 MOTION FAILS (2-4-0-1, Commissioners Griffin and Burt for and Bellomo absent)

11  
12 Chair Griffin: Do you wish to comment on the motion? Karen? Pat? I am going to put this to a  
13 vote. All those in favor of Pat's motion say aye. (ayes) Opposed? (nays) So it fails with  
14 Commissioners Griffin and Burt being the only affirmative votes and Commissioner Bellomo  
15 absent.

16  
17 So now we are ready for another one.

18  
19 MOTION

20  
21 Commissioner Packer: I will try it this time. I will move that we send this application back to  
22 the applicants to work on bring us back a new application with any additions that in the net do  
23 not increase the impervious surface and they take into account the questions and concerns that  
24 have been raised by different Commissioners as to all the various structures that are existing and  
25 being proposed. We will look at it all when it comes back and we will take into account that it is  
26 in the 200 foot scenic setback.

27  
28 SECOND

29  
30 Commissioner Holman: I would be happy to second that.

31  
32 Chair Griffin: Pat.

33  
34 Commissioner Burt: Question and clarification. So when you say it will take and consider all  
35 the issues that have been brought forth by the Commissioners then that does not exclude  
36 reexamination of the actual building construction?  
37

38 Commissioner Packer: They may decide to reexamine it. That happens I suppose when you sit  
39 down and look at something afresh. I expect there will be something somewhat different from  
40 what we are looking at tonight. That is why the specifics of the variances may come to us a little  
41 bit differently, I don't know. When the math is done if you make the driveway pervious it may  
42 give you a little bit more room. We are saying whatever the impervious surface is now they can  
43 keep and within that envelope come back what they want to do with the property. It may come  
44 out very differently and that is why I think I want my motion to be very general that way. The  
45 goal is to respect the Open Space requirement of impervious surface.  
46



1 Commissioner Burt: Now I need to have clarification because what I just heard you say I think  
2 is something different than what I heard you say before. What I thought I just heard you say is  
3 that whatever they wish to propose without increasing impervious surface would be acceptable.  
4

5 Commissioner Packer: I don't know until we see it but that is the goal. The goal is they come  
6 back, they may decide not to have a swimming pool, they may decide to move the greenhouse  
7 there, they may decide to shift the orientation of the garage a little bit. A lot of things could  
8 happen when they relook at this. Especially when you have removed that 2,400 square feet of  
9 driveway and make that more permeable I don't know how the math is going to work out. They  
10 have a little bit more room to work with because we are saying keep it within the existing space.  
11

12 Commissioner Burt: I just want to make sure I am clear on the motion. So if those additional  
13 comments that you had more recently made are not part of the motion then I am okay.  
14

15 Commissioner Packer: They are not part of the motion they are just an explanation. I am  
16 speaking to the motion. The motion is simply go back, come back with a new proposal so long  
17 as there is no net increase in impervious square footage.  
18

19 Commissioner Burt: And the other part of what I had understood your motion to include was  
20 that it was also going to be a reexamination based on other input that has been put forth by the  
21 Commission tonight.  
22

23 Commissioner Packer: Yes, that is part of it. They can take what they like from our comments  
24 and include that.  
25

26 Chair Griffin: Are we ready for the vote at this stage? We had a second from Karen. Karen do  
27 you wish to speak on the motion?  
28

29 Commissioner Holman: No, I will just exceed to my new best friend Bonnie's comments.  
30

31 MOTION PASSED (6-0-0-1, Commissioner Bellomo absent)  
32

33 Chair Griffin: All in favor of Bonnie's motion say aye. (ayes) Opposed? That carries  
34 unanimously with Commissioner Bellomo absent.  
35

36 That brings to an end item number two.  
37

38 Can we take a three-minute break here? We have put the timer on. It is 20 minutes to 11:00. I  
39 am sure everyone is aware of that.  
40

41 Good evening. We are now ready to deal with item number four which apparently there is not a  
42 public hearing required on this item. This is more of an internal nature. Would Staff please  
43 introduce this item, which involves a Planning and Transportation Commission initiating  
44 changes to the Zoning Ordinance in order to address issues raised in the report by the City  
45 Auditor regarding permit processes and appeals.  
46

