



Planning & Transportation Commission Action Meeting Agenda: May 31, 2017

Council Chambers
250 Hamilton Avenue
6:00 PM

Call to Order / Roll Call 6:03pm

Acting Chair Waldfogel: Ok, let's call to order the May 31st meeting of the Planning and Transportation Commission (PTC). Start with roll call.

Yolanda Cervantes, Administrative Assistant: Chair Alcheck, Commissioner Gardias, Commissioner Lauing, Commissioner [Note-Acting Vice-Chair] Monk, Commissioner Rosenblum, Commissioner Summa, Vice-Chair [Note-Acting Chair] Waldfogel. Six present one absent.

[Chair Alcheck absent.]

Oral Communications

The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

Agenda Changes, Additions, and Deletions

The Chair or Commission majority may modify the agenda order to improve meeting management.

Acting Chair Waldfogel: Great, we have the fuller agenda than we've had the last few meetings tonight, but we'll try to get through it efficiently. Any changes, additions, deletions?

1 Jonathan Lait, Assistant Director: Nothing on the agenda, but I would like to point out that we
2 are operating off of a revised agenda that was prepared last week I believe. So that should be
3 posted in the back.

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5 **City Official Reports**

6 1. a. Assistant Director Report, Meeting Schedule and Assignments

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8 Acting Chair Waldfogel: Ok, so let's get started with the Assistant Director's Report.

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10 Jonathan Lait, Assistant Director: Great, so this is a two parter today. One is just to bring your
11 attention to your upcoming calendar. You've got a number of items scheduled for the June
12 meeting. I know we have some vacancies or some absences happening in June, but you have
13 some the Commission in the past has requested a preliminary review of projects before they
14 get too far in the pipeline. I think we have at least one of those applications coming before the
15 Commission and other than that I will turn over the rest of the balance of this to Hillary
16 Gitelman, the Director for item 1B.

17

18 b. Comprehensive Plan Sub Committee Process and Schedule

19

20 Hillary Gitelman, Planning Director: Thanks Jon, Commissioners as you noted, as John noted we
21 sent you a supplemental agenda item for this report about the Comp Plan process. The if you
22 recall the Commission had a conversation about how to review the Comp Plan after it's referred
23 from the Council a while ago we talked about establishing subcommittees so we put together a

1 memo explaining how that could work that we'd love some feedback on today. Also
2 subsequent to your last discussion the Commission had a joint meeting with the Council where
3 you learned more about what they had in mind and also we as staff were much clearer about
4 the code section that's applicable here and so we communicated that to you also in our memo.

5
6 Just high level we expect the Council to do their referral on June 12th, but it would be we're
7 asking them to make it effective June 30th because we need a couple weeks to get everything
8 together and actually transmit it to you. So the 90 days would start on June 30th and we've
9 outlined a schedule of meetings starting with an orientation meeting for the Commission on
10 July 12th and then breaking the elements up into subcommittees, up into three pieces for
11 review by various subcommittees. The Chair who could not be here this evening has tentatively
12 assigned names to these subcommittees and I can tell you what those are and we're hoping
13 that this would work, but we're open to any thoughts or suggestions you have. And obviously
14 because we have to do this over the summer we're going to have work around vacation
15 schedules too and maybe move one topic up ahead of the other if needed.

16
17 So the Chair had tentatively thought that Rosenblum, Commissioner Rosenblum and Lauing
18 could do Land Use and Transportation then that would be scheduled the subcommittee
19 meeting would be scheduled on July 8th. Tentatively Commissioners Gardias and Summa
20 would be Safety and Natural Economic, Natural Environment and Waldfogel and Monk would
21 be Community Services and Business and Economics. So that's tentative appointments and I'm
22 sure Michael would be willing to talk to any of you about those suggestions. And obviously the

1 schedule plays a role here too, but we're open for discussion, suggestions, changes or
2 observations based on your meeting with the Council and your own thoughts since our last
3 discussion.

4
5 Acting Chair Waldfoegel: Great, thank you for the summary and for the memo. What I'd like to,
6 I'm on, right? Yeah. So what I'd like to do tonight is this is the first time we've had a chance as
7 a Commission to discuss this since our joint meeting with the Council. We did discuss this a
8 couple months' back and came up with some tentative process ideas, but I'd just like to circle
9 back and just have a discussion among us about what our intent and desire is for working
10 through this now that we understand the process better and the Council's expectations. So
11 what I'd like to do is just see who has if anyone wants to lead off with some comments on this
12 and just start off with a discussion.

13
14 Commissioner Lauing: I can start. First of all thanks for the clarification on the exact legal
15 constraints. I know we'd asked for that before and [unintelligible] really helpful. I mean really
16 helpful, candidly changed my thinking a little bit. So I spent a good deal of time kind of
17 reviewing those statutes and reading the text and so on which basically you're presenting
18 you're putting forth that there are two viable options for coming up with a new revised Comp
19 Plan. So looking at those two and jumping ahead it seems to me that when you look at those
20 two without explicitly really saying that the Council chose what I'll call Option 2, not the original
21 option which goes through the Planning and Transportation Commission (PTC) starting a couple
22 years ago. And they picked up, they put together the Citizens Advisory Committee (CAC) and

1 that was very large and diverse and representative and the CAC worked on that and they held
2 public hearings and worked with the Council to discuss their work. They met for countless
3 hours in the full committee and in subcommittees and worked down to the detailed level all of
4 these elements. And then the Council reviewed all of those elements also in detail down to the
5 wordsmithing which we see in Council meetings which is very hands on and very valuable. So
6 we're that far along and appropriately Council has praised the CAC for their efforts and their
7 and their outcome. And it seems like really most of the elements have been approved maybe
8 not all officially approved by Council from that process, but [it's always] been communicated to
9 the press and the Mayor even put out in his last letter to the citizens about the new elements
10 that had come forward that Council saw and liked.

11

12 So I keep thinking about this and I go well this is the this is kind of interactive process is exactly
13 what would happen with sort of "Option 1" in exactly the same way just different, different
14 body. So as they say upon further review here's kind of what I'm thinking and I welcome
15 colleague input. I'm really wondering if it's if further review by the PTC now is necessary and
16 certainly at the level that has been done so far because to me it seems pretty much redundant
17 with the process that just happened between CAC and Council. So why would we want to
18 duplicate that? And it also indicated in the statutes that it's not required that we review all this
19 again with the probable exception of one more hearing for the public which would be quite
20 appropriate.

21

1 And then the second part more to the more even to the process question is if we were to
2 review this right now I don't know, it just doesn't seem like a 90 day process. I feel like if we're
3 going to really do this we need to dig in if we want kind of appropriate thoroughness and
4 integrity and given the timeline that is being proposed it wouldn't be that 90 days anyway
5 because as Jonathan just said that's the middle of vacation period so I think we're going to have
6 some absences. So I don't know, I'm just looking at this with what you sent us and saying that
7 Council picked a legal and perfectly valid approach to get to a new Comp Plan. It was
8 productive. They like what they've got in terms of the interaction and they told us that at the
9 joint session, not every single Council Member, but they told us that. So I'm just wondering if
10 we shouldn't say mission accomplished and get on with other productive really important PTC
11 issues for the City and save staff some time as well as PTC just to jump on to some new stuff.
12 So that's I'm sorry for the monologue, but I wanted to be very specific about what I was
13 thinking so.

14

15 Ms. Gitelman: Chair Waldfogel, if you wouldn't mind could I just add a few thoughts in
16 response? I appreciate those comments. I think we did learn more at the joint meeting with
17 the Council and the Commission. I think I at least heard the Council say that they think the
18 Commission can add value during their review, but clearly the kind of rethinking major policy
19 issues that they've already discussed or getting down into the wordsmithing maybe is not a
20 constructive way to add value. But they're... we believe at least that there is an opportunity for
21 the Commission to take a look at the policies and programs in the draft that's been produced by

1 the CAC and the Council and really step back and see whether those policies and programs are
2 achieving the goals that are articulated in the plan.

3
4 And it could be that that review is at a much higher level than we anticipated when the
5 Commission first discussed this issue and maybe the subcommittees aren't needed for that.
6 Maybe it's just a series of hearings at the Commission. We know at the end of it we want you
7 to hold one formal hearing and we want you to provide a recommendation on the plan and the
8 Environmental Impact Report (EIR) to the Council. But it seems to me and we could do this
9 orientation presentation or a discussion on in July then we could have a series of other sessions
10 just on this kind of big picture, are the policies and programs as they've been articulated
11 achieving the goals? Are there big fatal flaws that have been missed in the wordsmithing that's
12 been going on? And that would be a really good addition to the process.

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14 Acting Chair Waldfogel: Other comments? Commissioner Rosenblum.

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16 Commissioner Rosenblum: So I think I completely understand and empathize with the
17 comments that were just made by Commissioner Lauing because I do wonder at the end of a
18 long process I think that the Council made clear they're reticent to consider substantial
19 changes. So I think that they really do want a quick review and then it's a bit of an odd position
20 that it's the first substantive chance we have to dig in after several years. On the other hand I
21 don't feel comfortable at all with saying mission accomplished because this is the major guiding
22 document of the City. We're the PTC. It's it is the chance to reengage with it even though I

1 think that there was substantial engagement before any of us were here. Just Commissioner
2 Alcheck was or Chair Alcheck was a member of that group that did some of the initial input, but
3 the rest of us had not.

4

5 So I like the current process as proposed. The Comp Plan is a fairly readable document and so if
6 each of us are doubling up on a section I feel like we can give it a pretty thorough reading and
7 invite some members of the CAC to talk to us about some of the disputes they had, some the
8 discussions and be able to come back to our colleagues with a pretty good summation. And
9 what I would say given Council input that our bar should be really high. It's not like everything
10 where there's some we could choose A or B and we're relatively indifferent, but we think
11 maybe we'd lean towards B. It's more like we think this is a major problem and now from our
12 lens we think that Council when you review this section here are the couple things that we
13 think are important and stand out and maybe we might do differently. So I think that we just
14 make our bar pretty high for what things we want to give input on, but otherwise view it as a
15 process that's coming to the very end and only if you spot like major omissions, major areas of
16 concern and that we should be able to do a good job to summarize that for the rest of our
17 colleagues and for Council. So I do feel comfortable with that and I think given the nature of the
18 document I think it's something that when we break it down in the subcommittees we can get
19 through pretty well. I'm also happy because I'm working with you so I think we'll do fine.
20 Alright so that's just my input. I personally am satisfied with this process.

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22 Acting Chair Waldfogel: Commissioner Summa.

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Commissioner Summa: I appreciate comments of Commissioner Lauing and I've kind of struggled and also being on the CAC I've been involved in the process and I have a couple problems. One is I was... I appreciate I don't want to rubber stamp something. It's too important to rubber stamp and I feel that's ultimately sort of what we're going to end up doing because of the time frame we have. I'm also are the subcommittee meetings going to be public meetings and are we going to have minutes and take public comments? That I don't think anybody, I don't think that was ever decided.

As to I have a problem with treating all the subcommittees and elements equally. It's very clear from the CAC process that it was Land Use and then Transportation that contain most of the policies that have the potential to change our City and I think we should all, I think we should give more weight to that. There were very few large policy discrepancies on the CAC if any in Safety, there are a few in Natural Environment, but not very many; I was on that subcommittee. So I kind of wonder if we're short we're giving we shouldn't be weighting Land Use and Transportation more heavily and be spending more time on it and not just limit it to two members of this body reporting back and having more, reporting back to the whole group and then having the same amount of time that Safety and... It just seems kind of wrong to me and I know on the CAC process we ended up having to have many more meetings for Land Use and many more subcommittees. You, some of you will remember the exact numbers I'm sure, so I don't off the top of my head so those would be some of my concerns. That's it.

1 Acting Chair Waldfogel: Commissioner Gardias.

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3 Commissioner Gardias: Thank you. So I agree with my predecessors. I don't feel comfortable
4 with the short 90 days' timeline for review. So before I say something [unintelligible] some
5 other comments would it be possible that Council would extend this period by another 90 days
6 so we could really dive into this? I know that this is following the legislation, but is it possible
7 that Council can by their vote to extend this term? I really think that just listening to this what
8 was said and also I would not feel very comfortable to provide you professional advice and
9 input within this short period of time given also vacation period. And I also totally agree with
10 the comments that Commissioner Summa just made that Land Use is the key of and
11 Transportation those are the key of our discussions here at every meeting. So I think that all of
12 us should wade into this, this two topics fully and then also maybe have sub-commissions
13 [note-committees] on the other topics. Also we discussed inviting others, representatives from
14 the CAC body to have the discussion and participate in our review. So my question is would it
15 be possible that Council would extend this period by another 90 days by their vote?

16

17 Ms. Gitelman: I think the Council could do that. I think thus far at least to staff they have I think
18 they've expressed their desire to conclude the Comp Plan project by the end of the year and so
19 giving the Commission that amount of additional time I think would compromise that goal.
20 Now of course Commissioners are welcome to contact their favorite Council Member and see if
21 they can't sway their opinion, but I feel like right now staff pretty much has direction to move
22 forward on this the schedule.

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Commissioner Gardias: Right and I totally understand this desire because it's been in the works for many years so naturally it's the propensity just to end this process is I totally understand it, but the then what is missing from this review is objective. So I appreciate the document that Director provided for this meeting and with the proposal of the subcommittees, but I think that it should be thought through farther and they're clearly before we sit to review anything there should be a first discussion about this what we're trying to accomplish. Because if there is not going to be a level playing, a level field to the objectives of the review then pretty much sums up committees may arrive with different recommendations than the others and it's going to be inconsistent. So first there should be a discussion about the objective of the review and the Commission should establish a common understanding about the [cut offs] are we how deeply we go for how long period of time, what items we should be modifying we should not, and etcetera. But again I still think that regardless of even if we improve it 90 days it's not enough.

Acting Chair Waldfogel: Commissioner [Note-Acting Vice-Chair] Monk.

Acting Vice-Chair Monk: I agree with the direction that we received from Director Gitelman that it is within our purview to review the Comp Plan. I don't know that an hour and a half to two hours 1 time is going to achieve that so I don't know if there's another away, another way to do this by subcommittee, but not have it publicly noticed. I don't know if there isn't a way around that. That would be my only input.

1 Acting Chair Waldfogel: Ok, anybody have any second comments? And what I would add to this
2 I understand the points that are that are being made. I am, I don't feel like 90 days starting on
3 June 30th is a serious offer to get serious work. I mean given travel schedules I'm going to be
4 gone for a lot of July and August. That's just the way it is. And I mean I think that if we were to
5 take this on more time and a start date closer to September 1 would be a rational approach
6 because otherwise we're just piling things on at a time of year when people just aren't, don't
7 tend to be available. So at a minimum if we're going to take this on I think we need more time
8 and a later start date. I don't think we can do a... I don't think we can do a serious job with
9 what's proposed in front of us.

10

11 I also agree with Commissioner Gardias' point that we need some clarity around objectives,
12 what the statute refers to is just a report that's issued by the Planning Commission in response
13 to Comp Plan updates that are generated by the Council. As far as I know there's no statutory
14 content dictated for that report. I mean the content of that report could just be that we
15 received the Comp Plan. I mean that there's no other response. I mean if we honestly don't
16 know what the purpose of this process is because there's no obligation to review there's just a
17 an option for the Planning Commission to issue a report. So I think there's some not quite clear
18 exactly what that what the steps look like, but I think these things that if we're going to do this
19 more time and a later start date are essential prerequisites.

20

21 Ms. Gitelman: Well Chair Acting Chair Waldfogel I don't know that we're going to resolve this
22 this evening; sounds like we have a pretty split Commission on this set of questions. I will

1 certainly convey to the Council the staff report for the 12th was already written, but in the staff
2 presentation we can certainly convey to that Council your desire, the desire of some of you to
3 have more time and to start the 90 days or the review cycle later in the year. I think we'll also
4 stick with our plan to come back on July 12th with a orientation to what's in the plan that the
5 CAC and the Council have developed together and at that time have the opportunity to talk to
6 you about what we think the Commission's review could add in terms of value, exactly what
7 kind of input we would be seeking, and why we think that's important. And maybe before then
8 I'll circle back with the Chair and I guess we have to make the decision before then about
9 whether we're going to establish subcommittees or not and it sounds like we're pretty divided
10 and at least on the Land Use topic we maybe don't want a subcommittee because everyone
11 might want to be involved in that one. Is it, am I hearing that correctly? Maybe we can just get
12 that agreement on that.

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14 Acting Chair Waldfogel: I'm not sure that we have consensus on this.

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16 Ms. Gitelman: Ok.

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18 Acting Chair Waldfogel: I mean I think the sub... if we're following a subcommittee format doing
19 some pre-work in a subcommittee is always valuable, but we (interrupted)

20

21 Ms. Gitelman: Right.

22

1 Acting Chair Waldfogel: I think the indication is we may need more than one hearing as a full
2 Commission to take on those topics. My suggestion might be that Chair Alcheck or Chair
3 Alcheck and I reach out to the Mayor to discuss what their objectives, once again what their
4 objectives are based on this conversation. And then we can based on that we can all
5 collectively make a decision on how to proceed.

6
7 Ms. Gitelman: Well again I think the full Council will be adopting a motion on June 12th and the
8 motion as we've at least framed it for them in the staff report would be something like request
9 that the Planning Commission conduct a review and make a recommendation. So they would
10 be actually formally asking for your review and a recommendation and we can of course
11 transmit that back to you. And I think City Attorney representative had something to add?
12 Never mind.

13
14 Acting Chair Waldfogel: Commissioner Gardias:

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16 Commissioner Gardias: Yeah, one more question. Would it... this is to my colleagues, would it
17 be possible that we could just take it as our agenda topic for the next meeting and discuss our
18 objective and the [staff] discuss our stand. Take a full hour and just review variety of different
19 options for how to approach this plan and then agree with some consensus vote how we want
20 to proceed.

21
22 Acting Chair Waldfogel: Would that be a possible approach?

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2 Ms. Gitelman: Yeah, I think that would be possible. Your next meeting is on June 14th so it's
3 two days after the Council. We'll know what the Council action is taken.

4

5 Commissioner Lauing: So they will have already given direction? So.

6

7 Acting Chair Waldfogel: Right. Ok. That seems like a reasonable approach to take.

8

9 Ms. Gitelman: Ok. We'll schedule a repeat performance June 14th.

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11 Acting Chair Waldfogel: I'm sorry (interrupted)

12

13 Ms. Gitelman: 14th.

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15 Acting Chair Waldfogel: Following comments. Yeah. Commissioner Rosenblum.

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17 Commissioner Rosenblum: Yeah, I just had a couple of questions about the intent of the
18 subcommittee because I think maybe people have different ideas of what that means. My
19 understanding would be that with the subcommittee with a maximum of three that we would
20 be able to have conduct our own non-agendized meetings that are Brown Act compliant. So I
21 had expected that the subcommittee so if the subcommittee is myself for example and
22 Commissioner Lauing the two of us would get together, do a thorough reading of the section

1 that we're assigned, be able to interview members of CAC or others, do external research and
2 then the agenda meeting would be when as a full Commission we get together and the two
3 of us would say based on our reading and based on the [property] and we would provide the
4 preparation report in advance so that would be publicly noticed and publicly available, but that
5 would be the session so that the subcommittee would be able to do quite a lot of work. And I
6 just want to make sure that I believe that that was the intention of this structure that you're
7 that you've recommended.

8
9 Ms. Gitelman: I think just one addition to that which is we envisioned as staff participating in a
10 final meeting of the subcommittee and preparing a packet for you that would help you then
11 convey to the full Commission your thoughts recommendations.

12
13 Commissioner Rosenblum: Yeah. Ok, so just with that clarification for the record I'm
14 comfortable with that. I do understand though that this is like high vacation period. People
15 may have differing availabilities and so I'm quite also happy to support Commissioner Gardias'
16 recommendation that the next meeting we have we hash out the various options and which
17 one we prefer. I think that that's wise. For me personally the recommendation as it stands I
18 think a couple of motivated Commissioners can get through the section, conduct interviews,
19 and create recommendations in nine days, but there's obviously different schedules and
20 different availabilities.

21

1 Ms. Gitelman: One note about the plan to put this on next month's agenda. Of course we can
2 do it. You do have two pretty meaty items already on the June 14th agenda, the Downtown
3 Parking Management Study is coming to you for the initial kind of study session and briefing.
4 It's a very complex topic with a lot of interlocking parts. And then you have a development
5 project 2755 El Camino for it's an initial review though. It's not a final. Ok, no action, but it's an
6 introduction to a project on the Santa Clara Valley Transportation Authority (VTA) site Page Mill
7 and El Camino.

8
9 Acting Chair Waldfogel: Great, Commissioner Summa did you have any other comment? Yeah.

10
11 Commissioner Summa: Yeah I just want to restate that I think the Land Use and Transportation
12 should be given more weight because it is the element on the CAC where we had the most big
13 policy discrepancies. I don't know maybe there should be two subcommittees for that or
14 maybe staff can think about how to handle that, but I think there should be at least two full
15 meetings and if staff could think of maybe about a recommendation and my fellow
16 Commissioners for handling that and giving it more importance. I mean I don't think there
17 were any significant discrepancies for... on Community Services or Safety so it just seems funny
18 to give them all the same time and emphasis through this process.

19
20 Acting Chair Waldfogel: Thank you. Ok, any other comments? Or going, going, gone. Ok,
21 thanks. So let's move on to the next item on the agenda.

22

1 **Study Session**

2 Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

3 2. Highway 101 Pedestrian/Bicycle Overpass and Adobe Creek Reach Trail Project
4 [17PLN-00086]: Planning and Transportation Commission Review of a Proposal for
5 an Overpass Structure Near San Antonio Road, and Trail, and Reconfiguration of the
6 Adjacent Parking Lot at 3600 West Bayshore Road. Environmental Assessment: Not
7 a Project. The Formal Application Will be Subject to California Environmental
8 Quality Act (CEQA) Review and National Environmental Policy Act (NEPA) Review.
9 Zoning Districts: PF(D), PF, ROLM, and GM. For More Information, Please Contact the
10 Project Planner Claire Hodgkins at claire.hodgkins@cityofpaloalto.org.
11

12 Acting Chair Waldfogel: Study session it's officially Item 2, Highway 101 Ped Bike Overpass, and
13 we I believe there's a staff presentation and then we'll go to public comments. So right now I
14 think we have one speaker card for this. Yeah.

15
16 Jonathan Lait, Assistant Director: So Chair **[Note-Acting]** we'll just need a minute to set up here.

17
18 Acting Chair Waldfogel: This doesn't count as us extending the meeting. That's ok, take your
19 time.

20
21 Claire Hodgkins, Project Planner: Good evening Commissioners, my name is Claire Hodgkins and
22 I'm the Project Planner for this project. Tonight we'll be discussing the 101 Bicycle and
23 Pedestrian Overpass and Adobe Reach Trail Project. The proposed bridge crosses Highway 101
24 between East Oregon Expressway and San Antonio Road overcrossings. And provides year
25 round bicycle and pedestrian connection between commercial/residential uses west of
26 Highway 101 and the walking/biking trails in the Baylands east of Highway 101 and it also
27 completes the Adobe Creek Reach Trail Project.

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The project crosses four separate parcels within four distinct zoning districts. So the project site is zoned PF, PF(D), ROLM, and GM going from west side or east side to west side. Through previous meetings and hearings Council has already selected the alignment of the bridge, the type of structure, and the budget for the project. City Public Works Engineering Division will refine the project based on your input, Architectural Review Board (ARB) input, and public input and formally apply for a site and design review process following this preliminary study session.

So with that said what we are looking for the Planning and Transportation Commission (PTC) to comment on tonight is trailhead refinements. There are three of them at East Meadow Drive, East Bayshore Road, and West Bayshore Road. The addition and design of the overlook any landscaping, lighting, railing and fence design, anything to do with the type of signage specifically way finding and directional signage and the location of amenities. So with that I'll turn it back to you and recommend that you hear from City Public Works Engineering.

Acting Chair Waldfogel: Great. Thank you very much for the presentation.

[Man-Roy?]: Thank you. I think we're going to start with the video first. How do we get back? So we produced a little video presentation in September when we first looked at this thing back with Council so.

1 [Man talking off microphone or maybe the video?]: Adobe Creek. And the baseline bridge
2 structure consists of a steel bowstring truss crossing over Highway 101 and Bayshore Road and
3 concrete approach structures that connect to East and West Bayshore Roads. We will begin the
4 tour at the Adobe Creek trailhead where the trail is open for safer access from Meadow Drive
5 to West Bayshore Road. As we walk northbound along West Bayshore Road Path where the
6 existing sidewalk currently merges with a bike lane at Adobe and Barron Creeks there is now a
7 prefabricated steel truss bridge and pedestrian access ramp that safely carries pedestrians
8 separate from the traffic on West Bayshore Road. The West over crossing ramp hugs Barron
9 Creek and carries pedestrian and bicycle traffic over the existing Google parking lot. The
10 principal span over the freeway is a pre-fabricated steel bowstring truss clearing all lanes of
11 Highway 101 and Bayshore Road.

12
13 Continuing along the path we approach the Baylands Overlook which provides an open view
14 area where the community can take in the scenic vistas of the Baylands nature preserve. The
15 Overlook will be decked with reclaimed timber to give it some warmth and color and texture.
16 The path provides ample width for both pedestrians and bicyclists. The eastern approach
17 tramp carries traffic along a sweeping curved alignment over the existing Adobe Creek Loop
18 Trail and connects to the Bay Trail connection which allows for easy access to the trail for both
19 pedestrian and bicycle users. Some basic amenities will be provided at the trail connection.

20
21 The bridge provides a convenient connection to the Baylands from South Palo Alto. The steel
22 span eliminates a column in the freeway which will reduce construction impacts. Walking

1 southbound on West Bayshore Road gives a good view of the bridge from below and where the
2 sidewalk had previously merged with the bike lane at Adobe and Barron Creeks the pedestrian
3 access ramps now provides an Americans with Disabilities Act (ADA) accessible path which
4 allows pedestrians to continue separately from traffic or turn to access the multi-use path
5 structure. This will also allow the dedicated bicycle lane to continue on West Bayshore Road
6 over the creek channel.

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8 Driving northbound along Highway 101 the steel truss is a unique gateway for the City of Palo
9 Alto. What has been developed is a cost effective and attractive alternative that responds to
10 the goals identified by the City, the community, and various interested stakeholders and
11 provides safe, functional, year round public access to the Bay Trail and to the natural beauty of
12 the Baylands.

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14 This is the Highway 101 multi use path overcrossing project at Adobe Creek. And the baseline
15 bridge structure consists of a steel bowstring truss crossing over Highway 101 and Bayshore
16 Road and concrete approach structures that connect to East and West Bayshore Roads. We will
17 begin the tour at the Adobe Creek Trail head where the trip [off microphone-completely
18 unintelligible at 38:39ish].

19
20 Roy Shaibal, [Consultant Company Unknown]: Ok, well thank you. My name is Roy Shaibal. I
21 am the consultant Project Manager for this project for the City.

