



Planning & Transportation Commission Action Meeting Agenda: June 27, 2018

Council Chambers
250 Hamilton Avenue
6:00 PM

Call to Order / Roll Call

6:05pm

Commissioner Gardias arrived at 6:12pm.

Commissioner Alcheck absent.

Chair Lauing: Welcome to the Palo Alto Planning and Transportation Commission regular meeting for June 27, 2018. Please call the roll.

Ms. Yolanda Cervantes: Commissioner Alcheck, Commissioner Gardias, Chair Lauing, Vice Chair Monk, Commissioner Riggs, Commissioner Summa, Commissioner Waldfoegel. That's five present, two absent.

Chair Lauing: Okay, thank you.

Oral Communications

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

Chair Lauing: Okay, thank you. Are there any oral communications tonight on items that are not

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1 on the agenda? I see none at all.

2

3 **Agenda Changes, Additions, and Deletions**

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

5

6 **City Official Reports**

7 1. Assistant Directors Report, Meeting Schedule and Assignments

8

9 Chair Lauing: So, we will move to the Assistant Director's Report.

10 Mr. Jonathan Lait, Assistant Director of Planning: Thank you Chair. Good evening

11 Commissioners. I have a few items to report. So, the City Council had a busy day on Monday,

12 and they approved on consent a number of items and had a discussion on the Stanford General

13 Use Permit Recirculated Dropped Environmental Impact Report and based on that discussion

14 they directed Staff to prepare a comment letter which we are going to represent to the Council

15 later next month. In addition, the Council also approved a consultant agreement for the City to

16 work with a company called Dixon [spelling?]. There may be more to that, to help the City with

17 its implementation of a new comprehensive parking permit program, citation system and

18 installation of automatic parking guidance system, as well as security cameras for the

19 Downtown garages. The Council also approved two tentative maps, one at 3225 El Camino Real

20 and the other one at 21, excuse me, 2515 El Camino Real. Both were reviewed by this body.

21 And the Council accepted or agreed to authorize the City Manager to enter into a contract with

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1 Perkins Will [spelling?]. This is the consultant that will be working with City Staff and the
2 community on the North Ventura Coordinated Area Plan. And, finally, the Council had agreed to
3 authorize the City Manager to set aside \$3 million from the City's Affordable Housing Fund for
4 the potential, for a potential [not understood] housing project at 321 Grant. This is near the
5 County Courthouse and as we begin to get more information on that, we'll certainly share that
6 with the Commission.

7

8 The Council will next meet on July 30th and right now scheduled on that agenda is a discussion
9 of the Citizen's Initiative related to the commercial office cap and they will also, as I mentioned
10 earlier, have the discussion about a draft Staff letter on the Stanford [not understood].

11

12 And this evening I am joined by Rob De Geus for this section of our agenda. Rob is the Deputy
13 City Manager and he's had, how long, 25 years with the City?

14

15 Rob De Geus, Deputy City Manager: Eighteen.

16

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1 Mr. Lait: Eighteen years, okay. So, Rob has been with the City for 18 years and I invited him to
2 come speak tonight to just share a couple of developments that are taking place that we
3 thought the Commission might want to be aware of and Rob can take it from there.

4

5 Mr. De Geus: Thank you Jonathan. So, Rob De Geus. I've actually been with the City for 18
6 years, most of that time in the Community Services Department. So, I have actually worked
7 with Chair Lauing quite a bit when he was on the Parks and Recreation Commission. But I am
8 new to the City Manager's Office, about a year in there. And I thought it would be a courteous
9 thing to come in and introduce myself to this Commission. You guys have a tough job. Some very
10 difficult things come your way. I think of all the Commissions and all of their work, I think this is
11 probably one of the more difficult ones dealing with land use and traffic and other things. So,
12 thank you for the work that you do.

13

14 But also, as you are following what's happening as a City organization, we've got a lot of
15 transition happening right now, a new City Manager selected at this point. We had the Planning
16 Director leave, and so thrilled to be working with Jonathan as the Interim Director. We also
17 have the Finance Director retiring and the Public Works Director retiring. So, just a lot of change
18 happening, and that can be an opportunity to reset and rethink, sort of, what our resources are
19 and how we're structured. So, we're going through a process of doing that in the City

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1 Manager's Office. One of the first things we're looking at is the, is transportation, in particular.
2 If you look at the priorities for the City Council in the last maybe ten years, certainly the last
3 seven years, three of the four, or two of the three are being transportation-specific and we
4 have a huge project in grade separation that is going to be a ten-year project.

5

6 So, the City Manager feels strongly that the City Manager's Office needs to be closer to
7 transportation and transportation matters, so one of the reorganization objectives is to take
8 transportation and create an Office of Transportation and pull it out of the Planning
9 Department, and report directly to the City Manager's Office. So, that is something that we've
10 done already. So, Josh Mello is the Chief Transportation Official, reports to me currently. And,
11 as we think through other ways to better align resources and support the community and the
12 variety of things that happen in the area of Planning and Transportation, we will have ongoing
13 discussion with this Commission and the Staff about how to do that most effectively. But, the
14 City Manager talked about that during the Finance Committee hearings, which I'm sure
15 everybody observed and watched on the local television channel, maybe not. But, if you hadn't
16 heard it, I thought, you know, the right thing would be to drop by and at least share that
17 information with you. I think that's a significant change.

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1 So many things happening around Transportation that are of high interest to the community,
2 grade separation just being one of them. But, you know, there are many others, whether it's
3 RPP or bicycle boulevards or, you name it. There are just really significant quality-of-life issues
4 for the community. So, creating an Office of Transportation, still working very much hand-in-
5 hand with the Planning Department, of course, and the Commission. But that's something that
6 is a change and I wanted you to know about and wanted to introduce myself personally and
7 good to see you. I would be happy to answer some questions, if you have them. I know it's not
8 agendized, so we can't get into a deep discussion on this. We will be asking for your feedback
9 over the next months ahead about your thoughts about the future of Transportation and how
10 the Commission can be best supported by the Staff and the Council. So, that's something to
11 look forward to. Thank you.

12

13 Chair Lauing: Thanks Jonathan for bringing the guest speaker along who, yes, I worked with for
14 nine years, and for the comments. Transportation, I made a comment last week that I feel, and I
15 think I'm speaking for other on this, that we've kind of been seeing Transportation light as the
16 issues have come to us, and we would rather have Transportation touch, however we can help.
17 Not to be redundant, but to be helpful. One thing, for example that came to us, I think over a
18 year ago now, was the Downtown parking, and it's never come back. So, I know you talked
19 about some things in parking that Council did a couple of nights ago, but that was a big project

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1 with about seven initiatives, and from our perspective, it's gone silent. So, again, we would like
2 to be helpful there, if possible.

3

4 Mr. De Geus: I appreciate those comments, Chair Lauing. One of the challenges with
5 Transportation is also just aligning resources to support that particular division, and as it's
6 within the Planning Department it isn't fully resourced, and we've had Staff leave, so they are
7 down Staff right now, yet the priority of Transportation matters is one of the highest priorities
8 for the residents of Palo Alto and for the Council. So, that's one of the reasons why we're
9 creating the Office of Transportation and resetting. Saying, okay, do we have the right
10 resources to support what the community expects around Transportation, and do we need to
11 realign resources or request new resources to support that particular division. Because, yeah,
12 we just haven't had the Staff to bring some of these important elements forward.

13

14 Chair Lauing: That sounds like a good move. Commissioner Riggs?

15

16 Commissioner Riggs: Yeah, thank you Chair Lauing. Thank you, I really appreciate you being
17 here. I actually was aware of this and it was something I wanted to actually comment on this
18 evening, because I'm actually pretty concerned about separating land use and transportation

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1 issues. They are intrinsically linked and structurally. I failed to see the logic of the City Manager.
2 I'll be very candid about that, because it does create a structural disconnect. So, I guess when
3 we have this ongoing conversation, I'd appreciate if we had a very clear and transparent
4 approval process, so we know that when a Transportation project is in the works, that it is very
5 clear what approval bodies it goes to, and how that may be changing based on who's managing
6 the workload, who's managing the process. Because, I thought, I thought having a synergistic
7 and unified PTC is actually a unique thing in California. It's actually, many times it is managed
8 through Public Works and I see it as an asset. I understand from the working level standpoint, it
9 may be more of a challenge, but I think there will be questions in terms of process that we need
10 to dialogue.

11

12 Mr. De Geus: I appreciate those questions, and they are very relevant and good questions. We
13 are at the early process of this right now, even though that sort of division of reporting
14 relationships are clear, there are still many other questions, including the relationship with this
15 particular Commission. I am going to leave my cards here, as well. We all work here at City Hall,
16 so we will be back to talk about this further, and you can contact me directly too, if you would
17 like to sit down and talk further about your particular interests or opinions on this.

18

19 Chair Lauing: Vice-Chair Monk?

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2 Vice-Chair Monk: I just wanted to make a record of Commissioner Gardias’s attendance and
3 also thank you, Assistant Director, or Acting Director Lait for bringing Deputy City Manager De
4 Geus to our meeting this evening. I appreciate the update.

5

6 I was going to echo what the Chair said about the Downtown Paid Parking Study had vanished. I
7 know that it was a priority for the City Manager’s Office, so we are looking forward to having
8 that come back, as well as the housing ordinances that we need to update in regards to the
9 housing workplan. That’s another large priority of the City Council. So, both of those are the top
10 items from our vantage point that we would want to have completed this year. Thank you.

11

12 Chair Lauing: Thanks very much.

13

14 [inaudible, off mic].

15

16 Chair Lauing: Oh, yeah. Sorry, I didn’t see the light on. Go ahead Commissioner Waldfogel.

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2 Commissioner Waldfogel: Yeah, thanks again for coming. I think that something else that we
3 would like to see is, there's probably some synoptic view of Transportation policy. I mean,
4 we're seeing a lot of mode shifts happening in the marketplace right now. I think we would like
5 to understand what the City's view is on how those are progressing. You know, what our
6 desires are in those new modalities. You know, I mean, as an example I spoke with Mr. Mello
7 the other day about what our scooter policies are, and he tells us, he tells me that there is some
8 ongoing work. I don't think we've seen any of that in this body, or if it's relevant for us to see
9 that, but anyhow, there's just a lot of modality changes going on and so I think we'd like to
10 know where we're headed.

11

12 Mr. De Geus: Yeah, I know you have a full agenda and plenty to talk about, but it's a fascinating
13 area to discuss and to talk about is mobility and traffic generally and how people move around
14 the City. Technology is changing very quickly in this area so, yeah, we look forward to figuring
15 out how to manage that change most effectively as a community and with the commission.

16

17 Commissioner Waldfogel: Great, thanks. Look forward to working with you on these things.

18

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1 **Action Items**

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

- 4
- 5 2. PUBLIC HEARING / QUASI-JUDICIAL. 999 Alma Street [18PLN-00060]: Request for a
6 Hearing on the Director’s Tentative Approval of a Conditional Use Permit for a
7 Commercial Recreation (Gym) Use in an Existing Building. The Project includes a
8 Request to Open at 5:00 AM and end at 11:00 PM. The South of Forest Area
9 Coordinated Area Plan Permits by-Right Hours of Operation from 6:00 AM to 11:00
10 PM. Environmental Assessment: Exempt from the provisions of the California
11 Environmental Quality Act (EQA) per Guidelines Section 15301 (Existing Facilities).
12 Zone District: RT-35)SOFAII). For More Information Contact the Project Planner
13 Graham Owen at Graham.Owen@CityofPaloAlto.org.

14

15 **Commission Action:** Motion made by Commissioner Gardias to accept staff’s proposal
16 seconded by Vice Chair Monk. An amendment to the motion made by Commissioner Waldfogel
17 to modify condition 14 of CUP to include “health, safety and convenience”, amendment
18 seconded by Chair Lauing, amendment passed (4-2-1 (Gardias, Monk against, Alcheck absent).
19 Motion as amended passed 5-1-0 (Summa against, Alcheck absent).

20

21

22 Chair Lauing: The next Agenda Item is Action Item on the Quasi-Judicial 999 Alma Street,
23 request for a hear on the Director’s Tentative Approval of a CUP for a Commercial Recreation in
24 an Existing Building. So, the starting point there is going to be a Staff report and then, will the
25 Deputy City Attorney talk about the batting order here for who goes when? Albert? Just recap
26 what the batting order is going to be.

27

28

29 Albert Yang, Assistant City Attorney: Thank you Chair. So, we’re going to start off with a brief
30 Staff presentation followed by opening statements by the two groups of hearing requesters.
31 Each of those groups will have 15 minutes, up to 15 minutes for an opening followed by up to

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1 15 minutes for the applicant's opening statement. After that we will have public comments
2 followed by the 3 minutes for the applicant's rebuttal and 3 minutes each for each of the
3 hearing requesters rebuttals.

4

5 Chair Lauing: Okay, great. Thank you very much. Where did our presenter, oh, there he is.

6

7 Graham Owen, Project Planner: Good evening Chair Lauing. Graham Owen with the Planning
8 Department. I have been working with the applicant and the hearing requestors on the
9 applications before you today. This is 999 Alma Street, which is an application for a conditional
10 use permit to allow a commercial recreation facility on this site, as well as extended hours of
11 operation. Typically, conditional use permits are approved at the Staff level. This one had a
12 hearing request that was filed after Staff had tentatively approved it, and so that's why it's here
13 before you today. The PTC is the hearing body for conditional use permits. So, the purpose of
14 this meeting is to receive testimony from the applicant and the hearing requestors and to make
15 a recommendation to the City Council. After the PTC's recommendation, the item will be placed
16 on the next available consent agenda for the Council. So, just a couple of key descriptors about
17 999 Alma, this is in the SOFA II Coordinated Area Plan South of Forest Coordinated Area Plan
18 area and the zoning for this area is RT-35. RT-35 is a residential transition zone. Thirty-five
19 comes from the 35-foot height limit in that zone. It is intended to be a mixed-use walkable area
20 where you have a lot of older buildings, as well as new buildings, and it's kind of recognizing

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1 that there is this area in transition between the residential areas near Professorville ad
2 Downtown. It is supposed to kind of serve as an area where you're going to have a mixed of
3 uses. The lot in particular, 999 Alma, is nearly entirely covered, so about a 10,500 square foot
4 lot and the building is about 9,500 square feet. Historically it's been used for retail, most
5 recently Anthropologie used the site before they relocated to the Stanford Shopping Center.
6 And it's also had a history of auto service uses as well. There's no parking on the site, zero
7 parking spaces at all, which if you go out to the site you'll notice it is completely covered with
8 the building; however, there are seven parking spaces that are available across the street,
9 across Addison that are associated with this site. This is kind of an oblique angle of the building.
10 It's kind of this pinkish color, and then you can see across Addison right there, the building 100
11 Addison that has the parking lot immediately to the, is it to the east. Not in this aerial image,
12 but it's to the east. You also have the Caltrain right of way, which is directly across Alma from
13 this site. This kind of gives you a little bit of description of the uses that are in the area. The
14 white area is the RT-35 zoning district and then the yellow is the purely residential zone, so the
15 R-1 is cattycorner. So, there's a mix of uses in the area, office, storage, auto repair, some
16 residential in the RT-35 and then purely residential in the R-1. The site that's across the street,
17 across Addison, is no longer vacant. It's actually going to be a daycare facility that's currently
18 under construction. This site is subject to the Retail Preservation Requirements for the City
19 because it previously housed Anthropologie, which is retail use. However, Council did approve
20 for this particular site in November of last year, a Retail Preservation waiver to allow for 5,000

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1 square feet of medical office use in the rear of the building; however, the balance of the square
2 footage of the building remains subject to the Retail Preservation Requirements. Retail and
3 retail-like are both allowed to replace a retail use, and commercial recreation is considered a
4 retail-like use.

5

6 So, as I mentioned, Staff has tentatively approved the project and it's subject to findings and
7 conditions of approval. Those conditions of approval in particular sought to address a couple of
8 concerns that were raised early in the project, during the planning process for the project.
9 Those in particular were looking at the potential for issues regarding music, noise, glare, as well
10 as parking, directing gym members to prioritize parking along the Alma frontage, which is
11 outside of the RPP zones that are adjacent to the site, as well as limiting the occupancy in line
12 with the noncomplying, the 41 noncomplying parking spaces that are associated with this site,
13 the grandfathered parking spaces that are associated with this site. As well as giving the
14 Planning Director the ability to impose any additional conditions that are needed to address
15 unanticipated impacts.

16

17 So, as I mentioned, two hearing request letters came in during the appeal period. The reasons
18 are in the Staff report, but generally speaking related to the lack or perceived lack of on-street
19 parking near the site. There were concerns about the extended hour of operation that was
20 permitted with these permits, 5:00 AM instead of the 6:00 AM start time. There is concern

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1 about J-walking across Addison between the site and the parking lot where the site has seven
2 parking spaces at 100 Addison, as well as concerns about potential for noise and glare.

3
4 So, a use permit, if it is approved, needs to be approved subject to, or with the findings that are
5 listed in the Palo Alto Municipal Code. Those generally are indicated here, which are that the
6 use needs to be, at this proposed location, not detrimental to the public health, safety, general
7 welfare, and it needs to be conducted in a manner that is consistent with the Comp Plan
8 [Comprehensive Plan] and the zoning ordinance. So, with that, I'll leave it at that, but Staff does
9 recommend approval to the PTC that they recommend approval to the City Council based on
10 the findings and the conditions that are in the draft record of land use action that are in your
11 Staff report. Okay?

12
13 Chair Lauing: Alright, so we have two appeal letters and each person or persons can speak, and
14 that was 15 minutes, Albert, correct?

15
16 Mr. Yang: That's correct.

17
18 Chair Lauing: So, whichever of you would like to speak first, you and take the mic and you have
19 15 minutes.

20

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1 Nielsen Buchanan: Thank you Commissioners. I need to get set up with my technology here and
2 Michael Hodos is going to click for me, because I've got to the point that I should have bifocals
3 and I don't. So, I'm going to have to read my script, but I can't see the screen. So, we may
4 stumble through this. In preparing this presentation, we searched for what's the best context.

5
6 We really thought about bringing it up two scathing editorials from the Palo Alto Weekly in the
7 years 2012 and '14 that sets the stage for what has and has not happened with quality issues in
8 the neighborhood relative to parking. But, we decided that would be just a sinkhole of wasted
9 time and confusion if we did that. I'll be back at your next meeting at public comments and I
10 will present those two editorials for perspective. I think they're the keystone for quality
11 assurance.

12
13 I want to also start with comments made to City Council on Monday. We pointed out that no
14 other city that we know of has had to dedicate a square mile of residential property for
15 managing commercial parking. When you look at the maps of how much neighborhood parking,
16 residential properties are needed to accommodate under parked facilities relative to the size of
17 the commercial property, it's outstanding. Graham [spelling] looking graphics. I'm not going to
18 go into that today either.

19

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1 So, let me go to the first slide. We requested a hearing because we felt that the Conditional Use
2 Permit did not adequately address parking and the hours of operation. We're not at all opposed
3 to the gym itself, but parking in our area, particularly the segment nearest the gym is a mess.
4 Here's how crowded High Street was at 11:08 this past Monday. You're looking at the nearest
5 residential block to the gym, between Addison and Lincoln. The block is 85 percent full with
6 only three spaces available. I am expert, at least I'm experienced at surveying city streets at all
7 hours of the night and day. I'll be the first one to tell you, it takes about ten surveys sequentially
8 to really get a grasp of what the parking patterns are, but the City presents once-a-year surveys,
9 and they are inherently iffy. But that's what we're getting and as soon as the holidays are over
10 for the Fourth of July, we'll resume a ten-day sequential survey.

11

12 Slide number three: here how crowded the other blocks are near the gym on the same time on
13 Monday. There was hardly a parking space to be found.

14

15 Slide Number Four: So, how will the gym impact the neighborhood? Let's start by the numbers
16 supplied by the gym's architect in your packet. He says 50 members will come between 4 and 6
17 on Mondays. Add 20 trainers but subtract 10 customers who don't stay the full two hours. So,
18 that's about 60 people. The gym anticipates 30 percent won't come by car, meaning the gym
19 will generate about 42 cars during early evenings on Mondays.

20

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1 Slide five: I surveyed the parking in the neighborhood this past Monday at 5:00. I won't bog you
2 with the details of my data collection, but the bottom line is that the blocks near the gym had
3 just 62 available parking spaces.

4
5 Slide six: So, let's see what will happen. The first column of numbers uses the figures from the
6 Staff report and the gym's architects. We have 42 cars from the gym plus another 20 from the
7 new medical offices going into the building for a total of 62 cars to park. For those cars we have
8 seven parking spaces at 100 Addison, and 62 available from my survey. The bottom line is that
9 there will be at most, seven free spaces across all the blocks near the gym. This means that the
10 neighborhood will be more than 85 percent parked up, but it might be worse. The CUP actually
11 allows the gym to have 82 people, not the peak estimate of 60 from before. Eighty-two people
12 generate 57 cars in the right-most column. We'll assume the medical offices are winding down
13 for the day, and they will have only ten cars after 4:00 PM. This give us 67 cars to park in 69
14 spaces. That leaves three free parking spaces in the area closest to the gym.