- 47 4. Planning and Transportation Commission to initiate changes to the Zoning Ordinance  
48 to address issues raised in the report by the City Auditor regarding permit processes and

1 appeals. **SR Weblink:** <http://www.cityofpaloalto.org/cityagenda/publish/planning-transportation-meetings/2608.pdf>

2  
3  
4 Mr. Steve Emslie, Planning Director: Thank you Mr. Chair, members of the Commission. Just  
5 very briefly considering the lateness of the hour. As the Chair pointed out this is one step in the  
6 initiation of a zoning code amendment. As the Commission at a previous meeting had an  
7 overview of the audit presented by the auditor and with the Staff response this is as we had  
8 indicated to you the step that we would be bringing back to you. The Municipal Code requires  
9 that any change in the Zoning Code be initiated by either the City Council or the Planning and  
10 Transportation Commission. So it is under that auspice that we are asking the Commission to  
11 initiate the two. Once the code amendment is initiated then that will authorize Staff to begin the  
12 analytical work which we propose to do in conjunction with the Zoning Code Update moving  
13 this portion of the Zoning Code Update up ahead so that we can begin to put some of the process  
14 reforms in place as recommended by the auditor sooner rather than later.

15  
16 Secondly, I would also like to acknowledge the Commissions desire, we heard from our last  
17 meeting, to have a more general discussion regarding the Auditor's Report, findings and  
18 recommendations. We would also if the Commission were so inclined and so directed Staff  
19 propose to do that in a study session format in conjunction with Staff's presentation of some  
20 policy alternatives for the Commission to consider for some of the process amendments that the  
21 auditor had recommended. So if the Commission were so inclined we could also prepare a study  
22 session that would give the Commission an overview of the audit and its findings. We think it  
23 would be very helpful to do that in conjunction with the discussion of specific recommendations  
24 for the process reforms and subsequent code amendments that would be recommended to the  
25 City Council.

26  
27 So there is not much to do tonight. The formal action is for the Commission to move to initiate  
28 the Zoning Code amendments per the recommendation. We would plan on coming back to the  
29 Commission right after the first of the year with specific policy proposals and some options laid  
30 out for your discussion and if you so desire have the general discussion of the audit  
31 recommendations in early January. Then we would return to the Commission with specific code  
32 language that you would review and then make modifications and send on to the City Council in  
33 February for their consideration and adoption. We have communicated to the City Manager that  
34 we can deliver on the code amendments to the City Council in February so in order for us to live  
35 up to our commitments to our bosses we would recommend that timeframe for the Commission  
36 to proceed.

37  
38 Chair Griffin: Commissioner questions? Bonnie.

39  
40 Commissioner Packer: Would the review of these amendments be limited just to the procedure  
41 and the process? I ask that because I don't know if the review is also going to open up the  
42 findings that need to be made in certain of these which is a different kind of review which goes  
43 more into the policy issues, the HIEs, the Planned Community Zones. I don't know if that is  
44 going to literally open up a can of worms.

45  
46 Mr. Emslie: Well, as you know we have a couple of things going in your busy schedule and we  
47 are trying to keep them separate so that you can focus on one task at a time. The findings that  
48 you refer to for HIEs and Variances have already been identified and those are within

1 conjunction with the IR processes and that discussion has already started. That is scheduled to  
2 come back at the end of January for further Commission review. So those will happen in parallel  
3 with this but separately. The process I think is separate and distinct from the findings as they  
4 relate to homeowner's interaction with the HIE process as well as the Individual Review. There  
5 is a closer connection to those than there is to the process.  
6

7 Commissioner Packer: My other question is there may be as you go through other areas that  
8 have procedural aspects to them like the Subdivision Map Act that isn't mentioned here. So if  
9 you come across another related area in the Municipal Code you would need to come back to us  
10 for direction but can we sort of make our directions to say and any other relevant code provisions  
11 that are within our purview?  
12