22

1 So in this image we are looking at the major project elements for the bridge. The items in red
2 are the major structural elements. The items in blue are the areas of confluence and
3 integration of the bike and peds on this area and they include the western approach access (E),
4 the Baylands Overlook (F), and then the trail connections (G, N, H). The western approach
5 access basically if you're traveling south on West Bayshore as you approach the confluence of
6 Barron and Adobe Creek the sidewalk ends and as you can see the picture it directs you into the
7 bike lane and then on the other side there isn't a sidewalk so you have to travel on the bike lane
8 until you get to the Benjamin Lefkowitz undercrossing entrance which is basically unsafe.

9
10 We were directed to look at a secondary connection point in the form of a staircase to create a
11 little bit more direct connection for southbound pedestrians. We re-envisioned the pedestrian
12 staircase as a ADA accessible ramp and what it allows us to do is give equal access to both the
13 pedestrians and the disabled. It also allowed us to continue the sidewalk from this side of West
14 Bayshore all the way to the Adobe Creek Trail. And then it also allowed us to return the bike
15 lane that was being shared with the pedestrians back to the to dedicated to the to a singular
16 bike lane. So we actually with this one connection we got a three for one.

17
18 Acting Chair Waldfogel: Excuse me, is this part of our packet? I'm not finding the page. Is this
19 part of our, this [unintelligible] this deck that we have I'm not finding the page for this.

20
21 Ms. Hodgkins: I'm not sure if I think the one you're holding was the one that I prepared not
22 them. Not the applicant. It doesn't look like this is printed out. [Staff talking off microphone].

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Mr. Lait: So I guess the answer is no we don't have that, but I think we're going to see if we can't get something printed for the Commission.

Mr. Shaibal: Continue?

Acting Chair Waldfogel: How many more slides you have?

Mr. Shaibal: Fourteen maybe.

Acting Chair Waldfogel: I think I probably would prefer to wait until we have them.

Commissioner Summa: I just want to also ask on your slide it says western access structure. Is that different from the western approach structure?

Mr. Shaibal: Same.

Commissioner Summa: Ok.

Mr. Lait: You have some speaker cards while you're waiting it would be ok if the Commission wanted to hear from the public and then we can pick up the presentation afterwards.

1 Acting Chair Waldfogel: Yeah we can proceed with that.

2

3 Commissioner Rosenblum: Yeah I'm a little I wanted to ask the Chair or Acting Chair the
4 objection because I think all of this was in the plans that are linked in our staff report there's
5 the online resource with all of the development plans and so I think all of this was in that
6 package. I mean they've put it on a slide, but it's I believe these are all existing materials from
7 the plans that are online.

8

9 Ms. Hodgkins: Yes.

10

11 Commissioner Rosenblum: For the planning I whatever dot com site. So is the problem that
12 (interrupted)

13

14 Acting Chair Waldfogel: [Unintelligible] referencing what's distributed on paper. I'm not cross
15 referencing to the links.

16

17 Commissioner Rosenblum: Ok.

18

19 Ms. Hodgkins: Well, but this was I mean this information was provided in the plans it's just been
20 pulled out to kind of summarize for you.

21

22 Acting Chair Waldfogel: Yeah and I'm just finding this presentation format to be a bit awkward.

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Mr. Lait: Ok. So yes to Commissioner Rosenblum’s comment this is linked in the report to the various materials, but again we heard your comments and your while we're waiting because it's going to take I think some time to print out some copies it might be a good time to hear from the public.

Acting Chair Waldfogel: Ok, how many speakers do we have?

Acting Vice-Chair Monk: We’ve got four speakers. Anyone else for this project, Item Number 2? So we have five minutes allocated. Is that what we want to spend or do we want to change that in any way?

Acting Chair Waldfogel: Let’s start with five minutes.

Acting Vice-Chair Monk: Ok, so the first speaker is Roy Snyder and then Jeff Saunders, Shani Kleinhouse, and Robert Neff.

Roy Snyder: Thank you very much. So my name is Roy Snyder. My wife and I have lived in the South Palo Alto [unintelligible] Palo Verde neighborhood for about 40 years and all but in the most inclement weather we are out at the Baylands two to four times a week using the existing Adobe Creek under passing or the overcrossing at Embarcadero. In the words of our children we are bird nerds and very interested in birding and nature.

1

2 So two quick points and I'm actually going to skip to my second point because it picks up on a
3 couple of references which you just saw. The Adobe Reach Trail should be opened immediately
4 even if in a temporary configuration. I noted the presentations from references, multiple
5 references to safety relative to the western approach. The bike lanes along West Bayshore
6 particularly northbound are unsafe. Southbound vehicles to drift into the bike lanes at the right
7 hand curve onto Fabian. I never use the bike lanes on West Bayshore. I ride on the by, I ride on
8 the sidewalk or I ride behind the buildings to get to the trailhead. It seems to me that you've
9 got a the Santa Clara Valley Water District right away from East Meadow to the trailhead is
10 available right now. There's two gates that are locked. They can be opened up. The surface is
11 perfectly suitable for biking. I know there's some agreements that have to be worked out with
12 the Water District and I suspect they are not the most, the easiest people to deal with because
13 they've got their own priorities, but I think that you should really work on getting a better
14 approach onto the west side of this undercrossing as it exists now in place soon because there's
15 it's a safety issue.

16

17 Second point has to do with the fact of this overlook that you've got on the east side. As I
18 stated we're interested in birding, we're interested in nature. I go through that point multiple
19 times a week and I will tell you that there is nothing there of any natural interest. The traffic
20 noise from Highway 101 is disruptive. There's fumes from the freeway. I think that the money
21 could be better used and applied somewhere else in the project. If you do put an overlook
22 there you're going to have some congestion that's going to cause problems for some bikers.

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With respect to the drinking fountains, the trash containers, etcetera, etcetera if you're going to put those in they should probably be better located up closer to the Coast Casey Forebay where the Baylands trails passes through. So that's basically it. I do want to... well the final comment is my first meeting on this project was in September of 2010. This has dragged on for a long time. It's a relatively simple civil engineering project and I would certainly like to see it completed soon. Thank you for your time.

Acting Vice-Chair Monk: Thank you. Jeff Saunders please.

Jeff Saunders: So my remarks are a little bit out of the scope of the current project, but it's towards a future vision of the project. So the northern end of the West Bayshore side connects right into Sterling Canal. Sterling Canal if you look on the map on Page 22 goes right between the R1 sort of Louis/Kenneth area and the LM 30 buildings along West Bayshore. As the previous speaker said the bike paths along that part of West Bayshore are terribly unsafe. Average vehicle speed along West Bayshore is about 50 miles an hour. The bike lanes are narrower than standard spec. The northbound bike lane terminates before Amarillo. The southbound bike lane originates south of Matadero Creek so they don't get you all the way to Oregon Express, Oregon, sorry, Colorado Street. They don't get you all the way to Amarillo or Greer Park so they're kind of useless. They're paths to nowhere.

1 If you take that pedestrian and bicycle traffic onto Sterling Canal behind those buildings on
2 West Bayshore it gets them off of the dangerous street and Sterling Canal when the condos on
3 West Bayshore went in five-six years ago the developer improved the part of Sterling Canal
4 from Loma Verde to the terminus of their property which is where the city utilities area is right
5 next to Greer Park. So with a bridge over Matadero Creek it would connect you all the way
6 through to Greer Park and then through Greer Park to Amarillo Street is totally circumventing
7 bicycles and pedestrians on West Bayshore. Further the sidewalk in that stretch of West
8 Bayshore is not ADA compliant. So having pedestrians and bicycles going there there's fire
9 hydrants in the middle of the sidewalk, there's street lights in the middle of the sidewalk, it's
10 not wide enough for wheelchairs/strollers. So as a future vision getting those pedestrians and
11 bicycles onto Sterling Canal it would be beneficial to everybody. It's a much nicer walk as well.
12 That's it. So good plan, please proceed with it.

13

14 Acting Vice-Chair Monk: Shani Kleinhaus.

15

16 Shani Kleinhaus: Thank you, it's Shani. We have an extra N there (interrupted)

17

18 Acting Vice-Chair Monk: My apologies.

19

20 Ms. Kleinhaus: [Unintelligible] and I might have. I speak for the Santa Clara Valley Audubon
21 Society. I also am a resident of Palo Alto and I live in Adobe Meadows which is the
22 neighborhood that will probably be using this bridge most and so I'm happy to see it move

1 forward. I've provided comments before several times. I talked to the designers earlier and I
2 hear that some of those suggestions that I've, we've made before were are being discussed.
3 That include trees like willows and other trees that are not too high, but do provide a lot of
4 habitat instead of hydro seeding grasses in some of the loop areas and potentially putting some
5 nesting sites for swallows in parts of the structure where that is possible because that alives,
6 livens everything when swallows come and nest.

7

8 I want to kind of respond to what I saw today. This is should have been a very sensitive
9 ecological ecosystem and is on the eastern side. On the western side we have two creeks that
10 come together. Usually a confluence of two creeks would be part of the most sensitive area in
11 a creek and unfortunately most of that is concretized and it's a pretty unpleasant place to go.
12 There used to be a lot of plants along the levee there. It's kind of difficult to get there because
13 you have to kind of encroach on Water District property to actually see what's going on there,
14 but there used to be a lot of vegetation on the levee or between the two levees there's actually
15 two. The Water District removed all of that so should I wait? I don't know I mean...

16

17 When I see the plans for the western approach the when they talk about the trail [hud, hud of
18 the] creek in that area that poorly means that there's no vegetation between that poor creek
19 and the trail. I don't know for sure you guys can look into that, but that place is hot, it's
20 exposed, it's all concrete now we're adding more. It's not like there's not a lot of
21 [unintelligible], but there's a few trees still between the parking lot of that office building and
22 Barron Creek over there. Just a few, just a little. If there is a way to soften that and to add

1 vegetation between the up ramp going onto the bridge and Barron Creek that would be really
2 important for that creek. And any place you can put trees in that whole ecosystem it's missing.
3 There are some eucalyptus on the eastern side, but the western side is basically has nothing.
4 Everything was gone and replaced with asphalt and concrete. So this should be an opportunity
5 to put some of that the back and I don't know how to do that, but if I had to choose you know
6 put a lot of money into an overlook or do a little bit of habitat restoration over there I would
7 encourage to do a little bit of habitat and put the Overlook somewhere or have a water station
8 somewhere else so that people can get drinking water. So thank you.

9

10 Acting Vice-Chair Monk: Next up is Robert Neff. Sorry, first time on the machine.

11

12 Robert Neff: Good evening, Commissioners. My name is Robert Neff. I'm a Palo Alto resident
13 and a member of the Pedestrian and Bicycle Advisory Committee for the last seven years which
14 basically is how long this project has been going along. And today I wanted you to encourage
15 you to keep this project moving. This bridge has several unique [cat] challenges and certainly
16 the what they just start talking about the western approach is something that we didn't see a
17 solution for until this team started working on it and it's really an elegant solution to improve to
18 make bring into existence a sidewalk and a bike lane both on that side of this creek. It's really
19 creative and solves other problems which that probably won't even get to it that bridge. And at
20 the same time they've been very focused on keeping this within cost and I hope... and I hope as
21 we look at changes to improve the design we'll keep that in mind. We want to stay within the
22 costs so that we can keep it within our budget and keep it moving ahead.

1

2 Let's see, and I am encouraged by the speakers. I agree the Adobe Reach Trail should be
3 opened right away hopefully by the Fourth of July because this site sees the biggest bicycle
4 traffic jam in the City on the evening after the Fourth of July from all the people coming back
5 from shoreline and as well as the canal project. Thank you.

6

7 Acting Vice-Chair Monk: I think that's it. Is there someone else?

8

9 Acting Chair Waldfoegel: Do we have any more Speaker cards for? I'll leave the public hearing
10 open until after the staff presentation is done just in case. Ok, why don't you continue with the
11 presentation?

12

13 Mr. Shaibal: Ok, thank you. So basically we discussed discuss the western access structure or
14 approach touch structure. On the eastern side we have the approach overlook and what we
15 were directed by Council was to provide an overlook so that people could rest, reflect, and
16 appreciate the Baylands, but they wanted it to be very basic and minimal. And so what we
17 envisioned was an extension of the existing pathway with some minimal amenities which
18 included benches and some educational signage. Based on the feedback that we've received
19 there have been some concerns. One was if we're going to put benches they would like to see
20 the benches have back rests and arm rests for the elderly. There were also there was also a
21 comment with regards to bicycles just there wasn't a place for the bicycles to be stored and
22 basically they would be rest, rested up against the railings. And we have fairly minimal we only

1 have a four foot minimum ADA compliant pathway so there with those with some of those
2 changes there was some recommendation to expand the overlook slightly and increase it.

3
4 Another addition is the City has hired an artist and the artist wants to do something more
5 functional with the art and is looking towards the amenities and the railings at the overlook as a
6 possible location for some of the artwork. And so they're also looking at potentially expanding
7 the overlook area slightly to accommodate some of these installations. We have to look at this
8 from a budget standpoint because we were directed by Council to maintain budget. So we're
9 going to start doing some [surettes] with the artists to see what can be done in the area and
10 still keep it within the directives that we were that were established in September by City
11 Council particularly for this area.

12
13 Now look at some of the other connections so the main connection is the first one is the
14 primary one is that the Bay Trail. We were asked by the PRC to look at improvements in safety
15 especially in those areas where the pedestrians and the bicycles came together. So we've
16 revised this to be a roundabout. We've coordinated with staff and with Palo Alto Bicycle
17 Advisory Committee (PABAC) and have accommodated their comments and basically this
18 reflects the changes that have been made based on those comments.

19
20 On the other connection at the Adobe Reach Creek Trail on the West Bayshore side this is
21 mostly controlled by the Water District and they want a fairly large area with a fairly large
22 opening that will accommodate their maintenance vehicles when they do their seasonal

1 maintenance. So basically it's left pretty open and this has the benefit of being a fairly wide
2 open area for the confluence of the pedestrians and bicyclists to occur.

3
4 On the other side, on the East Meadow side the City is currently doing a doing projects for bike
5 boulevards in and around this area. We've coordinated with staff and they would like to see
6 some of the chicanes and raised crosswalks incorporated that they're doing in those parts of
7 the bike boulevard project incorporated here on the East Meadow Drive crossing. So we've
8 included the pedestrian bulbs and the raised sidewalk with the striping and markings that are
9 consistent with those projects.

10
11 The base architecture we've gone through an ARB study session and we've incorporated some
12 of their directions and their feedback. Basically we're looking at a self-weathering open steel
13 truss. We're looking at welded wire mesh for the main fencing material. And then in the
14 concrete flat surfaces we're looking to place some form lined images to create some texture
15 and some visual appeal. So basically this it's a very fairly industrial look. As part of the context
16 for this that's the existing Adobe Creek Bridge very close to where our roundabout is going to
17 be located. And it basically creates a little bit of the context and the nature of what we're
18 trying to do with the rest of the truss structure.

19
20 With regards to the landscaping we are impacting a number of trees particularly on the west
21 side. We have to replace those trees and based on conversations and coordination with your
22 Urban Forester and your Landscape Architect we have identified some areas including the area

1 adjacent to our path between Adobe Creek to locate of a number of trees that couldn't all be fit
2 on the other side and those will consist of Box Elder Willow and Pacific Wax Myrtle. These are
3 trees that are not as attractive to predatory birds. So within the Baylands area there is some
4 limited placement of some trees with the replacement or restoration of a lot of the non-native
5 grasses that are in that specific area with native grasses specific to the Baylands. On the other
6 side we're replacing some of the trees in kind. Some of the trees were not preferred by your
7 Urban Forester and so we included some Wax Myrtle's on this side to basically tie the
8 landscaping from the other side onto this side. And so these are some of the species that we're
9 looking for replacing on the Google property including their reconfiguration of their parking lot.

10

11 With regards to lighting we're utilizing a combination of pole lighting predominantly on the
12 western side, some integrated rail lighting, some under bench lighting, and some marker lights.
13 Basically this gives you a taste of the vocabulary of the lighting. As you can see the pole lights
14 disperse a more soft more expansive lighting situation and the rail lights tend to be more
15 intense and very focused. So you can kind of see the difference between the two on the on the
16 image on the left, on the right the aerial view.

17

18 With regards to signage we've coordinated with staff particularly with their bike boulevard
19 project. The image on the top left is the sign that they're using on the bike boulevard projects
20 and that they would like us to utilize in all of the areas where we have the pedestrians and
21 bicyclists coming together and requiring direction. We felt as a team that they were a little bit
22 too bike centric and we wanted to somehow reflect the shared nature of this path and so we

1 were looking for alternatives from them and for some direction on how to basically create
2 some of that shared use identification. One of the ways to do it was to specialize toppings. The
3 examples on the right are some that we sort of skip, took from another project and we formed
4 up. There are three informational items on these signs: destination, distance, and duration.
5 The first sign on the left is destination only. The second is destination and distance. And the
6 third is destination, distance, and duration which is what was recommended on the original
7 sign. This sign has destination durations for both the pedestrians and bicyclists and it's getting
8 a little busy and so I think at a minimum staff wanted at least the destination and distance
9 indicated in the sign so.

10

11 We also looked at service way finding. We have some amenities. The two that are most noted
12 is the bike repair facility and the water fountains. We think that there's probably getting too
13 many signs and we're not recommending to utilize any service way finding at this time. We also
14 looked at some more information signs and there are some trail etiquette signs that can either
15 be placed as signs themselves or as pavement markings. And we're working with staff to
16 identify the locations and the preferred alternatives whether we look at signs, whether we look
17 at pavement markings only or whether we look at a combination of the two. And so what's
18 shown in the middle the shared path, the shared path for pedestrians and bicyclists those signs
19 are the signs that we got from staff that they've been coordinating with PABAC for use and
20 shared paths so hopefully we have some direction and some signs that are consistent with sort
21 of the look and feel that we want to create here in this path here.

22

1 With regards to the enhanced amenities it looks like some of the images fell out. And so the
2 first one on the left would have is basically a hydration station. It's got a water bottling facility.
3 It's got a pet water, watering station and a water fountain and that's what we're recommending
4 to use. We're only locating one in the project and that's the one on the Bay Trail. We had
5 originally looked at one on the Adobe Creek Trail, but it's in Water District right of way and they
6 want us to limit the amount of amenities that we put in there in their right of way. The one
7 below it is the bike repair stand. The PABAC asked us to locate some bike repair stations and
8 we're planning to put one in each trailhead at the West Bayshore trailhead and at the Bay Trail
9 trailhead. And then trash receptacles would be at located at the same and they'll be two trash
10 receptacles one for trash and the other for recycle. And basically this is the standard that's
11 utilized in the City parks so it's consistent with their the same sort of amenities that they do in
12 the parks. And then the last is the bike rack and the only location we're planning to utilize a
13 bike rack is probably at the overlook to mitigate that issue of just having a place for the bikes to
14 be stored. And with that that's the end of my presentation.

15

16 Acting Chair Waldfoegel: Thank you very much. Ok, any other public speakers before we move
17 on to Commissioner comments? I'll just remind everybody that this is a discussion item.
18 There's a it's study session there's no action item, but why don't we just start on my left and
19 Commissioner Rosenblum.

20

21 Commissioner Rosenblum: So thank you. I'm also I've been watching this from the beginning
22 and I used to live right off East Meadow and work at Google so I would go through the

1 underpass while it was open and if it wasn't open I'd go over the harrowing choices which are
2 all, were all terrible. So this is great.

3

4 So a couple questions; from the drawings the entry points seem to be open meaning on my
5 bike I could expect to ride all the way down through the entry point or is there go... or is the
6 intention that there will be something to slow down cyclists, force dismount?

7

8 Mr. Shaibal: So at the main entry points the intention is that the bicyclist wouldn't have to
9 dismount.

10

11 Commissioner Rosenblum: Ok.

12

13 Mr. Shaibal: You could get through them. So one of the things that we did was we were
14 discussing with the Water District to open up that portion of the Adobe Creek Trail to facilitate
15 more safe bicycle (interrupted)

16

17 Commissioner Rosenblum: Yeah.

18

19 Mr. Shaibal: Access to this. So all of that should be fairly wide open, widely open. They may
20 require us to put bollards at that location. I'm having a meeting with them this week to sort of
21 resolve some of those issues. There is a bollard on the other side in front of the pedestrian, the
22 existing pedestrian (interrupted)

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Commissioner Rosenblum: Yeah.

Mr. Shaibal: Trip bridge at the trail, but we're utilizing the roundabout to mitigate and traffic calm which we believe is safer than the bollards (interrupted)

Commissioner Rosenblum: Yeah.

Mr. Shaibal: Both for the bicycle and pedestrians perspective. The only area that we will probably sign for access control is the access ramp. And basically we're going to put signs up to dismount for the access ramp just because it's narrower. It's at a seven and a half percent slope. So we want to make sure that the pedestrians are not being run into in that location.

Commissioner Rosenblum: Yeah so the additional input that I would give is that for turning radiuses and getting on and off or get all entry points should be designed to include bikes pulling trailers, bikes pulling trail bikes. That's one of the major deficiencies of the Oregon Express Overpass which is very, very difficult to get through pulling a child or pulling a trailer.

Mr. Shaibal: OK.

Commissioner Rosenblum: And the issue of safety to me anyway usually comes from lack of visibility when someone's coming on a turn and then someone's coming down. So it's also

1 difficult for me to tell from the renderings although it seems like they're fairly open and gentle
2 approaches, but this is the other thing that I would look out for in terms of if you have
3 pedestrians coming up and bikes coming over to make sure those intersection points are highly
4 visible and so that there's not someone just walking in to the path potentially of a cyclist. And
5 that's something that from the rendering does not look like a problem, but would be good for
6 you guys to take a more expert look at.

7

8 Mr. Shaibal: Yeah, so we've actually considered a lot of that, those considerations and so the
9 railings around all the curves specially inside railings are 48 inches high so basically you have
10 visibility around the curves and you can see a pretty good distance down the curves. We're
11 trying to create visual interest like the roundabouts a different color so it creates a little bit of
12 visual interest to show that we're changing the condition.

13

14 Commissioner Rosenblum: Ok.

15

16 Mr. Shaibal: And then we're hoping to use some pavement markings also to create some of
17 those informational areas where people understand that there's potential safety issues
18 involved so.

19

20 Commissioner Rosenblum: This is something you may or may not know the answer to, but the
21 Oregon Express Overpass is fully encased in a chain link fence which is... yeah, this is far more
22 attractive. Why is it that that one is encased? Is it was there worries about people throwing

1 stuff off the bridge? Suicide risk? You know what was the logic and why is the logic for this one
2 different?

3

4 Mr. Shaibal: Yeah, I can't say what the reasons why they chose some of those. Previously the
5 California Department of Transportation (Caltrans) standard for fencing was the curb fencing to
6 prevent people from climbing and dropping things through so they basically created a fairly
7 granular mesh and created that arch. Caltrans has changed their beliefs on some of that and
8 you can actually see fences that actually slope outward now as being implemented over
9 Caltrans so.

10

11 Commissioner Rosenblum: I see. And the experience from other crossings so there's a crossing
12 towards Willow it does not have that, has been that there has not been incidents of people
13 throwing things onto the road and disturbing cars. There's been no other major safety
14 consideration so as experienced since Caltrans changed their standard has been that the new
15 standards are acceptable from a safety perspective?

16

17 Mr. Shaibal: Yeah they still have a, they still have safety people who work on the safety issues
18 of the fencing and actually I just met with that guy last week with on another project. And so
19 the fencing still needs to be not, but it needs to prevent climbing and it needs to prevent
20 attractive nuisance and some of that. So we still have to, we still have all of those concerns, but
21 they're just more open to looking at more attractive options with regards to the fencing. It's
22 not that same cyclone type fencing system that they used to have, so.

1

2 Commissioner Rosenblum: Right, and then just a couple of other things. I love, I like the
3 signage design. Something that would be good to include is where the signage proposed to be
4 placed. That was again my old experience was my daily commute and the first day I did this
5 was I couldn't figure out how to get under the under, there was just no even at East Meadow
6 there was no signage indicating that there's something ahead that could get you to the other
7 side. Once on the other side I was lost in the park. And so the question in addition to where
8 the signage would be is have you worked with the major employers so it's really Google and I
9 don't know if LinkedIn still has much over there, but yeah certainly with Google on the
10 wayfinding from the other side all the way into campus and then with Shoreline Park with the
11 wayfinding all the way into the various major attractions.

12

13 Mr. Shaibal: No, I we haven't coordinated anything with the private entities. What we're trying
14 to do is make sure that it fits within the City's transportation guidelines and they want to
15 minimize the amount of signs they believe if you put, if you populate too many signs it becomes
16 white noise and so I think less more informative signs is what they sort of guided us towards
17 and to try to keep those signs consistent with each other so that you basically see a repetition
18 of types of signs. We have discussed some informational signage, how to do that and so
19 Transportation as part of their bike boulevard project is going to take care of wayfinding to my
20 project and basically just they've left me with just making sure that within my project limits that
21 I'm getting all the people directed and from the safety standpoint.

22

1 Commissioner Rosenblum: Got it. So I would ask that the City staff the issue again as a former
2 biking Googler is that if you bike through the trail network that this hooks up to, which is
3 extremely pleasant, the entry to Google requires you to like go over not roads. You're going
4 through grass and like over lawns and then you cut across so that's what everybody does. It's
5 not the right way to do it. and so my request to the City is to coordinate with the Google
6 transportation team to they eventually should make that complete. It may already be
7 complete. I haven't been there for four years. so it's possible they've already done it.

8
9 Ms. Hodgkins: We can do that.

10
11 Commissioner Rosenblum: Yeah. Because I think that's one of the major use cases. You get all
12 those employees out of their cars and a much more pleasant way to get there and that would
13 be a big success. And then final question is around the timing. What is the expected timing for
14 construction and is there a phased approach? So a number of speakers have said can the
15 Adobe Reach Trail be opened regardless of the status of this bridge. I completely agree with
16 that sentiment. So what is the timing of the construction and can this be staged?

17
18 Mr. Shaibal: Yeah I haven't had those conversations with the Water District as of yet. We
19 haven't talked about early opening of the trail. We can talk to them at our next meeting which
20 is coming up in the next couple of weeks. I'm not sure that they would grant us that, but
21 they're pretty strict about what they're going to allow.

22

1 Commissioner Rosenblum: It would help if all Palo Alto residents wrote them letters and said
2 this would be great. Like you would like that before meeting with them. If this is something
3 that you also would support?

4

5 Mr. Shaibal: I mean yeah, I'm not sure (interrupted)

6

7 Ms. Hodgkins: We'll look into that. Yeah.

8

9 Commissioner Rosenblum: Ok.

10

11 Mr. Shaibal: And with regards to construction phasing we're trying to, we're going to have
12 environmental, we're hoping to have environmental clearance after we pass through the City
13 process so we've got to go through the site and design review and then get California
14 Environmental Quality Act (CEQA) approved. And then once we get CEQA approved we can
15 enter into the 90 percent design phase. We're prepared to accelerate this as fast as we can.
16 The current schedule has us completing design sometime next year, going into construction
17 early 2019.