15
16 Slide seven: Here's what it looks like using the same colors as the City maps in your packet.
17 Without the gym and medical office, we had a few blocks on Monday at 5:00 PM at 85 percent
18 level, which are colored in red, but with the gym and medical office every nearby block will be
19 saturated. That's a real problem for the neighborhood. It's the illusive quality control standard
20 that we've never been able to establish with the City.

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1

2 Slide number eight: So, what does the City say about this? Well, nothing. Did they ever, did the
3 City conduct a parking study for the CUP? The maps they put in your packet are from October
4 of last year, almost a year old. These maps are obsolete because the City plans to sell more
5 permits in RPP Zone 8, which contains residential streets very near the gym, in fact, adjacent to.
6 The maps in your packets don't even tell you how many spaces each block has, so you can't
7 figure out where the new cars will go.

8

9 We lost mission control here? Sorry about that. I wasn't watching. So, we're on, let's go to nine.
10 Now, the City is required by its laws to determine the neighborhood parking won't be impacted
11 in order to issue the permit. That's the rules, that's the law. Our data and the project's architect
12 numbers show that there will be severe parking problems. With no study to the contrary, the
13 City simply cannot make a finding of no detriment. It cannot issue the CUP under City law.

14

15 Slide ten: Thank you. So, I wondered if the buildings with grandfathered parking are exempt
16 from this process, but the Staff report indicates that you should consider the parking-related
17 impacts for the purposes of the CUP. Parking impacts always matter.

18

19 Number eleven: As you discuss this CUP, please consider the deficiencies in it. The CUP does
20 not require any reporting, such as car counts, or the parking impacts created by the gym. The

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1 CUP does not require the gym ensure parking in the commercial areas away from the
2 residencies. The gym will be open to members, but unstaffed at times, so there won't be any
3 employees around to enforce the parking rules or guide patrons to the proper parking places.
4 The CUP does not require the GYM to have a TDM or participate in the TMA. The CUP doesn't
5 allow the City to tighten and add conditions if parking near the gym changes for the worse. And,
6 if members can enter the gym on their own, and use it unsupervised, shouldn't the CUP require
7 some way to assure that members leave by the appointed closing hour? Other CUPs such as the
8 one at [not understood] have these kinds of detailed conditions. This CUP should too.

9
10 Twelve: Regarding hours of the gym, although the gym did adjust its website after our hearing
11 request pointed out it was offer 24/7 access, it is still, as of today offering 24/7 access on its
12 face book page. Frankly, we don't understand how a gym can advertise 24/7 access, when it
13 knows it won't be able to offer that. We agree that the hours of operation should be limited to
14 what SOFA allows, 6:00 to 11:00. My concern, after having so many years of experience with
15 the business community, that when the patrons of a business have expectations about parking,
16 it's almost impossible to stop the political pressure from that, so inadvertently by advertising,
17 we're building up a cadre of clients who are going to say, I was promised service at the
18 expanded hours, but now they closed because the neighborhoods won't allow parking. But it is
19 the City that won't allow parking.

20

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1 Thirteen: As the people who drive and walk at Alma and Addison at all times, that intersection
2 does not feel safe to me. I am not a traffic expert. I have experience with the accidents over on
3 North Middlefield, because my daughter and grandsons live a half a block away. It feels like the
4 same. The City may feel otherwise, but they have not studied what will happen when the new
5 gym, medical offices and daycare are all open and operating. I would like to elaborate, but this
6 is out of my field of expertise.

7

8 In summary, we ask the Planning Commission to recommend the CUP not be issued as it stands.
9 The City has presented no study on how the blocks around the site can accommodate extra
10 cars. With ample evidence of severe impact, the CUP finding of no impact cannot be made.
11 Once a good parking study is available, we believe a CUP can be crafted so that we will protect
12 nearby businesses and residences from parking and other impacts. The operating hours and
13 traffic safety need more attention too. Please push for a better CUP that addresses these
14 issues. Thank you very much.

15

16 Chair Lauing: Thank you Niel. A similar amount of time for the applicant.

17

18 [no mic, inaudible]

19

20 Chair Lauing: I'm sorry, is there a second appeal? Did you want to speak to that? Thank you. '

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Dena Mossar: Hi, my name is Dena Mossar, and – I need my glasses so I can see my comments. I would like to clarify that though Staff acknowledges the areas of concerns created by this CUP application, they have relied on their personal assumptions to show that there will be no problems for the residential neighbors of this business. I do not believe, for example, that Staff has visited our neighborhood between 5:00 and 6:00 AM on any day of the week. On our side, we too, in the absence of quantifiable information must make assumptions based on our personal experience.

We live near a commercial district. It is not a quiet place to live in general, but it is still pretty quiet at 5:00 AM during the week, and certainly on weekends and holidays. When people park in our neighborhood, we often hear radios, voices, car doors banging, locking systems chirping and even activated alarm systems. If the users of this new business were to park on Alma or in the parking lot across the street, these sounds would likely be reduced, but could still be audible, especially on the weekends. If problems occurred, we would have to go to Palo Alto 311 and report a code enforcement violation. I guess code enforcement officials come to work at 5:00 AM, at least I hop they would. We could, of course, also contact the business and ask for

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1 their help in resolving the issue. We have spoken with Michael and he said he would certainly
2 do that.

3

4 We are, however, talking about a change to a SOFA II Ordinance that was crafted in a public
5 process with a citizen stakeholder group. A process that was very heart controversial and hard
6 fought. We were also talking about changing the hours of operation for the business on the
7 edge of a residential neighborhood.

8

9 I should also mention that we remain concerned about the conflicts between pedestrians and
10 cars turning onto Addison from Alma. Staff seems to be unconcerned and we hope that their
11 lack of attention will not result in a serious accident. Do remember that this business, unlike
12 Anthropologie, will be operating during morning and nighttime hours that, depending on the
13 season, will be dark and when visibility is low.

14

15 So, if for sake of argument, you set aside the issues of pedestrian safety and parking, though
16 Nielsen has certainly raised some important points about parking, we have not focused on
17 parking as a potential problem. We are only arguing about one early-morning hour. We would
18 strongly prefer that the existing zoning remain in place and that 6:00 AM be the earliest the
19 business could operate.

20

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1 We have spoken with Michael about his dream for a business that would provide top level
2 personal physical training. We have no interest in denying him his dream. Having a gym facility
3 in the neighborhood could be a wonderful thing, and it's certainly better than an empty
4 building. It seems highly unlikely, as Staff notes, that the parking and congestion impacts of the
5 previous use Anthropologie would be realized by this gym facility. If, on the other hand, you
6 choose to accommodate their request to allow a variance to the zoning, then we would ask that
7 you do what you could do, whatever you could do to reduce the number of people who have
8 access to the gym between 5:00 and 6:00 AM.

9

10 And then I will just sort of add on to the comments made by the prior speaker. If there was
11 some way someone could use the gym at 3:00 AM, even though it's not an official time, we
12 would like you to make sure that doesn't happen either. Perhaps, for example, personal
13 trainers and their individual clients would have access, rather than allowing anyone to use the
14 gym at those hours between, you know, that are not between 6:00 and 11:00 when the use
15 would be allowed. If you do that, you would help narrow the potential problem and the gym's
16 management team would be better able to understand who might be causing the problem
17 early in the morning.

18

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1 I thank you for your time and attention, and my husband who was having fun in Europe when
2 we wrote our appeal letter wants to add his 2 cents, since he didn't get to when we wrote the
3 original letter.

4

5 Paul Goldstein: Hello, I'm Paul Goldstein. I live in the 1000 block of Emerson Street. I agree
6 with the CUP requirement that the noise be undetectable at the property limit, but I would like
7 to point out that it is very difficult to enforce such a requirement. We have experience with
8 loud noises and specific gas-powered leaf blowers and they are loud, but unless you get
9 somebody out there at the time, it's very difficult to control it. And so, although I think this
10 needs to be a requirement in the CUP and I do want to emphasize how difficult it is to enforce
11 such a requirement.

12

13 About the starting time, I think a starting time of 5:00 AM is prima facie unacceptable. Staff
14 comments about the Caltrain schedule are actually not relevant to the activity in this area.
15 There is virtually no activity and no noise-making activity between the hours of 5:00 and 6:00 in
16 that area, and you know, I live there so... We have had discussions with the proposed tenant
17 and understand that usage at that time will be severely limited. Also, that clients and staff will
18 be instructed to use parking places at 100 Addison and on Alma Street and to not park in the
19 residential neighborhood. I believe the applicant has made these promises in good faith. If the
20 5:00 AM starting time remains, these conditions to limit use should be added. So, between 5:00

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1 and 6:00 AM, if you want to keep those conditions, and I would recommend that you do not
2 permit that use, if you do then additional restrictions on the activity in that hour should be
3 added to the CUP. Thank you.

4
5 Chair Lauing: Okay, thank you. That concludes the appeal speakers. And now if the applicant
6 would like to step up.

7
8 Michael Dorkot (spelling): Hi, I'm Michael Dorkot (spelling). I'm the owner of Training Space.
9 Whoa, I just lost the microphone. Yeah, I moved here about a year ago I would say. I did not
10 move here knowing that I was going to start a business in Palo Alto. This is my first business
11 that I have ever owned. I've been a personal trainer for about six years now. I moved here
12 because I had a few clients that were actually from Palo Alto, and I started to really connect
13 well with them. And all I knew was that I wanted to move here to be around the people that
14 were like them. I found an interest. It sparked my ambition. It did something to me that I wasn't
15 expecting, and then I started looking around at schools for my son, because he was getting
16 ready to start kindergarten, and I found out that Palo Alto had the best elementary schools in
17 the state. So, I made that decision that I was going to move here. I didn't have enough money
18 to be able to afford it, I just decided to move. And in that process, I moved here and I fell in love
19 with it.

20

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1 So, I'm an independent personal trainer, which means I rent space and I train my clients, right.
2 Because you can't really afford to live in this area and get paid \$20 an hour. So, I started looking
3 for spaces to rent and I found out that there wasn't really any great options and that's where
4 this idea came about. I met with lots and lots of trainers in the area and I saw that they had a
5 similar issue. And then I also met, or I started reading reviews on the gyms around. I tried out
6 every single gym myself to find out that there wasn't something that fit this need, right, this
7 gym for trainers and also for people who want to work out independently and just not be
8 overcrowded. You know, the whole thing was, you go to Equinox 24-hour Fitness and you can't
9 get equipment, you know, at the times you want to go. There's just, it's way overcrowded. So, I
10 had this idea of, okay, let's start a gym that is great for personal trainers, great for people who
11 want to work out independently, get in, get out and get along with their day.

12
13 So, this idea happened and, you know, I moved here thinking, I started this business thinking it
14 was going to be fairly simple. It turns out it's been a lot more difficult than I anticipated. There's
15 been a lot more roadblocks. My grandmother is actually helping me with this business. This
16 isn't, you know, I'm not a corporation. I'm not anything else. This is self and family funded. And
17 so, this process has been hurting us and I'm not even sure that a small business can survive this
18 process unfortunately. And so, our main goal is to, you know, is just to be able to have this
19 happen. I walked the entire neighborhood to talk to every single resident in that neighborhood

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1 to see what it is that we could do to come to some sort of conclusion so we don't have to go
2 through this lengthy process.

3

4 And I would like to mention that the 30 percent of, you know, people who would be walking or
5 biking, that was before we had actual statistics from membership. So, we have about 80
6 members signed up at the moment, and as you can see on the slide, 57 percent of those people
7 live within four blocks of 999 Alma, and 31 percent work within four blocks of 999 Alma. So, 88
8 percent of the members are within walking or biking distance, which is a lot different than the
9 30 percent that we anticipated prior to opening up for presales. Now, having said that, we're
10 selling \$900 full-year memberships prepaid to people who have never seen the space. They've
11 decided that they need this so bad and they're willing to take that risk in order to get this going.
12 Yeah, let's see. That's it.

13

14 Christian Hansen (spelling): Thanks Michael. Good evening Commissioners. My name is
15 Christian Hansen (spelling). I'm the owner, my partner and I own 999 Alma. We were here
16 about a year ago. I think I explained to many of you at that time, that since Anthropologie
17 moved out my partner and I had quite a difficult time trying to find a replacement tenant. And
18 one of the things that Council did was they approved the rear portion of the building for
19 medical office and that was immediate and we have a tenant for that, thank goodness. But, this
20 whole process of marketing it has been about two and a half years. The building has been

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1 sitting vacant for over a year, and just, Michael mentioned the financial impacts of a lengthy
2 process for a small business owner is really difficulty. And on the ownership side, it's the same.
3 It's been a long road and our hope tonight is that just, that you recognize that we've been
4 through a very lengthy process and even with Council there was some discussion directing us
5 that Council felt that a commercial recreation use would be a good use, provided that we had
6 allowed parking, which we do. We are not asking for a parking variance. We do have the
7 parking needed for this use.

8
9 So, my hope would be that the applicant, or the groups that are appealing this withdraw their
10 appeal so that Michael can not be put through another two months of waiting for Council to
11 review this decision, and that he can start his gym earlier. But if that doesn't happen, I hope
12 that PTC can hear Michael and, hopefully, come to a conclusion quickly, so that we can keep
13 moving forward and not have a vacant building, and have a gym that's needed by the
14 community.

15 And the last thing I'll add is, when my partner and I, we were looking at two different uses. We
16 had a gym use that was national retailer that wanted to lease this space and we had Michael.
17 And, my partner and I were very cognizant of picking a local operator who was going to operate
18 a gym in a personal training method. So, we think he's the right user. We have the parking, and
19 we hope you come to a quick decision tonight. Thank you.

20

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1 Randy Popp (spelling): Good evening. My name is Randy Popp (spelling). I'm the architect
2 representing the project and I'm also a Palo Alto resident. I wanted to just point out very
3 quickly for you that there was a mistake. I'll just – I'll anticipate that it was just a mistake in the
4 presentation Mr. Buchanan shared with you. The required parking for this site is actually 41
5 spaces total, 20 for the medical office use, 21 for our space. That's based on the occupant load
6 that Mr. (not understood) has been describing for you. It's not 42 for our space and then
7 another 20 for the medical on top of that, plus the 7 that's across the street. So, if you do the
8 math here, if you subtract the 20 for the medical office use and you subtract the 7 that are
9 across the street, we're really talking about 12 spaces that are on the street, 12 spaces. I want
10 to just point out that our project conforms, right. We're not asking for any exceptions. We're
11 not asking for any variances. Michael mentioned he's done some significant outreach. I was
12 really proud of him for this. He literally knocked on everyone of the 33 doors in the nearby
13 neighborhood, met with almost everybody that was there, had good luck with that. Most, and I
14 would say the overwhelming sentiment was that, we're not worried about the impact, and we
15 don't think that the parking over there is going to be a problem. There are definitely people
16 who are concerned about it and I want to be aware of that, but as we've all understood from
17 the Staff report, it's solved. We have enough parking.

18

19 So, let me just point out quickly that this is a map of the location where the appellants come
20 from, and I'm struggling to understand a little bit how the small project that we're talking

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1 about, these 12 parking spaces that will need to be located on the street are going to impact
2 the neighborhood that goes that far out. That the effect of this could ripple that far, particularly
3 in Mr. Buchanan's case, all the way to the other side, at the north end of Palo Alto. And I
4 understand he is concerned overall about the condition of Palo Alto, but again, I'm focused on
5 this project. That's what we're all focused on today is this project. It's not parking in Palo Alto as
6 a general concern. We're talking about the findings for this particular project. And, honestly, I
7 think, you know, the bigger issue here is that with Form Fitness in the north and the loss of
8 Viveve in the south part of Palo Alto, having neighborhood uses like this distributed across the
9 City is what we want. That's smart urban planning. That's what to goals are all about. That's
10 what the SOFA II guidelines are all about.

11

12 I'll just step through this step through this really quickly. Michael and others have touched on it
13 already, but there is enough parking in the area, and if you use the statistics that were provided
14 in the appeal letter that Mr. Buchanan provided, it turns out there are 11 surplus spaces. We've
15 got more parking in the neighborhood than we really need. In the same way that he showed
16 you some pictures of the neighborhood streets that are impacted by all the residents parking
17 out on the street, I took this picture at 11:45 AM today. There's not a single car around this
18 building. Alma Street is empty. There's plenty of room. And so, when we walk around and we
19 see what's going on and we take a look at the Staff's report about what the City sees, we find
20 that there's an agreement and we're struggling to understand how it could be so severely

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1 impacted, except maybe out into the residential neighborhoods that are a little farther out. But,
2 in this particular area, it doesn't seem to be quite that same problem.

3
4 Just stepping out a little farther, I think, you know, this just talks about the load that we have,
5 but I wanted to just reiterate the fact that we already have 80 members subscribed, and of
6 those 80 members we're seeing an overwhelming response from the immediate neighborhood.
7 Within 4 blocks we've got 88 percent of the members, and I anticipate that they will walk or
8 ride a bike or, if they move a car it's a neighborhood car that is just getting moved to another
9 spot.

10
11 This is a graph of typical gym use, and I'll point out to you that to be competitive, he needs to
12 open at 5:00. It's not so much that there are a plethora of people that show up at 5:00, but it's
13 more that the people who really want to use it need to find a gym that has that option
14 available. And so, when you look at the 5:00 AM timeframe, there's a peak that's closer to 6:00
15 when people show up, but at 5:00 AM it's a smaller group, it's minimal, and there's certainly
16 enough parking out along Alma, and we have committed to communicating to all of our
17 members that that's where they need to be. That when they come early in the morning they
18 need to park over where the train noise is, and not farther into the neighborhood.

19

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1 So, as I said, noise will be very controlled. The City of Palo Alto noise ordinance actually, I have
2 to say I disagree with Staff on this, it's enough. We have rules about how noise gets managed,
3 and the idea that you have to keep all the noise inside the building, what happens if we open a
4 door? I don't know how you manage that, and I think, I'm sorry, I misplaced your name, but
5 Dena's husband was also talking about the fact that this is tough to manage. But our
6 commitment is that we have very low-level noise in our space. We feel that it's much more
7 important to have the music be background so that the trainers can communicate with their
8 clients. The people who listen to music are typically listening on headphones. And things like
9 weight stacks that are dropping are going to be managed more by the medical office use that's
10 next door. It will bother them before it bothers anybody that's in a house 250 feet away.

11

12 And then I want to just briefly touch on the light and glare. So, again, pictures from the site, it's
13 a little touch to see these but that picture up at the top shows you where the closest visible
14 window is at 1001 High Street. That's a living room window that's over there, not a bedroom.
15 It's more than 250 feet away. Part of the issue here is that we have a building face with very
16 deeply recessed windows. There's really only one window that faces out onto Addison, and
17 from that distance you can hardly see it. The people that live at 160 Addison, Michael went and
18 spoke with them and they indicated they had no concern about the light and glare. It's really
19 not a problem for them, and part of that, I think, has to do with this really significant hedge that
20 they have that surrounds their site. You can see that at the bottom left-hand side. And, really,

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1 the opportunity to have any visual access to the building from anything that's nearby is zero.
2 And so, in regard to that, I think the project site itself kind of manages this. But, we've agreed
3 that we'll put window blinds in the windows. I'm concerned that that's contrary to the retail
4 ordinance that says that you're actually supposed to have retail windows that are open so that
5 you can see into the space, but you know, we're trying to be considerate of what Staff's
6 direction is and have agreed to be 100 percent compliant with any of the conditions that are
7 given, because what we really want is just to get open.

8
9 So, there were a couple of other concerns that were voiced and I think that those have been
10 touched on already. You know, we can't really address the J-walking issue. You know, we'll do
11 what we can to communicate to our clients about that. But I wanted to just leave you with the
12 thought that we really hope that you'll confirm the Council's intent and, honestly, it's more
13 about the people that are behind me today. If we can convince everybody that we've solved
14 the issues and they retract their appeal, this small business owner can move forward without
15 having to wait through the entire summer for Council to come back and make a decision, and
16 for him to be able to then initiate construction. It would be so much better and so much less
17 costly for him to be able to do that. So, we're just hopeful that maybe we can all come to an
18 agreement today and move past this challenging issue. Thank you very much.

19

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1 Chair Lauing: It's time for public comment, correct? Rebuttals first? Public comment I thought,
2 yeah. So, I have a number of speaker cards, 10 or so. I'm getting more, so I'd like to do each of
3 these for 3 minutes. So, the first one up, and I think I put these in the order that they were
4 collected. Excuse me if I haven't, but the first speaker is Margaret Heath and that's going to be
5 followed by Paul Goldstein. Go ahead. We'll start the timer.