13 Mr. Dan Sodegren, Special Counsel: I think as it relates to what we are doing here in terms of  
14 process and appeal process that would be fine if you wanted to add that.  
15

16 Chair Griffin: Are you preparing a motion? Karen.  
17

18 Commissioner Holman: I have a question about timing. If we don't have our study session until  
19 January and you need to be at Council in February I am a little bit concerned about input being  
20 distilled and come back to us then to confirm that input has been registered or denied or rejected  
21 or something.  
22

23 Mr. Emslie: It is a tight timeframe and if we got Planning Commission direction at the first of  
24 the year it is not impossible for us to bring back a specific ordinance by the end of January and  
25 get on the Council agenda some time in February. We think we can meet it. It is tight but with a  
26 minimum of turnaround between general discussion and drafting we think we can hit our  
27 February deadline.  
28

29 Vice-Chair Cassel: Do want us to submit to you in writing anything we see or think may be  
30 issues that you want to deal with?  
31

32 Mr. Emslie: Your comments in writing or in email would be most appreciated.  
33

34 Chair Griffin: Do we have a motion?  
35

36 MOTION  
37

38 Vice-Chair Cassel: I will move the Staff Report with the additions that we prepare a study  
39 session to discuss overall issues related the audit report of the development review process by the  
40 Planning Commission and that any other Municipal Code provisions that relate to the planning  
41 process, etc., subdivision maps that you discover need to be done that you can proceed with  
42 those.  
43

44 Chair Griffin: Second?  
45

46 SECOND  
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48 Commissioner Bialson: Second.

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Chair Griffin: Discussion? Vote. What happened?

Commissioner Holman: I have one clarification. That is what has a number four on it here, the Planning Division should simplify and reduce the number of development review process to no more than five standard process, is that included in this motion too that the Staff will come back with a recommendation responding to this input? Okay.

Chair Griffin: Now, all those in favor of the motion say aye. (ayes) Opposed? The item carries unanimously with Commissioner Bellomo absent.

That now dispenses with item number four.

Moving on to Commission Member Questions, Comments and/or Announcements.

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

Chair Griffin: I would like to bring before you the possibility of a new retreat perhaps in January or February depending on what the Staff schedule looks like. We had one something like six months ago and perhaps the time is right to consider it again. Do any of you have any comments yea or nay on that topic? I am getting positives on my left.

Vice-Chair Cassel: Yea, I don't know how you are going to get it into January or February's schedule but let's try.

Chair Griffin: That being said would Staff please proceed apace to schedule a retreat for us at your earliest opening?

The next item is a cancellation for the PTC meeting for the 19<sup>th</sup> of November. Weren't there two meetings to be cancelled?

Vice-Chair Cassel: No, there is a meeting scheduled for the 24<sup>th</sup>, right? But the 26<sup>th</sup> of November and December 31, 2003 which is Thanksgiving Eve and New Year's Eve. Do you want a motion?

Chair Griffin: Are you happy with that Madam Secretary?

Ms. Grote: Along with that I would like to announce, I think you just mentioned it but instead of meeting on November 19 for a joint meeting with the City Council that would be November 24 which is a Monday evening. We will confirm the time there is discussion of possibly starting early, possibly starting at 6:00. So we will confirm the time with you.

Vice-Chair Cassel: That is urgent that I know that not just because I need to show up but I have to wrangle a way to get here early.

Ms. Grote: Six o'clock to eight, it is confirmed.

Vice-Chair Cassel: Do you need a motion to cancel those meetings?

1  
2 Chair Griffin: Evidently not. So unless there are other announcements, I am hearing none, the  
3 next item is not Approval of the Minutes apparently.  
4  
5 ***NEXT MEETING***: Special Meeting of a Joint Study Session with City Council on November  
6 24, 2003.  
7  
8 Chair Griffin: So our next meeting will be a Special Meeting on November 24, which is a  
9 Monday.  
10  
11 Vice-Chair Cassel: It is a joint meeting with City Council.  
12  
13 Chair Griffin: Thank you. On that we are now adjourned. Thank you all.  
14  
15 ***ADJOURNED: 11:00 PM***  
16