18

19 Commissioner Rosenblum: And does the construction phase disturb the access to the
20 underpass?

21

1 Mr. Shaibal: It will. So unfortunately the only time I can work in a channel is the time the
2 channels are, the channel and the path is open. And so the construction time is going to
3 basically interrupt the access during that period of time. We're looking at ways to mitigate that
4 with regards to how we stage the construction, but there will definitely be an impact because
5 when it's closed that's we're probably not going to be able to do much construction in and
6 around the channel because of the winter.

7

8 Commissioner Rosenblum: Ok. Those were all my questions and comments. Thank you.

9

10 Acting Chair Waldfogel: Thank you. Commissioner Summa.

11

12 Commissioner Summa: So thank you very much for the presentation and for the speakers from
13 the public. That was very helpful. And I'm sure that everybody in Palo Alto is very happy to see
14 this go forward as quickly as possible. Commissioner Rosenblum asked some of my questions
15 so I'll try not to be duplicative, but I do think if you could do the West Bayshore improvements
16 to the existing conditions there, prioritize that and do it first it would be very helpful. It looked
17 to me like I don't bike there, but it looked to me like a pretty unsafe situation. And thank you
18 for putting in the dog hydration stations. I also don't have a dog, but I know that people really
19 appreciate that and it can be very hot and open there in the summer.

20

21 I would like to one member of the public spoke about adding additional trees and improving
22 especially on the west side the some of the vegetation and maybe replacing some of it. I think

1 that's really important especially on the west side. It is a very barren concrete structure so
2 anything that you can do to add those kinds of improvements and with native plantings I think
3 would be very helpful. I'm all for swallow nesting spots if that's achievable.

4
5 The overlook to me I'm concern, I'm glad that there were recommendations to add benches,
6 but benches without backs aren't very comfortable for the people that are intended to use
7 them which is elderly people and I'm all for putting benches wherever we can because a lot of
8 times elderly people would like to make the walk, but they do need a safe island to pause. So I
9 think that's very important. I do wish there was some way to put benches in shaded areas
10 though because the heat there in the for many months in summer could be very intense.

11
12 So I definitely think the signage should have destination and distance and not get busier than
13 that. Doesn't that does I don't think the duration really should be added. It gets too busy. And
14 destination and distance helps both bikes and pedestrians.

15
16 I guess I'm not quite sure how I feel about the overlook. It seems like Council really wanted to
17 keep it in that location, but one member of the public mentioned how noisy it would be from
18 the highway. It is close to the highway. So maybe there's a place to put, maybe there's ways to
19 spend the money for that overlook in improvements on the west side and other areas for
20 resting and islands elsewhere, unless the Council is really wanting to keep the overlook. I
21 think... that's about it. That's it. Thank you.

22

1 Acting Chair Waldfogel: Commissioner [Note-Acting Vice-Chair] Monk.

2

3 Acting Vice-Chair Monk: I just want to echo what everyone else has said that everyone is very
4 thrilled to see this coming forward. Being new to the Commission and to this project I can just
5 say that it's a great idea and I did ride my bike out there this weekend and found it very
6 challenging to get across. I ended up going on San Antonio, which I don't recommend.

7

8 We do want to get this done expeditiously. I don't know if the overlook and any of these extras
9 and things that might be recommended tonight are going to slow that process down or if that's
10 already been baked into it. and I, I'm viewing this more as achieving the goal of connecting
11 commercial and residential areas to the Baylands, access to trails, to reduce Single Occupancy
12 Vehicle (SOV) and improve just bicycle safety as well. So with those being the stated goals and
13 my understanding of why we need this bridge because we need a year round ability to connect
14 across the freeway. I don't know the value or the rationale or the history behind all of the extra
15 amenities that we're providing. You don't need to go in that again because you did speak to it,
16 but I just I don't have a complete appreciation of why we need to have trash receptacles and
17 drinking fountains on what I view as an elevated sidewalk, an elevated bike lane. So I just don't
18 get it. If there's a decision to be made to remove any of those things I would advocate to take
19 those things out. Also in regards to the garbage I don't know who's going to be servicing it,
20 what the cost is, if it's going to be overflowed, if it's going to actually cause more harm than
21 good to have trash receptacles and I don't know if the trash receptacles are actually on the
22 bridge itself or are they just at the... where are those located?

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Mr. Shaibal: No they're located at the Bay Trail. And so I can show you.

Acting Vice-Chair Monk: And the reason I'm asking is because I just returned back from a trip to Japan which I'll probably be referencing this evening a lot because I'm so impressed with so much of what they do, but there was not a single trash can anywhere and there's no trash anywhere in any part of Japan, so.

Mr. Shaibal: So you can see a portion of it here. There's a pad here and basically we've really edited the amenities so we started with a lot more amenities than we originally have here now and tried to get it down to the basic essentials. And we had located this on the other side of the pathway, but in conversation with your maintenance guys they basically said they wanted to have access to it from the road. So basically we put it on this side where it's very close to East Bayshore and they have direct access to it. The other one is located at that large trailhead at the Water District area and so it also has fairly easy access for your maintenance to (interrupted)

Acting Vice-Chair Monk: Ok, that's great and then that's fine if they're on the bridge themselves. As far as the overlook again I don't understand the goal of it. If it's because we want to create an overlook then we should just create an overlook. I don't know of blending it into the bridge here is the best thing. I would have to defer to what Parks perhaps

1 recommended on it. One of the letters that came in I think said the location didn't make sense.
2 So I would just defer to what other people's comments were.

3
4 I agree that benches if you're going to have a bench make it comfortable. What's the goal of
5 these benches? To me they might be an obstruction and I'd be concerned about having
6 benches. I like the idea that you're having an educational placards there for people to see
7 what's and to learn and to encourage people to use it and get something benefit out of it, but I
8 view it very much as a walkable situation and not one that people are going to sit and
9 necessarily linger. So I think just getting clear on what the goal is of the overlook, what it's
10 looking at and how long we want people to linger there would affect whether or not we should
11 have the benches and if we really need backs to the benches. Because I can see that as been
12 cumbersome and perhaps a bicycle handle might hit the back of it. It just seems to me like it is
13 more of a safety concern that we don't want to go down that route that I would just avoid it.

14
15 As far as safety and merging and signage goes I agree with Commissioner Summa that
16 destination and distance would be very helpful to people. I don't think it needs to be anything
17 beyond that especially if you're on a bicycle and you just have to take in the information
18 quickly, you can't read all the other information there. As far as merging goes are you going to
19 put any mirrors or if is it a gradual enough turn that you don't need mirrors? I notice in some
20 areas it's helpful to have mirrors. I've seen that sort of thing done. Maybe here it's broad
21 enough. I thought that the western approach was a little narrow so that's why I'm asking
22 specifically on that side.

1

2 Mr. Shaibal: Yeah it's eight feet wide so it's fairly wide as a sidewalk and it's intended to be a
3 wider more open sidewalk feel. The way it's the way it merges the original plans were to do a
4 parallel connection so this is actually this coming out of a very slight angle, but it's a little better
5 than what was originally envisioned because they basically were going to have the trail come
6 merge into a sidewalk in sort of a parallel nature. So you would basically have some of the
7 similar type of safety issues. With regards to that access it's pretty wide open and we're going
8 to because it's coming down the end of a slope we're going to basically put some safety
9 warnings for the bicycles to slow down.

10

11 Acting Vice-Chair Monk: Ok, so on that west approach structure that you're referring to
12 because I actually drove over there today and tried to figure out what was happening and now
13 that I have this presentation it actually helps a lot. It looks like it's the entry point is on West
14 Bayshore.

15

16 Mr. Shaibal: Yes.

17

18 Acting Vice-Chair Monk: So how are cyclists traveling south to access it?

19

20 Mr. Shaibal: They're not. It's not... well they can access it, but they have to dismount. They
21 have to get off their bikes and just mount that. The way that we anticipate the cyclists is to
22 come down West Bayshore, come into this trailhead at Adobe Creek Trail, and then come back.

1 So if you can so the bicycles would be coming down this they turn here at this very fairly large
2 opening make a U-turn and then come back up.

3

4 Acting Vice-Chair Monk: And they'll be appropriate signage on the road for them to know to do
5 that?

6

7 Mr. Shaibal: Yeah we'll have (interrupted)

8

9 Acting Vice-Chair Monk: Then if not I would ask that you make sure that it's well marked and it's
10 clear to do that, make it a safe transition for people traveling south. I think that the location is
11 a weird location. I don't know where it connects into our communities really. It's kind of off on
12 the side to me. I like that we're looking into more bike boulevards. That's stated I believe.

13

14 Mr. Shaibal: Yeah, well the bike boulevard projects are more internal. They're on the Meadow
15 Drive side and so that's (interrupted)

16

17 Acting Vice-Chair Monk: And is there any connectivity to this entry point?

18

19 Mr. Shaibal: Yeah there will be some connections to from the Meadow Drive so basically the
20 bike boulevard project is a separate project that's basically trying to enhance the bike
21 connectivity to Mountain View.

22

1 Ms. Hodgkins: Yeah, just to clarify so East Meadow Drive which is where most of the residential
2 areas are is basically the beginning of that Santa Clara Valley Water District access route and
3 that leads directly into this plaza area that would connect to the bike lane and where you would
4 access for a bike. And then there's two different options for pedestrians. Pedestrians could
5 also access there, but they could also access on coming southbound as well closer to the Google
6 side.

7
8 Mr. Shaibal: Most people will access through Meadow Drive and come down Meadow Drive.
9 Come down this trail and then connect. They won't go; they won't stay on West Bayshore.
10 They'll get off at Fabian before it becomes Fabian and onto East Meadow Drive and connect
11 there. So.

12
13 Acting Vice-Chair Monk: Ok. Then just a side issue on the bike boulevards, I wasn't sure what
14 the value was of raised sidewalks because as a cyclist that something you're not looking
15 forward to having to cross over. So I do support the bridge. I want to see it moving forward
16 like everyone else and separately I just want to consider discussion on how to perhaps integrate
17 it further into the a broader biking community as you had mentioned and just have better
18 signage in general. Thank you for the presentation.

19
20 Commissioner Lauing: Sure, why not? Ok, thanks. There's a lot of consistency between
21 Commissioner comments and public comments so we're all on the kind of the same page here.
22 I won't repeat all the good comments to be made.

1

2 I just want to emphasize the fact that this is a multi-use, multi-use, multi-use. So the biggest
3 thing that we can do in terms of signage and design and so on is I think it was making sure
4 nobody plays nice. It's going to be a competition for that space out there. I was intrigued by
5 even one of the slides it was in your show it showed a guy with his dog and then a bike guy
6 passing him and that was pretty, pretty narrow. So the signing and all that has to be very
7 specific about who belongs where. We've all been on those [plays] I walk sometimes at
8 Baylands over in Mountain View and it's really only for a bike and one person. More than that
9 and you're getting slammed off the road and the bike doesn't tell you till he's right behind you.
10 So just sort of real emphasis on making sure everybody knows exactly where to go and what
11 lanes not to go in and share the road type things.

12

13 Starting with the main principal span structure is 15 feet, sorry 14 feet wide? Yes, right? And is
14 that external measurements or is that from handrail to handrail?

15

16 Mr. Shaibal: Centerline of truss element to center line of truss element. So the clear the width
17 of the path is from curb to curb is 12 feet and then there's going to be curbs and the curbs
18 widths are six inches currently. So be basically from inside of truss to inside of truss is 13 feet.

19

20 Commissioner Lauing: Thirteen you said?

21

22 Mr. Shaibal: Yeah.

1

2 Commissioner Lauing: Ok. So yeah I know that the Department of Transportation (DOT)
3 guidelines are 10 foot minimum and 14 feet preferred bridge width. So just starting with my
4 comments the wider you make it the better chance you have to have multi-use.

5

6 Mr. Shaibal: Yeah, we've had a lot of conversations with regards to width and basically once you
7 start getting a little past what I've shown here it becomes much more difficult to transport the
8 bridge and so you have to cut it up in pieces and becomes quite more expensive. And so the
9 added cost of fabricating the multiple pieces and then replacing them and putting them
10 together out in the site gets quite expensive. Basically it needs to be as wide as a lane.

11

12 Commissioner Lauing: And what about the other parts of the span does it go down substantially
13 from the... the main span?

14

15 Mr. Shaibal: No. They're basically they're going to follow the similar lines of the of the main
16 span.

17

18 Commissioner Lauing: Ok, so it's not going to be narrow and then get wide and then get
19 narrow.

20

21 Mr. Shaibal: No. Basically what we agreed what Council agreed to they looked at the various
22 widths and we did a study on the various widths and the cost implications of the various width

1 and basically they settled on this balance between what's comfortable and what's cost
2 effective. And so 12 foot was where we ended up.

3

4 Commissioner Lauing: Ok and then you were able to pick out some other additional space on
5 the Adobe Creek Reach Trail because you got that to 14 to 16.

6

7 Mr. Shaibal: It'll depend on again some of my conversation a lot of that's in the Water District
8 right of way currently. And so I have to get permission to get some of that land, but basically
9 what I'm what I want to do is extend the limits that we have for the creek crossing and extend
10 that all the way to the edge and if I can provide a little bit more width there because it's
11 basically a confluence of pedestrians and bicyclists and hopefully potentially we can put some
12 other things. We have light poles and vaults, utility vaults. The more width I can provide in that
13 open area the better.

14

15 Commissioner Lauing: Yeah, ok. Then on signing I like the comments that have been made so I
16 won't repeat those. At the beginnings of these trails and entries it might be nice to have is the
17 wrong word so, but a rule sign or just sort of a please play safe and (interrupted)

18

19 Mr. Shaibal: Right. Trail etiquette signs?

20

21 Commissioner Lauing: Yeah.

22

1 Mr. Shaibal: And so yeah. We're working with staff to identify locations where we could do
2 placement of informational signs like mapping, some QR codes for some things and trail
3 etiquette. So we're looking at locations, potential locations for those and where we would put
4 those.

5
6 Commissioner Lauing: Ok. I think you have to have some seating for folks that think they're
7 going all the way over and decide they're not and that's a rest spot so, but the other concerns
8 that have been raised by colleagues do come into account. I know you've taken you addressed
9 bird migration issues around the fence and I'm sorry the mesh and so on as best as possible, but
10 that's obviously an emphasis out there. The lighting I think looks terrific. Really glad it's going
11 to be on and lit 24 hours a day not that we're trying to encourage kids to jog over to the park,
12 but we need that safety.

13
14 Mr. Shaibal: Yeah and we're planning to have occupancy sensors so the lights will go down at
15 night to save energy and when it senses occupancy it'll go back up. So (interrupted)

16 Commissioner Lauing: Yeah. That's great.

17
18 Mr. Shaibal: We'll have some green technology out there to help so.

19
20 Commissioner Lauing: I do share the concern that Commissioner Rosenblum brought up about
21 these fences are so low that somebody could be on that fence and chuck it over the fence and

1 hit a car beneath so I don't and I know you're looking at that. I've been in a car where that
2 happened. It's not only loud; it destroys the car and can really...

3

4 Mr. Shaibal: So all the fencing that's over the traveled ways are eight foot tall and will be a finer
5 granular mesh so it's basically a one inch mesh to prevent climbing so and for that, for
6 prevention of people from dropping stuff onto the roadway.

7

8 Commissioner Lauing: Ok, great. That's all, thanks.

9

10 Acting Chair Waldfogel: Commissioner Gardias.

11

12 Commissioner Gardias: Sure. Thank you very much for coming and for your presentation. I'd
13 like to before I just get to my questions and comments I'd like to just as the gentleman that
14 spoke about Silver Creek and maybe if I lost your trail of thought and maybe during the break or
15 if time allows because I know that we're running behind the schedule if you could just pretty
16 much just take me through this what you described. This was very interesting and I didn't catch
17 up with all your comments, but it was very interesting so I'd like to understand it more. Or if
18 there is more time then we can maybe just give open for additional comment with the map.
19 But if not let me just take you through the couple of comments that I have.

20

21 So sharing Robert's joy that pretty much there will be bikers access interrupted, right, I just
22 want to point into some lessons learned, right? With all the projects there are some lessons

1 learned and then as grateful it would be to have this opportunity of the year round access there
2 are there is some opportunity lost. And so I want to put this on the record so I think that if I
3 want to if I can take you through the timeline visible to me and I wasn't associated with the
4 project for the seven years as Robert was, I was here since 2014. There was the competition
5 that in my perspective was not properly designed. The participants were given the directions as
6 opposed to asking about their creativity and then paying the low price point for the creativity
7 they were given just strict directions and then as a result there was advantage of the mature
8 companies that could have spent lots of money or beautiful presentations, but there was no
9 [unintelligible] value in this competition. So I think that there was an effort of staff and time
10 lost because it was not it was proper it was unfortunately misguided. Sorry for using this term,
11 but that was my perception. I made comments to use Kingdom of Saudi Arabia and how they
12 organize the competition as a template for us doing similar competitions in the future which is
13 very low cost and then pretty much extracts a thought from the vast areas of the globe. And I
14 can provide some more comments, but this is only for the record because right now we are
15 facing this this project.

16

17 So there is another item there is another lesson learned that I would like to point you to which
18 is our inability to negotiate with the Water District. There is another possibility to either
19 maintain or there was a possibility, opportunity to maintain the year round access under the
20 motorway or built another bridge and encroaching the Adobe Creek levies or the roads that go
21 along the Adobe Creek, but this opportunity was not utilized because maybe it was never
22 discussed. But if you look at the map there is a clearly Adobe Creek extends into the bike road

1 that is going along the residential area on the east side of the Highway 101. So that's another
2 opportunity to build a bridge just following this open spaces as opposed to just encroaching
3 into a parking lot and then also encroaching into the an open space of the east site of the
4 motorway. And then I was there a couple of days ago. It is very peaceful. If you look at this, if
5 you go to the other side to the east side of Motorway 101 and then if you imagine this gigantic
6 bridge that's going to be there one day of course serving the right purpose, but then you will
7 see that we with giving this structure we'll just take something away from the experience that
8 we're having on the other side of motorway. I just wanted to make this point for the record.

9
10 Couple of the pragmatic items that I would like to mention; giving that we may have some
11 future interest with accessing property of Water District I would recommend that if you go and
12 negotiated with the Water District probably would be nice to have somebody from the staff
13 associating this meeting or maybe even guiding this meeting and having future openings of the
14 of access to their properties in mind. The reason is that staff has a history of us discussing in
15 the past a bike and trail along Matadero Creek that never came to fruition, but there was a
16 substantial discussion about this and then just for building up out expertise it would be nice to
17 have somebody from the staff that would with the greater goal in mind negotiate this opening
18 of the property with the Water District.

19
20 Ms. Hodgkins: Our Public Works engineering team is attending those meetings as well.

21

1 Commissioner Gardias: Very good, thank you. And then couple of quick comments about the
2 signage. We had the discussion with Josh Mello a couple of years ago about creating unique
3 City signage. I was hoping that there would be that Palo Alto would receive different signage
4 then just the boilerplate what can be ordered off shelf like I think Berkeley. Still Berkeley has
5 unique signage for biking, but if that was direction that was taken that's maybe nothing we can
6 do about, but would be nice to have some graphical signs that differ from other cities. But if
7 that's not possible I would like to at least achieve this goal that on the signage as opposed to
8 just having this very standardize destination points that pretty much mean nothing to nobody I
9 would like to see the destination points being captured from the very popular places of this
10 town where people truly go and how they understand how they perceive the City.

11

12 There is another item that I would like to ask about. What's the risk that there would be
13 another widening of 101 and giving that we have going to have posts between the frontage
14 roads between the Bayshore roads and 101 what would be then what would be an impact if
15 that is going to occur?

16

17 Mr. Shaibal: Basically 101 at this location is widened to its limits. If they ever go back and
18 change that approach they would have to infringe in a huge amount of right away in multiple
19 counties and in multiple cities. It's not a very high likelihood. There they've already
20 accomplished the ultimate widening here. They've taken away a lot of their shoulders and have
21 design exceptions with regard to that. They've reduced a lot of the lanes from 12 feet max to

1 11 feet. So basically at this location it's built out. They I don't foresee them ever coming in and
2 widening this area any more than it is already.

3

4 Commissioner Gardias: Ok. Thank you, I hope so. Given the history of 880 that they are
5 widening every single year, right? I'm not sure maybe that you won't just do it again. And then
6 the last item that I would like to ask you about once the bridge is so open after speedy
7 hopefully construction will the underpass remain?

8

9 Mr. Shaibal: The currently the Water District wants to get rid of the underpass. They wanted to
10 be included as part of this project to remove the underpass because they feel it's a it creates
11 some hydraulic restrictions at that location. We're looking at having them do that as part of a
12 maintenance project where they can go in there without as without the as many regulations
13 and permit restrictions that we would have as a city that they would be able to do it more cost
14 effectively. So that will be a continuous part of the negotiation and discussion with them, but
15 ultimately they would like to see it gone.

16

17 Commissioner Gardias: Yeah, I understand, but it would be it may be interesting to negotiate to
18 remain this underpass. It is what it is and then pretty much within their policy they have this
19 obligation to open their properties to the public. I remembered this discussion we had once,
20 but one point of time so you can just point them to this paragraph of their policies. And then it
21 would retain the second point of entrance and then option if it's windy or if it's raining or some
22 other it would just pretty much give people option just to use the underpass if possible.

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Mr. Shaibal: We would be eliminating the entrance point on the West Bayshore side. So there wouldn't be an access point to this once we finished the enhancements to this project, for this project. So it wouldn't be possible for them to even allow that if they could.

Commissioner Gardias: Ok. Alright, thank you.

Acting Chair Waldfoegel: Great, thank you. Just a couple brief comments; this is a complicated project that resolves I mean it sits between four conditions the freeway, nature trail, basically a new horizontal park especially with this seating feature and bike boulevard. So sort of reconciling all those is challenging and we've heard a lot of discussion about it. One that we haven't discussed is relationship to the freeway and in particular your lighting studies show lighting as the bridge would be visible from within the bridge structure, but do you have any studies or any thoughts on what the bridge will look like lit from the freeway?

Mr. Shaibal: It would be very minimal. A lot of the fixtures that we're looking at tend to not spill out very much light. So we have several regulations that we have to meet regards to the lighting. Both the Baylands and the creek sites are requesting that we don't spill any light into those areas from the bridge so the lighting has to be very controlled and as a consequence the lighting is very low in those areas. That's why we're looking at rail lights and marker lights in those areas to keep the lighting levels low and not the pole lights which tends to be higher and tends to have a bigger spill. With regards to enhanced lighting that basically accentuate the

1 outside of the bridge and basically has some up lights and down lights. From up lights we have
2 issues with lighting towards the sky that we have to contain. And then with regards to down
3 lighting Caltrans has required us not to put any down lighting because it creates glare and has
4 the potential to create issues with the drivers, but we are looking at some ways to highlight
5 some of the members on the bridge from the outside. But that's also another budgetary thing
6 that we'll have to look at.

7

8 Acting Chair Waldfogel: Ok, great.

9

10 Mr. Shaibal: Ultimately it's the safety, safety first. And then...

11

12 Acting Chair Waldfogel: Yeah. Thank you. So I just want to add the comment that to me this
13 bridge is a real missed opportunity and it's actually makes our job on the Planning Commission
14 harder because we want private applicants to bring us great design. We want them to bring us
15 good buildings, good design. We don't want to really hear stories about value engineering to
16 the Nth degree and when we as a city choose to build something that frankly is pretty banal as
17 a bridge design it makes our job harder to look at private applicants in the eye and say you
18 know this is a city that really values design, that really thinks that these other values are
19 important. So and I can point [unintelligible] I can point to some particular trouble areas.
20 There's some places are very unresolved in the design, but I mean I think it's great that we're
21 finally doing it, but I'm I wish that we were looking at a... I wish that we were looking at a more
22 interesting bridge design. Ok, any other comments? Yes.

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Commissioner Gardias: Very quick one to Claire. Once you go or some other engineer goes to the meeting with the Water District just please have in mind that opening maybe portions of the roads along the Adobe or Barron overflow is is a low hanging fruit the way that I see it because contrary to Matadero Creek that had lots of residential area those two overflow and Adobe they don't have much of it. So probably from perspective of some change for the residents it would not be a significant impact. And then we can just maybe in the future open these areas for biking and walking. Thank you.

Ms. Hodgkins: Yep. Of course.

Acting Chair Waldfogel: Great. Any other comments? Ok, make it quick please.

Commissioner Summa: Just really quickly in the places where you do have the pole lights I would recommend I'm not sure if you really need them. And I think it would actually look better without them and it would be less of a distraction and just have the safety lights if that's as safe and desirable. I would recommend looking into that. Thanks.

Mr. Shaibal: I'm sorry could you repeat that so I could understand it?

Commissioner Summa: The pole lights.

1 Mr. Shaibal: You'd rather we eliminate the pole lights?

2

3 Commissioner Summa: If they're not necessary.

4

5 Mr. Shaibal: Ok.

6

7 Commissioner Summa: If you think they're a safety issue because I know you're not putting

8 them in certain parts of the bridge because they would spill too much light into the Baylands.

9 So I'm wondering if we need them at all.

10

11 Mr. Shaibal: There's several reasons. They actually the pole lights are more economical

12 because we basically spill light over a wider distance so you don't need as many lights. And so

13 they're, the less frequency allows you to place less of them. The problem with the Baylands on

14 the other side is that those lights tend to create perching opportunities for predatory birds and

15 we have to prevent those kind of opportunities for the birds. So that's why they're not as

16 prevalent on the other side.

17

18 Commissioner Summa: Ok, but if it's just as safe I would look into a cost analysis because I think

19 the down lights are safe and much more attractive.

20

21 Ms. Hodgkins: We'll look into it before we come back.

22

1 Commissioner Summa: Ok, thanks.

2

3 Acting Chair Waldfoegel: Great, thank you very much. Ok, let's take a four minute break before
4 we move to the next agenda item so we'll recommence at 8:00.

5

6 **Commission Action:** No action was taken by the Commission; public comment was received by
7 the Commission.

8

9 **The Commission took a break.**

10 **Action Items**

11 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.
12 All others: Five (5) minutes per speaker.^{1,3}

13 3. 375 Hamilton Avenue, Downtown Garage: The Planning and Transportation
14 Commission Will Hold a Public Scoping Meeting on the Notice of Preparation for an
15 Environmental Impact Report for the Replacement of a Surface Parking Lot with
16 Parking Structure. Public Input is Encouraged. For More Information, Please Contact
17 Holly Boyd at holly.boyd@cityofpaloalto.org

18

19 Amy French, Chief Planning Official: **[Recording starts with the meeting back in progress]**

20 Introduce Holly Boyd of Public Works Department.

21

22 Holly Boyd, Senior Engineer: Good evening, Commissioners. My name is Holly Boyd. I'm a
23 Senior Engineer with Public Works Department. We're here tonight to conduct a scoping
24 meeting for the public parking garage at 375 Hamilton Avenue. The purpose of tonight's
25 meeting is to provide an opportunity for interested parties to provide comments about what
26 the Environmental Impact Report (EIR) should study. I just wanted to take a moment just to go
27 over the agenda for the presentation. I'm going to give a project overview and then I have

1 Lorraine Ahlquist from WSP here to present the California Environmental Quality Act (CEQA)
2 process and propose studies and then after that we'll have public speaker comments on issues
3 to be examined and studied in the EIR and then finally comments by the Commission Members.
4 So I would like to note that staff is not prepared to answer any questions regarding the project
5 tonight and that this scoping session is not intended as a forum for dialogue or the merits of the
6 project, any project alternatives or the EIR conclusions.