6
7 Margaret Heath: Good evening Mayor and Commission Members. Can you hear me now? Well,
8 our code requires that a Conditional Use Permit can only be granted if there is no detrimental
9 impact to the surrounding area. And City Staff are required to provide an independent analysis
10 before granting a Conditional Use Permit.

11

12 Chair Lauing: Make sure the mic is right down by your mouth there. Okay great.

13

14 Margaret Heath: Should I start again? Did you hear me? And I'm wondering why the Staff didn't
15 do that. And I'm a little bit disturbed also, because the numbers seemed to be contradicted, so
16 I'm not quite certain at this point what the impact on the neighborhood would be, but I will
17 hope that you will drill down into that and discover what are the correct numbers and how
18 many people will be expected to be at the gym. And what will happen in the future if they
19 increase their membership or the ownership should change, and so the use might change
20 although the Conditional Use Permit was already in existence. So, I go to Equinox several times

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1 a day during the week in the daytime, and it's really quite busy. So, I would expect that people
2 will be attending, not just in the prime hours, but all through the day. And if a business that
3 requires multiple simultaneous businesses is to be successful, then it maybe has no business
4 operating in a building with so few parking spaces available that may rely entirely, or to a great
5 deal on using an RPP-designated neighborhood, an RPP program that has been carefully
6 calibrated as to how many parking permits can be sold without overwhelming the
7 neighborhood. And, although the photographs at 11:00 this morning did show the parking
8 spaces were empty, that may be because the building itself is not occupied, and if the doctors
9 have already opened – when the doctors open their practice, their patients may need to be
10 parking in those spaces. So, I would request the City do an independent parking analysis so that
11 we can be sure that this building is going to be used the way we're told it is. Thank you.

12

13 Chair Lauing: Okay, thanks very much. Paul Goldstein.

14

15 Paul Goldstein: Oh, I spoke already.

16

17 Chair Lauing: Matt Sencenbaugh.

18

19 Matt Sencenbaugh: I'll wait for green here so I'm on the clock. Alright, my name is Matt. I came
20 here in support of the gym. I wanted to give you a little example of my life and why I want to be

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1 part of this gym and how it impacts me. My girlfriend and I are both members who have paid
2 for access to the gym and in support of it. We actually live in Menlo, so we're in the minority of
3 people who are farther away. We shop in Palo Alto. I work in Palo Alto. We ride our bikes in Palo
4 Alto. That's kind of the place we like to be, since you guys have such great biking lanes. In this
5 case, I plan on biking to work every morning, using the gym. I use a car at the moment where I
6 drive to Menlo to use the gym, come to Palo Alto, use a space by Cal Ave, and this would be a
7 great way for me to actually bike to work and reduce parking generally. In terms of the gym
8 itself, I'm pretty excited that it's a functional independent. It's not a sole cycle, it's not a cross-
9 fit where you're blasting music and you have to wear ear plugs the whole time because you
10 want to be able to hear later. We're generally quiet people, my girlfriend and I, who have
11 signed up. And that's really what we want is a gym where we can do our workout, get to work
12 and kind of be efficient about it.

13

14 Chair Lauing: Okay, thank you. Irene Chen, sorry, Iris Chen.

15

16 Iris Chen: Good evening everyone. I'm Iris. I'm from Palo Alto Chamber, and I'm here on behalf
17 of the Chamber, but actually I'm a Palo Alto resident as well. I'm here to support the gym. The
18 reason is, I work in Palo Alto and I'm their potential member. You know, I used to have to drive
19 to work and drive somewhere else to do my yoga. Now there's a space that's within walking
20 distance, and that is what I'm looking for. And that space, again, has been empty for a really

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1 long time and it's amazing that we now found a local family-owned operation that's willing to
2 take on this massive space.

3
4 Another thing about the TMA, TMA is actually sharing the working space with Palo Alto
5 Chamber. This is not the only business that's not required or signed up with a contract with
6 TMA, you know. None of the businesses are. But what we are doing now is working with them
7 to enforce this idea and work with the businesses to get them to understand more about TMA
8 and what's the benefit. I'm pretty sure Michael would be able to talk to his staff and reinforce
9 this idea and encourage his staff to sign up with TMA so the people and his staff doesn't have to
10 use public parking space and they will use Caltrain or bike or other resources to get to their
11 work space. So, I just want to say that we hope the Council today would, you know, grant his
12 request and thank you all for being here today.

13
14 Chair Lauing: Thank you. Serene Wilken, and the next speaker would be Ella Wilsher.

15
16 Serene Wilken: Good evening. My name is Serene Wilken. I've been a personal trainer in Palo
17 Alto for almost 6 years now. I've worked at Equinox, I've worked at nearly every facility down
18 here in Downtown Palo Alto and Menlo Park and the surrounding are. I have never
19 encountered someone so passionate as Michael and who completely believes in bringing the
20 talent to Downtown Palo Alto. I am really proud, I am so excited for this to happen. I really want

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1 this to go through tonight so that we can all move on and give the community what it is asking
2 for and what it needs. A lot of my clients right now live in midtown Palo Alto and also
3 Downtown, and I have encountered the majority of them walking to the gym, biking to the gym.
4 It is a beautiful area to do that and that is what Palo Alto is all about. It's walkable and this gym
5 is just going to fit in, and I see it as just being a wonderful space for all of us just to incorporate
6 into the neighborhood. So, thank you.

7

8 Chair Lauing: Thank you. Ms. Wilsher and then David. Yeah, that's what I'm saying, Ms. Wilsher,
9 right.

10

11 Ella Wilsher: His, my name is Ella Wilsher and I am a long-term resident of Palo Alto. I also live
12 on the 1000 block of Emerson, and I am so excited about this gym. I wanted to speak
13 specifically about what it means to me and my family and also the importance of the operating
14 hours. I am a working mom. I work fulltime and so does my partner and, you know, 5:00 in the
15 morning is when I can get that exercise in. I run at 5:00 AM and I can tell you all that on my run I
16 generally see three people. So, if this is not going to be, this is not going to be a stampede
17 towards the gym at 5:00 AM. It's going to be a pretty lonely experience of very dedicated
18 people. But, if I can't do that at 5:00, you know my kids start waking up at 6:00, I'm on. Like,
19 that's my time. So that's my sanity break and that's really where it's at for me.

20

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1 Also, I just want to note that, you know, I think that it's true that what we've heard about the
2 90 percent of the membership living within walking distance seems pretty accurate. These are
3 people going to a gym. They're going to roll the commute to the gym into their workout. That's
4 going to be their warmup, so I don't think that you're going to see a whole lot of cars from this.

5
6 I worked in that building, I worked in Anthropologie. It's another thing that moms love to do is
7 shop at Anthropologie, and so I do know what that did to the neighborhood, and I just want to
8 say that this is going to be a completely different and healthy experience, and I think that we
9 should support it. I think we should support the need of the neighborhood, and the operating
10 hours of 5:00 to 11:00 are really important for working families. So, thanks.

11

12 Chair Lauing: David Boudreault. Did I get that correct? And then Ghia Walker.

13

14 David Boudreault: Thank you for your time. I'm the immediate neighbor to the gym and I've got
15 to say, when I was considering, you know, where to go. You know, business doesn't do well in
16 isolation. It's good to be in a community of businesses that kind of support each other, and the
17 thought that a fitness studio was going to be right next door fit really well in with my practice
18 and wellness. And as a plastic surgeon it was going to be mutually beneficial for us to have a
19 working relationship. We immediately joined the gym because the gym is part of our life too.
20 So, we're going to be the immediate neighbor, so if anybody is going to be, you know,

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1 concerned about the noise that a gym like this would bring, it would be his immediate
2 neighbor, so I just want to speak to that. There's clear guidelines in the lease about decibel
3 levels, what they're allowed to, the noise they're supposed to be limited to, and we are
4 obviously going to be interested in keeping that too for our clinic. Also, all of our staff is part of
5 that, so the people coming to work everyday are also going to be using that gym. So, it's not
6 going to add to the additional traffic in that area, the people already working there.

7

8 The last thing is, you know, this gym, what appeals to me about the gym is a lot of it is personal
9 training, which a lot of us have come to incorporate in their lives. This is not the, you know, 24-
10 hour fitness model where you're trying to cram people in. You can see by the layout in the gym,
11 it's meant to be working with personal trainers, using it in kind of the lighter gym plus model,
12 which really appeals to me. I don't want to go where people are grunting and dropping weights
13 and that's just not my style. And I think most of the people that are joining in this are in that
14 too. So, for me this is one of the reasons why I picked to put my business in a building that was
15 abandoned for 3 years is because I knew that the owners had really put a thoughtful plan
16 together to bring a group of businesses together that really benefit the community. And it's
17 really important for me to see Michael succeed because I think it's integral to us succeeding as
18 well. So, thank you for your time.

19

20 Chair Lauing: Thank you. Ghia Walker.

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2 Ghia Walker: Hello. Thank you for your time Council Members. I came here on the whim, so
3 don't mind me as I stumble through my notes. So, I lived in Palo Alto for the last few years now,
4 working at Gigha (spelling) at the cusp of Palo Alto and Mountain View for the last 7 years, so
5 I'm really acquainted with the neighborhood. One of the reasons that I love living in Palo Alto,
6 and I have lived in numerous places across this nation, is that Palo Alto is heavily focused on
7 health, nutrition and fitness. It's easy for me to go to Whole Foods and Sprouts and Trader Joes
8 and find sweet greens. But what I found that our City severely lacks is a gym that doesn't
9 require me to have a personal trainer, though the space does have them, or doesn't require me
10 to take classes. I am an independent work outter, if I may say, and I was really excited for this
11 gym.

12
13 The other reason that I like this gym is because, unlike large gyms and nationwide gyms, like 24-
14 Hour Fitness and Equinox, the membership is limited. The membership is a premium
15 membership. That means that I've got to assume that the gym is going to have better
16 cleanliness, wherein which when I go to 24-Hour Fitness I'm getting sick every 2 weeks. I'm
17 getting a fever, getting the flu. I've actually had to travel to different gyms across the peninsula
18 just to find one clean enough that I'm not getting sick. I'm currently working out in Los Altos
19 just to prevent getting, myself from getting sick. Just pardon me while I look through my notes.

20

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1 The other thing that I like about this gym is, I feel like, since this is a smaller gym, I will get a lot
2 of personal attention from Michael and his team members. What that means to me is that he's
3 going to put his heart and soul into this gym. When I go into 24-Hour Fitness, there is sweat all
4 over the place. There are rags all over the place. There are, like the other gentleman
5 mentioned, people grunting. As a woman that likes to lift heavy weights, it's hard for me to go
6 to a gym at the times that I want and not expect to have some unwanted disrespectful
7 attention. I think that's probably one of the biggest reasons why I'm a big supporter of this gym,
8 because I want to inspire people to be healthy, and to work out and do their best to balance
9 work/life balance. And working in the tech industry, my hours vary greatly. I can be working at
10 1:00 AM, working at 3:00 AM. It doesn't matter, but I'm going to 24-Hour Fitness or other gyms
11 when it isn't peak times, just to accommodate, you know, my need to not have kind of that
12 undesired attention or that sweatiness all over the equipment.

13

14 So, those are the main reasons that I'm really supporting the gym, and to the neighbors of the
15 gym, I totally understand where your concerns come from. I think they're valid, but just one
16 more point, if I may say. Of all the people that I know who have gym memberships, the majority
17 of them do not use it. So, while I would hope that everybody does work out, statistics say that
18 only 23 percent do use their memberships. Thank you for your time.

19

20 Chair Lauing: Okay, so now it's the rebuttal and the appellants go first. Is that correct?

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Mr. Vang: The applicant’s rebuttal comes first.

Chair Lauing: Okay. Sorry.

Mr. Vang: There may have been some speaker cards that were missed. I’ve got a Mr. Hodos, I believe.

Chair Lauing: Hang on. What’s happening?

Mr. Vang: There’s another gentleman that turned in a card that wishes to speak. Mr. Hodos.

Vice-Chair Monk: If your name was listed as having been a signatory to the applicant’s letter, the applicant spoke on your behalf. Mr. Buchanan spoke on behalf of the signatories to his letter in the 15 minutes, so if you were on that letter, then we did not allow you an additional 3 minutes to speak. If you want to confer with Mr. Buchanan on any points that you want him to bring up in a rebuttal, you’re welcome to do that. Or you can use the 3 minutes that are allotted for the rebuttal for you to speak.

(Male): Alright, that would be fine.

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Vice-Chair Monk: Okay, so you can speak to the rebuttal now and then there will be a surrebuttal afterwards. The code is written that way, oh the current card that we're switching around, gottcha.

Mr. Vang: So, the applicant's rebuttal comes first.

Mr. Popp (spelling): I'm not sure I have a lot more to add from what I've already said. I think that, you know, what I've heard, what I just heard from so much of the public is that parking is not going to be a problem. We've got lots of local users. We've got people what are part of the adjacent business who are subscribing and will not be creating additional traffic in the area, additional cars. That the hours are critical, this 5:00 AM opening time, which is consistent with Equinox and Reach and Form Fitness, is something that Michael needs in order to be a viable business. And, while it's tied to his success, it's certainly not a peak for him. And so, I'll just finish by saying I'm really hopeful that through the discussion tonight we might be able to get to a point where, maybe in the lobby later, we can have a discussion and maybe get this taken care of without it having to go all the way to Council. So, thank you.

Chair Lauing: Appellate rebuttal please. So, does someone from the Appeal Letter want to rebut or make a comment for 3 minutes?

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Mr. Buchanan: This is rebuttal time?

Chair Lauing: Yes. It could be you or the other person that wanted to speak, but you have 3 minutes total now.

Mr. Buchanan: Okay, well, I'll take it. Most of the City's departments have quality standards imbedded in their operations. If there's any quality standard to manage the neighborhood parking by zone, I've never seen one, and that's a fundamental problem. Randy suggested 85 percent was a quality neighborhood parking level. The street we showed has 20 parking spaces, and when it's 85 percent full a residential street has only 3 parking spaces available for all the houses on High Street, for example. That's, in my opinion, total unacceptable, but it's unaddressed by Council. We have 12 different surveys here. We can survey those streets in less than 10 minutes. Our data really is not relevant. It's got an inherent bias. We gather it. What we're asking you to do is to get parking studies done so we can manage the parking going forward. We have baseline data and we will have baseline data. You may not believe us, but it's always good if you believe us. The City has to do good baseline studies. What happens if the membership doesn't come all from the neighborhoods. What if it shifts over time? We know full well that parking patterns in all 10 zones shifts every 6 months. A whole another batch of permits is sold and the parking distribution zone has wild variations. That's the reason the

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1 Council was fumbling the ball, trying to satisfy some unhappy dentist. This is not the way to run
2 a railroad. The data that you get is suspect. The big survey that you show was sometime in
3 October, that's 2 permit cycles ago. Every time, every 6 months a whole another wave of
4 permits is sold to another random group of employees. They'll park according to where they
5 work, and according to where their zones are. They can park in those big zones anywhere. Two-
6 hour parking is so complicated, but basically 2-hour parking, which you can park one time on a
7 zone for 2 hours, that has collapsed. Too complicated to explain right now. And all you have to
8 do is move to the next zone and park for another 2 hours. So, we're going to be – this
9 neighborhood is going to be killed with 2-hour parking and the City Staff has not addressed
10 that. Thank you.

11

12 Chair Lauing: Okay, thank you. So, now...

13

14 Mr. Vang: Sorry, there's another appellate group.

15

16 Chair Lauing: Oh, I'm sorry.

17

18 Ms. Mosser: I'll be very brief, and I probably wouldn't have said anything except for the map
19 showing how far away we all live from this site. And I just want to say, when you live really close
20 to Downtown, it's a really different experience than when you live in a more suburban area.

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1 And it's very congested and it's very noisy and it's very busy and it's exciting and we live there
2 for a reason, because we like to live there. But we also like to have our time of peace and quiet.
3 Also like to sort of feel like there are times when there are not people on the street making
4 noise, doing one thing and another, and I can see the roof of this building from my bedroom, so
5 it's close. I can sit in my backyard and I can hear things that are going on in that location. So, I
6 don't want to in any way imply that this concept for a gym is going to be a terrible neighbor. I
7 don't, at this point, have any reason to think that it will be. I just think that we need to be very
8 careful about the exceptions that we make to the zoning ordinance to make sure that we allow
9 those of us who live near commercial areas to have some modicum of peace at some time. So,
10 that's really my comment.

11

12 Chair Lauing: Okay, thank you. I would like to take this to the Commission now, and I think it
13 would be best if we did a round of questions first, because there are a number of things that
14 are floating around from comments as well as the study that each Commissioner has put into
15 this. So, I'm presuming that these are going to be questions that are mostly addressed to Staff,
16 so let's just start with that. Commissioner Waldfogel.

17

18 Commissioner Waldfogel: Thanks. I appreciate the format and get a chance to get a couple of
19 questions answered. And thank you to everyone from the public and applicants and appellants
20 for showing up tonight. I just want a little clarification. This site is subject to retail preservation.

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1 I believe we saw that in the presentation, and commercial recreation use is a permissible use. Is
2 that correct?

3

4 Mr. Owen: That's correct. Yeah, so retail preservation allows for when you have an existing
5 retail space, generally speaking, throughout the City, it can only be replaced with another retail
6 use, or what the code defines as a retail-like use. And so those are defined in the Municipal
7 Code and include a number of different uses, personal services, commercial recreation is
8 considered a retail-like use. It's just one of the list of many types of uses.

9

10 Commissioner Waldfogel: Right, and then the nuance on this is that in this district, in the SOFA
11 II District, commercial recreation needs a CUP. It's not a by-right use, is that correct?

12

13 Mr. Owen: That's correct. And the RT-35, as well as most of the commercial zones throughout
14 the City require a CUP for commercial recreation.

15

16 Commissioner Waldfogel: Right, but if it was personal service, if it was smaller than 1800 square
17 feet, then that would be a by-right?

18

19 Mr. Owen: That's right, yeah, exactly.

20

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1 Commissioner Waldfogel: Okay, yeah. Just wanted that as a point of clarification. And then,
2 question for the, can I ask the applicant a question?

3

4 Mr. Owen: Through the Chair, yeah, of course.

5

6 Commissioner Waldfogel: Yeah, just a point of clarification, I'm a little confused about what
7 ours you're really aiming to operate? What hours are you proposing to attend? What hours are
8 you proposing to have key access? Because there is some discrepancy between some things we
9 heard and what we've seen on, you know, Linked-In, Face Book, etc. Just, could you clarify that
10 for us?

11

12 Mr. Popp (spelling): And I'll apologize for that. You know, I'm coaching my client here a little bit.
13 Trying to help him to be a first-time business owner and to get all of his data and his
14 information consistent. But, initially we were asking for 24/7 access and since that discussion
15 with Staff, we've changed that and have aligned more closely with what other gyms have,
16 which is what I was mentioning before, and our hours of use will be 5:00 AM to 11:00 PM.
17 We've asking for 1 additional hour at the morning.

18

19 Commissioner Waldfogel: Right, and those would be attended hours or those would be
20 unattended hours? What's the model here?

-
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Mr. Popp (spelling): You want, I don't think I have it all in my head.

Mr. Dorkot (spelling): So, there will be trainers there who operate their, they are independent operators.

Commissioner Waldfogel: Right, but I think we've heard at least from one member of the public that her enthusiasm is for untrained us, so (crosstalk).

Mr. Dorkot (spelling): There will also be trainers there at the same time.

Commissioner Waldfogel: So, you're saying that for that entire period, whatever your operating hours are, there will be somebody from your team?

Mr. Dorkot (spelling): At the 5:00 AM hour there will absolutely be trainers there.

Commissioner Waldfogel: Until 11:00 PM?

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1 Mr. Dorkot (spelling): Staffed from 8:00 to 8:00, but there will be trainers there from 5:00 AM
2 on. I can't say that there will be trainers there from 10:00 to 11:00 PM, because that's not
3 normal. Most people don't schedule a session.

4
5 Commissioner Waldfogel: Right, but what I'm trying to understand is, will you have people, will
6 there be either you or somebody that you've delegated responsibility for operating the site to
7 during all these hours of operation? Or will people come in with their own access card?

8
9 Mr. Dorkot (spelling): They will have their own access card, yes.

10
11 Commissioner Waldfogel: So, there will be times where they are operating where there's no
12 attendants?

13
14 Mr. Dorkot (spelling): Yes, but never at 5:00 AM. There will always be someone there at 5:00
15 AM.

16
17 Commissioner Waldfogel: Okay. Thank you.

18
19 Chair Lauing: Commissioner Gardias.

20

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1 Commissioner Gardias. Yes, thank you very much. I'd like to, if the Chair doesn't mind, I'd like to
2 continue this because I wasn't satisfied with all the responses. So, I have a couple of questions.