7
8 So with that the project is the construction of a Downtown parking structure on existing surface
9 parking lot D at 375 Hamilton. This is located in the Downtown business district just down the
10 street. The existing surface parking lot is approximately 29,000 square feet (sf). Parking garage
11 program options were presented to Council on April 11th and Council directed staff to begin
12 design on a parking garage that includes retail space, five above ground levels, and one
13 basement level. There will be approximately 291 to 415 parking stalls and other proposed
14 options being considered include a bike station, mechanical parking, and a photovoltaic system.

15
16 So this is an aerial view of existing Lot D. It is surrounded by Hamilton and Waverly Streets.
17 Just to the south of it is the US Post Office. On the left is the AT&T building. North is CVS and
18 on the right are restaurants and retail: Tai Pan, Prolific Oven, and Palo Alto Sport Shop. Across
19 the street is All Saints Episcopal Church and then not shown on this, but kitty corner to it is the
20 Wells Fargo building. This is an existing frontage on Waverly Street. You can see the post office
21 on the very far left across Hamilton and then the existing retail and restaurant buildings along

1 the Waverly frontage. And then this is the view, existing view from Hamilton Avenue entrance.
2 The building on the left is the AT&T building.

3
4 This is the conceptual plan, layout of the garage. The main entrance would be on Hamilton
5 Avenue. See if I can find the mouse. Right here we're proposing a retail space along the
6 Waverly frontage to continue the front, the retail frontage on along Waverly. There's an
7 additional entrance in the back here where the alley is. CVS is up here. And then this just
8 shows the existing makeup of the building five levels above one basement level. So with that
9 I'm going to turn it over to Lorraine to go over the EIR process.

10
11 Lorraine Ahlquist, WSP: Good evening, my name is Lorraine Ahlquist and I'm the environmental
12 consultant on the project. So I'd like to take a few minutes to kind of go through the process of
13 the sequence of events. As you can see we're currently in the review process and I'll talk about
14 that a little bit more in detail later. And then I want to go over the environmental analysis that
15 we're considering for the project and then solicit for today the use of this time in up until the
16 10th of June for public comment period as it relates to the notice of preparation in the initial
17 study checklist. The goal of this evening is as I mentioned to solicit input from the public and
18 the Commissioners for that of the scope of the said project.

19
20 So going into the environmental process in greater detail in compliance with the CEQA the
21 process that we're at currently is the development of the initial study which identifies at a
22 preliminary level the resource areas of which are going to be studied and what the preliminary

1 findings of that information are. And then we also have a notice of preparation that was sent
2 to this State Clearing House on the 12th of May. And as I mentioned that 30 day public notice
3 extends until June 10th. As we move forward with that process then we'll go into the
4 development of the EIR and the point of the draft is that we'll solicit for a 40 day public review
5 period once the draft is prepared. And then after we receive and address comments written
6 we will prepare the final EIR and prepare for the public hearing.

7

8 A little bit more detail on the contents of the draft EIR that we're going to provide a detailed
9 description of the proposed project. And as Holly mentioned that includes the number of
10 parking stalls as well as a description of the utilization for the floors as it relates to parking.
11 We'll also analyze the potential for the changes in impacts as it relates to the physical
12 environment. When I talk about the physical environment it's that of the biological water
13 quality and I'll go into more detail as to those areas that relate to the physical environment. If
14 there's impacts to these particular resources we will develop mitigation avoidance or
15 minimization measures that minimize or eliminate those impacts to those particular resources.
16 In addition to the resources identified we also look at the project as it relates to cumulative
17 effects, so combined effort with what is currently proposed outside of our project and how
18 cumulatively that may potentially impact those resources. And it's also important to make sure
19 that we have consistency with the local and regional plans as it relates to the development in
20 overall impacts as I mentioned for the cumulative in being in compliance with the city
21 ordinances. And then at that particular point we do a comparison with the alternatives so that

1 we compare the alternatives and how each of those impacts the resources [unintelligible] I'm
2 going to identify.

3
4 And these are the anticipated areas that we're going to study within the EIR. All the way from
5 aesthetic to energy and this is just a so-called laundry list of what is to be expected to be
6 included in the EIR. Furthermore, we're going to prepare technical studies to support that
7 analysis within the EIR and these are identified technical studies based upon our preliminary
8 assessment of the project. The air pollutants and GHG emission models will be a separate
9 technical study. The arborists report this will go into the biological technical report that will be
10 included in the EIR. The geotechnical will go into more geology and details as it relates to
11 geotechnical. And then the environmental site assessment is a hazardous materials assessment
12 to look at preexisting findings and hazardous materials that may already exist on the site. And
13 then the noise analysis this relates to both temporary and permanent impacts during
14 construction and the development of the project. And then of course with a parking structure
15 we want to make sure that we have a detailed traffic analysis as it relates to the footprint of the
16 project and how that's going to be impacted both permanent and temporarily.

17
18 Lastly I'd like to just go over CEQA has compliance with the threshold of significance. And so
19 these factors here as it relates to the general plan standards, the municipal code standards, and
20 the regional state and federal regulations will all be considered and factored into the
21 determination of the threshold of significance in order for us to determine how we're going to
22 either mitigate, minimize or avoid sensitive resources. Now I'll hand it back over to Holly.

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Ms. Boyd: Ok, so for there's different ways that we can accept comments you can make verbal comments, today submit written comments today, mail or e-mail written comments. All comments must be received by June 10, 2017, and they can be directed to Amy French either by email or mail. And then I just wanted to kind of go over the timeline and next steps for this project. We have a tentative scheduled, tentatively scheduled study sessions with Historic Resources Board (HRB) and Architectural Review Board (ARB) for August. We're working on revisions to the public facilities zoning ordinance. We expect to have the draft EIR for public comment available later this fall in November. And then following formal architectural and Planning and Transportation Commission (PTC) reviews in the fall and then on to early next year with the anticipation of having the final EIR certification in the spring 2018. Once we have that we'll finish design and then start construction and we estimate to be completed with construction of the parking garage in spring 2020. So with that that's actually the end of our presentation. Thank you.

Acting Chair Waldfogel: Great, thank you very much for the presentation. I think we have a couple of public speakers. So let's open the pub, let's open the...

Acting Vice-Chair Monk: We have two speakers, Nielsen Buchanan followed by Martin Bernstein. And you have five minutes apiece.

1 Nielsen Buchanan: I'm Nielsen Buchanan, I'm a resident of Downtown North. I find
2 composition of my comments very difficult because I feel like I am the cog that doesn't fit into
3 the gears that you're turning. So let me just be on public record. I've tried to make comments
4 that fit the EIR and your domain of the Planning Commission, but I'm pretty sure I'm not fitting
5 in very well. I'm one of the few human beings that has gone to maybe 60-70 percent of the
6 Finance Committee's deliberations in the last six, the last couple of months and I did that to
7 prepare myself to having a much better understanding of the enormity of allocating resources.
8 So I'm not going to go into that.

9
10 I think this project's an example of a decision it was made some time ago that is not exactly
11 rational anymore and let me just numerate why I don't think it's a good idea. One, we're not
12 sure about the demand for parking. We did a request for public information on how many
13 permits have been sold in the new permit year for Downtown. That information has not been
14 provided and won't be available until the 9th of June so I can't comment on the what I think is
15 diminishing demand for parking in the neighborhoods and perhaps in the commercial core.
16 That's unknown. We don't know the effect of doubling the price of permits and what that's
17 going to do to demand and we don't know what would happen if the Transportation
18 Management Association (TMA) actually takes root and diminishes demand. So what I think is
19 happening the gears are turning to spend \$20 plus million on a concrete facility built to store
20 the iron horse. This apparently has nothing to do with what you've got to do tonight so I just
21 want to be on public record of asking a question somewhere every time this comes up I'm going
22 to be here with the same damn thing.

1

2 What I do see in the hand out here that there is an alternative analysis and I don't know what
3 that means, but I know, but I suggest it means knowing what are the alternatives for that
4 footprint. That L shaped footprint is not can't possibly be ideal. Several professional planners
5 have said you should be talking about squaring that thing up. It takes enormous negotiations
6 with property owners to square up a property, but that's one thing that should be done. What
7 are the alternatives for exactly how many parking spaces are going to be in this garage? It gets
8 even more complicated if you could square it up.

9

10 And finally the alternatives from the demand factors I just brought up are considerable and I
11 hope that falls in the domain of what you can do over the next several months, but for
12 someone that's worked awfully hard and I find myself arguing against providing more parking
13 supply. I think there are so many alternatives that should be considered and I commend the
14 City Council for sticking to what decisions they made years ago, but this is a good time to stop
15 the train and think through. I encourage you to do so within the domain of the Planning
16 Commission. Thank you.

17

18 Acting Vice-Chair Monk: Martin Bernstein.

19

20 Martin Bernstein: Thank you, Chair. I'm Martin Bernstein. What I would like to include in the
21 scope for your environmental reviews is analyze how the design of the proposed parking
22 structure is compatible with the nearby National Register Post Office Building and the Palo Alto

1 Category 3 Historic Resource referencing the Secretary of the Interior Standards for Historic
2 Preservation. Thank you.

3

4 Acting Chair Waldfogel: Great, that's it for cards we have. Any other public speakers? Ok then
5 we'll close the public hearing. Why don't we start off with Commissioner Gardias?

6

7 Commissioner Gardias: Thank you. That was very interesting comment about compatibility
8 with the Post Office on the other side. Thank you.

9

10 So in terms of the impact and I think that Mr. Buchanan already mentioned this. By the way if
11 we were just talking I think that we would like to see you more at our meetings giving your
12 attendance. Please come again more often as you used to. And thank you for your comments
13 by the way. So as Mr. Buchanan mentioned there will be impact on the loss of those parking
14 spots so pretty much within this, within the study we need to analyze during the construction
15 period where the spaces would be allocated. This is the similar discussion that we just had
16 about another parking garage on California Avenue. So it's the same observation.

17

18 I'd like to also in terms of the alternatives I understand that Council directed to have one
19 underground a level, but giving that we are having two underground levels on California I just
20 find this not very consistent giving also that with this conceptual site plan seems that the retail
21 area would be very slim. I'd like to just study alternative where there are two underground
22 parking levels or maybe even more giving that mechanical lifts ordinance that we passed the

1 other day maybe there is an opportunity to have more cars and then utilize as fully as possible
2 ground level for retail area. And for the utilization I also would include the full facades, the
3 ground façade along Hamilton Avenue as well as the façade that faces the back alley. I think
4 that those are tremendous opportunities for the retail and we would not have enough of the
5 retail space cheap available for the merchants. Those are the comment that I have right now.
6 Thank you.

7

8 Acting Chair Waldfogel: Commissioner Lauing.

9

10 Commissioner Lauing: So I appreciate upfront that you mentioned that this has a potential to
11 result in significant impacts. I know not every EIR starts out that way so I appreciate you taking
12 sort of a conservative approach on that. There is a range of cars and I don't recall why that
13 range is so large, range of potential parked cars.

14

15 Ms. Boyd: Right. So the range is due to Council asked us to explore options for mechanical
16 parking, most in particular in the basement [as well as on] other levels and so that's why the
17 range is so large.

18

19 Commissioner Lauing: 205 to 329 is the range over on Page 2, which is Council, which is Packet
20 Page 47.

21

22 Ms. Boyd: Yes, I believe that's in addition to the 86 spaces that exist at the parking lot.

1

2 Commissioner Lauing: Ok. [Unintelligible] number. And then on back on 44 the when it's noted
3 as the first floor there is going to have retail it's going to be the same as the normal zoning
4 which is it could be retail which means a restaurant? Because I know we're making zoning
5 changes as well so I don't know if the zoning would affect whether it could be retail and/or we
6 seem to be putting up a lot of gyms now. Another gymnasium or... is it got the same flexibility
7 in the definition of retail?

8

9 Ms. French: I'll jump in; Amy French here. I wanted to call attention I should have done this at
10 the beginning that I did note here that it was a public facilities zone which is correct, but it is
11 not the public facilities Comprehensive Plan designation. It is a regional community commercial
12 which is a land use does that designation that allows for retail. It's the one that is overlaying all
13 of Downtown with the exception of a few parcels. So as far as the zone of PF it doesn't call out
14 retail as a permitted use or conditionally permitted to use, but when it's own by a city the city
15 has the flexibility of leasing to others. We do this with the Avenidas building. We lease to
16 Avenidas. And so this is one of these topics that we are going to be exploring as far as the
17 implicit language in the code; if it needs adjusting that can take place.

18

19 Commissioner Lauing: Ok, I just thought there might be differences in what you have to look at
20 if it includes food service versus a retail bike shop or something like that. And then the... I
21 didn't have a lot of disputes with what's marked here except on the one item that's perhaps
22 been brought up over on Packet Page 50 under aesthetics. That one was assumed to be less

1 than significant and there's a comment in the verbiage there at the bottom that there are
2 different perspectives on compatibility of new buildings with existing architectural context.
3 And I would say there sure are. So how do you adjudicate that in terms of coming up with it?
4 Because to me whatever it is and I can't recall, four story parking lot going up where it's wide
5 open right now blocking views of the Post Office.

6

7 Ms. French: Yes.

8

9 Commissioner Lauing: You have to come out and you're looking up at a building instead of
10 through the building to the trees that are around the Post Office. I would think that's more
11 than less than significant.

12

13 Ms. French: So we don't have any project plans before us. We have not got received any
14 elevations.

15

16 Commissioner Lauing: Got it. Got it.

17

18 Ms. French: So if this, this is an initial study.

19

20 Commissioner Lauing: Got it.

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22 Ms. French: As we go forward that perspective can change.

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Commissioner Lauing: Ok.

Ms. Ahlquist: And then, excuse me, in addition to that we will be doing simulations and more detailed analysis to determine the significant threshold and if that impacts the aesthetics as we move forward into further design.

Commissioner Lauing: Ok, I noticed that that was a Council consideration too when they looked at voting this in. So it's high visibility with Council. That's all for me thanks.

Acting Chair Waldfogel: Thanks. Commissioner [Note-Acting Vice-Chair] Monk.

Acting Vice-Chair Monk: I like what Mr. Buchanan said about spending millions of dollars to park our iron horses. I believe that's what he said. So in general I'm against building more parking structures and I'd like to see effective plans put in place to minimize the need for it, but the reality is there is a parking problem and we need to address it. So what's the best way to do that? Again I'm going to refer to my time in Japan.

I don't know if you were here for my reference to that earlier where I came across this very interesting structure that had a disk shape design on at the ground level. I guess you drive your car onto it and then you just pull in and it's this rotating sort of garage parking structure that was taking up a very small amount of space and just took minutes for cars to come in and out.

1 It was actually very incredible and eye opening for me to see. I'm sure a lot of you're familiar
2 with that sort of thing already. I was not myself. I hadn't seen it in person, I'd only heard about
3 it and so when I saw it I was really happy to see it. So when it comes to this EIR you were given
4 direction to build a massive concrete structure that goes below ground floor to go one level
5 down into the basement level. I would please ask Council to consider directing you to include
6 environmental review and consideration of alternate parking structures including this type of
7 structure which is called a rotary carousel parking. I believe that that type of a structure would
8 result in less degradation to the environment because you're not going to be having cars idling
9 waiting for cars to pull in and out. You're going to have them parked more rapidly. And I just
10 would imagine from an environmental standpoint that it's something that has to be considered
11 and would be a more favorable option to the concrete structure.

12

13 What I did today was actually Google what it was that I possibly saw I got a name of a company
14 called Parkmatic. I asked them to send me some information; I haven't received it, but if I do
15 receive information is that something that I could pass along for you to consider/review?
16 Because I think that and it doesn't have to be that company, but I just did a general search.
17 When I spoke to the gentleman who did answer my call today he indicated that it cost about
18 \$2,100 per space, that these structures take up the width of two spaces and they can
19 depending on if it's an SUV or a sedan they can have 10 to 12 cars parked in the same space as
20 two spaces and it would be at the 45 to 50 height limit. So it met, it would meet our height
21 requirements as well.

22

1 I don't know if any bicycle parking is going to be included in this EIR or not or if that's relevant in
2 any capacity, but that would be I didn't notice that in there.

3
4 Ms. Boyd: On the conceptual plan there actually is a space for a bike room. So it's actually
5 going to be a storage room area for bicycles.

6
7 Acting Vice-Chair Monk: Ok, and there's also technology on bike storage as well that I happened
8 to come across on the Internet today when I was looking up this other thing so if that
9 something you're open to. The reason why I'm bringing this up is because we have a dense
10 Downtown area. I live in the Downtown area. We do need more parking. I don't agree that we
11 need to have data from the sale of parking permits. The fact that we have a Residential
12 Preferential Parking (RPP) program in place is proof itself that there's a parking problem. It
13 would be a great day that we no longer need to have an RPP because we have sufficient
14 parking. So we do need to address the lack of parking for both our residents, our visitors,
15 people who are doing business here, employees that are coming in. I think we need to
16 maximize an efficient parking option in that area. I also like this more modern approach
17 because you can lease it, you can buy it, it supposedly lasts about 20 years. Maybe in 20 years
18 we're going to have a different landscape Downtown and we're not going to want to have this
19 giant concrete structure because we'll have better transportation options, we'll have less
20 dependency on cars, less Single Occupancy Vehicle (SOV). So I like the idea of something that
21 might be more movable in the future. So I would just like to look at the impact of this current

1 structure compared to other more modern structures that might be available today. Thank
2 you.

3

4 Commissioner Summa: So thank you. I appreciate many of the comments of my colleagues
5 already especially whether or not there's an opportunity to investigate new technologies that
6 might be more efficient for this spot. Also the compatibility of this concept with the historic,
7 especially the historic Post Office, but of the size and scale of the other buildings around it I
8 think that should be looked at very carefully.

9

10 I think my take on Mr. Buchanan's comments that he would like to know how he would like this
11 to relate the benefits of this concept project to how it would relate to the residential parking
12 permit programs Downtown and the future of the TMA. And I think though that's there's a lot
13 of moving parts and I think that's hard to do. I think it would be very valuable to have an
14 analysis of that if possible.

15

16 I think the question about what we're going to do to replace the existing parking lots during
17 construction is an interesting one and should be considered. I do there was another member of
18 the public that was concerned about shadowing from this project. I'm sure that will be down
19 the line once there's a more evolved project that will be looked at. But also the loss of access
20 to the back of the three buildings mentioned on Waverly, the toy shop and Prolific Oven and
21 the restaurant currently. I believe those their garbage is accessed from the back of the
22 buildings and I don't I think the alternatives should be looked at carefully and I can't even

1 imagine what they are at this time. So, yeah and just the aesthetics, the impact of such a large
2 utilitarian structure in such a key place in our beautiful Downtown. Thank you.

3

4 Commissioner Rosenblum: Yeah, I think I can be fairly brief on this. I think Nielsen Buchanan is
5 providing input as you correctly know that's somewhat outside the scope of this meeting, but I
6 wanted to ask staff it seems like our next session is going to cover the master parking plan,
7 right? So the... am I correct in that? Ok, so that would address future parking demand. What
8 will happen in the future should take into account alternative forms of transportation, the
9 development of a TMA, Transportation Demand Management (TDM) and also whatever surveys
10 you have or not surveys, but the data you have around the purchasing of permits in the
11 Downtown area, so what the trend seems to be. So hopefully next week we'll have that data
12 and we'll be able to see to what extent the different capacity assumptions for this garage are
13 valid when the EIR comes back.

14

15 So within the scope of what this session is about it does seem like as you expressed the
16 difference in scenarios the reason why such a broad range of potential cars is that you're
17 considering a mechanical option. So I think that does take into consideration Commissioner
18 **[Note-Acting Vice-Chair]** Monks comment. The only question I had though is that the EIR I
19 assume have to take into account what kind of technology is being deployed. I imagine there's
20 all kinds of different mechanical options. I'd also seen technology from I think it's called City Lift
21 they're building in Oakland. They've built 14 of them in the Bay Area now. They are pretty
22 impressive and the utilization rates are much higher. There's some very creative things that can

1 be done. Japan is the leader in all of this so I think that it's worth looking at, but the question
2 from the EIR perspective is you're going to have to submit a document that says based on our
3 understanding Option 1 is going to have the following impact, Option 2 yet another impact, but
4 you're going to have to assume a certain kind of technology is employed. I don't know, how do
5 you do that? Because you're not going to draft like five different EIRS, one with a certain
6 Japanese system and a second with a local system and a third with yet another system. Do you
7 know how you actually scope this?

8
9 Ms. Ahlquist: I can take an initial stab from a comparative standpoint is that we look at the
10 various alternatives and efficiencies as it relates to the type of mechanical options. And as I
11 mentioned we're at a very preliminary level right now, but I think that's something as it relates
12 to the EIR that we'll evaluate and compare the alternatives in what the resources that have the
13 potential to be impacted. I can't speak from a technology standpoint.

14
15 Commissioner Rosenblum: Right, but my question is how do you pick the comparative set? So
16 as particularly we get into the world of mechanical lifts there is radically different designs and
17 have radically different capacities. So and I don't have a great suggestion, I'm just curious or
18 maybe the suggestion is that you pick the one that's most commonly deployed in the Bay Area
19 with and just asked them what their most common, commonly deployed model is and use that
20 as the benchmark. But I'm just curious, how do you come up with a comparative set?

21

1 Ms. Ahlquist: Well for the EIR the let me reflect back that that is the natural environment that
2 we're studying and you may recall from the resources that we're evaluating that technology is
3 not a deciding factor on what is going to be impactful from a natural resource perspective.

4

5 Commissioner Rosenblum: Yeah, so I would just comment since this is this ties to my main
6 comment which is I think EIRs to the extent that we're giving input what should be emphasized
7 in the EIR whenever there is parking or transportation this community people care about the
8 traffic at ingress and egress points, both safety and traffic and then what does this do to the
9 parking problem around it so particularly during construction period. And so the so to the
10 extent of those are the main impacts that are studied I would imagine that the amount of traffic
11 caused by these buildings just getting in and out sort of backups if things are slow for example
12 is related to the technology employed. And so I would just comment the two do seem to be
13 related and in fact people argue against mechanical systems specifically because cars backup.
14 So that is the reason that you wouldn't choose such a thing because it's cheaper, higher
15 capacity, like in every respect probably wins except people worry that they'll be a backup trying
16 to get into the lift itself whether or not that's founded. So that would be something that in the
17 EIR would probably need to get considered is what is its contribution to traffic and delay.

18

19 Ms. Ahlquist: And lastly from a technology standpoint and a review standpoint for the current
20 opening of the scoping period now and when we're in that draft environmental document
21 those are the added times that can be commented on the array of alternatives that are being
22 considered.

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Jonathan Lait, Assistant Director: I think your point is well taken. I mean clearly the type of technology that is studied and considered is going to have could impact the speed of which vehicles come in and out and queuing and all sorts of things like that. So I think we'll take your, I think we don't have a direct answer to your question and we'll take your comment and we'll explore what sort of options exist and try to come back with a response.

Commissioner Rosenblum: Alright, that's my only input. Thank you.

Acting Chair Waldfogel: Great. Let's see just a couple, I have a couple of very specific questions or specific topics to study. I was just trying to make a note of whether the 48 foot high building would be visible from University Avenue. In any so it just seems like something we should study and study that condition. And by the way do you know how tall the AT&T building next door is? So is it do we know (interrupted)

Ms. Boyd: It's about 60 feet.

Acting Chair Waldfogel: So let's say it's higher than this?

Ms. Boyd: Yes.

1 Acting Chair Waldfogel: Ok, great. That's actually a great reference point. I'd also encourage
2 you to look at the noise conditions around these intake and exhaust shafts and look at them
3 relative to the streets just see if we're placing them properly. It would be if we think that that
4 Waverly Street access is more important or has more ped traffic we should pick whatever
5 option is quieter intake or exhaust it at that particular spot, just something to study. This
6 probably is slightly outside of scope, but I'll just point it out. This retail space as it's drawn is I'm
7 having trouble reading it 1,600 sf?

8
9 Ms. Boyd: It's about 1,500.

10
11 Acting Chair Waldfogel: About 1,500 sf. We so we should just be sure that there's retail that
12 will work in there. It also looks like the ceiling hight in there would be pretty low. It looks like it
13 would be in the 10 foot range. I'm just guessing from this.

14
15 Ms. Boyd: That's correct.

16
17 Acting Chair Waldfogel: And we're generally encouraging retail to be a little higher than that.
18 So if that's a condition that we could somehow resolve just to make it an attractive retail space
19 that would be a desirable outcome. Ok, any other comments anyone wants to add? We've lost
20 one I guess. Ok. Commissioner Gardias.

21

1 Commissioner Gardias: Thank you. In terms of height I'd like to just point at couple of items.
2 Currently if I can see this goes up to nearly 50 feet, right? So there is an impact with a city
3 building up to 50 feet because we going to change the context based criteria for the adjacent
4 buildings. So what I would like to consider in this EIR review that we need to understand what
5 the impact by building of this up to 50 feet would provide on the adjacent properties. They
6 would automatically have the implied right to build at 50 or even a claim a higher height. So I
7 think that this would just give owners of the adjacent properties to develop up to this height
8 which is not which is the element of the discussion at some other development areas, right?
9 Because you're constrained with this municipal code clause that you have to consider adjacent
10 neighborhood. So what I'm saying is that with this building going up to 50 height we're going to
11 change equation for the immediate neighborhood where the restaurants and the Prolific Oven
12 reside.

13

14 There is also one minor item that I would like to just ask you to make a note of. I believe that
15 there are two California Oak Trees on that parking lot if I'm not mistaken. I believe those are
16 California Oak Trees. I would like to consider replacement of the California Oak Trees with
17 California Oak Trees. We are frequently losing those oak trees on our within the City boundary
18 and then sometimes they are not replaced with the California Oak Trees and giving the
19 picturesque value of those trees I'd like to retain the inventory count. Thank you.

20

1 Acting Chair Waldfogel: Great, thank you. Any other comment? Great, then we'll close this
2 meeting, this section of the meeting and move on to the next agenda item. You want two and a
3 half minutes?

4
5 **Commission Action**: No action taken by the Commission; public comment was received by the
6 Commission.

7
8 **The Commission took a break.**

9
10 4. PUBLIC HEARING / QUASI-JUDICIAL. 260 California Avenue [16PLN-00289]: Request
11 for a Hearing on the Tentative Approval of a Conditional Use Permit to Allow the
12 Sale of Beer, Wine, and Liquor in Conjunction With a Restaurant With an Outdoor
13 Seating Area. Environmental Assessment: Exempt From the Provisions of the
14 California Environmental Quality Act (CEQA) in Accordance With Guideline Section
15 15301 (Existing Facilities). Zoning District: CC(2)(R)(P). For More Information, Please
16 Contact the Project Planner Graham Owen at graham.owen@cityofpaloalto.org
17

18 Acting Chair Waldfogel: Let's come back into order and we'll move on to Agenda Item Number
19 4, a public hearing, quasi-judicial on 260 Cal Ave. permit request.

20
21 Graham Owen, Project Planner: Alright, thank you. My name is Graham Owen. I'm the Project
22 Planner that has been working on the City side on this application. This is an application for a
23 Conditional Use Permit (CUP) to permit alcohol sales in conjunction with a restaurant. It's a
24 restaurant that would occupy a tenant space in the mixed-use building at 260 California Avenue
25 which was recently built.

26

1 The application for the CUP was also filed in conjunction with a minor architectural review
2 application for an outdoor seating area immediately in front of the building and in front of the
3 tenant space. So the application was originally submitted last year and was tentatively
4 approved by staff in April of this year, April 6th. On April 19th we received a request for a
5 hearing on both the CUP application as well as the minor architectural review. So the Planning
6 and Transportation Commission (PTC) purview is for the CUP component of the project while
7 the Architectural Review Board (ARB) is the hearing body for the minor architectural element.
8 But having said that the reasons for the hearing requests are not related as far as we know to
9 the to the alcohol requests. They are more to do with questions about the gross floor area of
10 the site as well as parking. So I think that the my presentation as well as the applicants and the
11 hearing requestors will most likely focus on those issues as opposed to the alcohol.

12
13 This is a site plan showing the basic layout of the site in relation to California Avenue which is
14 down to the bottom of the screen as well as the adjacent properties on either side. So the
15 space that's shown in hatch is the area that would provide alcohol service. So that would
16 include the outdoor seating area that you see at the very bottom of the space as well as the
17 indoor seating area and then the other functional areas of the restaurant would be back of
18 house essentially. So there's no alcohol served in those areas. Here's a diagram of the outdoor
19 seating area. This has been refined since this slide has been prepared. This is a component of
20 the April 6th plans that you have in front of you. So if you have any questions about those
21 plans and the revisions that have been made since that time I'm happy to go into detail about
22 that.

1

2 So the key considerations as I mentioned the reasons for the hearing request had to do with
3 gross floor area as well as parking which is inherently tied to gross floor area. So the when we
4 were when we received the hearing request we determined after the letter was sent that there
5 had been an error with staffs calculation of the gross floor area of the site and with regards to
6 the outdoor seating area. So outdoor seating is if it's covered it's considered a service area and
7 so staff incorrectly discounted that area from the gross floor area of the building.

8

9 So with that inclusion as well as an inclusion for some areas that are in the some existing
10 storage areas that are in the basement garage that put the building over the 2:1 Floor Area
11 Ratio (FAR) which is permitted in the CC2 zoning district. So in order to remedy that situation
12 while also retaining the outdoor seating area staff looked at two different particular options for
13 getting the project in compliance with the FAR standard that we have for the CC2. Those would
14 involve either removing the chain link fencing that exists down in the garage storage area which
15 distinguishes the exempt areas which are for garage vehicles, vehicle parking, from the areas
16 that are used for storage which are not considered a garage function. The other idea is to allow
17 the chain link fences to remain, but to have them be dedicated exclusively for bicycle storage
18 and bicycle parking which is considered an exempt, exempt from the gross floor area
19 calculation.

20

21 Just so you know the addition of or the intensification of the use from retail which was the
22 original plan for the for this project back in 2012 and 2013 when it was originally entitled for

1 retail to restaurant requires the addition of more parking given the intensification of the
2 parking ratio. So this proposal would include the provision of two additional spaces above what
3 is currently existing on the site so that you have two additional spaces. Both would be provided
4 by puzzle style parking lifts. And there's a cut sheet of those of the proposed parking lift system
5 in your plans.

6

7 So just to let you know I did include an at places memo this afternoon. We received a letter
8 from the hearing requester this morning detailing a couple of additional concerns that they had
9 about staff's inclusions and exclusions of floor area and their effect on the project. So in
10 relation or in response to that letter we have revised the or modified the conditions of approval
11 to specifically ensure that we had gross floor area calculations at the building permits stage that
12 would ensure that the project remains compliant with the FARs standard. The applicant was
13 able to provide a gross floor area calculation diagram which you have in front of you today and
14 I'd be happy to go into detail about those specifics, but it does show a compliant project from
15 an FAR standpoint. But I believe though the applicant will, would be able to provide additional
16 details on this so you can feel free to ask them questions as well as myself.

17

18 Commissioner Lauing: Where was the cut sheet for the lift? Is it in this?

19

20 Mr. Owen: It's in the project plans. So it would be the last sheet on the project plans.

21

22 Commissioner Lauing: Sorry, we're just trying to keep up with you.

1

2 Mr. Owen: Yeah, sure. And so with this the gross floor area calculations that you have before
3 you I believe the applicant will can provide a little bit more detail in particular going over which
4 areas get included and which get accounted to each of the uses office and restaurant. Because
5 there are some common areas where there are some questions. So with that at this point we
6 are recommending approval or we recommended the PTC recommend approval of the CUP to
7 the City Council with a determination that the project is compliant with the municipal code.

8

9 Jonathan Lait, Assistant Director: And Chair if I may I wanted to make a couple of comments.
10 One I believe staff has reviewed the plans here and based on the information that's provided
11 we we're we agree with the allocation of floor area.

12

13 Acting Chair Waldfogel: Ok.

14

15 Mr. Lait: And the distribution of that floor area to the different uses. So two other comments.
16 Yes that we've reviewed. Yes. And so two comments, Chair. One, I in consultation with the
17 City Attorney we're we think actually that while this is not technically an appeal that the appeal
18 procedures that are set forth in the PTC rules of orders might be a good model for to follow for
19 this particular case since it is the only opportunity for a request of hearing. So in that context
20 we would recommend that you hear from the requestor, the hearing requestor first and give
21 that the hearing requestor 15 minutes to speak and then the applicant can then speak. And I
22 believe it's also for 15 minutes. So we'd recommend that you follow that model.

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Acting Chair Waldfogel. So we'll start with Mr. Levinsky and then (interrupted)

Mr. Lait: Correct.

Acting Chair Waldfogel: And then give the applicant time to respond (interrupted)

Mr. Lait: Right [unintelligible].

Acting Chair Waldfogel: Move on to public hearing.

Mr. Lait: That's correct.

Acting Chair Waldfogel: Ok.

Mr. Lait: And before we do any of that public testimony this is a quasi-judicial item so we would ask that the Commission share any disclosures that you've had regarding the project.

Acting Chair Waldfogel: Ok. Why don't we go ahead with the disclosures first? I can disclose that I met with Mr. Levinsky. I met with Mr. Conroe, Mark Conroe, and I met with and I believe he also had Anthony, I will butcher the name, Secviar on the phone as well. Was I close? So that's my disclosure.

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[Unidentified Man]: I'm sorry just to be clear for disclosures you need to include the contacts that you have and if you learned anything that was not in the record what you learned.

Acting Chair Waldfoegel: I met with Mr. Levinsky at the site. We walked the site. He discussed various conditions that are consistent with the note that he's subsequently provided. And conversation with Mr. Conroe I think is consistent with the staff representations in the staff reports.

Acting Vice-Chair Monk: I received an e-mail from Mr. Levinsky a couple days ago and I did meet with him at the site. He went over the three areas of concern that were addressed in the memo he sent late this afternoon. I was not influenced in any way by our discussion; it just became very apparent to me that this was more of an enforcement and policy type issue as opposed to anything having to do with an alcohol license. I got a call today from the owner of the building, Mark Conroe. He was calling to ask if I had any questions. He gave me a brief history of the project and all of the efforts that were made to resolve all of the issues that were raised by Mr. Levinsky. He indicated that he had attempted to meet Mr. Levinsky, but he that Mr. Levinsky had no interest in meeting him in person. What did I learn that was not in the record? There wasn't anything that I learned that was not already in the record.

Commissioner Summa: I was contacted by Mr. Levinsky and I met with him basically to hear his the his concerns that were expressed in the e-mail that he sent, letter he sent today. And so

1 yeah it was there was different information from his point of view than was in the staff report
2 and I was not contacted by any of the other people mentioned.

3

4 Commissioner Gardias: Yes, so I also talk with Mr. Levinsky and the discussion was about the
5 areas that were the calculation of the areas we reviewed the square footage of the common
6 area which I'm not sure if it's in the documents, but this was provided as 280 square feet (sf).
7 And we discussed the different [quote] paragraph applications to this issue. Thank you.

8

9 Acting Vice-Chair Waldfogel: Great, thank you. Why don't we move on then to Mr. Levinsky.
10 Fifteen minutes.

11

12 Acting Vice-Chair Monk: So we're going to give you 15 minutes. Do you want us to give a verbal
13 warning at any point in time?

14

15 Jeff Levinsky: Sure, sure.

16

17 Acting Vice-Chair Monk: Like what at what juncture would you like that, like a minute or two to
18 wrap up or?

19

20 Mr. Levinsky: Sure.

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22 Acting Vice-Chair Monk: Ok.

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Mr. Levinsky: And we're right at nine o'clock on the clock so I'm cool. Alright, thank you. Good evening everyone. Let's see, I'm going to first talk in general terms and then I'm going to update my talk because of the rapid changing plans that you have before you. Although I would like to make one comment I did not do not recall a request to meet that I did not accommodate. I did meet yesterday with the restaurant owners and have had subsequent discussion with [them as well]. The as you've heard just in your last item we do have a parking crisis in Palo Alto. We have many under parked buildings, we're missing hundreds of parking spaces, and that's a burden to everybody: commuters, business owners, customers, and nearby residents and it shifts the cost from the building owner to everyone else. And so we look at each building and worry that if it isn't correctly parked that it just makes things worse.

I sent you in the letter today that there were three areas of concern. I believe I'm correct in saying that the first one has been accepted by the applicant so that they are now counting the trash room and that cuts out a whole bunch of my slides. We'll all get home a little earlier. The way they handle the parking for that is that they reduced the basement storage it appears on the plans, but I do want to mention that there are some other numbers on the plans that I don't understand yet; for example, the restaurant space seems to have increased and other numbers seem to have decreased. So these plans have numbers that are quite different than the numbers that I received last from the City just weeks ago for this building. So I'm not sure all the details are yet worked out.

1 The two other areas though remain. One is the treatment of common areas and how they are
2 assigned and I'll get that has been updated as well. And finally we get to the issue of the
3 outdoor area that the City has agreed as you as Graham spoke to count part of that area, but
4 not to count all the area that I think it should. And so that remains an issue for discussion.

5
6 Just to put this in context this building as the plans were approved by the City had
7 approximately allowed the building to not park three parking spaces. And if you take that you
8 multiply that across all 116 commercial buildings in the Cal Ave. area that's 348 unparked cars.
9 By contrast the entire Evergreen Park Residential Preferential Parking (RPP) program is only
10 supposed to accommodate 250 cars. So this kind of action of allowing a building not to provide
11 the full parking if turned into a precedent would create problems potentially even larger than
12 the ones we are ready grappling with solving.

13
14 As for the trash room many of you have already heard my arguments or read about it I'm just
15 going to flip right through this because they have agreed to count the trash room as part of the
16 gross floor area of the building. So that all goes. Now let me come to the common area. The
17 concern about common areas was whether they are properly allocating all the common areas
18 between the restaurant which is on the ground floor and the two square two floors of offices
19 above. There's a reason to give more of the common area to the office and that is that in this
20 particular zone the office needs only half as much parking per square foot as the restaurant.
21 The more common area that's office the fewer parking spaces you need basically. So this shows
22 you the different common areas. They are mapped out just very quickly. There's equipment

1 room, on the left side equipment room elevator, stairs, and a the lobby and on the other side is
2 electrical room, a trash room, stairs, and a changing room.

3

4 Now when the ARB approved these plans back in 2012 they assigned the plan showed one third
5 of the common area for the trash room, electrical, and equipment utility rooms being assigned
6 to the restaurant and that's I think because there were three floors and they figure the
7 restaurants one floor so ok, one out of three. They did not assign the stairs elevator or lobby in
8 those plans at all to the restaurant. And in reading through the ARB discussion and so forth
9 they believed that the bike parking was probably going to be on the ground floor and there was
10 no mention of any storage for the retail in the basement. So I think it made more sense from
11 their perspective that that was an acceptable assignment.

12

13 In the 2017 plans that we first saw what was done was well the trash room was exempted.
14 That's now been taken care of, but all the other spaces were assigned to the office, every single
15 last square foot. As some of you have heard directly from me that did not seem plausible that
16 the restaurant wouldn't use the electrical, it wouldn't use the utility rooms. The changing room
17 when you're a bike commuter and you come you need the changing room to change and
18 shower and so forth. However, the plans that were arrived today still do not assign and I
19 actually went ahead here and filled this in. The new the middle column there new 2017 plans
20 are as today what they've done is they've taken my suggestion for a 14 percent split. That's 14
21 percent is based that the restaurant is 14 percent of the non-common area in the building and
22 the office the other 86 percent. So they assigned 14 percent of the trash room, electrical room,

1 equipment and utility rooms, and changing rooms to the restaurant, but they still did not assign
2 any of the stairs, elevator, and lobby to the restaurant. And I think that's still an error and let
3 me try to explain why. Oh by the way it adds up to just 87 sf and my apologies to all the people
4 here if I didn't do the math right at the last moment, but I was rushing to do it for this moment.

5

6 So what this means is that the elevators, the stairs, and the lobby are still not in any way being
7 assigned to the restaurant. Now there's the plans show that the restaurant's going to be using
8 storage in the basement and the bike storage is going to be in the basement as well the all-day
9 bike storage as well as and now they're going to be talking about possibly putting more in the
10 basement. So how the restaurant employees will bike and get into the basement and out
11 without using the elevators or the stairs is a mystery. How they will use the storage in the
12 basement without using the elevators or the stairs is a mystery.

13

14 And the lobby is not only the way you get to the elevator and the closer flight of stairs, but also
15 and this was actually in the ARB discussion that the lobby is a way you get from the rear of the
16 building which is where the public garage is on Cambridge through to the front of the building.

17 So customers of the restaurant would likely be able to use the lobby to get to the restaurant.

18 Based on that I would recommend what I call the fair policy which is assigning 14 percent to all
19 those areas. I have to tell you in looking at this sheet I have a explanation for why they didn't
20 do that. They are at 99.48 parking spaces. If they were to assign just a little bit of these
21 remaining spaces over to the restaurant it would put them above 99.48 and they would need

1 another parking space. So I believe that might be the explanation, but you'll be able to ask
2 about that as well.

3

4 Let me talk a little also about the outdoor area which remains an issue. In the plans that still
5 shown as 150 sf. Now originally the City wasn't counting this as gross floor area at all, but as
6 Graham explained they are now counting willing to count 150 sf of it. What I've shown you
7 here on the plans is where the front of the restaurant is it's the big glass wall there is a property
8 line which is where the sidewalk is separated from the property. There's going to be temporary
9 movable barriers that surround part of the area there and inside that are going to be tables and
10 chairs and where the restaurant will be operating outdoors. Now the code says that
11 permanently roofed, but either partially enclosed or an enclosed building features used for
12 sales, service, display storage or similar uses are floor area.

13

14 So the City has agreed to count sort of the part that's over on the right and say that's floor area,
15 but not to count the area over on the left as floor area. But if you think about it when how are
16 the customers in that outdoor seating area going to get served? The staff from the restaurant
17 is going to come out the door and they're going to take menus and drinks and food to the
18 customers. They're going to go through this area. They're going to go through it to clean up
19 and such, by the way customers entering from outside are going to need to go through that
20 area. So really that area is part of the service area of the restaurant. You can't say that just
21 because there's no tables or chairs in a part of a restaurant it's still not part of the operation of
22 the restaurant.

1

2 The staff report invents a new term. They say well the code does not specifically defined the
3 term covered outdoor service area. Well, that term isn't even the code so I'm not sure why
4 they asked that question, but then they say staff understands the term to include areas for
5 tables, seating, and the space needed to access such seating. Well I just showed you. The
6 route taken by the service to access the seating isn't being counted as floor area, but it should
7 be even by their statement.

8

9 There's another odd thing about this and those who visited the site with me were shown this.
10 They part of their eating area is going to be out on the sidewalk. The City that's public property
11 that's our property not theirs; why do they get to do that? Well, there is a specific exemption
12 and that is that outdoor eating areas of eating and drinking establishments are allowed to be
13 out on the sidewalk, but that leads to this sort of Alice in Wonderland paradox which is that
14 that area in front is eating area for the purposes of the sidewalk encroachment, but the City is
15 saying it's not a eating area when it counts up the FAR. I don't think that's a good way to make
16 law that the same area is half it [unintelligible] both eating area and not eating at the same
17 time. In my letter I called that Schrödinger's café and it's a bad precedent and it would allow
18 restaurants to enclose more and more sidewalk without counting it towards FAR and frankly it
19 makes our laws look rather absurd.

20

21 I had some simple recommendations. The first one you can I think ignore because the applicant
22 has agreed to disallow the to give up on the trash room exemption. I still believe that it makes

1 sense to assign the common areas proportionally to the restaurant and I believe it that all the
2 covered outdoor usage by the restaurant should count as floor area. With that with the
3 understanding I believe that the restaurant can then to revise their plans to conform to the FAR
4 limits and to the parking rules and they can go ahead. I don't think they need to wait around. I
5 think that all of this could be expedited very quickly and they could emerge with their
6 restaurant and be in operation as quickly as possible. So I'm happy to answer any questions I
7 guess that come up later, but I've ended early and I think that's a good thing. Thank you.

8

9 Acting Chair Waldfoegel: Great, thank you. Would Mr. Conroe or anybody on your team choose
10 to like to speak?

11

12 Mark Conroe: Honorable members of the PTC, City staff, ladies and gentlemen, my name is
13 Mark Conroe; I'm here I'm the developer of the building, the original developer. I'm also one of
14 the owners of the building. I'm here to represent the applicant tonight. What I'll do is make
15 some opening remarks and then address Mr. Levinsky's allegations.

16

17 We have spent the past four years trying to find the right tenet for this long dormant space.
18 The building construction was done about two and a half years ago. Two years ago we found
19 Protégé. They offer something unique to Palo Alto and this area of the San Francisco Bay Area.
20 City zoning and smart urban planning encourages active pedestrian oriented ground floor uses.
21 Protégé is such a use. We started the approval process for Protégé with the City about 18
22 months ago. Protégé submitted their completed application about nine months ago. We've

1 been unfairly caught up in a political crossfire between Mr. Levinsky and the City. We are being
2 used by Mr. Levinsky as his whipping boy or battering ram to promote his political agenda. The
3 stated purpose of this hearing tonight is to review the CUP related to the liquor license;
4 however, as you heard from staff that's not at all what's happening. Instead we're going
5 through a private audit.

6

7 Over the past several months we've tried to reach out I've tried to reach out to Mr. Levinsky
8 and understand his issues and address them. I reached out to him by phone two months ago
9 and never got a response. Since all interaction with Mr. Levinsky was going through Planning
10 staff I told the staff member times specifically in writing on March 3rd, March 6th, March 22nd,
11 April 25th, May 1st, and May 3rd that I wanted to meet with Mr. Levinsky and anybody else
12 who had an issue so I could understand their concerns and avoid unnecessary delays. I never
13 heard back regarding a meeting with Mr. Levinsky or from Mr. Levinsky. The only time there
14 was any attempt to meet was on Monday, May 1st at 2:28 p.m. The City staff sent me an e-
15 mail asking if I could meet less than 24 hours later. I responded within six minutes to this email
16 saying that I wasn't available the next day given less than one day's notice, but I could meet any
17 other day that week, Wednesday, Thursday or Friday and I'd clear off my schedule. A couple
18 days later I was then told by staff that they decided to meet with Lewinsky anyway and
19 "Unfortunately they, Mr. Levinsky, were indifferent about meeting your team due to the nature
20 of their concerns which were code and policy related." I have copies of the six emails if you like
21 to review them.

22

1 The situation is straightforward. We are parking, we are two parking spaces short of the 99
2 spaces required for a restaurant. We have 97. Represented [unintelligible] two percent
3 shortfall. We've agreed to provide these spaces. We've also addressed all the concerns raised
4 by City staff including a couple hours ago we got a whole new set of claims from Mr. Levinsky
5 and so we quickly at staff's request produced the exhibit you see in front of you and changed
6 the allocation based on either us voluntarily trying to remove issues off the table or City staff in
7 the case of the trash room asking us to remove it.

8
9 We are FAR compliant and we are parking compliant. It should be noted that even though in
10 2,000, even though our 2013 ARB approval included approval of our garage storage spaces we
11 have agreed to rip these out. All of the storage spaces include any replacement storage space
12 in the FAR calc to placate Mr. Levinsky. In addition even though we question whether every
13 restaurant in Palo Alto is providing parking for it's covered outdoor dining area I'd say a policy
14 that's a little known we're doing so. We're being held to standard with respect to the garage
15 storage and outdoor dining areas that likely few if any other restaurants in Palo Alto are abiding
16 to or abiding by.

17
18 Finally, Mr. Levinsky a couple weeks ago questioned the area calc for the restaurant area itself.
19 We voluntarily had our architect of record field measure the space and recently to confirm its
20 actual gross floor area and we adjusted our calculations and FAR calculation to include the
21 actual number to confirm we're in compliance. In summary we're meeting code and all of the
22 requirements requested by the Planning Department. We've been responsive and sincere in all

1 our interactions. We have also tried to address what we understand to be Mr. Levinsky's
2 concerns as they evolved over time. All the unnecessary delays and foot dragging has cost us
3 over \$100,000. We need to simply move forward with replacing an abandoned storefront with
4 a vibrant pedestrian oriented use. We ask that you allow this application to move forward
5 tonight. Thank you.

6
7 Two other quick points; I would like to walk you through the calculations quickly and maybe it
8 would help Mr. Levinsky understand what's occurred because it's not too terribly complicated.
9 And also we have some 10 letters of support from long time Palo Alto residents, long time
10 business owners, long time and major retail tenants on California Avenue who are our
11 neighbors. And Mr. Kelly is one of the owners of Protégé. We'll submit them as part of the
12 record and a few minutes.

13
14 So I'd like to walk through the area calcs and FAR calcs and parking calcs and address any
15 questions you have. So in simple form what you see and it's the copy you have in front of you is
16 going to be easier to see than the one up on the board because the colors are not unfortunately
17 very readable on the board. But simple form there's four floors. Two of the floors are the
18 upper office. Those haven't changed and those are in blue. The garage space that's shown in
19 grey is the exempt area. What's shown in dark grey are the current storage spaces that were
20 part of the ARB approval that we're removing. The only space that were to remain part of the
21 FAR calc has been noted a number of times is the essentially new storage space being used by
22 the restaurant which is shown in purple.

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The then there's the ground floor. The ground floor is relatively straightforward and as you can see just visually if you look at the one in front of you the again the grey area is exempt parking area and then the purple area is the restaurant are. Those are not the controversial or the parts that are questioned by Mr. Levinsky. The other areas are the pink rooms or red rooms which are we're now including and allocating to both users. One's an electrical room, one's a trash room and recycling and compost room all in one, and one's the utility room which has a shower in it. Those we're allocating on a pro rata basis. The 14 percent actually wasn't it happens to be that Mr. Levinsky is number, but it actually is just simply taking the area of each of those spaces over the total is probably how he reached it, arrived at it also. I wasn't aware of his he was looking for 14 percent.

So then it gets down to the relatively small spaces you see in other colors so let me explain those. There's two other colors. There's yellow and there's green. The green areas are the spaces being used exclusively by the office and we'll talk about Mr. Levinsky's contention here in a second, but basically it's the elevator, the stairs to the upper floors, and the office lobby. And then there's yellow areas. Yellow areas are shared areas between the garage exit, basically garage stairs and the upper floor stairs. So those are allocated evenly to those two uses 50 percent each since they're well probably used more by the office upstairs since there's two floors upstairs, but we in Mr. Levinsky's favor did a 50-50 split.

1 So bottom line is we walked through every space on the ground floor and I've shown you how
2 it's allocated. If you step back and say ok just for fun how does this compare with the ARB
3 numbers? They're actually slightly higher, about 100 sf higher. So why would I be adding
4 square footage to my detriment? It's because it's real and it's actual. That was explained
5 simply because the City Building Department right before we finished the building decided to
6 change the exiting out the back of the building because they weren't happy with how the door
7 was opening. So we had about 100 sf of corridor space to exit. Otherwise the numbers are
8 exactly as [in the AR] building on all the floors.

9

10 So let's talk about his the points he's raised. Again, he seems very interested in legislating how
11 we're allocating common area in our building. I think if he asks staff what they'll say is they're
12 not in the business of allocating who's using what room, but the reason Mr. Levinsky is so
13 interested in and as he stated is to try to drive up the parking ratio. The parking ratio is roughly
14 double for retail, a restaurant I should say, as it is for office. So the more you allocate to
15 restaurant the higher the parking ratio be. And so the lobby and the elevator he says that
16 should be allocated to the restaurant. The fact is the restaurant has its own exit on the outside
17 the building. They don't have card access to the lobby. It's controlled certainly after hours
18 means at 5:00 p.m. so there's no opportunity for restaurant users who may decide to park on
19 the blocks behind the building to come through the lobby. They would have to come around
20 the building like most buildings. And so simply put the elevator and the office lobby are for the
21 office tenet; period, end of story. So it for him to get interested in legislating that which staff
22 hasn't run down, gone down that rabbit hole, but apparently Mr. Levinsky wants you to.

1

2 And as part of the stairs, the stairs are handled. He was incorrect in stating that they're not
3 being handled pro rata. We basically it's a very [diminished] amount, but if you look at the
4 parking area which is dedicated to the office in the basement and you take the 160 feet out of
5 that little less than 13,000 and say I want to charge you pro rata for your share of the stair and
6 the bike room there again the tenant is about that office tenant it's about 10 times larger, a
7 little bit less than that, 8 times larger than the restaurant, but you say ok I'm a charge for one
8 eighth of the 30 square foot bike room and plus your storage area and take that ratio to 13,000
9 feet you'll get about three sf. We've included that in the 160 so they are paying their fair share
10 of using that stair to get to the bike room and to the their storage space.

11

12 As far as outdoor dining this one is the most maybe frustrating and simple. We are in the
13 simplest terms saying that we will abide by using 100 square, 150 sf of outdoor dining period,
14 end of story no matter how you use it. There is a there is an exhibit I and Graham I may need
15 your help here to go to the next slide, but I'm technology... No, I just actually want to go there's
16 it's just that slide shows the outer dining. And basically all that you need to do is shift it over
17 five feet to incorporate the door which is Mr. Levinsky's point. When you walk out the door the
18 architect inexplicably left the small walkway a couple feet not crosshatched and I just said just
19 move it over so it actually from the time you exit the building for outdoor dining and while you
20 walk around to serve people that's all in the 150 sf so we're totally compliant. So there's no I
21 mean by definition we're going to do that. So this is just if you that's the 150 sf in blue and the
22 green part which is what Mr. Levinsky pointed out was not in the crosshatch area, the 150,

1 which is true. It wasn't an insidious plan it was just an error by the architect and we're more
2 than happy to right size it and just move the box over. We would trim it down and just make it
3 so it's a 150 sf. So simple, simply put we're going to only have 150 sf of outdoor covered dining
4 area to comply with FAR and to properly park the project.