3

4 Chair Lauing: For the applicant?

5

6 Commissioner Gardias: To the applicant as a follow up. So, the question is, what would be the
7 hours when trainers or when there would be nobody, there would be no attendants or
8 oversight on the site? What are the hours when there is a lack of oversight?

9

10 Mr. Dorkot (spelling): Okay, so we have independent personal trainers who train their clients
11 who can use the gym any time. We will have staffed hours from 8:00 AM to 8:00 PM where
12 there will be either I or an employee who has, you know, who is paid specifically just to take
13 responsibility. However, those trainers that are there in the morning will also have some
14 responsibility as well.

15

16 Commissioner Gardias: So, do I understand correctly that between 8:00 PM and 11:00 PM there
17 might be nobody on the site, as well as from 5:00 AM to 8:00 AM, although you just said to the
18 contrary, that there will be somebody?

19

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1 Mr. Dorkot (spelling): So, from 8:00 AM to 8:00 PM there will always be a staff member or I at
2 the space. And then from 5:00 to 8:00 it will be trainers and independent people working out,
3 as well as from 8:00 PM to 11:00 PM.

4

5 Commissioner Gardias: Okay, but you, those trainers shall always be there, or it will be based
6 on the appoint?

7

8 Mr. Dorkot (spelling): It will be based on the appointments.

9

10 Commissioner Gardias: So, there may be some hours between 5:00 and 8:00 when trainers will
11 not be there because there will be no appointment, as well as between 8:00 PM and 11:00 PM?

12

13 Mr. Dorkot (spelling): Yes.

14

15 Commissioner Gardias: Correct, okay, very good. And then, a follow-up question. So, does this
16 also include Saturdays and Sundays?

17

18 Mr. Dorkot (spelling): Yes. But as you could see from our graphs, on the weekends, there's
19 virtually no attendants up until 8:00 AM.

20

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1 Commissioner Gardias: So, given this, do you have the ability to shorten your opening time and
2 start operations later than 5:00 AM to 7:00 AM to make sure that the neighborhood is quiet
3 during the weekends?
4

5 Mr. Dorkot (spelling): Our business will fail if we don't have early morning hours. No gym can
6 survive that.
7

8 Commissioner Gardias: On the weekend? I'm asking specifically about Saturdays and Sundays.
9 How many customers do you expect to have at 5:00 PM on Saturday and Sunday?
10

11 Mr. Dorkot (spelling): One, two. However, I still think it's important. Because there's no impact. I
12 mean, that is no impact to have 1 or 2 people using the gym at 6:00 AM on a Saturday. They're
13 going to park on Alma. They're going to use the gym and they're going to go off to the rest of
14 their day. There are some people who wake up at that hour and that's when they want to work
15 out. There are a couple people. I know 2 that have signed up so far that want to do that.
16

17 Commissioner Gardias: I am asking you to reconsider, because if it's going to be 1 customer or 2
18 customers, you may have flexibility to work out somehow with them so they still remain your
19 customers, yet they start at a later time. And giving the neighborhood...
20

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1 Chair Lauing: We just want to understand the questions, Commissioner Gardias.

2

3 Commissioner Gardias: Yeah, well, this was just related, right, so if you don't mind?

4

5 Chair Lauing: But it's not a question, so...

6

7 Commissioner Gardias: Okay I can then pretty much shuffle my recommendation for later time.

8 But if we're going to continue with questions only. So, thank you very much for now. So, I have
9 a second different question, and now I'm going to ask this question to Staff, although it's
10 actually related to Mr. Buchanan. There were comments that – there was a comment from the
11 applicant that there are only 41 spaces needed, as opposed to this what Mr. Buchanan
12 provided to us on his power point. Was it truly an error? Who is right?

13

14 Mr. Owen: I'd like to think that I'm right, but... Attachment E in the Staff report provides the
15 zoning analysis, and so what we've concluded is that it's 41 spaces that's required for the site,
16 20.5 of those are for the gym, or 21 because you round up, 21 required for the gym and then 20
17 are for the medical office that's in the separate tenant's space. So, 41 is what's required for the
18 uses and it's also what's grandfathered on the site.

19

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1 Commissioner Gardias: So, let me ask you one more time. So, I understand. So, will this
2 requirement be related to the membership of the gym or is this what you're going to provide
3 with the permits, yet their membership may be higher because, you know, it's on how many
4 parking spaces you provide, right?

5

6 Mr. Owen: Right. We didn't want to restrict membership. What's more controlling is
7 occupancy. So, one of the conditions of approval limits for zoning purposes, the total occupancy
8 for the gym at 86 people. This is based on the parking that's required for the site. If you had a
9 standard, just kind of a hypothetical situation where you had a new gym going in this size, it
10 would require, I think, 41 spaces would be required, and so you would have 86 people based on
11 the parking requirement, which is 1 for every 4-person capacity. It's based on the building code.
12 I have conferred with the building official and I believe that the applicant submitted building
13 permits that haven't been approved yet, that indicate that the actual capacity for building code
14 purposes is closer to 82. So, that's going to be more controlling than anything that the
15 membership would be. But that would be posted on the site if it's approved that that's the
16 maximum amount of occupancy that you could have. So, that would be consistent with the
17 grandfathered parking that's on the site. Associated with the size of occupancy.

18

19 Commissioner Gardias: Thank you. So, my following question is to the business owner, if I may
20 ask?

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Chair Lauing: Is this a question?

Commissioner Gardias: Yes, it's a question.

Chair Lauing: Okay.

Commissioner Gardias: It's a question. Could you please just tell me what will be truly the membership. You have the restriction of 21 spaces for the gym. What would be truly the membership? I just want to understand? What would be the deviation between this number and your actual membership?

Mr. Dorkot (spelling): Well, we based our max limit of what we're thinking based off of the numbers that they gave us.

Chair Lauing: So, the cap is the 81. Did you have other questions?

(crosstalk)

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1 Mr. Dorkot (spelling): So, all our numbers that you saw, when they come, when they attend the
2 gym, is all based off of the numbers that they gave us for the max, what we're restricted to.

3
4 Commissioner Gardias: Thank you very much for clarification. I wanted to be clear, right. So, I
5 have one more comment about those numbers but I will wait for the time when we can make
6 comments as opposed to questions. Thank you.

7
8 Chair Lauing: Vice-Chair Monk.

9
10 Vice-Chair Monk: I just want to acknowledge everyone for coming out tonight. I think it's really
11 amazing that we have this process; although it's a lengthy process for the applicant and the
12 building owner. But in any event, I do appreciate the opportunity for community members to
13 come out, air their concerns and for the project to move forward where everyone has had a
14 chance to speak and debate, and then hopefully, reach a resolution that we can all live with. I
15 have a couple of questions for Staff. The CUP application was submitted February 13th, is that
16 right? And then the, then it was approved on May 9th. So, my question is, is that a typical
17 timeframe?

18
19 Mr. Owen: Yeah, so it was received February 13th, tentatively approved May 9th. For a CUP, I
20 mean, they really vary. For Commercial recreation it could be anywhere from, gosh, 1 month to

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1 6 months. CUPs in general, we just did the First Baptist Church CUP, which is kind of atypical,
2 but it was a much longer process.

3

4 Mr. Lait I would just say it's a little longer than we would want it to be.

5

6 Vice-Chair Monk: So, the Staff would like to process these more quickly, if they had the ability
7 to.

8

9 Mr. Lait: Yeah, I think 2 months, 2 ½ months is certainly the outer edge for a project like this, of
10 this size, this use. I mean, but you know, it's, we're down 2 planners and we've got a number of
11 applications, so, I mean, this is what happens when, you know.

12

13 Vice-Chair Monk: So is the process lengthier because you had to do more outreach. Because it
14 looks like a relatively simple...

15

16 Mr. Lait: We did outreach, but I don't think it was, you know, beyond what ought to be
17 expected for a CUP application. I think that's all in line with expectations. Some might argue it
18 should be more, some would argue it should be less. But I think we're satisfied with what was
19 done so far.

20

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1 Vice-Chair Monk: Thank you. In regards to the 24 hours, I understand, based on what was
2 stated tonight, that other gyms in the Downtown area are not 24 hours. Is that correct?

3

4 Mr. Lait: I don't believe that we have any that are 24/7.

5

6 Vice-Chair Monk: But we do have businesses that are open 24 hours, because I think we have a
7 7/11. We used to have a laundromat. Do you know if those are or were 24 hours?

8

9 Mr. Lait: So, no we didn't look at those numbers. But I would note that SOFAs got its own set of
10 regulations compared to Downtown where 7/11 is located. SOFA regulations to stipulate. Also,
11 the other areas of the City also have some restrictions. I think it's actually a little bit greater in
12 SOFA than it is in other areas of the City.

13

14 Vice-Chair Monk: So, other parts of the City that are even adjacent to residences and homes,
15 such as on Litton, where there is a 24-hour 7/11, because it's not in the SOFA District, it's
16 allowable? They have a different...

17

18 (Crosstalk)

19

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1 Vice-Chair Monk: Okay, and the reason why I'm asking is because, and I'll ask the applicant
2 directly, was that a marketing attempt, even though you weren't intending on being open
3 literally open 24 hours? Is that for marketing purposes? And, does the current CUP with the
4 5:00 AM open and 11:00 PM close impact your overall business plan in any way? Because we
5 want to see viable businesses here. So, if you can speak to that, that would be great.

6
7 Mr. Dorkot (spelling): We initially wanted 24/7. However, 5:00 AM to 11:00 PM is exactly what
8 we need. 24/7 is more of a marketing thing. People are attracted because it's like, I can use it
9 absolutely any time I want. However, the 5:00 AM to 11:00 PM is actually where people go.

10

11 Vice-Chair Monk: Thank you very much.

12

13 Mr. Dorkot (spelling): Thank you.

14

15 Vice-Chair Monk: A couple more questions. To Staff on this one, on Packet page 17 of the CUP,
16 it talks about a couple provisions. I was just curious. Are the other gyms or other retail uses in
17 the Downtown area containing provisions for noise and window shades?

18

19 Mr. Lait: I can take a look at a couple of recent CUPs really quickly and get back to you.

20 (crosstalk) Yeah, so for Downtown, no, I don't believe we have window shades as a requirement

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1 for glare. We have seen that in the Research Park where some of the residential properties abut
2 some of the larger office developments. I think the shades may have been in response to some
3 community comments that we may have received, or something like that.

4

5 Mr. Owen: That's correct.

6

7 Vice-Chair Monk: So that will kind of be a good segue, because I am concerned about noise, and
8 to me that does include light noise that Ms. Mosser was mentioning earlier. You know, she said
9 that we typically hear keys and car doors slamming. I don't want to repeat the list, but things of
10 that nature live in the Downtown area. So, in regards to light noise, was that something that's
11 important to that particular resident? And I don't know if she wants to speak to it, but for
12 myself, I live Downtown and I close my shades at night because I don't want people seeing in.
13 So, for my own security and privacy, I close my shades. So, any light that's outside of my, where
14 I live doesn't really impact me. So, I'm just curious, is that something that has to be included,
15 and?

16

17 Mr. Lait: No, it doesn't need to be included. It's up to the Commission's discretion to offer
18 recommendations.

19

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1 Vice-Chair Monk: So, I might make a recommendation in regard to that, because I want the
2 applicant to be able to be compliant with the CUP, so they're not in violation of, so in the event
3 that it's not drawn or whatever, it's just another something to enforce. And so, I'd like to hear if
4 there's any speakers here that are strongly in favor of having the shades as part of the CUP.

5

6 Chair Lauing: We can just bring this up as a recommendation, because I think it's been
7 imposed...

8

9 Vice-Chair Monk: We're not allowed to ask any of the applicants any questions, the hearing?

10

11 Mr. Lait: So, your public is closed. You are in questions.

12

13 Vice-Chair Monk: Ms. Mosser brought a letter.

14

15 Mr. Lait: I understand. I'm replying to your question. If, you can ask your questions to members
16 of the public through the Chair, and if the Chair is saying this is something that we would, if he
17 would support that, then fine. Otherwise, it's a deliberation for the Commission.

18

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1 Vice-Chair Monk: Just so I'm clear procedurally, do we have a right to ask members, are you
2 lumping in the appellant and the applicants as members of the public, or are we able to engage
3 with them directly?

4

5 Mr. Lait: So, they are members of the public and through the Chair, if the Chair agrees, you can
6 ask a question of any of the applicants or appellants or anybody else who came to speak.

7

8 Vice-Chair Monk: Okay. Chair Lauing, would you be interested in hearing anything about the
9 shades?

10

11 Chair Lauing: I think that they put that in there to be restrictive, and if we want to make an
12 amendment to what they put there to make it easier, that's what we should do in the comment
13 period.

14

15 Vice-Chair Monk: Okay, so we don't want to pull anyone?

16

17 Chair Lauing: I don't think we need to do that, no.

18

19 Vice-Chair Monk: Okay, great. I don't think I have any other preliminary questions, but I do have
20 comments that I'd like to circle back to.

-
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1

2 Chair Lauing: Sure.

3

4 Vice-Chair Monk: Thanks.

5

6 Chair Lauing: Commissioner Summa.

7

8 Commissioner Summa: Just some questions. Thank you everybody for coming tonight and Staff.

9 I just want to confirm, there's only 4 bicycle spots on this site, and would there be any place, it's
10 almost built out, the site, so would there be any place to put more bicycle parking?

11

12 Mr. Owen: There's none on the site, but there's 2 racks that are immediately adjacent in the
13 public right-of-way. So, there may be additional opportunities for additional racks. I'm not
14 entirely sure. We didn't really look at that, but...

15

16 Commissioner Summa: Some of my questions have been answered, so I want to look here. So, a
17 couple of things. We don't have any information, although I was happy to see that the tenant
18 who is going to be the medical tenant, was able to come tonight, in the same building. But, we
19 have no information in Staff report about how many employees or clients they will be, any
20 estimates about how many employees or clients they will be generating, and cars. There's no

-
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1 information about the daycare operation, which shares the parking lot. As a matter of fact, they
2 get the majority of the parking lot.

3

4 Chair Lauing: We're still on questions, so did you want some information, question?

5

6 Commissioner Summa: Yes, I was wondering, because we don't have the hours of the daycare
7 in our Staff report that I saw, if there's an opportunity actually for shared parking there?
8 Because I would imagine the daycare operations are limited in hours. So, if you have answers to
9 any of those. And then for the applicant, I wonder how many, maximum how many trainers,
10 personal trainers can you have at any time in the amount of space you have?

11

12 Mr. Dorkot (spelling): I would say maximum 20.

13

14 Commissioner Summa: Okay, thank you.

15

16 Mr. Owen: Commissioner Summa, if I could answer your 2 questions about the medical office
17 use and the daycare use. So, in terms of the actual number of patients and doctors that would
18 be associated with it. We don't know. Maybe the surgeon who is here could answer that
19 question. But from a parking standpoint, the space, 5,000 square feet, the parking ratio set
20 forth by the Zoning Ordinance is 1 for every 250 square feet, so that's 20 spaces. In terms of the

-
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1 daycare center, we did look at that and essentially you have a situation where, you know, you
2 have a daycare center that's under construction currently. There's 31 spaces at build out, so
3 once the space is finished there would be 31 spaces. I think there were 2 that were taken away
4 to create kind of a play area behind the daycare center. We did receive a traffic analysis for the
5 daycare center use when it was getting entitlements back in 2016, 2017. The peak demand is
6 17, so you know, you have a unique use in the sense that all of the parking is kind of used at 2
7 times a day essentially, morning and evening when people are getting picked up and dropped
8 off. But it's 31 spaces that are available, 17 are needed based on the analysis, so that leaves the
9 difference that could be used for both the daycare use and for this use, you have 7 that are
10 associated with this site that are available.

11

12 Commissioner Summa: Okay. So, that lot is 31 total and 17 are, that's how you got the 7 for the
13 other side?

14

15 Mr. Owen: Well, so 17 are required for the daycare use and 31 are provided and only 7 are
16 associated with 999 Alma. So, there is a surplus essentially.

17

18 Mr. Lait: Yeah, I mean, I don't know that I would characterize it as a surplus. Do we know what
19 the hours are for the daycare center?

20

-
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1 Mr. Owen: I could look it up.

2

3 Mr. Lait: So, we can look at that. I think... The parcel, the Anthropologie site, it's a, you know,
4 sort of its own legal parcel, nonconforming for parking. It just so happens, I think, that there's a,
5 and I don't know if it's different LLCs or if it's common ownership between Anthropologie and
6 the adjacent site. So, that might be something where we need to ask the property owner what
7 the relationship is between the 2 sites to understand what is available.

8

9 Chair Lauing: So, can we just... That was actually one of my questions as well, but could we just
10 net it out so when the daycare center is not in use, those are public spot? They're not public
11 spots but they're available spots?

12

13 Mr. Lait: So, again, I think that this involves the contractual relationship that the property
14 owner has with the long-term leaseholder who has with the tenants and we're not equipped to
15 speak to that. But, you know, maybe there is somebody in the audience who can.

16

17 Chair Lauing: If anybody has an answer to that, the question is basically, is simply is if there's a,
18 when the daycare center isn't there, does that sort of in essence give you extra parking spots? I
19 think that's what we're trying to get at with the former question here.

20

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1 Mr. Hansen (spelling): The answer is no. We have split the parking lot. I have a civil agreement
2 that doesn't run, you know, it has nothing to do with my approved uses, but I have a civil
3 agreement with the long-term leaseholder across the street, the building owner. And I control
4 15 spaces across the street and he has 17 spaces that he controls. And I have, that lease runs
5 with my ground lease. I have the ground lease for 80 plus years, I have those parking spots for
6 the same amount of time.

7

8 Commissioner Summa: So, if you have 15 for your, the length of your ground lease, why are you
9 only allotting 7 to 999?

10

11 Mr. Hansen (spelling): We have 2 tenants, so the gym has 7 and our surgeons have the other
12 remaining spaces for their use.

13

14 Chair Lauing: Okay I had 1 other question to Staff. A lot of what we're talking about tonight and
15 what we might do is subject to laws and grandfathered in parking and all that. One of the
16 suggestions in one of the appellants letters what that we somehow try to control the RPP and
17 not allow folks to purchase those, but the question is, is that even possible? It seems like that is
18 sort of a violation of the overall RPP, so that's the question?

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Mr. Owen: So, this particular site isn't in an RPP. It's adjacent to some, but it's not specifically.

Chair Lauing: No, I think one of the appellants bullet points was, can we control that and make sure that nobody can get RPP spots there. It seems to me, just as a non-attorney that that would be in violation of it because, oh go ahead.

Mr. Lait: Yeah, if they're not located, if their business is not located within the RPP boundaries they would not be able to obtain employer permits for parking in the RPP zone.

Chair Lauing: But if they were, it could not be constrained?

Mr. Lait: But they're not.

Chair Lauing: Okay.

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1 Vice-Chair Monk: And Chair, just as a reminder, they're not because it's 2-hour parking there.

2

3 Chair Lauing: Yeah, okay.

4

5 Vice-Chair Monk: Correct?

6

7 Mr. Lait: So, again, the site is not located within the Downtown residential parking program, but

8 it's close to it and there is 2-hour parking that is permitted in the RPP area without a permit.

9

10 Vice-Chair Monk: I think that street, though, is 2-hour parking.

11

12 Mr. Lait: The street itself may have limitations.

13

14 Vice-Chair Monk: Right.

15

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1 Mr. Lait: Yeah.

2

3 Vice-Chair Monk: So, there aren't going to be cars parked there all day. It's as if they're in the
4 RPP but they can't get a permit, if that makes any sense.

5

6 Chair Lauing: Commission Riggs isn't here. I think that's all of the questions. Then we can go to
7 comments. Oh, I thought that was the comment light. Go ahead Commissioner Gardias.

8

9 Commissioner Gardias: Yeah, just an aside comment. I mean, typically questions flow into,
10 naturally into comments.

11

12 Chair Lauing: That's what we're going to do next.

13

14 Commissioner Gardias: (not understood) before the next meeting of the PTC. But the question
15 is very simple. Does this lot have bike racks?

16

-
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1 Mr. Owen: Does the lot have bike racks? No. They're in the right-of-way adjacent to it. So,
2 immediately next to the curb within 7 feet of the site. If you're on Addison Street and you're on
3 the sidewalk, you can, and you're right next to the building – I wish we could pull it up right
4 here so you could see, but there are 2 bike racks that are immediately adjacent to the site that
5 are lining the street adjacent to the curb in front of the building. But they're not on the site
6 proper.