5

6 Acting Vice-Chair Monk: You just have one more minute left.

7

8 Mr. Conroe: Ok, and that's all I have. I'm happy to answer any questions on these calculations,
9 but it's all the numbers basically tie out except for the noted 100 or 99 sf, 98 sf to the to the
10 numbers on the ARB original approval. So thank you very much. And I'm available answer
11 questions at any time.

12

13 Acting Chair Waldfogel: Great, thank you. Let's move on to the public hearing. How many
14 speakers do we have?

15

16 Acting Vice-Chair Monk: Eight.

17

18 Acting Chair Waldfogel: We have eight speakers (interrupted)

19

20 Mr. Lait: I think some of those might be part of the applicant team actually.

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22 Acting Chair Waldfogel: I'm sorry.

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Acting Vice-Chair Monk: Ok, so I'll read you the speakers. We've got (interrupted)

Acting Chair Waldfoegel: Hold on just a second. So we've published five minutes per speaker, if the speakers can manage to do it in fewer than that that would be great, but no obligation.

Acting Vice-Chair Monk: So the first is Christian Pease followed by Paul Machado and then Mike Anderson. And let me just reset this.

Paul Machado: Paul Machado, Christian left. So he couldn't stay.

Acting Vice-Chair Monk: Oh, I didn't know that. Sorry. Ok.

Mr. Machado: Ok.

Acting Vice-Chair Monk: You still get five minutes.

Mr. Machado: Ok. As background when the building at 260 Cal Ave. was to be approved a neighbor of mine approached, appealed the project and he declared it to be grossly under parked and said the project was given credit for spaces that actually didn't appear, they didn't exist. Although my neighbor's statements were true the project was approved as it was

1 compliant with the law. Now again there is a question about the building being compliant with
2 the law, mainly the FAR requirements and therefore parking requirements for the restaurant.

3

4 I became concerned when the applicant replied to a citizen query about the FAR and said it
5 turns out the restaurant tenant is not using the elevator, utility room, electrical room and the
6 recycling room is exempt hence all the common areas are accommodated for in the office area.

7 I didn't understand how that could be correct and I asked that that be corrected. It seems
8 nonsensical to me. I've no complaint with the two young restaurateurs that I've met. I would
9 hope that this restaurant could open as soon as possible. I understand it's a big burden for
10 them. I want to thank Graham Owen. He met with us and tried to answer all of our questions,
11 but we worked hard in Evergreen Park for RPP very recently and it may not sound much, but if
12 it's one or two or three parking spaces it's a big deal. And if that's the only thing that's stopping
13 this restaurant from opening then I hope it's settled tonight. Thank you.

14

15 Acting Vice-Chair Monk: Mike Anderson followed by Anthony Secviar.

16

17 Mike Anderson: Hello, my name is Mike Anderson. I've lived in midtown Palo Alto for 35 years.
18 Some of you know me because of my service on different nonprofit boards in town. I'd like to
19 thank the Commission for all the time you guys spend on all these matters. I know it's a
20 thankless job and I'd like to thank you. I've dedicated most of my time to the nonprofit world
21 and not in public service like you, but thank you for your service.

22

1 My parents had a restaurant when I was a kid and I grew up around the restaurant business. It
2 wasn't a very fancy restaurant, but it was all we had and I was indoctrinated at a very young
3 age. I've always been interested in the culinary arts, but my career took me a different
4 direction and I've never really had the time, chance to kind of delve back into it. I met Anthony
5 and Dennis about a year and a half ago. And I was really moved by their idea for what they
6 wanted to do for a restaurant in Palo Alto because not only did they want to bring some of the
7 finest culinary arts to bear in Palo Alto, but they really had a commitment to teaching young
8 people about the culinary arts. They talked to me about how they had been mentored during
9 their careers and how they wanted to mentor other people and I felt that this was a very
10 important thing for our community because I think that one of the things that you can never
11 have enough of is well trained citizens.

12
13 Anthony and Dennis are just regular guys. They're restaurant guys. All of the things that we're
14 talking about tonight are not in their stratosphere so to speak. They're not things that they
15 deal with. They've tried to be straight up and get their project approved. When they first came
16 to me and asked me to invest in their project I told them that Palo Alto is notoriously tough to
17 get a project approved in. I had no idea that it was going to be this tough. I did decide to make
18 an investment in their restaurant and I did it because I believed in them and I believed in
19 Protégé and what Protégé was trying to do. It's a small business. They're trying to create a
20 small business, create jobs for people, train people at a very high level. That's what they're
21 trying to do and they've come to our community. They've moved their families down here.
22 They've been unemployed pretty much for 18 months as they're going through this process and

1 I think some to sometimes we miss the personal element of this and the personal cost that
2 people go through just to get a restaurant approved in Palo Alto. That's all they're trying to do,
3 open a restaurant, create jobs, create a dynamic environment on Cal Avenue where we've
4 invested \$7 million of taxpayer monies for the very purpose of creating a vibrant neighborhood.
5 I've been here for 35 years. I've seen California Avenue on the decline at times. Many vacant
6 spaces, many underutilized spaces. To me it's exciting that we have the opportunity to have
7 people like this willing to come to our community and create a small business and actually
8 employ people and train people.

9
10 The appellant has a point of view. He's made that very clear. And I actually may not disagree
11 with his actual global point of view, but I do disagree with this kind of nitpicking approach, the
12 death by a thousand cuts, the constant stream of comments coming in, and I believe that the
13 rules and regulations and codes of this City should be interpreted by City staff. We've had the
14 Planning Director opine on this and give us her opinion on what we should do. I think we
15 should follow those recommendations. I think we should support our staff and most
16 importantly I think we should support this restaurant and recommend that the City Council
17 approve it. Thank you very much.

18
19 Acting Chair Monk: Anthony Secviar followed by Dennis Kelly and then Dan Rose.

20
21 Mr. Lait: So Chair and I'm sorry just before the speaker begins. With the restaurant, right? So I
22 don't know if there is any time left on the... so this is part of the applicant team. This is the

1 restaurant owners coming to speak and so we had talked about a 15 minute allocation for the
2 applicant team.

3

4 Acting Chair Monk: So 15 for...?

5

6 Mr. Lait: No, no. You... [Unintelligible-Many people speaking off mike at once].

7

8 Anthony Secviar: We certainly hope so. I'll push. Good evening, Commissioners; My name is
9 Anthony Secviar. I am the co-owner of Protégé the project on 260 Cal Avenue. I'd like to take
10 the opportunity to read a summary of my experience with this project and obviously this will
11 not speak to the technicals and the specifics that have been discussed tonight, but I do think it's
12 relevant in regards to a sense of urgency that we feel a need for a conclusion in this process.
13 My partner Dennis and I decided to make Palo Alto our home for Protégé and have spent the
14 better part of the past three years scouting for a location, planning our design, and applying for
15 permits. It is our dream to own and operate a world class neighborhood restaurant in the heart
16 of Silicon Valley. After 10 months of delays relating to our permits to say I am frustrated and
17 confused is but the tip of an iceberg. I have three children and together with my wife who stays
18 at home and raises our children left a lucrative and successful position in Southern California
19 soon after filing for permits last August. We had saved enough money to support our family for
20 the expected three month permit approval process and I wake up today nearly 10 months from
21 filing and I'm here talking to you. We have had no income. We have not pulled any investor
22 money to support ourselves. We do not have any outside support financially. We are not part

1 of a corporation. We are not part of a restaurant group. We are simply two guys with a vision
2 and a desire to open a great restaurant in Palo Alto.

3

4 We decided to open in Palo Alto for a number of reasons the most obvious being the affluence
5 of the demographic, the cultural diversity, and the density of the population, but where that
6 what really appealed to me was this sense in feeling of entrepreneurship that Palo Alto has
7 historically embraced. And what I intuitively assumed was a community that would open me
8 with open arms has not proven to be completely true. Although everyone we have met in this
9 community has been very supportive and excited to see our restaurant open the permitting
10 process I have experienced has been frustrating, confusing, and anything but smooth and
11 welcoming. While I am sensitive to the due process and respect the need to make sure we are
12 up to code we have had multiple planners assigned to our project and while we have spent
13 incredible amount of time and money to make necessary changes to appease both the
14 residents in opposition and the City these changes have only lead to additional issues and
15 further delays. Time and time again we have made changes and received positive and
16 optimistic reports from the City only to be let down after additional requests and delays. We
17 have done everything and agreed to everything the City has asked of us and to finally receive
18 permit approval and to ultimately have this arduous process be appealed is devastating both
19 mentally and financially.

20

21 I have met with Mr. Levinsky and those in opposition and heard their issues firsthand
22 concerning our permits and our project. I'm sure he believes that he's doing a service to the

1 City by auditing every decision the department makes and I certainly commend him for his
2 diligence, but it's my opinion that his interpretation of the zoning code is not in line with that of
3 the City. And his issues are to do with process my opinion is halting every project the City
4 approves is hardly the best avenue to invoke positive change. Having us as a willing small
5 business addition stuck in neutral so he can have a voice in how the City handles code and
6 policy seems to be unfair and it is doing our City more harm than good. I have to imagine that
7 there are more suitable forums for Mr. Levinsky to address his concerns with City policy.

8
9 We are up to code in as far as the Department of Planning the only resource we have that can
10 lawfully tell us we are in code or out of code and we should not be held hostage in order to
11 provide a forum to debate the City's policies and how they uphold, how you uphold and
12 enforce the laws. We should not suffer simply because Mr. Levinsky does not trust the City to
13 do its job. We are up to code and should be allowed to open our business and we feel the
14 addition of an owner operated restaurant where the both of us as partners will be hands on in
15 every aspect of this project will be a great addition to a budding culinary scene here in Palo Alto
16 and humbly, humbly ask you to grant us permission and recommend us move forward with our
17 dream. Thank you.

18
19 Acting Vice-Chair Monk: Dennis Kelly. And just to expedite if we could have Dan Rose's kind of
20 come up to start afterwards.

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22 Acting Chair Waldfogel: Mr. Kelly you're also part of the applicant group.

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Dennis Kelly: Yes.

Acting Chair Waldfogel: Can I mean I want to give you a chance to talk, but maybe can you just if it's possible to be brief that would be fantastic.

Mr. Kelly: [Unintelligible] I do want to submit them if I can. There are 10 letters. I was going to read a couple. I will not, but these are letters from residents and business owners in Palo Alto. So I'd like to submit those for the record if I could. Yeah and I think really think that everything I really wanted to say has been said. I won't take a lot of your time. I mean on a personal level I did leave the French Laundry after more than a decade to move to Palo Alto, to return to Palo Alto. I was a resident from 1993 to 1999. I worked at a local restaurant and I fell in love with the community and I wanted to come back and serve it and I convinced my partner that this was the area to do it. We heard about the revitalization on California Avenue and we were excited about the proximity to Caltrain and we decided that this was the right area. And honestly we really do want to serve this community. We're excited to be here and we hope you'll give us that opportunity. I won't take any more of your time. Thank you.

Acting Chair Waldfogel: Thank you.

Dan Rose: I also keep my remarks brief because it's getting late. Like Mr. Anderson I'm an investor in the restaurant. I've known these gentlemen for a year and a half. I've had them

1 cook for me multiple times. Mr. Kelly is one of 200 master sommeliers in the world. Mr.
2 Secviar is I believe going to be considered one of the top chefs in the world very, very shortly
3 after opening Protégé. I say that having eaten at most of the top restaurants in the world. If
4 we don't allow this restaurant to go through we lose an opportunity to have a landmark in Palo
5 Alto that will become synonymous with the City over the next decade or two. I've been at
6 Facebook for 11 years. I think Facebook is also synonymous with Palo Alto and I would put this
7 restaurant in that same category. I hope you will help us get this through and I think there's a
8 lot of empathy here for what these two gentlemen have gone through to try to make this
9 happen. Thank you.

10

11 Acting Vice-Chair Monk: So we've got Reed Gaither and then is Neilson Buchanan still... Yeah
12 and that's the last one after Neilson. Oops, sorry.

13

14 Reed Gaither: Alright. So Reed Gaither. I live actually down the road from Paul who spoke
15 earlier. He is a neighbor. I'm on Stanford Avenue about three blocks from the restaurant. I
16 have nothing really to do with any of these people here, I've just heard the story living in Palo
17 Alto. I've got friends on both sides of the aisle so to speak. Paul walks by my house every day
18 and I see all these people at schools and various functions around town.

19

20 I commend folks who worry about parking. I live here; I've been on that street for 19 years.
21 We all care about parking. I get it. This is not the way to fight the parking issue this is it's a
22 tragedy to take what people want to do with passion to create jobs and take a parking issue

1 and make it their problem. This is not their problem. This is our city problem. There are a lot
2 of things we can do to fix it, but shutting down every development and every piece of progress
3 in our town is the wrong way to do it. Paul has told me that's his plan to stop everything. Say
4 no to everything. That's not a plan. That's disruption. It doesn't help anybody.

5
6 So I live in a neighborhood. I'm very proud of all the money we spent. I know it was hard for
7 the town to get behind spending \$7 million renovating our town. It's great. There are a lot of
8 complaints that California Avenue is a unique opportunity for our town and it's becoming a
9 magnet. People come here and they go to dinner they go wow I've never, I never knew this is
10 here. It's better than University Avenue. There are people walking around town, wide
11 sidewalks. It's terrific and I knew the people that took over Town & Country. I met him at a
12 party once and he said we never would have done without an anchor like Trader Joe's. Never
13 would have signed that deal and renovated that spot which now is incredible and most of you
14 probably remember it 20 years ago it was pretty derelict. So was California Avenue.

15
16 So here we go we've already spent the \$7 million and these guys come along and they want to
17 open a restaurant and we're I think quibbling over a couple of parking lots and I'm not trying to
18 disrespect the code. I get that, but now it's down to interpretation and there's no fine line
19 here. And you have a chance to get an anchor restaurant that will bring people from
20 everywhere. And no one has even made mention of the fact that they're a block from the train
21 station. There are 200 empty spots every night down there. If anyone walks around there
22 night there are plenty of spots where they're located. So those are kind of my basic comments.

1 We spent a lot in California Avenue. There's a minor grey area here. There's a bigger issue that
2 folks want to fight, let him fight it somewhere else. This is not the place to do it.

3
4 I'll also note that so I go down I eat lunch and dinner down there three, four, five times a week.
5 That spot's been vacant a long time. There's another spot right next to it vacant. People notice
6 this. It doesn't look good. It's not good for anybody down there. It's not good for the retailers
7 that are struggling and I think we need to take those factors into consideration in addition to a
8 parking spot. Thanks very much.

9
10 Acting Vice-Chair Monk: I mean I announced Neilson Buchanan so if he's here come on up.
11 Let's go.

12
13 Neilson Buchanan: Thank you. I'd like to refresh your memory about history, recent history. I
14 had no involvement with the City until about 2011 and that's when the first fiasco over permit
15 parking was launched by the City and failed upon launch. And only because of resident hard
16 working scrabbling for details did permit parking ever come alive and now we've got several
17 permit parking programs going. And it's attention to detail caused change to happen. In the
18 course of this planning exceptions/exemptions, all kinds of loopholes have been closed by the
19 City Council, but in each case it took a dedicated hard working residents putting up silly details
20 for the City Council to adjudicate. And tonight you have a chance to adjudicate what has now
21 been simplified to some very simple issues and, but these are very important details. It has
22 nothing to do with children. It has nothing to do with investment. Investors take risk and

1 you're not here to mitigate the risk they're taking. You are to adjudicate the merits of this
2 because these little exceptions/exemptions have resulted in hundreds of parking space
3 exemptions/exceptions. That's the reason the neighborhoods are full of nonresident vehicles.

4

5 So this is and above all let me say it's not the residents that I think are really most harmed by
6 this, it's the other merchants who are now going to scramble for scarce parking permits. So this
7 is all part of a ball of wax that is made worse by those tiny little exceptions. And I have great
8 empathy towards the business side of this, but the fact of it is these people who just made
9 statements really are not aware of all the hard work of eliminating exceptions and exemptions
10 and we haven't even begun to deal with the parking assessment district. That's the hottest
11 potato in town. Castilleja is a good example of when things got bad enough something had to
12 give and now we're in the unenviable situation of trying to figure out what's best for Castilleja.
13 In attention to detail for the parking at Castilleja now has resulted in a rift in the neighborhood.
14 So tonight don't compound the problem, adjudicate this question, make a decision, and let's
15 move on. But I think there's a real clear cut decision. Somebody's got to make it and don't skip
16 over it like it has been in the past. City Council has been responsible for staff making all these
17 exceptions. Now is the time to look at it afresh and if necessary the Council can take a look at
18 it. Thank you.

19

20 Acting Chair Waldfogel: Great, thank you. That completes... yes?

21

1 Mr. Lait: No, I'm sorry. I would just suggest I mean we kind of had a an applicant rebuttal I
2 would just I think it be appropriate to afford Mr. Levinsky an opportunity to provide rebuttal
3 (interrupted)

4
5 Acting Vice-Chair Monk: If he has something new to say otherwise I don't (interrupted)

6
7 Mr. Lait: Well I think your code provides for a three minute rebuttal (interrupted)

8
9 Acting Chair Waldfogel: Yeah.

10
11 Mr. Lait: And we've been following the appeal procedure.

12
13 Acting Chair Waldfogel: Ok, so let's follow that procedure. Do you have anything that you'd like
14 to add?

15
16 Mr. Levinsky: Thank you. I appreciate the applicant's explanation for some of the decisions that
17 were made. I do want to say on a personal note that I am saddened by the amount of personal
18 invective that has been leveled in this session and I don't think that Paul Machado has likely
19 ever said anything like that he wants to shut down every project. I know Paul pretty well and I
20 think many people in this community do and I don't think that I think there may be some grave
21 misunderstanding. I would like to say for myself personally I did not receive multiple requests
22 to meet with the owner through the City as stated and that there was no we were offered a

1 spot as I've explained to the owners. We were offered a spot to meet and that we checked our
2 schedules and it worked for us and we went ahead and met. And that we were unaware I think
3 that the owner was actually going to be invited or be part of that in any way.

4

5 At any rate I do think that the remaining issue first of all the 150 sf if the if that means all the
6 outdoor seating area and service area that's great if that can be accommodated in 150 sf. So I
7 think that would resolve that issue if that can be said. I think the City might want to alter its
8 conditions to make that clearer than it has been in the past. I think the remaining issue I think
9 many of you picked up on it is how the stairs and elevators are allocated. And I don't
10 understand exactly if the storage space is going to not require any elevator access how people
11 go down, but in talking with people who are responsible for running restaurants is my
12 understanding that storage space is pretty important and that would be used frequently if it is.
13 So I think we were told they wouldn't have access to the lobby, but then some of the lobby
14 space is in yellow that the so how that works exactly might be explained. So with that let me
15 wrap it up and thank you for your attention.

16

17 Acting Chair Waldfogel: Great, thank you very much. So with that we'll close the public hearing.
18 I believe that there are still some nagging questions about what the numbers really are and
19 rather than asking you to answer those right this second if you don't have the... do you have
20 them available right now?

21

1 Mr. Owen: Are you talking about the FAR figures? Because we do have those with this
2 submittal right here that was in the at places memo.

3

4 Acting Chair Waldfogel: So this is the definitive?

5

6 Mr. Owen: This is what the architect of record has provided us today and this would be the this
7 reflects the breakdown that we're that the applicant (interrupted)

8

9 Acting Chair Waldfogel: Why don't we start over here and then so I think we just answer the
10 question that we do have that information, but why don't we start with Commissioner
11 Rosenblum?

12

13 Commissioner Rosenblum: So I think that we're down to just a couple of pretty small issues, so
14 one is the treatment of the outdoor area. So fortunately we still have this graphic up and there
15 that initially there was misrepresentation of the nature of the outdoor area. They've now
16 shown that it is exactly this 150 feet. With this definition is there still a discrepancy around the
17 treatment of surface area versus outdoor seating area or does staff feel that this is been
18 satisfied? Is this now a clear issue in staff's mind?

19

20 Mr. Owen: With the FAR diagram that you have that shows right there the 150 sf and yes we're
21 satisfied with that. You have the area that's beyond the property line that's not covered and
22 that wouldn't meet our definition of gross or excuse me, of a covered service area. So for the

1 purposes of including the tabled the areas versus the areas that are in front of the door our
2 interpretation has been that if you're not being served then it's not service area. So the area
3 that you need for ingress/egress in front of the door it doesn't meet our interpretation.
4 However, there's nothing in the code that specifies what covered outdoor service area is so this
5 is where we are with that. So the 150 sf is yeah, sure.

6

7 Mr. Lait: I'm sorry. So just to be a little more succinct the diagram there in what looks like it's a
8 yellow highlighted area that shows ingress/egress we do not count that. We've not counted as
9 far as I know toward service area. So if you exclude that and the balance of the area is 150 sf.
10 We believe that that is consistent with what we understand is being proposed.

11

12 Commissioner Rosenblum: Ok. I'm personally comfortable with the interpretation in the sense
13 that what you're concerned about with parking is the intensity of use so i.e. does this allow you
14 to seat more people? And so for a wait station that so the same number of waiters are there
15 whether or not they have that as a prep area or ingress/egress from parking standpoint it
16 should be unchanged. The second question or second issue is treatment of a lobby. Since
17 there is no entrance to the restaurant from the lobby and that the lobby is for business use the
18 fact that in theory someone could cut through even though it's a manned structure and has
19 certain hours it doesn't feel to me to be compelling reason to start to allocate portions of the
20 lobby to the restaurant. In terms of the stairs I wanted to ask staff about this, I just want to
21 make sure I'm interpreting this correctly. Let's say that the staircase goes up from the
22 basement to the top floor and that the only use for the restaurant would therefore be someone

1 parking downstairs and using the stairs or staff using the stairs. And so you're allocating a
2 portion of just the basement to the first floor, correct?

3

4 Mr. Owen: It's more allocating the garage function to that hallway. So if you're looking at the
5 specific staircase that's adjacent to the at grade parking space what's been shown here is that
6 the area that where you'd be surfacing from the below grade area to at grade that's basically
7 required access to get out of the building. That has no function in those grey areas unrelated to
8 the parking use basically. So for that purpose it's we consider it garage. It's exempt from floor
9 area.

10

11 Commissioner Rosenblum: I'm not sure [unintelligible].

12

13 Mr. Owen: [Unintelligible] does that answer your question? Sorry.

14

15 Commissioner Rosenblum: No, I think it might have been a different answer to a different
16 question although maybe I'm just not understanding this correctly. So there's a total area that's
17 taken up by a stairwell and then that's been allocated to office use versus restaurant use. In
18 calculating the amount that is relevant for the restaurant use I would assume it's only the
19 bottom flight of stairs, not the entire staircase which would go up to the upper floors and only
20 from the garage to the first floor. And then you take allocation of that based on the expected
21 traffic from the restaurant use. Is that correct?

22

1 Mr. Owen: That's correct, yes.

2

3 Commissioner Rosenblum: Ok.

4

5 Mr. Lait: Right, but I don't believe we're counting any area any stairway area toward the
6 restaurant and the reason being for that is our parking the gross floor area definition exempts
7 parking facilities that are ancillary in supporting the use. And so our read of this is that a
8 subterranean parking facility necessarily needs to have egress and in fact two points of egress
9 (interrupted)

10

11 Commissioner Rosenblum: Ok.

12

13 Mr. Lait: From that and so we consider that exit path to get outside of the building which is the
14 same path that somebody would take if they're occupying the restaurant as exempt from floor
15 area.

16

17 Commissioner Rosenblum: I see. Ok, so I didn't, so your answer was the right answer to my
18 question. It seemed to me that the applicant was doing an allocation that resulted in like three
19 square feet from the stairs and that I was trying to interpret that and I understand, but you're
20 saying that there's no reason to even include any square feet. That it all should be exempt.

21

22 Mr. Lait: For the restaurant.

1

2 Mr. Owen: For the restaurant, correct. Yeah, once you start going above the at grade area so
3 going up towards the office then it would count towards the office because it has a function
4 unrelated to parking at that point.

5

6 Commissioner Rosenblum: Ok. And then there was an issue on the trash room which seems to
7 have been resolved.

8

9 Mr. Owen: Correct.

10

11 Commissioner Rosenblum: Ok. So to my mind we've resolved so the allocation disputes I'm
12 comfortable with. If we go through area by area and the lobby area, the stairwells, etcetera I
13 don't see an issue. And therefore the calculation on the at place is memo should hold and
14 therefore it should be compliant. So I personally think that the applicant has now answered all
15 questions, but I wanted to make sure if staff believes that all questions have now been
16 answered.

17

18 Mr. Lait: Yeah. So during the public testimony Graham and I were just double and triple
19 checking the numbers and what we find is that the project as presented here meets the
20 standards. So the they're two parking spaces short for the restaurant conversion if you add all
21 the 14 percent allocations and there is no standard in the code for how you do that. And in the
22 past we've taken it by floor, we've taken it we've divided it in half, we've taken the percentage,

1 the proportional share. So we just need to pick one and so if you use that proportional
2 allocation this plays out the way it is here at 99.48 parking spaces being required. That actually
3 rounds down to 99 pursuant to the code. And so they're deficient two spaces which they're
4 proposing to use with the parking lifts.

5

6 Commissioner Rosenblum: Puzzle lifts.

7

8 Mr. Lait: The only other piece I would add is that the lobby if one found that the lobby should
9 be proportionally allocated that would add another 68 roughly square feet.

10

11 Commissioner Rosenblum: Yeah.

12

13 Mr. Lait: And that would trip another parking space.

14

15 Commissioner Rosenblum: Put them over the, yeah. Ok, so then I'm satisfied. I just want to
16 make a quick statement which is that I do think we always want to consider the public interest
17 in any project. And there's a clear desire to develop Cal Ave. which is why we spent the \$7
18 million. It's a long term project. This is exactly in keeping with the purpose of that project.
19 Having an empty space is exactly anti public interest. We get lots of input from resident
20 stakeholders with the subject line assault on neighborhood quality of life which often is
21 equated parking, but there's also a neighborhood quality of life with having a great restaurant
22 or having a street to walk down without empty spaces. So I think we're always trying to

1 balance these two things. In this case it seems to me that this is compliant, but in addition to
2 that there's a strong interest in having a vibrant space in a place that we're trying to develop.
3 So I hope that residents take those two factors into consideration, but at any rate I have no
4 further questions.