7

8 Commissioner Gardias: So only for, how many, for 4 bikes or for 2 bikes?

9

10 Mr. Owen: Two racks for 4 bikes.

11

12 Commissioner Gardias: Two racks for 4 bikes. Thank you.

13

14 Chair Lauing: Okay. Let's move to the comment section.

15

16 Vice-Chair Monk: Can I ask a related question?

-
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1

2 Chair Lauing: Okay.

3

4 Vice-Chair Monk: Should it be determined that there's a need for more City bike parking at that
5 location would the City be able to accommodate that?

6

7 Mr. Lait: Yeah, I mean, we could work with our Transportation Office and figure out if there's a
8 need for more bicycle parking other than the sidewalk.

9

10 Chair Lauing: Okay. Let's move to the comment rounds.

11

12 Commissioner Alcheck: Jonathan, I'm having trouble hearing you too.

13

14 Mr. Lait: Yes.

15

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1 Chair Lauing: Let's move to the comment rounds. No comments? Oh, Commissioner Summa.

2

3 Commissioner Summa: So, I think a neighborhood gym would be a really nice use here, but one
4 thing that hasn't been, well there's a lot of things that haven't been studied and that's what's
5 going to happen if all the three businesses are at their maximum use, and there's a lot of
6 complicating factors. We have people here who spoke, who worked really hard studying RPPs
7 Downtown, north and south and really know a lot about it. And I live in College Terrace which
8 was the first RPP in the City and I can say, when you don't have, when you have no flexibility in
9 2-hour parking it becomes a nightmare for residents and businesses, because all of those uses,
10 and I've said t his before, need the flexibility to have short-term people come and go, especially
11 a gym and, I'm not sure what kind of medical practice it is. If it is truly surgeries it might be
12 fewer patients coming for a longer amount of times, but there's a lot of plastic surgery and
13 aesthetic dermatology offices that have a lot of rapid turnover in their services.

14

15 And I'm troubled by the fact, two things. One is, we don't have any study that has anticipated
16 maximum use of all three of these sites which are kind of interrelated. And then I'm also
17 concerned that we haven't mentioned, and I understand that grandfathered spots are legal, but
18 they don't actually exist. So, any car that was going to go there would have to be going
19 someplace else. So, I'm worried that the impacts of this will hurt everybody, including the

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1 business. And, you know, you get 20 trainers at a time and you have, then you have 20 clients,
2 maybe a staff person, maybe other people working out without trainers, and I think it could be
3 a big issue.

4

5 I also think that the very simple request from nearby neighbors not to extend the legal hours in
6 the neighborhood is a reasonable one, so I think we should consider sticking with 6:00 to 11:00
7 seven days a week. And I guess I would like to find a way to make this work for the business,
8 but there's an awful lot of unanswered questions and unknown impacts, and if we just go
9 ahead and recommend it as it, I don't think there's any way for the City then to, neighbors or
10 the City to come back and say, oh, this is a disaster, there's way too many cars that need to be
11 accessed by these three businesses, and how do we fix it now? So, those are my initial
12 concerns.

13

14 Chair Lauing: Vice-Chair Monk.

15

16 Vice-Chair Monk: Thank you Commissioner Summa for bringing up your concerns on the
17 parking. I agree that parking is an issue. I think it's an issue that, there's consensus throughout
18 the community that we have a parking and traffic problem, but I don't think we should confuse

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1 that with what's in front of us tonight and what's actually going to be occurring at this site in
2 particular. I live just blocks away from this location. I pass it almost daily and there's plenty of
3 open spaces regularly on that block and on the ones around it that I have personally observed.
4 Mr. Buchanan lives about a mile away, so I don't know if he is able to see it every day. But, I'm
5 not going to question what his findings were and what he presented to us. I just have a
6 different perspective.

7

8 Even still what I found very compelling was the fact that a large percentage, I think it was 88
9 percent, I don't recall your slide, I'm pulling my notes of it, are folks that live within blocks of
10 the site. Fifty-seven percent live within four blocks of the training space and 31 percent work
11 within four block, 88 percent are within the immediate area. That's pretty compelling and
12 significant to me. I have to drive from here to Equinox. It's a pain in my butt so I don't like to go
13 that often and when it's nice out, I cycle. I would expect that a lot of people that are a little bit
14 beyond a couple of blocks are probably going to ride more likely than drive. It's actually quicker
15 to ride your bike in this town these days on these types of distances in any event, and you're
16 going to the gym. So, I'm really not concerned about the parking being an issue, particularly
17 because it is next to an RPP zone and where it's not RPP, it is 2-hour parking. So, the question is,
18 where are people that are going to be there all day going to park? What are we going to do
19 about the people in the medical facility and the patients using that site? That's a separate issue.

-
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1 So, that's not before us tonight. We're talking about the gym and what the people using the
2 gym, their transit options for them getting there.

3

4 On that issue, I would like to see some more movement, and this is a call out to the City
5 Manager to really do what they can to address our parking issues, because as folks leave the
6 Downtown area to go to work, that does free up space. There's a lot of buildings, a lot of
7 properties that have vacant spaces all day long that cars can be parking in and they're not, and I
8 think there can be some creative solutions to parking in general in the Downtown area that I
9 think everyone would value.

10

11 I brought up noise a little bit earlier. You know, do we have any reason to believe that this
12 property isn't properly insulated from excessive noise that could emanate from music, sound
13 systems or weights dropping or machines clunking, if the Chair is interested in hearing? But I
14 would presume that there's sufficient insulation that this wouldn't be a big issue, and if it is,
15 that that would be something that would be certainly enforced by the City.

16

17 I brought up light noise, and that is something that I would be concerned about if I was a
18 neighbor and I had a big shining light in my room and I couldn't sleep at night or it was dark

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1 until 6:00 or 7:00 and then the lights come on at 5:00 AM, I would probably have an issue. So, I
2 would kind of want to know if it really is important to have those shades drawn or not. That
3 seems like an odd thing to have in a CUP. I would probably advocate for taking it out unless we
4 hear a compelling reason to keep them in.

5

6 And also in regards to the noise, I just want to add to it, you do hear Caltrain coming, the
7 whistle blasting. I hear deliveries going to Whole Foods starting at 5:00 AM. Even before 5:00
8 AM I hear trucks going down, the garbage trucks. I'm going that we're going electric on that, it's
9 not as loud. But, it is, there are pluses and minuses to living Downtown, and that is, the plus is
10 that you're in close proximity, but yeah, you do hear a lot more noises to things, but you do
11 want to have some quiet time at nighttime and on the weekends. So, I would expect that to not
12 be disruptive to the neighbors.

13

14 And my other concern is regards to the viability of business. We have a retail ordinance in
15 effect. This lot sat empty for, I don't know, it seemed like two years. I have no idea it sat empty.
16 There could have been housing there and some multi-use. I certainly would have supported
17 that, but that's not where we are. We're where we are today with what we've got, and I'm
18 grateful that tenants came and took that spot. I'd like to see someone, anyone go in there. I
19 think it's very depressing to me living Downtown, seeing these open, empty storefronts for so

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1 long. So, I think getting this done as expeditiously as possible and likewise with future projects
2 would be my hope.

3

4 So, then my only recommendation, I think right now would be on the light shades and possibly,
5 let me just pull up the ordinance, sorry. Not the ordinance, rather the permit. I can't find it right
6 now. It was on Packet Page 16. I would probably want to pull out Item number five, unless the
7 Chair wanted to have the public speak to that. And then Number four looks a little bit
8 redundant with Item Number ten, because we already have a nuisance abatement in here. I
9 also had a question about Item Number seven, on page 17, actually I didn't ask earlier. What
10 does this mean, "that the tenant shall direct gym members and employees to park" and
11 perhaps this was already addressed, "at the 100 Addison Avenue property or along Alma Street
12 prior to 6:00 AM and after 9:00 PM"? Was that already discussed? I apologize if it was.

13

14 Mr. Owen: The specific condition wasn't, but the intent with this in our condition was to direct,
15 especially at the late-night hours and the early hour, the 5:00 AM hour, to direct gym members
16 to park on Alma before, and at the 100 Addison site before going out into the RPP areas that
17 are adjacent. So, the idea is to try to direct that kind of traffic that was, that's associated with
18 that area where there would be less of an impact.

-
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2 Vice-Chair Monk: So, that would be to minimize the noise of people getting in and out of their
3 cars right in front of people's homes?

4

5 Mr. Owen: Right.

6

7 Vice-Chair Monk: Okay. Thank you.

8

9 Chair Lauing: Commissioner Gardias.

10

11 Commissioner Gardias: Thank you. So, now it's time or the comments so I'm going to return to
12 the numbers. So, I don't believe that any set of the numbers is right. I think that both are
13 wrong. And the reason is very simple that proper calculation should take ridership and biking to
14 the facility into account and it does not. So, the numbers that are calculated by the Staff, they
15 don't truly reflect the rides, number of the parking spaces that would be taken, as well with
16 respect, Mr. Buchanan, yours neither do the same. So, I suggest that Staff pretty much

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1 recalculate the numbers, given the number of those members that would be biking or riding to
2 the facility when you're going to come to present to the Council. So, this is my first observation.

3

4 The second observation is like this. Just looking at this picture, I think there is an immediate
5 opportunity to mitigate, to first show that this facility is open for the bikers and then, you know,
6 either request, maybe not the applicant but the owner of the facility or maybe just negotiate
7 with the City to pretty much install additional bike racks along Alma. As you may see by the
8 electrical pole there is lots of distance and that could accommodate, you know, maybe six or
9 seven of them. Given the increasing bike use in Palo Alto, it's better to have more racks than
10 less, because they are always taken.

11

12 So, that is my comments. I believe that there is another opportunity for the applicant to
13 mitigate impact on the neighborhood and pretty much, if there is going to be a number of the
14 personal trainers that you could control, because you cannot control your customers, you could
15 have internal policing and some constraint to have those trainers either commute by train or by
16 some other means of transportation, if that is feasible. It may not be possible. Or, park in the
17 garages, City garages and this way you pretty much, you don't clog the neighborhoods with the
18 large number of the personal trainers. Of course, they would have to walk or maybe take bike,
19 but because they are your contractual employees, I believe, then you can still control this

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1 behavior, unlike your customers. Another observation is that – I will stop here. So, thank you
2 very much for now.

3

4 Chair Lauing: Commissioner Riggs.

5

6 Commissioner Riggs: I think (not understood) did a great job here. I don't have any other
7 comments. I had more, but they're peripheral. Okay, I'll just say, Vice-Chair Monk, I appreciate
8 your detail on the, rate of detail on the conditions, but I would suggest as a Commission that we
9 not make a practice of nitpicking the conditions the Staff gives to us. The more consistent we
10 can make standard conditions, the easier it is on us and the easier it is on them. So, you know,
11 for example, eliminating certain conditions. We should be working to standardize if at all
12 possible across all types of development. I know you're trying to do that with some of this other
13 stuff, but like for example saying, well, one looks a little redundant to another. I would suggest
14 that we defer to Staff on that.

15

16 Chair Lauing: Commissioner Waldfogel.

17

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1 Commissioner Waldfogel: Thanks. Yeah, I would agree with that comment. I think that's helpful.
2 So, here's my take on this. The problem that I see with this process is, we're speculating. We're
3 trying to guess which impacts will affect people and which will not. So, I mean, for example, I'm
4 sympathetic to the argument that the 5:00 AM start in a residential neighborhood is too early.
5 But at the same time, I'm sympathetic to the argument that the business claims to need the
6 5:00 AM start to succeed. So, there's a conflict between those principals. I think that the
7 member proximity to the business will not reduce parking loads in the morning because I think
8 it's likely that members will drive to the gym, work out, shower and then drive on to work. I
9 think that's a high probability scenario. So, I expect they will bring their cars. But, again, this is
10 all speculative. We have no way to know what the truth is.

11

12 So, I guess one question for Staff is, is there a way for us to advance this CUP substantially in
13 the form that we see it in front of us, but with a way for us to revisit this in say a year's time
14 and to assess actual impacts? So, if any of these things turn out to not be issues, we can remove
15 them. But if it turns out that, say you know, 5:00 AM is turning into a neighborhood, we have a
16 way to come back and address that in a year? Is there a way for us to do that? Because then I
17 would be supportive of just advancing, you know, substantially what we have in front of us.

18

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1 Mr. Lait: Yes, and I think that we have attempted to address that with condition number 14 on
2 Packet page 17, where if there are some unanticipated impacts associated with the approval of
3 the CUP, that the Director could impose some additional conditions or hold hearings to
4 examine or reexamine.

5

6 Commissioner Waldfogel: So, what would trigger that? Because I think it' just awkward to make
7 that a complaint-driven process. You know, it's sort of, it puts people in a difficult position. So,
8 is there some way to trigger that?

9

10 Mr. Lait: So, yes, this is complaint driven and yes, the Commission could ask the Director to
11 perform, you know, some kind of review of the CUP and you can stipulate whether that comes
12 back to the Commission or whether the Director does that. You know, it's a little bit, so yeah,
13 that is possible. I do have a little bit of concern about, you know, and this isn't meant to be
14 discouraging, but you know, you have a small business owner who is investing time and energy
15 and resources into establishing this use, and we do want it to be one that is compatible with
16 the neighborhood, so adding that one-year sort of review just makes it a little bit, there's an
17 element of uncertainty, I would think, for the proprietor.

18

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1 Commissioner Waldfogel: Yeah, it creates uncertainty, but I think it also creates a level of
2 fairness to some extent. Because, like I say, we can speculate all night. I mean, we could go on
3 until midnight on guessing which of these impacts are real and which are not, and we could
4 have arguments about parking all night. I don't think it would really be productive. But I think
5 reality should, you know, reality should determine whether, how this goes forward. I mean,
6 that's where I'd like to see it. Anyhow, that's why I say, I can support it if there is a systematic
7 say for us to address impacts if they occur.

8

9 Chair Lauing: Okay, let me make a couple of comments because the one big word I had down
10 here was speculative and we didn't talk beforehand about that. No, I agree because I really
11 share Commissioner Summa's concerns about potential parking and, of course, all three
12 businesses are not operating yet, so we have not data. But, if we were to do it now, we would
13 be trying to simulate that and we don't really know what the case is going to be. Simulation
14 models are fine, but they're not real. So, I do think that some of this walkability will happen
15 down there, because it does in downtowns, so I think that slightly mitigates the concern over
16 parking. I think we're all concerned about parking everywhere.

17

18 So, the second thing is that this is zoned retail, so something retail is going to go in there that's
19 going to create people walking there or driving there or whatever, so if not this, then what?

-
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1 Because it's going to be a retail by zone and by the intent of Council and they intentionally want
2 a retail, which is why the medical offices are on the other end as opposed to the Alma end, so
3 that there can be, by the way, open windows, to show, you know, people inside which is one of
4 the intents. So, while I have a lot of concern, you know, it's supposed to be retail and I would be
5 quite receptive to the way that Commissioner Waldfogel framed this. I think that if we came – I
6 would like to be specific, as he first suggested. If we could just, you know, do a review in a year
7 and that review doesn't have to be, you know, full up, but can be just, you know, see how the
8 business is going on and so on. The intent is not going to be, you know, revoke the CUP. The
9 intent would be to, if we have to tweak something, maybe 5:00 AM is not really working, or
10 whoops, there are big glare points or something.

11

12 Mr. Lait: And if I may on that, so the only way we're going to know about that is if we get
13 complaints, right?

14

15 Chair Lauing: So, you're speaking to the wording that you have here?

16

17 Mr. Lait: Right, exactly. The only way that we're going to find out if there's parking challenges or
18 problems or noise or light and glare is if we get complaints. (crosstalk)

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2 Chair Lauing: The way I understood Commissioner Waldfogel was just to put a time to review
3 that. So, if it's a year and just say, you know, just come back to us and tell us how it's working
4 type thing. Is that what you're suggesting?

5

6 Commissioner Waldfogel: Yeah, let me just drop it to that. I think for some of these it would be
7 complaint driven, but for others, for example, if in a year the parking survey showed that this
8 district has bumped up to, you know, 85, 90 percent, that wouldn't necessarily trigger a
9 complaint against this CUP. But it should probably trigger some review of whether we've in the
10 area, done the right thing in this district.

11

12 Mr. Lait: And when you say district, you're speaking generally or are you speaking to the
13 parking assessment district, or the...

14

15 Commissioner Waldfogel: Well it's, I mean, several people have raised this point, that we're
16 authorizing what, three new businesses on this corner. We don't quite understand how the
17 parking loads will interact and I'm cool with that. I think it's fine that we do that. We just need a
18 way to address it if the interaction is different from what we expect.

-
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1

2 Mr. Lait: Right, and I guess one consideration on that is the, the medical use is an equivalent
3 parking requirement generator as the retail use we saw on paper in the, you know, on the
4 zoning code. And the retail, or the daycare center across the way is a permitted by right use as
5 well, and so it was established at, you know, it's parking standards that we have in place. I'm
6 trying to figure out how, you know, we've got an ordinance that's encouraging or requiring
7 retail preservation. The Council wrote into the retail preservation ordinance, retail-like, added a
8 new definition of retail-like and added commercial recreation to that. So, these are the types of
9 uses that we want to see. And you know, I think the parking challenges that have been
10 expressed here tonight, they are complex and I don't know how these three permitted or, you
11 know, to the extent of the gym is conditionally permitted, that's one area where we have a
12 little bit more control over it, but...

13

14 Commissioner Waldfogel: That's an important distinction.

15

16 Mr. Lait: That's right but doing – I guess it's unclear to me, is the Commission asking for a
17 parking study or a parking analysis to be done within a year that the City would be responsible
18 for to understand the relationship of just these three businesses, this half block of Addison? I

-
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1 mean, I'm struggling a little bit to understand a year from now how we're assessing this. I
2 mean, I could anticipate that the daycare center is going to have two peak periods where
3 there's going to be drop off and pick up, where there's going to be some crunch time.

4

5 Chair Lauing: Yeah, I'm still trying to clarify Commissioner Waldfogel's intent, but my
6 understanding of that was that we would just get a report in a year and say, you know, how's
7 this thing working? If there was some sort of disastrous parking situation, then we would have
8 to look at, what can we do. The intent is not to revoke the CUP. That would be one statement.
9 The second thing could be, if there were some minor things, like whether there is glare or not,
10 you know, you could ask for that to be changed. But, it's not, I don't think anyone is saying,
11 well, I don't think he was saying. I'm still trying to speak for him, to do a parking study now. I
12 think he was saying we can't speculate. We need to have real data in the future, so...

13

14 Mr. Lait: And so, the glare, obviously would be complaint-driven one. The parking study I'd like
15 to understand that a little bit more, because are you asking that the City prepare a parking
16 study, or are you asking that the applicant prepare a parking study in a year from now to
17 analyze not only their use, but the surround uses?

18

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1 Commissioner Waldfogel: So, perhaps the simple way through this is to ask the applicant to
2 self-report, to just collect information and self-report on trips, trip modalities. I mean, I think
3 that's better than nothing, and I believe these are honest people. So, you know, the problem is,
4 we're trying to speculate. You know, we're just trying to speculate about what impacts will look
5 like, and I'm uncomfortable with that. But, I'm willing to move forward if we can address
6 problems.

7

8 Chair Lauing: Commissioner Summa.

9

10 Commissioner Summa: So, I have a question for Staff and an idea about a condition that might
11 make this easier for everyone. There's a, and maybe you don't know this, because it's a specific
12 gym on Cal Ave, because we've had quite a proliferation of gyms on Cal Ave recently, and
13 there's one, it's Amity Cross Fit, and though it's bigger square footage, I don't think it is, it's
14 6,750 square feet, it is limited in occupancy to 20 people, persons. And I was wondering why
15 that was, and it may be an artifact of the closure of the Cal Ave Assessment District. Is that
16 correct?

17

-
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1 Mr. Owen: I'm not sure when that one was approved, but if it's that, then it's almost certainly
2 going to be the assessment district and the spaces that they're locked into.

3

4 Commissioner Summa: Okay. And it's interesting that they, at a bigger space, they think they
5 can make that work business model wise. I was wondering, I'm very struck that the applicant,
6 his intention is to provide very much a community and neighborhood-based business, and
7 that's who he wants to serve. And at his present membership rate, which I think is 80,
8 approximately, and I'm sure he's planning on having more. I'm not sure how many more, but if,
9 and 88 percent of them he specifies now will walk or bicycle, could we not condition, could we
10 not have as a condition that that 88 percent, if we think that's the right number, remain people
11 that live in an area that would be bikeable or walkable?

12

13 Mr. Lait: I'd be interested in Albert's take on this. I'm really uncomfortable limiting this business
14 to memberships within a certain radius of the location. I'm more comfortable with the self-
15 reporting and if we receive complaints and there's problems, then we can have a public hearing
16 on that issue. But, out of the gate...

17

18 Commissioner Summa: Not legal?

-
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2 Mr. Lait: Well, that's what... So, that's our concern. Again, we've got a condition here. If we
3 need to change that condition I'm okay with the self-reporting, you know, once a year or the
4 first year the applicant shall report it. Again, I'm uncomfortable with a restriction that says they
5 have to limit their membership to people within a certain radius.

6

7 Commissioner Summa: Okay.

8

9 Chair Lauing: Commissioner Riggs.

10

11 Commissioner Riggs: So, I was just going to say that I, the literature really is clear that the, I
12 don't understand Condition number five either and I think that having visible active use is more
13 supportive of what the code actually says and what our planning documents say and what best
14 practice would say. And I think, yeah, Commissioner Waldfoegel, if you're comfortable with what
15 Staff is proposing, we can, let's just deal with this. Let's get it done.

16

17 Chair Lauing: Let's see, Vice-Chair Monk.

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2 Vice-Chair Monk: Just to clarify, it is within our purview that we can approve, conditionally
3 approve or deny the CUP? Is that right, staff?

4

5 Mr. Lait: Yes.

6

7 Vice-Chair Monk: So, if I have suggestions to what's proposed in the CUP, that would be within
8 the correct order for me to make a modification to what's in front of us?

9

10 Mr. Lait: Yes.

11

12 Vice-Chair Monk: Okay. And this is in response to Commissioner Riggs and Commissioner
13 Waldfogel's suggestion that I don't modify CUPs. In my viewpoint, these are all unique to the
14 property and sometimes I see things in these that don't make any sense to me. Sometimes
15 they're boilerplate. Sometimes they do need to be looked at. So, I feel like I'm well within my
16 responsibility to question certain sections if I would like those to be looked at. Furthermore,
17 we're talking about adding something here that's someone else's agenda is to have this looked

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1 at in a year from now. So, that would be a modification of it. The issue that I take with that is
2 that it creates a level of uncertainty to the business owner, and it's burdensome to the Staff as
3 well, and it also isn't something that is required in other CUPs and other businesses, and it's
4 holding this business perhaps to a different standard, which could possibly be a legal issue. I
5 don't know. So, I don't think that anything beyond what's listed in Item 14 needs to be inserted
6 in here. I think the way it's written provides sufficient protections for this particular property
7 and this particular business. Again, I'll reiterate that we do have a Citywide parking and traffic
8 problem that I'm hoping is getting worked out. And as traffic and parking might be a problem
9 specific to this site, I'm confident that the City will address it globally, along with all the other
10 related parking issues that are in the adjacent street.

11

12 I just want to remind the Commission that we have a retail preservation ordinance. We want
13 retail here, whether you define gyms and medical offices within that, that's whole different
14 discussion, so I won't comment on that. But in any event, that is what our code requires, this
15 complies with it and we need to make it as easy as possible for businesses, small businesses to
16 move forward. And creating any barriers, such as coming back in a year from now, or creating
17 any doubt or any question I think should not be something that should be on the table tonight.

18

19 Chair Lauing; Commissioner Gardias.

-
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1

2 MOTION

3 Commissioner Gardias: Thank you. So, my take on this is very simple. I think that by now the
4 applicant recognizes that he needs to be a good neighbor. If he is not going to be a good
5 neighbor, we're not going to award him Mr. Roger's Palo Alto Award. And you're going to hear
6 from the neighbors immediately. I don't think that we need to have like a one-year review. I
7 mean, we trust our Directors and Staff to pretty much, if they hear anything, and they teeth in
8 paragraph 14 to pretty much act immediately, and then if there's going to be fighting for the
9 parking spaces and some other nuances, they can pretty much, based on this paragraph, they
10 can impose additional restrictions immediately, as opposed to coming these conditions, this will
11 pretty much be an expedient process. I believe so.

12

13 So, for this reason I think that we should give the business a chance to operate, and even
14 accept the earlier start time at 5:00. I would personally recommend that you self – that the
15 owner limits those hours during the weekends, giving that there would be one employee or two
16 employees. But, you know, I'm going to just give it to your good neighborhood's discretion to
17 do so. But I'm open just to pretty much support recommendation to start this business at 5:00
18 and close at 11:00. And then, of course, we will know immediately from the neighbors if they
19 are not satisfied with changing conditions.

-
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2 And then you heard from the Commission, and Staff heard from the Commission a number of
3 some mitigating measures. I listed a couple of them. I can just say again, just making sure that
4 the trainers would be parking somewhere else. It should immediately eliminate some of the
5 request for the parking spaces, install bike racks. Either the City can do this or the owner of the
6 property can do this. There may be the shades, window shades that Vice Chair Monk
7 addressed. There was a film that you can put on the windowpane that pretty much limits the
8 immediate lighting through the panes. Just available for the pennies on dollars and should not
9 cost you much. So, I think that you can just address those mitigations in a cheap way and just
10 start your business. So, my recommendation would be, and I'm going to put the motion on the
11 floor, to pretty much accept Staff's proposal and recommend approval of this Community
12 Center CUP, of this CUP as drafted with the change that business would start at 5:00 in the
13 morning.

14

15 Chair Lauing: That's in there already.

16

17 Commissioner Gardias: Is it? Okay.

18

-
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1 Chair Lauing: Is there a second to the motion?

2

3 SECOND

4

5 Vice-Chair Monk: I'll second the motion.

6

7 Chair Lauing: Vice-Chair Monk seconded it.

8

9 FRIENDLY AMENDMENT #1

10

11 Vice-Chair Monk: And I'd like to ask if there's, if the maker of the motion would consider
12 removing the window shades provision, Number five? It just seems like an unnecessary
13 provision that I don't think occurs in any other CUP that's ever existed, and it's a retail spot.

14

15 Commissioner Gardias: Yeah, I think that they are just reasonable people, just by looking at
16 them, you know. I think that they will do it regardless, so I would not pretty much put this in the

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1 writing because, you know, it's going to – maybe they will have some other screen or some
2 other measures, and then pretty much they know what they have to do. So, I think that they
3 listen.

4

5 Mr. Lait: So, I'm hearing that deleting condition number five is part of the motion? That's what
6 I'm understanding?

7

8 Chair Lauing: What's that?

9

10 Mr. Lait: So, I'm understanding that deleting condition number five is now part of the motion?

11

12 Chair Lauing: No, the maker did not accept that, so...

13

14 Mr. Lait: Oh, I thought you did accept that.

15

16 Chair Lauing: No. He's saying that that can be self-managed.

-
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2 Vice-Chair Monk: Does that create an enforcement issue for you, on number five? Are you
3 worried about that at all? I'm just looking at it, you know, I look at this and I want them to
4 follow the CUP. I don't want them to be in violation of it, so I'm just looking at things to be
5 problematic.

6

7 Mr. Lait: We'd have to – I mean, is it an enforcement problem? I mean, we would get a
8 complaint. We would go out and investigate it and if at the time that we were investigating that
9 we found that the shades were not in compliance with this condition, we would issue a notice
10 of violation and...

11

12 Vice-Chair Monk: But is it so much that the shades, there has to be shades, or is it that they
13 don't want to have light coming out at a certain...

14

15 Mr. Lait: Well, the shades are the condition to mitigate the light emanating.

16

-
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1 Vice-Chair Monk: Right, so, but like let's say, and I didn't ask them about this earlier and I
2 apologize because we are on a motion, so I don't know if I'm out of order, but can I just ask a
3 question?

4

5 Chair Lauing: Of who?

6

7 Vice-Chair Monk: Well, the business owner indicated that it's unlikely that they will be having
8 training clients in there between 10:00 and 11:00 PM, but yet we don't know if they're going to
9 have light sensors or things that will only trigger lights on if there is someone actually using the
10 facility. So, you know, I would rather see a condition in here that if no one's in there, that, you
11 know, that their light system is not going to be just, you know, fluorescent lights glaring out at
12 all hours. Does that make sense? I'd like to see some motion detector light sensors, instead of
13 just this flat rule of have the lights on and then have shades drawn at these weird hours.

14

15 Chair Lauing: But it seems like that's part of what they could manage under the nature of the
16 motion that Commissioner Gardias has made. And you have seconded it, so, now we need
17 other comments. Did you have a response, Staff?

18

-
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1 Mr. Lait: Yeah, just wondering if the impact is as – if there is a concern for the impact on Alma
2 as there is on Addison? Addison may be more of an area of interest or concern, and maybe
3 Alma is not, and maybe that helps sort of split it a little bit, where there is that?

4

5 Vice-Chair Monk: It just says on Addison Avenue side.

6

7 Mr. Lait: Yeah, that's how we're doing it? Okay.

8

9 FRIENDLY AMENDMENT #1 FAILED

10

11 Chair Lauing: Right now, in terms of procedures, we have a motion on the floor and a second.
12 That friendly amendment was not accepted, so we're just taking more discussion on the
13 motion. And Commissioner Summa had her light on.

14

15 FRIENDLY AMENDMENT #2

16

-
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1 Commissioner Summa: Yeah, I'm not very concerned about light escaping the project, as we
2 already have in the code rules about that from business neighborhoods into residential
3 neighborhoods. They are kind of hard to get enforced, but that's a different issue. I was
4 wondering if the make and seconder would be interested in limiting the number of members
5 that the gym could have in the interest of not overwhelming the neighborhood with cars. And I
6 notice in their business plan, they anticipate or would like to anticipate 500 members. They
7 now have 82. That's a lot more, and so I'm not sure what the perfect number is, but that's, you
8 know, that's a lot.

9

10 So, and I'm concerned also, and this maybe is for Staff, that you know, the reason we have
11 CUPs for gyms and not for some of the other uses that will be sharing this area is, I'm assuming
12 because gyms have a higher impact sometimes, because they have a lot of coming and going.
13 And to that end, I find the findings, finding number one, that the use "will not be detrimental to
14 public health, safety, general welfare or convenience". I find it hard to make that finding when
15 people are so concerned, especially people who have had a lot, done a lot of studying of the
16 impacts of our parking problems, especially Downtown. So, I wonder if the maker and the
17 seconder would be interested in limiting the number of members that this gym could have, and
18 it could always – there could always be something written in where they could apply to have
19 more if things, if there were no problems. And they may, I don't know how quickly they would

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1 expect to get to the 500 members they anticipate, but that may be one way to sort of moderate
2 how this situation rolls out.

3

4 Chair Lauing: So, just to clarify your suggested amendment, you're not saying change the
5 occupancy, which is already in there. You're saying actually change the membership?

6

7 Commissioner Summa: Yes, because the occupancy is set by the numbers of persons you can
8 have per square feet in this kind of use. So, and I think Staff has calculated that correctly. I
9 might have interpreted the California Building Code differently, but I'm not going to quibble
10 about that from up here. I'm just wondering if there's a way we can accommodate everybody
11 right now, and if the gym wanted more members and there weren't any parking problems, they
12 could apply to have more members. Is that something anybody is interested in contemplating?

13

14 Chair Lauing: Okay, that goes back to the maker.

15

16 FRIENDLY AMENDMENT #2 FAILED

17

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1 Commissioner Gardias: Sure. So, I'm going to respond this way, right. Because the number of
2 the members, of course, there is a correlation with the hourly use, but they may have as many
3 members as they wish. So, I don't think that we should be limiting that. Pretty much the impact
4 is related to the true occupancy, because they should not be going higher than the occupancy
5 limit. And that's pretty much, that's the deciding factor. So, the response is that, thank you very
6 much for suggesting, but I cannot accept.

7

8 Commissioner Summa: So, my thinking is that the very nice metric we have now, the 88 percent
9 of the people don't have to take a care to get there could really – that might not bear out if
10 there were 500 members. That's what I'm thinking. So...

11

12 Chair Lauing: Right, but the maker has rejected it as a friendly amendment, saying that the
13 threshold of 80 is going to control it. So, you would have to make an unfriendly amendment if
14 you wanted to push that one. Other comments?

15

16 Commissioner Summa: I don't want to slow the process down this evening, because we have
17 had a lot of discussion. Do I have any of my colleagues that are interested in an idea like that?

18

-
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1 Chair Lauing: Apparently not. Okay, other comments or questions. Commissioner Waldfogel.

2

3 FRIENDLY AMENDMENT #3

4

5 Commissioner Waldfogel: Thanks. Just a request for, let's see if this is an acceptable
6 amendment. I understand that I don't have support for getting some kind of check in, but in
7 Condition 14 that references the compliance, would you support adding all the finding
8 conditions, basically this says at the top of Packet page 18, negatively impact general welfare,
9 but the finding conditions are public health, safety, general welfare or convenience. So, that
10 would broaden the scope of potential impacts that would, that would be actionable by Staff.

11

12 Mr. Popp (spelling): I'm sorry, Commissioner Waldfogel. I'm having trouble hearing what you're
13 saying. Could you move your mic in and speak in, just say that one more time for us?

14

15 Commissioner Waldfogel: I'm sorry about that. It's hard to keep the screen going and get the
16 mic going, but... I'm just requesting that the compliance condition 14, which address, it says, "if
17 commercial recreation operations result in unanticipated impacts, that negative impact the

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1 general welfare”, requesting that we add to that, all the findings, public health, safety, general
2 welfare or convenience. So, would that be an acceptable... Because I strongly encourage the
3 neighbors to be activist about this if there are impacts. But I just want the scope to be broad
4 enough to be activist about them.

5

6 Commissioner Gardias: So, let me ask my attorney if he would accept, because this is very
7 broad language that would pretty much bring unintended consequences on the business. Could
8 you please comment?

9

10 Mr. Yang: Yeah. I think we would be comfortable with that, if that’s the finding that the
11 Commission needs to make to adopt the CUP in the first place and it’s consistent with the
12 conditions on the ground being consistent with that finding. So, we would have no concerns
13 with that language.

14

15 Vice-Chair Monk: Can you explain what convenience means?

16

-
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1 Mr. Yang: I think that is up to the Commission and the Council to determine, you know, that it
2 can make the finding that it needs to make. Yeah, it's the public convenience as defined by our
3 City's policymakers.

4

5 Vice-Chair Monk: Do we have a definition somewhere? (crosstalk). So, I think the fact that there
6 is no definition, it's ambiguous and I think it's difficult to have a requirement, so I wouldn't feel
7 comfortable accepting such a loose term. If we can clarify, Commissioner Waldfogel, what you
8 mean by that?

9

10 Commissioner Waldfogel: So, I guess my question for you is, how can you make that finding
11 tonight, if you don't know what it means?

12

13 Vice-Chair Monk: That's a great question. That's why I asked it. What does it mean to you...

14 FRIENDLY AMENDMENT #3 FAILED

15 (crosstalk)

16

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1 UNFRIENDLY AMENDMENT #1

2

3 Commissioner Waldfogel: We're required by code to make this finding, to make a finding on
4 public health, safety, general welfare or convenience. And, I think that it's quite reasonable to
5 say that the ongoing condition is to continue to comply with the findings that we're making
6 tonight. I mean, if you don't want to take that as a friendly amendment, I'm happy to make that
7 as a – I'm happy to propose that as an unfriendly amendment to see if we get a second.

8

9 Vice-Chair Monk: I think the findings for tonight, convenience and mean a lot of things in a lot
10 of different contexts, so I think our broad application in adopting it tonight is not the same as
11 having it in this CUP, because it's a different standard.

12

13 Chair Lauing: So, what's...

14

15 Vice-Chair Monk: I think convenience is just a general term that can mean different things in
16 our – we don't have to go into (crosstalk)

17

-
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1 Chair Lauing: So, procedurally, you've rejected that, (crosstalk). You could do an unfriendly
2 amendment.

3 Commissioner Waldfogel: I'll just propose that as an amendment, see if we get a second, and
4 then any coverage on that. To add those additional conditions to Condition 14.

5

6 Vice-Chair Monk: And what was the other one? Convenience and, what was the other one?

7

8 (no mic, inaudible)

9

10 Chair Lauing: And it's going to be added to 14 from?

11

12 Commissioner Waldfogel: It will be added to the sentence that reads "negatively impact the
13 general welfare". So, we'll just add the remaining finding conditions to the compliance
14 standard.

15

16 Commissioner Gardias: So, I can maybe respond this way, because...

-
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1

2 SECOND

3

4 Chair Lauing: Wait a second. That's an amendment, so we need a second on that unfriendly
5 amendment. Is there a second? I would second that for discussion (crosstalk)

6

7 Commissioner Summa: I would like to second that, but I would like to say that that is a finding
8 we have to make to approve this project anyway, and if we can't ensure that that is going to be
9 met by this, the specific wording of the CUP, I think it's kind of bizarre then to require it in the
10 conditions. I think the intent is that we should be able to make that determination, all of us this
11 evening.

12

13 Chair Lauing: Yeah, want to respond to that, please?

14

15 Commissioner Waldfogel: I think that we can make, as I said before, we can make a speculative
16 finding that, to the best of our knowledge, what we're approving will not, will comply with
17 these conditions, but having some teeth in this compliance, in this compliance term for ongoing

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1 compliance with the findings that we're making, seems quite reasonable. I mean, it's just that,
2 there are a lot of things that we've talked about, we don't know the answer to them tonight.
3 We won't know the answer until this hits the ground. So, let's just give Staff the tools to
4 address noncompliance.

5

6 Chair Lauing: As the seconder, I think all these mics are a little bit low tonight, actually. Yeah,
7 the volume is just down. As the seconder, the reason that I'm willing to support that is that,
8 again, I share the concerns of Commissioner Summa on the wording of what we need to
9 approve, but you know, when you use the word, take any of those words, convenience, it's very
10 convenient for some people and not so convenient for others. So, we have to interpret this for
11 the citizens at large, not just, you know, the appellant letters or who's in the neighborhood or
12 whatever. And that's not, you know, always pretty, but it's true. And I come back to the fact
13 that we're in a very, very difficult place here. We've got grandfathered in parking constraints
14 that are just awful, but we have Council saying, we want retail there. And this is a valid retail
15 use by our own definition of the retail ordinance that we approved a year and a half ago and
16 recommended to Council. So, I'm concerned about all those things, but for now I'm
17 comfortable with what we know and our constraints of the ordinance, which I actually don't
18 generally think of as a constraint, but it is in this space. They didn't say, oops, that's not a good
19 space for retail, which they could have said in approving that retail ordinance. They said, we
20 want retail there. So, with that and the parking constraints and the unknowns that I said earlier

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1 about speculating on that, I think this is, you know, viable to approve as a CUP and I appreciate
2 Commissioner Waldfogel's additional language there, so that's why I'm seconding it. Other
3 comments? Let's see, it's Commissioner Gardias.

4

5 Commissioner Gardias: Thank you. I mean, so if this was seconded, this friendly amendment, I
6 think it should be up to the vote. My, I'm really skeptical about convenience, so that's my only
7 comment because it just could give unintended, as I said, consequences. Public health, safety,
8 yes, I can understand that. I didn't understand really applicability of convenience in this case, so
9 if this is going to go under vote, I will be against this, because of the ambiguity.

10

11 Chair Lauing: Commissioner Summa. Okay, Vice-Chair Monk.

12

13 Vice-Chair Monk: I'm not able to articulate it that well, but our standard of review is not the
14 same as putting in the same language here. We made a determination at this hearing that,
15 based on all the factors presented, it meets all of the criteria. And I feel comfortable with
16 interpreting it, my understanding of what the terminology means, to make my finding tonight.
17 As far as putting it in here requiring the parties are beholden to this CUP, I think it is quite
18 burdensome, because any one person can say, you know what, there's an extra car on my

-
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1 street, and now it's inconvenient for me to go to this site. So, I would like to ask Council if he
2 wants to consider again his opinion on this. I think it really opens up the City to liability by
3 allowing this sort of broad, loose language.

4

5 Chairs Lauing: Albert.

6

7 Vice-Chair Monk: Albert, are you confident that this isn't going to up potential, because of the
8 ambiguity. I mean, anyone can come forward and say, oh, you know what, it's a little bit
9 inconvenient for me, so now I have grounds to have these people now have their CUP taken
10 away. I think it really opens up the City to vulnerable actions. So, I'm really cautious about what
11 you said earlier about accepting this language. It's not the same standard putting it in here as
12 our standard up here making the decision.

13

14 Mr. Vang: So, it would be left to the City and potentially these bodies, if Staff's determination
15 gets appealed. But in making that determination, just as you are tonight of whether the
16 conditions are contrary to the public safety, health, general welfare and convenience.

17

-
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1 Vice-Chair Monk: Right, but we're in a public forum and we're a whole body that can discuss it,
2 whereas, if this goes before Staff, then it's just...

3

4 Mr. Vang: I mean, this decision was already before Staff and then their hearing was requested.
5 This is the process that we have.

6

7 Vice-Chair Monk: So, if someone says, oh, this is inconvenient for me and then they have a
8 complaint, then it just goes before... What happens then?

9

10 Mr. Vang: Staff would make the initial determination of, you know, based on the facts
11 presented, whether, you know, in Staff's view of the public convenience throughout the City,
12 there was sufficient cause for (crosstalk).