5

6 Commissioner Summa: Ok, well I have a bunch of questions. So since outdoor seating is
7 considered FAR if it's covered and staff agrees with that inside a restaurant there are many
8 areas that exist where they don't increase the number of clients being served because you need
9 to move through the space to serve. You need to move around. I don't under... it seems the
10 intention of the code is to include outdoor seating under a permanent roof area as FAR and I
11 don't see to look at the areas you need to get through it to serve people their food in one case
12 there's no question about it and here you're saying no. So I would recommend including the
13 entire area outside that is under the roof. And the first time I looked at this project I assumed
14 they were going to put because of the heat lamps that extend under the basically under the
15 there's two more heat lamps under the overhang that extend towards the main lobby entrance.
16 I assumed they were going to use that area, but I guess not.

17

18 So I have also a question about the storage area left in the basement. I'm very concerned
19 about two aspects of this project with regards to how well it works for the restaurant client and
20 before I go any further I want to preface my comments with I really hope this restaurant gets
21 approved and gets approved quickly. I think that probably the appellant if that's what we call
22 Mr. Levinsky can't be blamed for the 10 or 18 months of delays and approving it. I heard both

1 so I don't know which it is because his involvement was very recent. So I did find that to be a
2 bit hyperbolic.

3

4 So with regards to the storage area in the basement how much of that, a lot of it has now been
5 removed, right? We're down to 163 sf or something like that. How much of that storage area
6 was the restaurant relying on so they could operate efficiently? And I don't know if the and do
7 they have enough left?

8

9 Mr. Lait: I'm sorry. So if we're going to have testimony we need to have it at the microphone.

10

11 Mr. Secviar: So I'm sorry. Can you hear me?

12

13 Commissioner Summa: Yeah.

14

15 Mr. Secviar: The original plan was some a little bit over 400 sf and we've limited that based on
16 the opposition's arguments and to get into FAR. We're now at 160 as you mentioned. The
17 minimum for dry storage is 100 so we're right at the limit of our capacity as far as being
18 efficient and in code with the Health Department as far as dry storage is concerned. But we're
19 right on the limit.

20

21 Commissioner Summa: Ok. So you feel that it's you can still operate your restaurant efficiently?

22

1 Mr. Secviar: I do. I feel the outcome of the argument has made what we had was 400 sf which
2 would made it more 1) a more efficient working business, 2) a better working environment for
3 our employees, and 3) a better experience for our guests. What we have now is 160 and then
4 just barren concrete that we can't use. Otherwise we could have been using, paying taxable
5 rent on. So I think the solution it doesn't no one has a win there. It doesn't increase use. It
6 doesn't add parking. It doesn't take away parking, but it's just now it's empty space because
7 someone had an argument about it. I don't think it's the best outcome. I think we can live with
8 it and we've made multiple compromises that we'll have to live with, but we would prefer 400
9 square feet. Does that answer the question?

10

11 Commissioner Summa: Ok. And when the building plans were approved in 2013 did those plans
12 include a ventilation system for the hood system in the and in the rest in the retail area and did
13 it also include a grease trap in the retail for the retail area?

14

15 [Man]: Yes and yes.

16

17 Commissioner Summa: Ok. So what that indicates to me is that it was built to be a restaurant
18 not general retail and should in 2013 I think everybody would have been served better if it had
19 been parked for a restaurant use. So that's one thing to consider. Another thing for me to
20 consider is that if merely adding more lifts could satisfy both parties which the applicant has
21 already agreed to do and we really count the exterior space accurately and we could also

1 provide more storage why not add more lifts to this project to make it better for everyone and
2 make it compliant from everyone's point of view?

3

4 And I still don't understand why the stairway isn't necessary? Is it the case that the restaurant
5 tenant will never be able to use the elevator, they won't have access? And they still have to get
6 things up and down to whatever storage space they have. So that allocation doesn't seem
7 quite correct to me. On the other hand I understand that the code is very vague about these
8 allocations. So maybe one thing we should do is recommend a code change that includes
9 accurate proportional allocation of these common spaces.

10

11 So... also another aspect of this to me is that this is a brand new building and to start out with a
12 brand new building that's having that's causing these questions to arise is kind of unfortunate.
13 We have plenty of old buildings that are tricky with regards to our present code, but I think this
14 one could have I think it's a little disappointing that it didn't that there were all these questions
15 about the uses. So I would recommend that it probably needs one more parking lift as is and
16 that some consideration should be given to the adding more parking lifts and adding more
17 storage space in the basement for the restaurant in the right ratio. I find it a little
18 dissatisfactory to diminish the efficiency of the restaurant when it has already been established
19 that the building owner would add lifts to resolve the issues.

20

21 I had a question about the loading. You indicate that the loading space need has been provided
22 and I assume by that you're talking about using the alley as a loading zone.

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Mr. Owen: So the ARB submittal and then this submittal as well have an area that's adjacent to the transformer. So that's the area that would be providing the loading.

Commissioner Summa: Ok. And so when, ok, so when that is loading there would be less access. When there is a vehicle using that as a loading zone is there is still an open lane for in the alley? I know that's in our vehicle code. So there's is enough room there for another vehicle to pass? Just regular sized vehicle?

Mr. Lait: So this we didn't reevaluate all the entitlements for when the project was first [unintelligible]. We were just looking at the discrete outdoor dining and the alcohol use. So I don't know that we got the plans to (interrupted)

Commissioner Summa: So staff doesn't want to (interrupted)

Mr. Lait: We weren't prepared tonight to talk about the entitlement of the building from many years ago.

Commissioner Summa: Ok. Then one last question is in the conditions of approval and it's Condition 7 which limits the restaurant from to operate after 10:00 p.m. including all clean up and set up activities should be conducted in the business hours. I don't know if the restaurant owners agreed to this. My sister is an executive chef of a large restaurant group on the East

1 Coast and if you have to cease all operations at 10:00 p.m. you probably have to quit letting
2 people in and serving people and taking orders at 7:30 because it takes hours to clean up
3 afterwards. So I don't think that that condition of approval is at all appropriate for the
4 restaurant. And in fact I think, I could be wrong, staff can answer this, but I think the zoning
5 code section that's cited refers to CS and CN zone and this is in CC. And also it does not this
6 location is not within 50 feet of a residential zone. So I would suggest that that is not in the
7 interest of the restaurant at all. As a matter of fact I don't think the restaurant can operate for
8 one day closing that early and I also don't think it's the right it's in the zone. I mean it's in the
9 code. I don't think it's a right code place.

10

11 Mr. Lait: So the zoning for the property is CC2.

12

13 Commissioner Summa: Correct.

14

15 Mr. Lait: With a couple one or two overlays [are] retail and so forth. And the section that we're
16 talking about is CC2. And it's a reference to (interrupted)

17

18 Commissioner Summa: It specifically says within if there's a residential use within 50 feet and
19 then it goes on to define the 6:00 to 10:00 thing for CN and CS unless I read that incorrectly, but
20 in any case the restaurant can't operate with that restriction. So... I mean maybe I'm reading it
21 wrong. No. I don't think there's a residential use within 50 feet and I don't think we really

1 mean to say to the restaurant you have to be done taking orders, serving, and all your cleanup
2 and any prep you need to do for the next day by 10:00 p.m.

3

4 Mr. Lait: Yeah.

5

6 Commissioner Summa: I mean that would be like they can have lunch. I'm assuming they're
7 open for dinner.

8

9 Mr. Lait: So, right. I think you're right and we're I'm not seeing that the same language that's
10 written in the condition. So what we would suggest is that we just match the language as
11 provided in the code.

12

13 Commissioner Summa: Well I think since the goal of everybody in this room right now is to get
14 this restaurant open as quickly as possible. I think we should make sure that the language
15 about the hours reflects the real need of the restaurant.

16

17 Mr. Lait: And there's two, I mean we're not able to change the standard of the code at least
18 through the current process that we have. And it does talk about late night uses and activities
19 and it sets forth the regulations and it restricts business operation between the hours of 10:00
20 p.m. and 6:00 a.m. And so that's the where such uses about residential so if it doesn't about
21 residential then it doesn't apply.

22

1 Commissioner Summa: Ok.

2

3 Mr. Lait: Ok. And then the next one does deal with the CN and the CS and so that does not
4 apply. And then the other reference is to well, it's not, that's not even referenced. So
5 (interrupted)

6

7 Commissioner Summa: Right.

8

9 Mr. Lait: If it's so I hear your point. If it's not applicable we're not going to, we wouldn't require
10 it.

11

12 Commissioner Summa: Ok. Ok, so I think that sums up in summary though I would like to say
13 that I think there has been there was a little, there was a lot of hyperbole on the part of some
14 of the speakers. It wasn't really justified this evening and I think the fact that so many
15 accommodations have been made to Mr. Levinsky's rather recent request for a hearing has
16 improved the project for everyone. I'm hoping we can further improve it by increasing the
17 storage space and adding lifts in the garage proportionally to accommodate everybody. Thank
18 you.

19

20 Acting Vice-Chair Monk: Sure. I guess I'd like to start by just acknowledging Mr. Levinsky for his
21 diligence in looking at the code, in looking at this project. While the applicant does take issue
22 with his attention to the project I think he does provide a very valuable guidance to the staff

1 and now to us and how we should be looking at projects that come before us. Based on his
2 outreach to staff he did find some questions as to how the code had been interpreted at the
3 time the plan was approved and so from that standpoint I am grateful to him and his colleagues
4 for their attention to the project. I reviewed all of the letters that were exchanged. They were
5 all included in our packet between Mr. Levinsky and Mr. Owen the Planner. It appeared to me
6 that every question that Mr. Levinsky had was responded to sufficiently. It appeared to me that
7 the code was complied with and in areas where there was a question about it it looked to me
8 that the applicant made the appropriate concessions in order to meet code compliance.

9
10 I also wanted to acknowledge that we received a lot of letters in support of this project. And in
11 fact the applicant or whatever we're referring to Mr. Levinsky as tonight doesn't disagree that
12 this license should be granted. We're here tonight for this granting of an alcohol license, but
13 yet we're talking about square footage.

14
15 It's already been discussed tonight about the vibrancy and the desire to have ground floor
16 spaces utilized that we're not seeing empty buildings and that we're having a vibrant
17 community and that's reflected by people sitting outside enjoying themselves and having meals
18 outdoors. I think that we when we're looking at the code we need to be compliant with our
19 code, but we also need to look at our overreaching policy issues and determine whether or not
20 we're applying a strict application of the code or if we're looking at it in a way that would
21 balance a policy of encouraging robust areas and supporting kind of our California lifestyle of
22 eating outside and also with our California plan.

1

2 So in my view the CPU, C... CUP. Oh, I wrote it down wrong in my notes. That's why I kept
3 getting confused. It does have some things that I would like to talk about later on, but based
4 according to our packet on Page 105 it's pretty infrequent that we receive requests for
5 restaurant alcohol use and they don't typically get denied. According to the packet eating and
6 drinking establishments contribute to both the neighborhood liveliness as well as our areas
7 economic vitality. So my view is that in both the Comp Plan as well as our the sites land use
8 designation for neighborhood commercial CC2P zoning designation to encourage the ground
9 floor pedestrian oriented uses I believe it's a comparable use in the Cal Ave. area. And I
10 recommend to City Council to approve the CUP. Based on the materials presented tonight and
11 through our packet the applicant and also with what staff has indicated based on inquires
12 Commissioner Rosenblum, sorry, I always get that wrong, the applicant does appear to meet all
13 of the code and all the requirements particularly with FAR and parking. I would encourage
14 Council to have this proceed to the Consent Calendar without any further delay so that this
15 restaurant can get opened.

16

17 I do have some differences of opinion in regards to the interpretation of the code in regards to
18 the outdoor patio and the code section referring to permanent roofed areas that staff has
19 agreed that that area that we're talking about outside that's subject to the 150 square foot.
20 When I read the code to me a roof provides some sort of shelter, protection, things of that
21 nature. When I went and saw this site with Mr. Levinsky and I looked up I don't even know how
22 high up it was, I think it was close to 30-40 feet. I don't even know how high up this thing was,

1 but it looked to me like very much an architectural design. It did not look to me to have the
2 intended purpose of providing any sort of protection or roofing of any manner. And I believe
3 that in the moving documents that Mr. Levinsky provided he also references another awning of
4 some sort that's even higher up. So I think that I would like to ask Council to consider if they...
5 what is it that consists of a roof? I think in this case that there could be a finding that this area
6 outside really isn't underneath anything that's covered and that it wouldn't be subject to the
7 rules regarding the floor area, the ground floor area.

8
9 The code specifically says that it's a permanently roofed area that is a feature used for sales and
10 so I don't think that this building was built with that [is what I look] looks to me as an aesthetic
11 overhang to be used for the purpose of sales. So in two regards I don't think that it qualifies as
12 a roof under the code section. And that's why I have a difference of opinion with Mr. Levinsky
13 and apparently the staff as well. I bring this up because in the event that we find that there is
14 some sort of problem with the numbers that were presented tonight that might be something
15 that Council could consider an evaluation of in order to bring this building in compliance with
16 the code.

17
18 In addition I saw that the applicant made an agreement tonight about the area around the
19 garbage and likewise the storage area. I think the storage area in the parking structure in the
20 event that again it's determined at a later point in time that we're that the applicant is
21 exceeding the square footage then I would advocate that the storage area could be considered
22 an accessory to parking and then therefore excluded from the gross floor area.

1

2 In regards to the CUPs in general I they do look a bit mismatched with what the application
3 was. I saw a lot of provisions in there and Commissioner Summa alluded to one of them so I
4 won't iterate it, but I agree that ten o'clock closing and bringing everything inside seems
5 arbitrary. Things like that, no new signage, business hours, no entertainment, all these other
6 things seemed a little bit excessive so I'm hoping that those will be dealt with internally with
7 staff. What I'd like to leave the Council thinking about are couple things: does our building code
8 match our current community vision or vision for the future? Should we allow some more
9 flexibility in allowing variances to achieve greater community goals when there isn't any harm
10 or any safety standards that are being violated? In this instance here it appears that there
11 might be a conflict between overreaching policy and our code depending on how you review
12 the code.

13

14 I suggest we schedule a discussion or the Council have a discussion about outdoor dining and
15 parking provisions and consider whether or not that should be excluded from gross floor area.
16 Mr. Levinsky brings up a good point that we want some consistency and reliance on codes in
17 the future and so I think having some discussion on that would be helpful.

18

19 Finally, Mr. Levinsky he also expressed concern about the enforcement of the CUPs. To that I
20 would recommend that the Council consider whether it should direct staff to undertake a study
21 of whether or not our CUPs are being complied with and to what extent and if not is their harm
22 being caused by lack of compliance? Are we losing any collection of fees, things of that nature

1 and undertake an analysis of why and what we can do to enforce the CUPs. That's all for now.

2 Thank you.

3

4 Acting Chair Waldfogel: Great. I guess Commissioner Lauing.

5

6 Commissioner Lauing: Ok, thanks. So just to check the numbers from the memo this is kind of
7 picking up on what Commissioner Rosenblum said. So the memo that we got from Mr. Levinsky
8 dated today had the trash room, common areas, and new outdoor areas. From what I'm
9 understanding the unaccounted gross floor area in number one is gone. The 172 is gone,
10 correct? And the outdoor area you believe is gone as well this incremental 115?

11

12 Mr. Owen: Correct, yes.

13

14 Commissioner Lauing: Alright. And then so the only question in my mind is if you feel that there
15 is some obligation to share any of the common area and I'm hearing no.

16

17 Mr. Owen: Yeah, that's correct; so some of it is being shared currently. So with these, with the
18 allegations that you see here there's no code provision that says that they must be allocated in
19 a certain way. Just and we see it as Jon has indicated we see it done in different ways from
20 different sites around the City.

21

1 Commissioner Lauing: Ok. And is the tenant paying for any common area other than the minor
2 stuff that's shared it sounds like no, correct? Ok. I mean it's usually in the numbers when
3 you're doing a leasing and if they're not paying for any common area that's kind of a material
4 point. I think this is just such a fantastic project and we're going to get this thing done one way
5 or another, right? On the other hand there are regulations here to be... you've got to be in
6 compliance with regulations so that's what we're trying to do here. I think that it's really
7 unfortunate it's taking this long to get there, but that's probably a discussion for another night
8 of what can we do internally so that somebody who has a great project like this doesn't have to
9 go through 9 or 10 months of pain. That's bad. That's not what that message should be coming
10 to potential entrepreneurs who are building world class restaurants which this is certain to be.
11 So we got to work on that one no question.

12

13 Also concerned a little bit about the timeline which I again, it's late I want to get into that, but it
14 does seem like I heard sort of 18 months and then 9 months that it was approved so something
15 happened in that nine months which sounds like it was the developer discussing things with the
16 City was, but that was before some of the objections came up or it was when some of the
17 objections were coming up. And then the hearing came out and then there was an appeal
18 which is again perfectly legal and should be part of process. So just as a as an important
19 footnote let's have another discussion about how we can cram some of these things down.

20

21 So I'm seeing that all of these issues have been addressed from the City's point of view and I
22 think from basically from testimony's point of view. I always I just wanted to make one other

1 comment to Commissioner [Note-Acting Vice-Chair] Monk. Whatever kinds of changes that we
2 make to regulations we can maybe we should at the end of the day in this case it still comes
3 down to there's a parking area ratio that ties to FAR and in this case as Commissioner Summa
4 said the developer could do anything, just add some more parking spaces and they'll be all
5 kinds of room for storage and all kinds of room for other stuff. So that's a business decision
6 that I think is being made over here apart from the current or future regulations. So they've got
7 to work that one out. So at this point in time literally the owner/developer could say well let's
8 put in one more parking space and that would solve storage problems and everything else. I
9 think I got that math right. So that might be something that you know should be considered
10 now in the context of getting this thing across the line.

11

12 One detail question, when this was approved in 2013 I know you've got notice here of 97
13 spaces, 41 onsite 56 provided through payment to California Avenue Parking Assessment
14 District. Ok. So in an incremental situation like this is it an option to make a payment to the
15 California Parking Assessment District instead of lifts?

16

17 Mr. Owen: Not any longer, no.

18

19 Commissioner Lauing: Ok, and so the reverse of that question I think is also yes which is that it
20 is legal to have these lifts in lieu of parking spaces when it changes from retail designation to
21 restaurant designation?

22

1 Mr. Owen: Correct.

2

3 Commissioner Lauing: Ok, ok. So to add more parking space to get more storage area and
4 other areas including outside seating area you would have to add one parking space?

5

6 Mr. Owen: The outdoor dining area at 150 sf and the parking issue ratio for a restaurant is 155
7 so essentially yes.

8

9 Commissioner Lauing: Right. So again I would put that out there that that's a business decision
10 that can be discussed between the tenant and a landlord, but it seems like adding one more
11 parking space to your point is solves a lot of problems for everybody and gives them a better
12 space for as the restaurant owner said for clients as well as service people and employees. I
13 would encourage folks to look at that. It seems to me that however that we we've gotten
14 there, maybe in the laborious kind of process, but what you're saying is that we are now right
15 on the 27,018 FAR that is the lid for this project.

16

17 Mr. Lait: They're like within 90 sf of it.

18

19 Mr. Owen: Ok 100 so 171.

20

21 Commissioner Lauing: I mean I that it so in that regard for where we are tonight with the
22 exception that I would strongly encourage more parking to be added to address the issue then I

1 would certainly I would support moving forward with it with the changes that have been made.

2 Your witness.

3

4 Commissioner Gardias: Thank you, your honor. So couple of the miracle items, questions. With

5 this current count they pretty much they owe one more parking space, right? Well, now hold

6 on a second, two, but two this is what already has been agreed upon.

7

8 Mr. Owen: They're required to have two additional.

9

10 Commissioner Gardias: Exactly, but with those two are when they account for 150 sf as well as

11 the storage area, right?

12

13 Mr. Owen: Correct.

14

15 Commissioner Gardias: But then if we start considering some other items like the lobby area

16 which I think was 68 sf so usage of that at 14 percent would automatically triggered the third

17 stop, right?

18

19 Mr. Owen: Correct.

20

21 Commissioner Gardias: So let me ask you the question like this: a if I look at this if you could just

22 help me with the calculations, if we include expanding of the service area and adding another

1 150, another 200 sf so pretty much the restaurant would utilize the space in front of the entire
2 façade, building. Would this one stall, one additional third stall allow them to utilize the entire
3 front of the building or it would trigger another for (interrupted)

4
5 Mr. Owen: They would be if they used the entire frontage of the building in front of the
6 restaurant then that would add an additional say 300 sf or so give or take and that would put
7 them over (interrupted)

8
9 Commissioner Gardias: Let's remove the entrances to the building, right? Because there is a
10 lobby.

11
12 Mr. Owen: Correct. [Unintelligible].

13
14 Commissioner Gardias: So would it trigger the fourth stall requirement?

15
16 Mr. Owen: The problem is you do run up against the 2:1 FAR before you had the parking even.
17 So those outdoor seating areas if you were to extend those and have tables/chairs out in front
18 of the entire lot or the entirety of the restaurant frontage (interrupted)

19
20 Commissioner Gardias: No, I totally understand. It would go total over FAR, right? I totally get
21 it, but the question is that if we just look at the parking requirements would it trigger additional
22 forth stall?

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Mr. Lait: No. And I say that because we don't count when you're using that calculation I believe your counting area that is in the public right of way. And we don't assign parking for outdoor dining (interrupted)

Commissioner Gardias: No, I'm only using the area under overhang, that glass overhang.

Mr. Lait: Right, that's only 150 sf.

Commissioner Gardias: No, no. I'm not talking about this what's already being accounted for, I'm talking about the area that's to the left of it.

Mr. Lait: So the where the yellow is?

Commissioner Gardias: No.

Mr. Lait: Or the arrows, beyond the arrows?

Commissioner Gardias: That's I'm talking about the area to the left.

Mr. Lait: The whole other section?

1 Commissioner Gardias: Yes. The whole area.

2

3 Mr. Lait: That is (interrupted)

4

5 Commissioner Gardias: This would be another 300 sf, right?

6

7 Mr. Owen: I don't know if we have the exact numbers on it, but if you included for example all
8 the areas that are between the area that they're showing is 150 sf on this slide all the way to
9 the planters for example so that area in front of the door where you have ingress/egress that
10 would probably bring another 80-90 sf or so, if that's what you're talking about.

11

12 Commissioner Gardias: I'm sorry where are they? The planters? I'm talking about the entire
13 area in front of the building except of the area in front of the lobby and some entrances. What
14 I'm saying the question is very simple, how much how many square feet it would be added
15 approximately... No, let me rephrase it. Would addition would utilization of the entire area in
16 front of the entire restaurant would trigger the fourth stall?

17

18 Mr. Owen: Certainly, yeah. It would, but they're not proposing it.

19

20 Commissioner Gardias: It's regarding if they would go over FAR.

21

1 Mr. Owen: Yes, correct. They do, they'd go well over FAR so it would trigger additional spaces,
2 but it would be a moot point because they wouldn't be in compliance.

3

4 Commissioner Gardias: We sure?

5

6 Mr. Owen: Yeah. If it's that entire space right there (interrupted)

7

8 Commissioner Gardias: Yeah, the reason that I can tell you what's the reason, right? Because I
9 just I found it that it's inconceivable that such a restaurant would be limited with this 150 sf of
10 the service area in front of the building based on a variety of factors and I just don't want to get
11 into the history, right? If there is this is business and then if you we want to have truly great a
12 dining California Avenue we would like to just have them just do business fully as opposed to
13 just restrict them based on that the economic technicalities. So if that is if they would if that
14 expansion would still require them just to add one more third parking stall which is which
15 already originates within the utilization of some other common areas like the lobby I would
16 propose to simply require them to add three more parking, three parking stalls and then allow
17 them to expand the business along the entire facade. Ok, that was my proposal.

18

19 And just one very quick comment, so in terms of the calculation of how much of the common
20 area I think that in the lack of guidance, prescribed guidance in the municipal code, best
21 practice should take over. So if there was consistent allocation of the common area toward
22 either retail or office that practice should be applied to this calculation and I understand that

1 you don't have this at this moment, but pretty much somebody may request it and they may
2 audit us based on this argument and this is legitimate argument from the auditor's perspective.
3 That if you don't have prescribed regulations show me your best practice and then pretty much
4 if your best practice would be in conflict with either excluding or including that common area
5 we would be pretty much in violation of our own practices. Thank you.

6

7 Acting Chair Waldfogel: Thank you. Sometimes it's an advantage to go last. I've heard a lot of
8 things that I agree with, a couple things that I'm not sure about. I tend to agree with
9 Commissioner Gardias' comments. I mean the building is built. It's possible that mistakes were
10 made along the way in how things were counted. I'm not persuaded that some of these
11 technical adjustments are really that material. I am more convinced on the question that it
12 looks like it was slightly under parked for restaurant from inception. And I think there's an
13 object lesson for us in this that as we look at buildings if it says even if the application says retail
14 we may want to ask a few more questions along the way or we may just want to adjust the
15 code so that retail and restaurant have the same parking requirement. But I think that this it's
16 sad that the very first tenant in this ground floor space is triggering this debate. That makes me
17 very unhappy about something about the process, something about the way the codes work.

18

19 That said if it were possible to accommodate restaurant use across the entire facade in
20 exchange for maybe a little bit more parking if the applicant were interested in that I would
21 support that. I'd like to ask a legal question which is: we just recently approved parking lifts. I
22 believe we did not approve parking lifts for restaurant and retail use. This parking requirement

1 is being triggered by a conversion to restaurant use so is a parking lift a correct remedy for the
2 for this causation?

3

4 Mr. Lait: We believe so because we're looking at parking for the entire site. The majority of the
5 site is office and so it's the aggregate that we're looking at.

6

7 Acting Chair Waldfogel: Ok, I'll take your word for it that's what the code says.

8

9 Mr. Lait: The code doesn't, the code speaks to into the circumstances in which you can use lifts
10 and it identifies office spaces as one of those land uses that permit it and the collection of land
11 uses on the site include the restaurant and the office. So the parking for the site is provided
12 parking for both land uses.

13

14 Acting Chair Waldfogel: Ok, so I shouldn't really lean on this causation question. It's really that
15 there's a causation, but then the remedy is in the totality of the box so to speak.

16

17 Mr. Lait: Yes.

18

19 Acting Chair Waldfogel: So anyway that's... As I said I would support that. I would support
20 things that make the restaurant work whether it's a little bit more seating space or more
21 efficient storage space or whatever these things are. I would support these as long as we can
22 remedy them appropriately with parking and be a little less focused on whether we possibly go

1 a few feet above on FAR because the building is built. Ok, anyone else want to comment? Do
2 we have a Motion or? Sorry, Commissioner Rosenblum.

3

4 Commissioner Rosenblum: Yeah, I like this direction, but I also have to say that I kind of fear
5 that we're just going to just delay the process even more. I actually 100 percent agree with
6 Commissioner Gardias' area of inquiry so if we could add another lift that would add two net
7 spaces and therefore be able to exploit the entire front of the building for outdoor seating
8 thereby in line with what we want on Cal Ave., world class restaurant that can actually expand
9 and sufficient parking. Wouldn't everybody be happy, but then I get queasy and think oh God,
10 now we're going to like reapply for something and get exceptions and exemptions. And so I'm
11 wondering if it has to be one or the other? If you can divide this into parts, which is I would
12 make a Motion to approve as given the changes that have been presented to us today in the at
13 places memo. And then they could still at a later time apply for an exemption to expand. And
14 then that would be an FAR exemption and that the quid pro quo would be adding more
15 parking. That would benefit the neighborhood by being over parked at that point, but I fear
16 adding exemptions and stuff at this point will add to the length of the process. But I have to say
17 I agree with the spirit of what's being proposed, but I just had one quick question for the
18 applicant who's still here. We talked about adding a space. Has that been considered and
19 rejected? That seems to be the most obvious way of cutting.

20

21 Mr. Conroe: I was hoping someone would ask me that question. The unfortunately the way the
22 code's written you can only use puzzle lifts which require two at a time. You can only buy them

1 two at a time. You can't buy them one at a time. So if you do vertical tandems that allows you
2 to buy one at a time. That's actually originally proposed those and they staff kabashed it so
3 because they want independent access. So the punchline is you can only add two at a time.
4 There's also some structural other constraints that made it apart from economics or anything
5 else adding more puzzle lifts, but if you add them you buy them two at a time.

6

7 Commissioner Lauing: You going to make that Motion because I would second it?

8

9 Acting Vice-Chair Monk: I just had a question. What exemptions are they asking for because I
10 haven't...?

11

12 Commissioner Rosenblum: They're not. I'm just saying. I'm saying that my comment was that I
13 completely agree with Commissioner Gardias and I believe Acting Chair Waldfogel agrees with
14 this thrust that, but it would require I think a exemption that it would be over FAR. They would
15 then have covered service area that would be in excess and therefore they would be in
16 violation of FAR and yada yada. But it's a so anyway that if we went that route then it would
17 require a slightly different process; a variance, sorry. Yeah. Can I make the Motion or?

18

19 Acting Chair Waldfogel: I'm sorry, but do you have a comment?

20

21 Mr. Lait: Yeah, well regarding the Motion. I just wanted to remind the Commission that we had
22 a memo that we transmitted and so if you are making a Motion for approval we'd suggest that

1 you include this with the omission of Condition Number 7 which has to do with the hours of
2 operation. We're not finding residential uses within 50 feet of the site. And even if there are
3 this code provision still prevails and it doesn't really need to be in these conditions of approval.
4 And as you're thinking about your Motion where staff is right now we're this is sort of our
5 baseline without all my scribbles on here. And so this assumes the a prorated allocation of 14
6 percent for the common areas. It does not include a prorated allocation for the lobby space.
7 That's obviously been a point of conversation for the Commission. If you end up going that way
8 there's an additional parking space that would be required and you just heard the testimony a
9 moment ago from the property owner about how that gets arranged. But this is if you can
10 make, if you're heading toward approval if you can use this as the basis for our starting point in
11 our memo that would be helpful.

12

13 MOTION

14

15 Commissioner Rosenblum: So I would make a Motion that PTC recommends the CUP be
16 granted upon the area usage as represented in the at places that was provided to us today.

17

18 SECOND

19

20 Commissioner Lauing: Second.

21

22 Commissioner Rosenblum: Yeah so removing 7 from staff report in the conditions of approval.

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Acting Chair Waldfogel: If you'd like to well we have a second. So we have a Motion and second. If you'd like to make a let's follow Chair Alcheck's process. Why don't you make an Unfriendly Amendment, we get a second, we'll take a vote on it and go for it.

UNFRIENDLY AMENDMENT #1

Commissioner Summa: So I would like to make an amendment that we include the one extra space based on the allocation including the lobby which I believe the lobby is going to be open during regular business hours and people will be entering the restaurant from the likely from the big parking lot behind the building through the lobby and it just include, it just requires one more puzzle lift and if you have to buy them in pairs you get an extra one. I don't think it puts an undue burden on the property owner and I think it adds value and I think it's fair. Is that acceptable?

Commissioner Rosenblum: I don't accept it, but I don't have to. You just need to find a second.

SECOND

Commissioner Gardias: I will second it, but I would like to also add to it. I have since I second it I have this right to expand it.

1 [Man]: You know it's late.

2

3 Commissioner Gardias: Well, sorry sometimes we're stuck here till midnight. So welcome back
4 to 2016.

5

6 Mr. Lait: So if I just procedurally just to help. In the past I think what the Commission has done
7 is there's been a first a second and you can rather than tangle that one up which you'll need the
8 original makers support for that you want to vote on that one and then go on to your additional
9 Unfriendly Amendment and try to get a second for that. You're going to need a, you're going to
10 need support anyways because you'll need support from the Motion maker.

11

12 Commissioner Gardias: Sorry, you've lost me here.

13

14 Mr. Lait: You're going to need so whatever your amendment is that you're contemplating
15 you're going to need the support of least one other Commissioner.

16

17 Commissioner Gardias: Yes.

18

19 Mr. Lait: And so for some for clarity I would suggest the Commission make a vote on this one
20 Unfriendly Amendment now since you have a first and a second and then you can make your
21 Unfriendly Amendment, get a second on that and then you can vote on that. Actually that's
22 how I think the Chair has done it in the past. You're going to try (interrupted)

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SECOND TO UNFRIENDLY AMENDMENT #1 WITHDRAWN

Commissioner Gardias: [Unintelligible] understand. Let me think about this because there is a different way of also addressing this. So let me maybe withdraw my second. I will approach it differently.

Acting Chair Waldfogel: Ok, so do we have a second? Apparently not. Ok, so let's hear the alternate.

Commissioner Gardias: So I'd like to just make a substantive Motion.

Mr. Lait: To Motion or...

Commissioner Gardias: Yes.

Mr. Lait: Ok, Substitute Motion.

SUBSTITUTE MOTION

Commissioner Gardias: Substitute Motion to add third, to request third parking stall and allow the business to operate and allow the service area to expands to the entire span of the facade.

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Commissioner Lauing: No, needs a second. Needs a second.

Acting Chair Waldfogel: Yeah, needs a second.

Commissioner Gardias: Needs, I'm looking for a second, yes.

Commissioner Summa: And the reason I'm not going to second that is because I do not believe they would need a variance to achieve that to exceed the FAR and it's not on, it wasn't agendized tonight. The applicant didn't even ask for it. So I think you're over complicating things. So I can't.

Commissioner Gardias: So let me just if I may ask applicant, would the applicant be just I know that we have a Motion on the floor, but just let me ask you from your perspective because you should have been asked this question. Would you consider such arrangement that to pay more because it would cost you more for additional parking space in exchange for the right to operate along the entire front elevation?

Mr. Conroe: I agree with the Commissioner who made the comment that it's going to torture the process and it's going to expose us to more risk and a lot more delay because there will be appeals on the variance. So we absolutely do not want a variance under any circumstance. And as I said before there is a question of the feasibility of adding any more parking and that's

1 why we're trying to keep to two spaces. So if we had if you added allocation of lobby as an
2 example and that added 40 feet or something we would reduce the garage storage by 40 feet.
3 So we'd have 40 feet less and as you heard that doesn't help the restaurant, but we will be
4 adding just two spaces and we will be in compliance and we will stay in compliance with the
5 FAR and the parking and we'll just the right size things to make the numbers work which is what
6 we've done all along. Thank you.

7

8 Commissioner Gardias: Thank you very much for the...

9

10 Mr. Lait: So just so I'm not hearing a second to that Motion, but... Ok and that was a Substitute
11 Motion and so just so the Commission is just so we all understand what we're saying here. That
12 scenario that was described would not require a variance. There is based on the sheet, the
13 basis that we're working from here, there is room to more outdoor dining area in the front if
14 you accept the proportional allocations that we've talked about. And but it does require
15 additional parking. And it would require a total of 100 and... 100.35 parking spaces which
16 would be rounded down to 100. But that said, it's not the proposal that's before the
17 Commission tonight and it does not preclude the applicant for at some point in the future if
18 they decide that they want to extend their outdoor dining area from coming to the Planning
19 Department outside of a discretionary process and saying other than ARB and seeking to
20 amend the approval. So that option still exists whether they choose to do it at some point near
21 or in the future.

22

1 SUBSTITUE MOTION FAILED

2

3 Acting Chair Waldfogel: Ok, ok. Well, I think that we're back to the original Motion then.
4 Original Motion with a second. Do we have any other amendments anyone would like to
5 propose? Yes.

6

7 Acting Vice-Chair Monk: I just have one comment that I want to get on the record and a
8 Possible Amendment. I just want to make their recommendation that all applicants allocate the
9 common areas as they see fit so long as they remain within their FAR. As far as the Motion at
10 hand I want to look at Item Number 10 where it says it expires in one year. What happens in a
11 year?

12

13 Mr. Owen: So if I can answer that question typically we have that one year provision so that it's
14 a timeframe after the project is entitled to the point where they apply for a building permit. So
15 if they haven't applied for and secured a building permit within one year's time then we they
16 would either need to request an extension which is an administrative process or it would lapse.

17

18 Acting Vice-Chair Monk: Ok, so that doesn't apply to the license?

19

20 Mr. Lait: [Well, to the alcohol license]. That's a separate issue. It's just this entitlement for the
21 CUP.

22

1 Acting Vice-Chair Monk: Ok.

2

3 Mr. Lait: Based on what I'm hearing from the applicant their I don't think we're going to be
4 waiting a year for them to pull their permits.

5

6 Acting Chair Waldfogel: Great.

7

8 Mr. Lait: Permits are, have been issued the and the permit has been implemented or active
9 then the entitlement goes in perpetuity.

10

11 Acting Vice-Chair Monk: Thank you.

12

13 Mr. Lait: Or until otherwise the use is abandoned or something.

14

15 Acting Chair Waldfogel: Ok, any further discussion? Yes.

16

17 UNFRIENDLY AMENDMENT #2

18

19 Commissioner Gardias: Yes. I'd like to make a Motion. I mean I'm sorry I would like to make a
20 Unfriendly Amendment. And I'd like to make Friendly **[Note-Unfriendly]** Amendment exactly as
21 Commissioner Summa stated it so pretty much there would be a third plane requirement of a
22 third parking stall.

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SECOND

Commissioner Summa: I'll second that.

Acting Chair Waldfogel: Ok, we have a Motion [Note-Unfriendly Amendment] and a second.
Would you like to speak to the Motion?

Commissioner Gardias: Yes. I mean pretty much that the reason is like this that if we just if this is approved as is it just opens the door to variety of different interpretations and then it will create a domino effect on some other restaurants and then variety of interpretations and we'll just allow the other applicants to push against the limit and then point at this project and then a request more FAR without that would be unparked. So I think that pretty much as is it would create the risk for the City because it would cost ultimately taxpayer more money for garages like we would be building very soon in the California Avenue area. That's the reason.

Acting Chair Waldfogel: Would you like to speak to your second? Anyone else?

Commissioner Lauing: What's the wording of the Motion [Note-Unfriendly Amendment]? I'm not sure I understand.

1 Commissioner Rosenblum: From a process standpoint I'm a little confused because I didn't get
2 a chance speak to my Motion which is the original Motion and now we have an amendment.
3 So should we talk about the original Motion and what the language is and then what's being
4 proposed I believe is an amendment that says and they have to add additional parking, right? Is
5 that correct?

6
7 Commissioner Gardias: That's correct, yes.

8
9 Commissioner Rosenblum: Ok, so the original Motion is that we approve the CUP for the
10 alcohol license for this building with the staff's conditions of approval minus Item 7 having to do
11 without hours. And then there is an Unfriendly Amendment with the second that suggests they
12 need to add an additional two tandem mechanical parking spaces I believe. No, because they
13 come in pairs.

14
15 Mr. Lait: I think that's the result (interrupted)

16
17 Commissioner Rosenblum: They need to add one space and then they have to figure how to do
18 it.

19
20 Mr. Lait: Right. I think that's the result. The Unfriendly Amendment is to (interrupted)

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22 Commissioner Rosenblum: Is to add one.

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Mr. Lait: Count the lobby space at a 14 percent proportional area which would result in the additional parking space.

Commissioner Rosenblum: So can I can speak to my initial Motion?

Acting Chair Waldfogel: Yes, please.

Commissioner Rosenblum: Is that where we are? Ok, so I we've talked here about the same precedent and we have an applicant that has I believe at least it satisfied, so I am satisfied that the applicant has fulfilled the requirements for the CUP. I believe they've gone through each common space which was after they made concession on the storage and trash areas was the last remaining issue. The argument really comes down to will people use the lobby or not? Will people use the elevator or not? And so we're down to the percentage of people passing through the lobby. And given the hours of the lobby, the position of the lobby, and the fact there's no door from the restaurant to the lobby I think that the applicant has demonstrated that it's not that their calculation and allocation is proper. So it holds up to both common sense and the code. And so I think that the precedent for us to say well, it'd be good to have another space there is also it's not great. And like I said I think we're trying to balance a public interest of having a great restaurant in a place that we're trying to develop for great restaurants against further holding up the process. So to me the applicant's demonstrated and the logic holds.

1 We've pressed on this I think pretty diligently. So my Motion is that they fulfill the
2 requirements and that this is aligned with the public interest and the City's interest.

3

4 Commissioner Lauing: So as the second?

5

6 Acting Chair Waldfogel: I'm sorry.

7

8 Commissioner Lauing: As the second can I just comment?

9

10 Acting Chair Waldfogel: Yes, please.

11

12 Commissioner Lauing: So I agree with the comments of the maker of the Motion. I think that
13 the appeal was perfectly legal and appropriate. There were a couple mistakes that happened
14 to be made, mistakes made, are made on the part of the City and then there was a negotiation
15 on the part of the developer which is appropriate. And staff is telling us with all of their wisdom
16 and experience that they have now hit the number of the fair FAR. Personally I would like them
17 to add another space as I spoke to earlier, but I don't think we should legislate that at this point
18 in the process. So I would continue to support the Motion.

19

20 Acting Chair Waldfogel: Great.

21

1 Mr. Lait: So just one last thing so that we can minimize any confusion at Council when this goes
2 on June 12th I believe. There is a if you can look at the sheet that was presented here on the
3 existing plan for the basement. There are four dark grey shaded boxes. The one on the lower
4 left is the bicycle parking. That one would stay. That's all these are existing. And so the other
5 three boxes need to be removed. And the question that we identified in the staff report was do
6 we require the removal of the chain link fence and have that base be part of the just the open
7 air parking subterranean garage or do we consider those bicycle parking and exempt from the
8 code because they're otherwise that's exempt from the accessory parking use. So if the
9 Commission could provide some clarification as to your interest on approaching that issue.

10

11 Acting Chair Waldfogel: Commissioner Rosenblum since you made the original Motion I'll give
12 you the first whack at this one.

13

14 Commissioner Rosenblum: Yeah, I mean I think it's a bit, I mean again we should have
15 addressed this in the beginning, right? And so now it's a bit weird for me to shoehorn it into a
16 Motion and frankly I'm indifferent, but it seems most logical thing to do is remove the chain link
17 fence and then they can if they choose to put in bicycle parking in a certain subset of that area
18 then that would be logical. But it seems like just designating all of it bicycle parking whether or
19 not it's a good place for bicycles whether or not they have enough bicycles to park doesn't
20 seem great. And so it seems like the most logical thing is to remove the chain link fence and
21 make it part of the garage and therefore fulfill the requirement. So that would be my like quick,
22 my hot take.

1

2 Acting Chair Waldfogel: Let me just ask a point of clarification. If the chain link fence is
3 removed does it become functional space in any fashion or is it just dead space?

4

5 Mr. Owen: The effect is that it's just reverted to exempt garage space. So it wouldn't serve a
6 function. It would just be (interrupted)

7

8 Acting Chair Waldfogel: So we wouldn't (interrupted)

9

10 Mr. Owen: Interstitial space in the garage.

11

12 Acting Chair Waldfogel: No parking program available. So we're not I mean we're not creating
13 anything. I mean we're just taking something away.

14

15 Mr. Owen: Correct.

16

17 Acting Chair Waldfogel: Yeah. So does that affect your feeling about that?

18

19 Commissioner Rosenblum: No because then they could put a bike rack. I do expect that they
20 would probably put a bike rack in part of it. Yeah, I think that there could certainly be uses, but
21 it's I think hard to sit here right now and say 100 percent of that space needs to be used for
22 bicycle parking. I think that once it's open and that the expectation is that should be used for

1 something, but it's no longer appropriate as a closed off storage area, it's no longer a
2 (interrupted)

3

4 Acting Chair Waldfoegel: I'm just wondering whether we have any interest in this at all? I mean
5 if it remains a closed off storage area does that make any difference? Do we have an interest?
6 If we have an interest then we should enforce it.

7

8 Commissioner Lauing: Eventually It could be electric bikes, maybe motorcycles?

9

10 Mr. Lait: So that Motion that you were? Were you amending your Motion?

11

12 Commissioner Rosenblum: Yes. So then if we need to consider this as well?

13

14 Mr. Lait: Yeah.

15

16 AMENDED MOTION

17

18 Commissioner Rosenblum: Then the Motion would say and the storage spaces as identified on
19 this exhibit and so you should give it [marks] shall have the chain link fence removed and it shall
20 be part of the garage area.

21

22 Mr. Lait: Yeah.

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Acting Chair Waldfogel: Ok, so we have we have an Amended Motion with a second. Any further discussion or additional... Yes.

Commissioner Gardias: I just want a clarification, right, because just chain link is being removed, but then besides of this removal there was a certain purpose of this area utilization. It was I believe that was intentionally considered for restaurant storage. Is this right?

Mr. Lait: [Unintelligible] though. The restaurant storage area would stay.

Commissioner Gardias: No, no. But I'm talking about this shaded areas where that are...

Mr. Lait: Not all that storage area (interrupted)

Commissioner Gardias: [unintelligible] today.

Mr. Lait: Yeah, not (interrupted)

Commissioner Gardias: We going to remove the fence, right, and then, but then in original intention, original purpose of this area was related to the restaurant?

1 Mr. Owen: The portion that you see that's so you see the area that's in purple in the garage. So
2 the area just beneath that most of that area was originally going to be for the storage. The 430
3 sf of storage.

4

5 Commissioner Gardias: Of the restaurant.

6

7 Mr. Owen: Right. The other two areas were not.

8

9 Commissioner Gardias: Yeah so it's hard [for me] I mean if there was an original intention of the
10 restaurant to use it for a storage, right, I just I cannot foresee that suddenly the restaurant with
11 storage needs will suddenly that this needs will suddenly evaporate, right? So for this result I
12 just I believe that sooner or later the space in the garage may be utilized regardless of some
13 access requirement or some inspection requirements that we may place upon this upon the
14 restaurant owner to comply with this. There is a great possibility that within time it will pretty
15 much be neglected and utilized with original purpose because if they needed the space they
16 will find the space. So for this reason I think that it should be considered as in addition to the
17 lobby area as part of the common area that would be counted toward the parking stall.

18

19 Mr. Lait: So unless that's made into an amended Motion I think you can call for (interrupted)

20

21 Acting Chair Waldfogel: Right, well so there a second? Is so the Motion is to count that as?

22

1 Commissioner Gardias: To include it in the proportion of the common area.

2

3 Acting Chair Waldfogel: Ok and...

4

5 UNFRIENDLY AMENDMENT #3

6

7 Commissioner Gardias: Yeah, to include it in the proportion of the common area that would be
8 allocated toward the restaurant. Include that shaded area below this purple rectangle as the
9 count toward the common area that will be proportionally allocated at the 14 percent rate
10 toward the restaurant use.

11

12 Mr. Lait: Right. So if I can just so I think we're hearing clearly from the applicant that they're
13 going to work with the 160 sf. I mean if add more square footage to count toward storage they
14 need to add another parking space. They've told us that that's two tandem parking spaces.
15 We've heard that the property owner is not that's not the application that's before you. It's not
16 their request. They don't want to do that. If we find out later that the restaurant is operating
17 and is using this as storage area there's a remedy, remove it or seek the necessary approvals to
18 extend the storage. Nothing here prevents the applicant, property owner, restaurant tenat
19 from coming back and saying we need more storage and we recognize that we need to provide
20 the additional lifts and staff this is what we need to do. So there's room for flexibility on this in
21 the future if needed.

22

1 Acting Chair Waldfogel: Ok, so do we have a second?

2

3 Commissioner Summa: Second for what now?

4

5 Acting Chair Waldfogel: Second for an amendment to count the storage space as part of the
6 common space attributed to the restaurant.

7

8 Commissioner Lauing: The ex-storage space.

9

10 UNFRIENDLY AMENDMENT #3 FAILED

11

12 Acting Chair Waldfogel: Ex-storage space. Ok, no second. Sorry. Ok, so we have a Motion on
13 the floor with a second. Any further discussion, any other comments? And [I'll just] say I will
14 support this. I'm a little unhappy that we find ourselves in this situation with this building that
15 this change in use is triggering so much complexity that we should have anticipated this earlier
16 in the process and we should just look at our processes going forward. But in this case I don't
17 think that that's something that we should necessarily lay on the applicant. So anyhow we have
18 a Motion on the floor, second. All in favor?

19

20 Mr. Owen: Oh, just to be clear we should probably [think of the] Motion on the previous
21 amendment. I'm sorry a vote on the previous amendment. [unintelligible-crosstalk off mike]

22

1 Mr. Lait: Oh, right, right, right, right. So right. You had the Motion and (interrupted)

2

3 Acting Chair Waldfogel: Ok, sorry about that.

4

5 Mr. Lait: Commissioner Summa (interrupted)

6

7 Acting Chair Waldfogel: We're all getting anxious now.

8

9 Mr. Lait: You seconded the Motion to count a lobby. So (interrupted)

10

11 Acting Chair Waldfogel: Ok, yeah so we have it we have an Unfriendly Amendment to add to
12 count what is it, part of the lobby?

13

14 Commissioner Summa: That the lobby be added to the proportional (interrupted)

15

16 Acting Chair Waldfogel: Yeah.

17

18 Commissioner Summa: Accounting which would trigger (interrupted)

19

20 [Man]: Right.

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22 VOTE

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Acting Chair Waldfogel: Ok, so we have that Unfriendly Amendment with a second. All in favor?

All opposed? Ok, so that one loses 2-4.

UNFRIENDLY AMENDMENT #2 FAILED (2-4-0-1, Commissioners Gardias and Summa for, Chair Alcheck absent)

Mr. Lait: With Commissioners Gardias and Summa against or for.

VOTE

Acting Chair Waldfogel: Commissioners... yes, Commissioners Gard, yes. Oh now we go back to the original Motion. Are we good now? Ok, Motion on the floor. So all in favor? All opposed? Any abstentions? So we have one abstention, Commissioner Gardias, otherwise the Motion carries. Do you want to count?

MOTION PASSED (5-0-1-1, Commissioner Gardias abstained, Chair Alcheck absent)

Acting Chair Waldfogel: Ok, great. It's getting late.

Mr. Lait: But that item's done.

1 Acting Chair Waldfogel: That item is done.

2

3 Mr. Lait: But your business is not done.

4

5 Acting Chair Waldfogel: I know. We still have approval of minutes. Let's see if we can...

6

7 Commissioner Lauing: Let us know when grand opening is for that restaurant.

8

9 **Commission Action:**

10 • Recommend approval of the conditional use permit based on staff report findings and
11 conditions provided in at places memo with the removal of condition number 7
12 regarding late night noise and activity.

13 • Add a condition requiring the removal of chain link fencing in the subterranean garage
14 surrounding associated with unpermitted storage area.

15 Motion made by Commissioner Rosenblum, seconded by Commissioner Lauing. Motion passes
16 5-0-1 Commissioner Gardias abstained.

17 **Approval of Minutes**

18 Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

19 5. April 26 and May 10, 2017 Draft Planning & Transportation Commission Meeting
20 Minutes

21

22 Acting Chair Waldfogel: Ok, Item 5.

23

24 Acting Chair Monk: Is that a joke?

25

1 Acting Chair Waldfogel: Sadly it's not, sadly it's not and I'm sure you'll tell Chair Alcheck how
2 this went and that you're begging to get him back. Ok, so approval of minutes April 26, May
3 10th. Do we have, let's make it easy. Do we have a Motion?

4
5 MOTION

6
7 Acting Vice-Chair Monk: I move to the minute.

8
9 SECOND

10
11 Commissioner Rosenblum: Second.

12
13 Acting Chair Waldfogel: Seconded. Any discussion? Any?

14
15 Commissioner Summa: I'll abstain from May 10th meeting because I wasn't here.

16
17 Acting Chair Waldfogel: Ok, all in favor or do you have I'm sorry additional?

18
19 Commissioner Gardias: No just I have a comment. I'm in favor of course, but the reason is like
20 this that I constantly ask about pagination of the meeting minutes and it we in the past the
21 meeting minutes were paginated. They were always page numbered. The reason is pretty
22 much that you can make some changes then it may shift from one page to another one. So

1 there needs to be a stable numbering on the pages. So if you could make sure that this is
2 consistent with the past practices.

3

4 Jonathan Lait, Assistant Director: Ok. I guess what I'll do is I'll maybe have Yolanda give you a
5 buzz and talk to you about (interrupted)

6

7 Commissioner Gardias: I wrote it on the email on multiple occasions.

8

9 Mr. Lait: Ok.

10

11 Commissioner Gardias: Pretty much when you look at the meeting minutes there is no page
12 number on the meeting minutes. That's everything what I'm asking of. Otherwise I'm in favor.

13

14 VOTE

15

16 Acting Chair Waldfogel: Great. Ok, all in favor? Opposed? Ok that carries unanimously.

17

18 MOTION PASSED APRIL 26TH (6-0-0-1, Chair Alcheck absent)

19

20 MOTION PASSED MAY 10TH (5-0-1-1, Commissioner Summa abstained, Chair Alcheck absent)

21

1 **Commission Action:** Motion to approve April 26th and May 10th minutes made by Susan Monk,
2 seconded by Eric Rosenblum, motion passes April 26th 6-0 (Chair Alcheck absent) May 10th 5-0-
3 1 (Chair Alcheck absent; Commissioner Summa abstained)

4 **Committee Items**

5 **Commissioner Questions, Comments or Announcements**

6

7 Acting Chair Waldfoegel: Ok, well that's our last scheduled business item. Any committee items,
8 Commissioner questions/comments? Nothing? Ok then the meeting is adjourned. The next
9 meeting is June 14th.

10

11 Acting Vice-Chair Monk: I'm not here that meeting.

12

13 Jonathan Lait, Assistant Director: If Commissioners just as you're collecting your things we do
14 have especially with the Comp Plan items coming up and possible subcommittee discussions if I
15 know sometimes vacation schedules get sneak up on you, but if or unplanned reasons to be
16 out, but if you can let us know for the month or for the months of summer your planned
17 absences that could really impact our schedule on a couple of items. Thank you.

18

19 **Adjournment 11:18**

Palo Alto Planning & Transportation Commission

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Chair Michael Alcheck
Vice Chair Asher Waldfogel
Commissioner Przemek Gardias
Commissioner Ed Lauing
Commissioner Susan Monk
Commissioner Eric Rosenblum
Commissioner Doria Summa

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