13

14 Vice-Chair Monk: And is there any sort of penalty if we find that this was, you know, a frivolous
15 action or a waste of Staff's time and money and energy?

16

-
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1 Mr. Yang: There is not.

2

3 Vice-Chair Monk: Okay.

4

5 Chair Lauing: Commissioner Riggs.

6

7 MOTION TO CALL THE QUESTION

8

9 Commissioner Riggs: I'd like to call a question.

10

11 Chair Lauing: Okay, so we're calling a question on the amendment, which I think we now know,
12 but did you have a question Council?

13

14 Mr. Yang: That requires a second and a vote.

15

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1 SECOND

2

3 Vice-Chair Monk: I second.

4

5 Chair Lauing: Thank you

6

7 Commissioner Waldfogel: That requires a, what is it, a supermajority vote to call the question.

8

9 Vice-Chair Monk: (not understood) Vote on calling the question.

10

11 Commissioner Waldfogel: Okay, that's fine.

12

13 Chair Lauing: Everybody wants to call the question. Let's go here. Alright, so we're voting on the

14 amendment.

15

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1 Commissioner Waldfogel: Yeah, I had something important to say about it, but it's okay, I won't
2 say it.

3

4 VOTE

5

6 Chair Lauing: Okay. So, we're voting on the amendment made by Commissioner Waldfogel and
7 seconded by Chair Lauing. So, all in favor of that, please raise your hands. Two ayes, three ayes,
8 four ayes and no, one no, two no. So, the amendment passes 4-2.

9

10 AMENDMENT PASSES 4-2 (Alcheck absent)

11

12 Chair Lauing: Okay, other comments on any other parts of the motion? I'm not seeing any right
13 now. I just want to make two comments. I'm perfectly willing to accept what Commissioner
14 Gardias has put in his motion. My personal preference would be that they not have 5:00 AM
15 hours at all, probably anywhere, and certainly not on the weekends, but I'm taking your motion
16 and your endorsement from the applicant and the owner that they will be sensitive to
17 neighbors. I don't think too many people are going to be working out at 5:00 in the morning,

-
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1 and that is consistent with other gyms, even in the Downtown. I used to be a member of Vieve
2 and I went one morning at, I think, 7:45 and they weren't open yet, so it's not out of line.
3 Personally, I would just like to see that.

4

5 I also think that the shade drawing is a little bit too restrictive, and I would only be concerned
6 about that on the, not on the non-Alma side, but again, with all the comments here I don't
7 think we need to put that in the motion. It would just be... (not understood) Oh, sorry, okay.
8 Because I thought you were raising it differently. I've only read this twelve times. I don't know
9 how I missed that. Any other comments on this, or should we vote on the main motion? Oh,
10 Vice-Chair Monk.

11

12 Vice-Chair Monk: So, I didn't want to make this an amendment, but I would just make a
13 recommendation to be a good neighbor, if you would consider putting some signage to your
14 visitors, you know, that it is a neighborhood and if they could please keep their rattling of their
15 keys, cellphone conversations, things like that to a minimum, that would be appreciated by the
16 neighbors. Just some sort of sign to that effect. That would be a recommendation, but it looks
17 like it's moving forward, so congratulations.

18

-
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1 MOTION PASSES 5-1-1 (Alcheck absent)

2

3 Chair Lauing: Okay, let's move on the main motion with the one amendment. So, all in favor of
4 the motion as amended, please raise your hand. And opposed. So, it's 6-1 with 1 absence.
5 Sorry, 5-1 plus 1 absence. I was just testing you.

6

7 Chair Lauing: Okay, that was a very enthusiastic three hours there. Go ahead.

8

9 Mr. Lait: I was just going to say, we usually give the dissenter a chance to speak to their no, if
10 you wanted to do that.

11

12 Chair Lauing: Certainly.

13

14 Commissioner Summa: Thank you very much and I sincerely hope that the, it's a very successful
15 business and I'm glad that you're going to get to move ahead with it, and I hope there aren't
16 parking issues. And, the findings that we're legally required to make, I find it difficult to make in
17 this situation, and I find that the CUP is across the City, gyms are required CUPs and I think
18 there's a reason, but that said, good luck.

19

20 Chair Lauing: Thank you. Commissioner Riggs.

-
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Commissioner Riggs: I would kindly employ the appellate to withdraw their appeal. I don't think the Council is going to, I believe they will take our advice. We are sensitive to your concerns, and I think we've tried to incorporate them. But, I think in the interest of, let's get this vacancy occupied, I would just kindly appeal you to withdraw that appeal.

Chair Lauing: Staff, are you consulting on that issue? Yeah, I mean, this is not going back to Council, right?

Mr. Lait: Yeah, this goes to the City Council on consent the next Council meeting. Well, where we have it scheduled for is for August 20th.

Chair Lauing: Yeah, I thought they were going, okay, yeah. Commissioner Gardias.

Commissioner Gardias: Yes, as the maker of the motion, I want to congratulate Mike on his business and wish him good luck. Please remember that in Palo Alto you have to get the Mr. Roger's Award, you have to earn it, we don't grant it.

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1 Chair Lauing: Okay, that you. We're going to take about a 5-minute break here, and then move
2 on to our next agenda item, which is, as stated The Planning and Transportation Commission
3 Review of PTC By-Laws and Procedural Rules.

4 (Commission took a sort break)

5

6 **Study Session**

7 Public Comment is Permitted. Five (5) minutes per speaker.1,3

8

9 3. The Planning and Transportation Commission Will Review and may Amend the PTC
10 By-Laws and Procedural Rules.

11

12 **Commission Action:** Item continued to July 25, 2018 Meeting

13

14 Chair Lauing: So, we did some pre-work on this with Council and obviously the changes are in
15 red. I think we can move through this thing pretty quickly. I don't, at the pre-meeting, however,
16 I said I don't think we can, I think the most efficient way to do it is just sort of do it page-by-
17 page and work through it and put on your light if you have a comment. So, that's what I
18 suggest, and you know, let's not get down to the nits. We've gotten this many years without
19 any changes. Let's just improve it a little bit and get on with it.

20

21 So, obviously, the first page, let's just get going here. The first page is just changing the dates up
22 top, and then there's some language at the bottom on officers, which I think addresses one

-
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1 issue we've been debating for years. So, are there any comments on page 1? No comments on
2 page 1.

3

4 Okay, page 2 is basically, well, it's actually Packet page 44. I think those are mostly just
5 corrections. That's incorrect, the Chair can't be an ex officio member because, ad hoc, because
6 there's a maximum of three. That's a correction, and the time is a correction.

7

8 So, moving to Packet page 45.

9

10 Vice-Chair Monk: Can I ask a question about quorums?

11

12 Chair Lauing: Sure. Site where you are, section 4?

13

14 Vice-Chair Monk: Quorums are on page 2, Packet page 44. So, are there any times where two-
15 thirds of the governing body has to vote versus just the quorum, a majority of the quorum
16 present?

17

18 Mr. Yang: So, that's a potential, that's a possible rule that a body could adopt.

19

-
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1 Vice-Chair Monk: Do we have that rule for any types of matters that come before us, or is the
2 rule...

3

4 Mr. Yang: The Planning Commission does not have that rule in any situation.

5

6 Vice-Chair Monk: Okay. Because I thought I saw something about a two-thirds of the majority
7 present, and I didn't know why that was in here. I saw it somewhere else.

8

9 Mr. Yang: So, for example, a motion to call the question requires a vote of two-thirds of the
10 Commission. I would interpret that to mean two-thirds of the Commission voting. But, yeah,
11 there are certain motions that require two-thirds vote.

12

13 Vice-Chair Monk: Is that problematic if – is that problematic to have two-thirds if we have less
14 than a full Commission?

15

16 Mr. Yang: No. As long as you have a quorum as defined there, that's the size of the body that's
17 required to conduct business, and if you have a quorum, you've got a meeting.

18

19 Vice-Chair Monk: (not understood). Okay, thanks.

20

-
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1 Chair Lauing: Okay, so Packet page 45, I believe that's where we just went. Oh, I'm sorry. I
2 didn't look at your light. Go ahead Commissioner Gardias.

3

4 Commissioner Gardias: Sure, thank you very much. So, I'm going back to page number, Packet
5 page number 43. So, I disagree with this proposed language. I believe that...

6

7 Chair Lauing: I'm sorry. Which number are you on?

8

9 Commissioner Gardias: I'm talking about paragraph 2.1 on Packet page 43.

10

11 Chair Lauing: Oh, okay.

12

13 Vice-Chair Monk: This is what you asked for, no?

14

15 Chair Lauing: Okay, go ahead.

16

17 Commissioner Gardias: Yes, I did, but not in the same form, right. So, there is a couple... First of
18 all, I asked about that Commission elects its leadership at the first, elects their leadership
19 annually upon installation of the appointed Commissioners, at their first meeting. That's the
20 language that I would like to see. The reason is pretty much like this, that January 1 means

-
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1 pretty much nothing. As we know, the appointments, they come at different intervals and
2 sometimes Council appoints Commissioners earlier, sometimes it does it later and then there is
3 a crucial, nearly two months at the end of the calendar year that pretty much everything hangs
4 up in the air because there are, sometimes Commissioners are appointed and then they are
5 waiting for, to be installed because of the different reasons. Sometimes they are not appointed
6 because there are some discussions at the Council meeting. So, I don't think that this should be
7 pretty much written in stone of January 1, because it means that the Commission loses one
8 month, or maybe two months without the new leadership. So, this is number one.

9

10 Number two is that I noted there were discussions, and maybe Albert you could tell us, the City
11 Council to change the election of the Commissioners to summer. Where is it? Where are those
12 discussions?

13

14 Mr. Yang: So, that change has not been made and right now the standard date for appointment
15 of new Commissioners is December 15th. So, January 1st would be if the Council appoints
16 Commissioners on time, that would be the first meeting by default after the new
17 Commissioners are installed. So, my concern with the language, specific language that you
18 suggested is that we don't know when the Commissioners are going to be appointed, and
19 often, if it's not going to happen on December 15th, it's probably, you know, someone taking
20 over in the middle of the term as opposed to beginning, you know, a term at the standard time

-
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1 which is December 15th right now. In the past couple of years, that has changed, the Council has
2 changed that date by ordinance, but right now December 15th is the date.

3
4 Commissioner Gardias: Yes, so in this case, if by proposing language to pretty much, to do the
5 election on the first meeting right after those Commissioners were appointed. So, if it's not
6 going to fall on the first, it may fall on the first, but it may be on the 15th or February, or maybe
7 even in December.

8
9 Mr. Yang: Right. So, I think what's unclear about the language that you suggest is if you have,
10 you know, most of the Commissioners are appointed on December 15th, and then you hold an
11 election after that, and then someone is appointed in June because there is a mid-term
12 vacancy. Do you have another election then?

13
14 Commissioner Gardias: No, no. I'm not talking about irregular, I'm talking about the regular
15 appointments, right. So, that is an outlier, and then pretty much it is not part of the
16 consideration. I'm talking only about the annual election.

17
18 Vice-Chair Monk: Commissioner Gardias, and I know Commissioner Summa had a comment. I
19 just want to interject that this is on the agenda because City Clerk's Office was trying to
20 standardize the election period. So, I think what I'm hearing from Council is that December 15th

-
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1 is the date that they would reappoint. So, this would comply with the new Commissioners. It
2 would line up on the calendar in that way. That's the goal from what I understand.

3
4 Chair Lauing: Okay. I do understand Commissioner Gardias's point, however, because I think a
5 year and a half ago it happened that it took us months to get a full Commission, but it gets
6 pretty complicated because we wait till we have 100 percent new Commissioners, because
7 some of our, this body moved up to Council and Council, those appointments took place
8 January 1, I think it is, right? So, there was some vacancy, I think even before Vice-Chair Monk
9 came onboard. So, we did have a delay, so I understand what you're talking about. It's just, I'm
10 not sure how you would adjudicate that and say, do we have all but one present or do we have
11 to have 100 percent present or do we just pick a date and do the best? So, that's what, Council
12 has a question.

13
14 Mr. Yang: I guess I would just suggest, you know, there is a safety valve here, which is that the
15 Commission can select an alternate date. If it turns out that the Council is unable to make
16 regular appoints or, you know, there is a vacant seat and you're waiting, you want to wait until
17 another Commissioner is installed, perhaps in February or something like that, this allows the
18 Commission to say, at that meeting, you know, January 10th or whatever it is, we'd like to hold
19 the election on February 15th instead this year.

20

-
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1 Commissioner Vang: I know that prescriptive language is not, it's going to cause trouble, right?
2 I'm fine to go with this language if you're pretty much are not flexible to accept this, but I
3 know...

4

5 Chair Lauing: I know this was really a hot point for you and I understand it because I was a new
6 Commissioner watching from out there and you were somewhere on the speakerphone when
7 that first happened, and you were very concerned that, you know, new Commissioners were
8 essentially being disenfranchised, which was absolutely correct. So, I know that that's your
9 concern. One other option is just to pick a later date than January 1st to give just a little bit
10 more time for that to be, you know, make it March 1st, and you know, we could do that. And
11 that way we would catch more of the vacancies, because when Council gets going and then
12 they have to replace him, it sometimes takes time to do the interviews and so on. So, that's
13 another option that I would suggest. Any thoughts on that? Commissioner Riggs?

14

15 Commissioner Riggs: Well, I guess, actually there's no way **(not understood, crosstalk)**. Well,
16 first up Mr. Chair, maybe we could get the process going through these, because I'm sensing
17 that maybe this, that maybe Commissioner Gardias is the only one with potential issue here, or
18 the only one with potential significant issue. And to Commissioner Gardias, I would just say that
19 we're talking about, if new Commissioners would want to come in and potentially vote on that,
20 I think what we should do is respect the remaining members on Commission that if there are

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1 vacancies unfilled, that they would make the wise choice to either defer, as Albert suggested, or
2 that they could actually vote based on who was on the Commission and most appropriate to be
3 the Chair and the Vice-Chair. I guess, I'm struggling to see why this is such a significant issue,
4 because we still retain a lot of flexibility with the language here, and a lot of... This does
5 empower the Commission, so is this something that's like absolutely a deal breaker? Or is it just
6 annoying because you want to give the new people a vote on the Chair or the Vice-Chair.

7

8 Commissioner Gardias: No, look, I mean, that is fine. I can go with this proposal. But I know how
9 many problems it caused in the past, and I learned this lesson, right. There were lots of issues
10 on, that were related to electing new leadership that was elected by, in the past, by the Council
11 Members. And then on the last term, the new Chair, with the whole respect, was also elected
12 by outgoing Commission Members. And then, you know, just show me one example of one
13 place where one body that were outgoing body appoints people for the future body? I don't
14 know such an example, so if anybody comes and then just pretty much... If a voter comes and
15 then later on questions eligibility of that elected officers, he will have the right, I will tell him
16 that, look, you're right. So, pretty much just to be fair to the public and to ourselves, we should
17 not bend any fair standards of just a normal democracy, and then pretty much just define some
18 gimmicks that are illogical.

19

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1 Chair Lauing: It may have been a (not understood) that we're in, but we're actually in the
2 situation of maybe not being able to elect a Chair, because there were two folks that were
3 going to move up to Council but were still voting. They were not available for leadership. And
4 two others didn't want to take leadership positions, and one refused it. So, there was a default
5 Chair that was elected. And so, I understand your point. So, that's why I just suggested if we do
6 March, we might catch some of that, and then we could be done with it.

7

8 (Inaudible)

9

10 Chair Lauing: Okay, March is okay? Let's put March in and go with it. Is that alright? Sorry. No, I
11 thought...

12

13 Vice-Chair Monk: I don't think it's going to work and I'll tell you why. Because my term ends at
14 the end of this year, so what happens between... Are we continuing on? (crosstalk) I think it's
15 problematic because we don't know if people are terming out, if they term out at the end of
16 that year, they might not be there from January to March, so I would not support changing it
17 for that reason. Does that make sense?

18

19 Chair Lauing: Okay, that's a minor point because...

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1 Vice-Chair Monk: It's not a minor point because if I'm out of here in like January, you have to...

2 You know what I mean? People are out...

3

4 Chair Lauing: It's unlikely that both the Chair and the Vice would be out, so you would have one

5 and then you would just...

6

7 Vice-Chair Monk: Yeah, but you have a vote on one of those.

8

9 Commissioner Riggs: Mr. Chair, could we just have a process on this, because I don't... I actually

10 am fine with every little piece of this. I think we should just move it forward and vote on it. It's

11 not a problem. I think if we're going to nit at every little thing, we are going to be here forever.

12

13 Chair Lauing: We aren't going to nitpick every little thing, but I've known for almost two years

14 that this is a major point for Commissioner Gardias, so I'm really being respectful of that.

15

16 MOTION

17

18 Commissioner Riggs: Could I make a motion, then that we vote on this particular item, 2.1.

19

20 Chair Lauing: Were there other lights that people had to speak to this? No?

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(no mics)

Chair Lauing: No, we're trying to talk about each thing at once, but people weren't done talking, so that's all.

Commissioner Summa: So, you know, the beginning of the new year is the traditional time to do things and select things, and our Chair and Vice-Chair serves for a year. I believe these changes were made for Commissioner Gardias, and while it may not be the exact language he wants, I don't think there's anything that could encompass absolute perfection when some people are going to quit or move up to new office or move out of the area. So, you can't 100 percent say when the new terms for Commissioners start. But in general, it is January of the year. So, I'm perfectly fine with this language.

Chair Lauing: Okay. No other questions. Should we just go with that? Okay, good. So, we had already 44 and we were over on 45?

Commissioner Summa: I had a question about 45. I didn't quite understand the redline stuff.

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1 Mr. Yang: So, this was language that was also confusing to us. This language that precludes the
2 Commission from relying on statements that were made during a Study Session, and you know,
3 I don't think that the Commission needs to give necessarily great weight to statements made
4 during a Study Session, but they are still statements made in a public forum, to record, so
5 there's no reason that the Commission shouldn't be able to look at that record.

6

7 Commissioner Summa: Thank you.

8

9 Chair Lauing: Other comments on that page?

10

11 Vice-Chair Monk: On the agendas, when are they required to be publicly available? When do
12 you post the agenda to the website?

13

14 Mr. Yang: So, the Brown Act requires agendas to be posted 72 hours before the meeting. So,
15 that would be, you know, technically, I think Sunday at some point. Our practice is to post
16 them, I believe, Thursday evening. So, you know, the Thursday before the meeting.

17

18 Vice-Chair Monk: The Brown Act allows the agenda to not go out till like, technically, Sunday
19 night?

20

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1 Mr. Yang: Yeah, 72 hours before.

2

3 Vice-Chair Monk: Wow, okay. I didn't realize that. I thought it was longer, for some reason.

4 Then I guess I won't complain about the 7:00 PM on Friday delivery.

5

6 Chair Lauing: Was that our only questions?

7

8 Commissioner Lauing: Okay. So, I had, I guess it's more of a comment to Staff on the one about
9 agendas. I mean, I think, you know, you prepare them and write it up is absolutely certain. I just
10 want it to be an understanding that, you know, it's collaborative, you know, that we're working
11 together to put the agenda together. So, I don't know if there has to be any working in there,
12 because you guys are really going to write it up, but I didn't want it to be read as being
13 exclusive that we can't get stuff on the agenda, which is obviously wrong. So, you guys can deal
14 with that. And I think the dates on Page 46 are the only thing changed? Okay. Commissioner
15 Waldfogel.

16

17 Commissioner Waldfogel: Oh, sorry, Albert, this is something you should... But if you need to
18 finish that sidebar, that's okay. There's a kind of pervasive slight confusion about voting and
19 sort of what it takes for different things to pass, and I would just suggest you look at this with a
20 fine-tooth comb. So, for example, 7 of 3 is a majority of members. Was that a majority of

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1 impaneled members? Is that a quorate majority? Then you go down to the Section Nine,
2 Amendment, that's an affirmative vote of four members, which possibly should be a majority
3 vote. But I think we just need to be crisper here and later in the voting section about whether
4 members means impaneled members, quorate members, you know, sort of what's our
5 definition.

6
7 Mr. Yang: I'll take another look at that. I think likely the votes that are referenced in the bylaws
8 here, first to adopt procedural rules and the amend the bylaws are meant to require a majority
9 of the Commission as a whole. So, Four of the Seven Members as an affirmative vote. I'll clarify
10 that.

11
12 Commissioner Waldfogel: Yeah, but I think clarifying that, and you know the thing is, this is
13 actually a bad placed to, architecturally this is a bad place to put it, because if the Commission
14 let's say changed from seven to five, then the standard of four would need to get relooked at.
15 So, there's sort of an architectural linkage that we shouldn't have.

16
17 Mr. Vang: Yes, that's a good point. I think if there were to be that sort of, that large of a change,
18 we would have to be looking at a number of things, such as redefining a quorum as well. So...

19

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1 Commissioner Waldfogel: Well, would we? I mean, because a quorum is defined, yeah, you're
2 right, we should define a quorum as a simple majority or something. I mean, we should just
3 look at this so that we come up with a better, with an easier to comprehend solution. I find this
4 to be really confusion.

5

6 Chair Lauing: Commissioner Riggs, do you have a question. Commissioner Riggs is up, Albert.

7

8 Commissioner Riggs: We're on Page 46, right, still? We haven't left that?

9

10 Chair Lauing: What? Four six, correct.

11

12 Commissioner Riggs: Well, at some point I'd like to change the way we take notes here, or our
13 hearings and move towards action notes. I don't know if that can be part of the bylaws, but the
14 verbatim minutes are terrible, hard to read and long, so I would suggest action minutes. Would
15 that be in the bylaws, or is that something that we can do separately?

16

17 Mr. Vang: I believe that is a City-wide policy that is set by the Council.

18

19 Commissioner Riggs: I believe I've asked about it, and it's not.

20

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1 Mr. Vang: Okay, well, we can look into that.

2

3 Commissioner Waldfogel: It seems to me that the minutes are not really for our consumption.

4 They're for someone else's consumption, and we should find out what the consumer of the

5 minutes wants. If the Council, which I think is the principal consumer agrees with this idea of

6 action notes, then I think it's a really good idea. But, I've heard from some previous Council

7 Members that they cherish the verbatim minutes, so you know, I think we should just

8 understand that.

9

10 Chair Lauing: So, you'll take that as an Action Item?

11

12 Mr. Lait: Yeah, I mean, I think we've addressed this issue, we've asked this question before, and

13 I remember it coming up at Council Meetings and the Council Members, some favoring it and

14 some not. And, we're at a place now where we currently do verbatim minutes, but we can

15 certainly... One of the administrative challenges that we have for that is, it is, for us easier to

16 outsource that and have somebody prepare the minutes, as opposed to our internal Staff doing

17 the action minutes. So, that's just one sort of operational piece to consider. But, I agree with

18 Commissioner Waldfogel, I mean, I think there are some, you know, it would be helpful to get

19 some direction from either Council or from the City Manager's Office on that issue. And, I'm

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1 certainly happy to talk to the City Manager's Office and see if there's any further guidance on
2 that.

3

4 Commissioner Riggs: Okay, so we'll leave that on. I do read the minutes, and so that's really
5 important to me, as well.

6

7 Chair Lauing: Commissioner Summa.

8

9 Commissioner Summa: I actually find verbatim minutes to be incredibly important to have for
10 the record. When I read action minutes of the Council, I end up having to watch the video,
11 because you can't, you don't get a sense of how the motions got to where they're going, and I
12 know they're kind of painful to read, but I know they're actually less expensive to produce
13 because nobody has to really make editorial decisions. And I just think, I think all the Boards
14 and Commissions, especially Council, should have for the record, they should have verbatim
15 minutes. But, that's just my take.

16

17 Chair Lauing: Other lights on? Did you have, Commissioner Gardias.

18

19 Commissioner Gardias: Yes, thank you. So, I'd like to come back to Paragraph 2.1, Section 2,
20 Officers. I'd like to propose that we...

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Vice-Chair Monk: I'd had a question about minutes. Can we finish that discussion first, if that's okay? Just since we're on it. Thanks. Is that okay Chair?

Chair Lauing: Yeah.

Vice-Chair Monk: So, was the proposal to replace verbatim minutes for action minutes? Just so I understand it.

Commissioner Riggs: I was, but it's not actionable today, so I think we should drop that. My recommendation is to let Jonathan, I think Commissioner's Waldfogel's recommendation is fine.

Vice-Chair Monk: I would support something along those lines, although I do like to look at the whole record. But, I remember when we had our meeting with Council and the current Mayor, or the Mayor now, mentioned something about a type of transcription that didn't capture every little... What's that called?

Mr. Lait: Sense minutes?

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1 Vice-Chair Monk: Sense minutes. Can we migrate to that system as opposed to the, catching
2 the oh's and the ah's and all the weird things.

3

4 Mr. Lait: Well, those are different things, and we ask our transcriptionist to cut out the, you
5 know.

6

7 Vice-Chair Monk: I see a lot of stuff that I would definitely not transcribe.

8

9 Commissioner Waldfogel: They're incomprehensible.

10

11 Vice-Chair Monk: Yeah, I mean...

12

13 Mr. Lait: That's something different.

14

15 Vice-Chair Monk: Just because we don't speak well, don't make us look so bad in writing. So, if
16 there's a way that we can migrate to that sense minutes, I would advocate for that.

17

18 Mr. Lait: Okay, so, I understand.

19

20 Vice-Chair Monk: Is that something that, that wouldn't be in the bylaws, right? Okay.

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Chair Lauing: No. It's the same issue, we need to get some Council feedback on that.

Vice-Chair Monk: Okay, thank you.

Chair Lauing So, Commissioner Gardias, you want to talk about the first page that we...

Commissioner Gardias: Sure, that I'd like to come back to the selection of the officers. I'd like to propose that we enter the following phrase: That the candidates for Chair Person shall present program before the election.

Chair Lauing: What was that?

Commissioner Gardias: The candidates for Chair Person, or Chair Persons shall present a program, or shall present PTC program before election is held.

Chair Lauing: What does that mean?

Commissioner Gardias: It means that pretty much you should be elected based on this what you propose on your vision, and the program of work for the upcoming year as opposed to on

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1 very much personality or agreement of parties behind the closed door. Right? You should be
2 voting for the program as opposed to for the guy that has no, that doesn't have one.

3
4 Chair Lauing: That doesn't strike me as a bylaw issue from a legal standpoint. I mean, it seems
5 like that is something we can manage even on an annual basis. In my experience, people always
6 say something about, you know, why they're a candidate. But legislating in the bylaws
7 something like, you know, a program just feels kind of odd to me from almost like a legal
8 standpoint. Any other comments?

9
10 Commissioner Riggs: I'll just say that we technically don't set the program, they do. So, I think
11 it's a little bit disingenuous to ask someone to do that. So, I mean, Staff is the one that, with our
12 guidance sets the agenda, and Council actually... Between Council and Staff, we see what we're
13 told basically. I guess I don't totally agree that it puts a potential Chair in a great position.

14
15 Commissioner Gardias: So, let me tell you this, right. So, I believe that when you're part of PTC
16 or you're part of the community, you observe and you may have a number of findings and
17 recommendations, how to make things better. And then pretty much if the election comes, you
18 would have the right and responsibility with inserting this paragraph to pretty much speak to it.
19 And then, your attractiveness of yourself as a candidate would be elevated with those
20 observations that you may share. I totally understand that pretty much we are here because

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1 the Staff and Council sets the agenda. But, we still have influence and then we have a number
2 of the proposals we share during the year, and I think that diligence, diligent candidates would
3 have this obligation to pretty much prepare this program ad hoc, and then say that if you have
4 two of them, then you would have both of the programs and you would vote theoretically for
5 the better program. And I think that would make this party more attractive.

6

7 Chair Lauing: Any other comments on that? Commissioner Monk.

8

9 Vice-Chair Monk: I think it's a great idea and I think we do that to some extent with how we
10 nominate, because when someone is nominated they speak to what I understand your
11 meaning, when you say the word program. And we're also allowed to self-nominate, so if
12 someone wants to be the Chair or Vice-Chair they would self-nominate and they would set
13 forth their program at that point. I think we do have a vehicle for that. Maybe I'm
14 misunderstanding, but I think we do have that available.

15

16 Chair Lauing: Anyone else? Okay, I didn't hear an official second. Does anyone want to second
17 that and vote on it, or? No second? Okay. Then we'll move back and I think we're finishing on
18 46. Were there any other items on 46? Commissioner Monk.

19

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1 Vice-Chair Monk: So, I wanted to just see what people think of this idea. Just to advance City
2 business more rapidly...

3

4 Chair Lauing: Is this on 46? Okay, great.

5

6 MOTION

7

8 Vice-Chair Monk: Yeah. Well, I mean, yeah, it's a section that I would like to consider adding to
9 the bylaws.

10

11 Chair Lauing: So, in an effort to move business forward, to be more efficient, to expedite
12 matters that come before us, I was wondering if we wouldn't maybe perhaps hold ourselves
13 accountable to like a fixed number of meetings per item. You know, if we're having to do with a
14 zoning change to housing or like the workforce overlay, things like that, zoning code updates.
15 Not the Comp Plan (note – Comprehensive Plan) but just a particular item. Would there be any
16 consensus on limiting that to like two meetings? Does anyone want to speak to that?

17

18 Chair Lauing: Commissioner Summa.

19

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1 Commissioner Summa: Yeah, I think that would be hard because, I mean, so often we have to
2 do things, I mean, Staff has to do so much work behind the scenes to get ready for this, and for
3 like the housing plan, it really is dependent on them. So, I think it would be very difficult for
4 Staff if we did that. And I don't think it would be, I think it would hamper them from doing their
5 best work.

6
7 Chair Lauing: Any other comments on that one?

8
9 Vice-Chair Monk: I was suggesting it, actually, to free up Staff's time so they can move on to
10 other business, because if they have to come back two and three and four times on the same
11 matter, they're not able to put that to bed and move on to other business. So, Staff do you
12 have an opinion on this? (crosstalk)

13
14 Commissioner Riggs: I don't think Staff is the problem. I think we're the problem. We don't
15 make the decisions in two meetings. So, when we continually ask them to do more work and go
16 back and you know, do another analysis (crosstalk), I guess I would suggest that in the spirit of
17 what you're saying, we self-police and we don't send it back to Staff. And so, I don't actually, I
18 agree with Commissioner Summa that I feel like there, that we tie our own hands if there is
19 something that does require more scrutiny by putting that in the bylaws. However, I do think
20 you bring up a really important point, but I think this is where we can bring ourselves to

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1 empower Staff and to trust that the work that they give us is thorough, and that we don't need
2 to ask them to go back and do more work, for the most part. I mean, that would be my advice.
3 Maybe if you wanted... I'm sorry, you were going to ask Staff something, but I just wanted to
4 weight I there.

5

6 Vice-Chair Monk: Well, I agree with Commissioner Summa that Staff puts so much into it, and
7 they're coming to us with their recommendation, and so for us to then say, go get us more
8 information or we need to deliberate this more, I think we end up coming with... I don't know
9 how much it really influences the direction we're going to go anyway, and I think, frankly, I
10 think things are just drawn out longer than they need to be which, to me, is a drain on our
11 limited Staff resources and, frankly, for me it's hard for me, it's not fair for me to have to
12 prepare every time... You know, I come prepared for that night to make a decision that night.
13 The things that they give us are, the way that the agenda and the calendar is organized
14 typically, from my understanding is that we should be able to reach the decision in that
15 meeting. Council has way more on their agenda and they just stay and pound it out and get it
16 done. Yet, somehow, we've got two and three things, and it takes us multiple meetings. So, I
17 don't think it's fair to myself, or to the Staff frankly.

18

19 Chair Lauing: So, I'll just make a comment that has sort of two parts. One is that I think it's more
20 situational. I don't think we can legislate a certain number of meetings based on what it is. I

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1 mean, if you said, you know, the housing work plan, by definition that's going to be about ten
2 meetings. If you said the overlay, well, we might figure out that we don't have enough data and
3 decide to create an ad hoc committee. So, I think it's more situational around what the
4 particular issue is, and I highly want to second and third the fact of self-policing to move
5 through these things with dispatch. Any other comments on that?

6

7 Vice-Chair Monk: So, can I make some sort of motion on this?

8

9 Chair Lauing: I think you did. So, is there anybody that would like to second it? No. So, it dies for
10 lack of a second. So, just procedurally, we are not done with the bylaws first reading. It has to
11 come back for a second reading. We made all of our changes to that, so that thing is ready to go
12 for the next meeting according to my understanding of how it has to be read, Albert, okay? But
13 now we have the procedures, which are 21 pages with a lot more to do. So, I just want to check
14 in. It's 20 to 10. We can push this to the next meeting and be done. Because this one does not
15 have to go through two meetings, so we could basically approve them both at the next
16 meeting, Procedures and Bylaws. Is there some enthusiasm for that, or some no, let's press on?

17

18 Vice-Chair Monk: Can we try pressing on?

19

20 Commissioner Gardias: Yeah, let's keep going, if we may.

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Chair Lauing: You say get it done?

Vice-Chair Monk: Well, if we get hung up on any particular topic, then maybe we...

MOTION

Chair Lauing: Okay, let me try it this way. I would like to move to postpone this part of the discussion, just so we have a full vote on it, to the next meeting which would be consistent with taking the bylaws in the second meeting.

SECOND

Commissioner Riggs: I'd like to second that because I feel like respecting Commissioner Alcheck might be good on this. I do believe that he has some opinions on this part of the thing, so I would maybe second your point. I think it's the respectful thing to do to our fellow Commissioner.

Chair Lauing: So, the only comment in making the motion is, you know, if you guys want to press on, I'll press on because I don't go to bed at 20 to 10, but it was a long first session of

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1 three hours, and I just wanted to do a time check, so that's why I'm sort of formalizing it. So,
2 any comments. Commissioner Waldfogel, I called on you, yes.

3

4 Commissioner Waldfogel: Do I have the floor?

5

6 Chair Lauing: You have the floor to comment on whether we should postpone.

7

8 Commissioner Waldfogel: I'm okay with postponing it. I would actually suggest that we send,
9 that we review this and send suggestions to, I believe it would be to Jonathan or Albert, their
10 procedural suggestions. Would that be the right process?

11

12 Mr. Lait: Yeah, if you don't mind sending it to Albert with a copy to me. I'm actually going to be
13 not at the next meeting, and Albert will be able to adjust, take the comments and make any
14 refinement that may be needed.

15

16 Commissioner Waldfogel: And my only request would be to go back to my earlier question
17 about just defining votes better, because there's some ambiguity here between procedures and
18 bylaws and I just want to make sure we understand...

19

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1 Chair Lauing: Okay, before we go too far, let's take a vote, because there's six people here and
2 we would need four votes to postpone and so, if there's no other comments, let's just take that
3 to a vote, if we want to...

4

5 Vice-Chair Monk: We, once we take that vote, are we done discussing it? Because...

6

7 Chair Lauing: If we take a vote that's 4-2 to postpone, yes, we're essentially tabling the motion.

8

9 Vice-Chair Monk: Okay, then can I just put a couple, just minor comments?

10

11 Chair Lauing: Sure.

12

13 Vice-Chair Monk: So, at the Planning Commissioners' meeting that I attended from the
14 California, whatever, City's Association, they recommended this Rosenberg's Rules of Order. In
15 here I see there's a reference to Robert's Rules of Order, so if there's a way to just incorporate
16 the reference to Rosenberg's Rules.

17

18 (off mic, unintelligible)

19

20 Vice -Chair Monk: Right, well what it says in here is we don't follow Robert's Rules.

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(off mic, unintelligible)

Vice-Chair Monk: So, what I wanted to point out to the Commission that is important is the please take a look at Rosenberg’s Rules and be prepared to discuss it, because it is what is recommended by, it was prepared specifically for Planning Commissioners. It was at the Planning Commissioners Academy that they were advocating for this set of rules. I don’t know what you guys use down at your other commission, Commissioner Riggs, if you have...

Commissioner Riggs: We use Robert’s Rules, just a little more traditional. (off mic)

Vice-Chair Monk: Alright, this might take away some of our questions. And then, if I don’t submit my comments, do I not have a chance to speak to them at the next meeting? Because I kind of have...

Chair Lauing: No, if this goes to the next meeting or this meeting, every commissioner can comment on every page. We’re just trying to decide if we want to take this up tonight. We’re spending a lot of time trying to decide that. So, I’m not feeling strongly about it. I just wanted to put it on the table to see what people want to do. Just respecting your time and Staff’s. If there’s no other questions, let’s vote on if we want to table it to the next meeting, and if the

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1 answer is no, then we just press through. Which, by the way, we can also stop in the middle. If
2 we go another hour and don't want to go any farther. So, all the options are on the table. So,
3 those who would like to postpone till the next meeting raise your hand. So, that's three, four,
4 and to two.

5

6 MOTION PASSED 4-2

7

8

9 Chair Lauing: Okay, so four to two, so this is tabled and I think we should take Commissioner
10 Waldfogel's suggestion to take (not understood) suggestions that go directly to Albert, right,
11 Albert, you're going to get these?

12

13 Mr. Yang: Yeah, that's great.

14

15 Vice-Chair Monk: So, we might see a little bit of a different redline then, based on some of the
16 feedback we gave tonight?

17

18 Chair Lauing: On bylaws, yes.

19

20 Mr. Yang: Yes, on the bylaws and potentially on the procedure rules, depending on...

-
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Vice-Chair Monk: Just look out for where it says two-thirds, because two-thirds of majority when you have... I don't know, just make it consistent. I guess it's a little confusing.

Mr. Yang: I guess, I'm not sure how to respond to that.

Approval of Minutes

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

4. April 25, 218 Draft Planning & Transportation Commission Meeting Minutes

Chair Lauing: Okay, the next item is the approval of April 25th Draft Planning and Transportation Commission. Lauing and Riggs have to abstain because... We need a motion to adopt and a second.

MOTION

Commissioner Gardias: Motion to adopt.

Chair Lauing: And second.

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SECOND

Commissioner Summa: Second.

Chair Lauing: Okay, did you guys get that? Gardias and Summa to approve with one absent and two abstentions.

MOTION PASSED 4-2-1 (Lauing, Riggs abstain) (Alcheck absent)

Commission Action: Motion to approve April 25, 2018 minutes made by Commissioner Gardias, seconded by Commissioner Summa. Motion passed 4-0-1 (Lauing, Riggs abstained, Alcheck absent)

5. May 22, 2018 Draft Planning & Transportation Commission Meeting Minutes

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1 Chair Lauing: And then the May 22nd Planning and Transportation Commission. Alcheck was
2 absent but he is absent tonight as well, so that's a moot point. So, motion to approve those.

3

4 MOTION

5

6 Vice-Chair Monk: I'll motion to approve.

7

8 SECOND

9

10 Commissioner Gardias: Second.

11 **Commission Action:** Motion to approve May 22, 2018 Planning and Transportation Commission
12 Meeting Minutes. Motion passed 5-0-1 (Riggs abstained), (Alcheck absent).

13

14 **Committee Items**

15 Chair Lauing: Good. To my knowledge there are no Committee Items, moving ahead.

16

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1 **Commissioner Questions, Comments or Announcements**

2 Chair Lauing: Comments, questions, sorry, Commissioners Questions and Comments. I raised it
3 when the Deputy City Manager was here about Downtown paid parking but I'd sure like to get
4 that back some time. Just, you know, if we can help. If we're bypassed, I guess we're bypassed.
5 And you said at the last meeting that there were going to be some more research done by Fair
6 and Peers (spelling) with questionnaires. Is that proceeding?

7
8 Mr. Lait: Yeah, it is. It's not done.

9
10 Chair Lauing: Right but no timeframe about when there would be a report back?

11
12 Mr. Lait: We'll probably return in August with an updated report, when we have the housing
13 framework discussion. And if I may, related to that, I failed to announce this under the
14 Director's Report, but tomorrow night is the housing workplan community meeting at the
15 Downtown Public Library. It starts at, gosh, I want to say 6:00. Is that right? Okay, 6:00 to 8:00 I
16 believe.

17
18 Commissioner Riggs: Jonathan, on that note, I saw at Middlefield and Charleston a board about
19 some type of meeting down in southern Palo Alto on transportation interventions. Do you
20 know if there's additional intervention going on down there?

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Mr. Lait: I know that the transportation division has been doing more outreach and advertising at outreach to get people informed of some plan changes that are still contemplated or being made, and so I think it may have been related to that. Was this yesterday?

Commissioner Riggs: Yeah.

Mr. Lait: Yeah. I believe that was the case. It was, in part, and education piece and people were encouraged to bring their bikes to get them tuned up and things like that. But then there was also a component that related to, you know, some additional improvements that Staff felt needed to be implemented and to just have a forum for that.

Commissioner Riggs: Do you know if those were consistent with the Charleston Corridor Plan, or were they just separate one offs?

Mr. Lait: You know, I don't have enough information about it. I think these were more minor improvements that were being sought to address safety interests.

Chair Lauing: Okay, if there are no other announcements, let's move along to the future agenda items. I'm sorry. Okay, go, Gardias.

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Commissioner Gardias: Okay, thank you. So just, I have two questions. Number one is that I was, unfortunately, late to the presentation by the Deputy City Manager about Robert De Geus, and my question is like this. Will there be a dedicated Director for the new Transportation Department, that will lead this new unit? Right, I understand the Transportation was pulled out of the existing Planning and Transportation, whatever is the name, right? So, there will be a new department with a new department head?

Mr. Lait: Thank you Commissioner Gardias. I think what I heard Rob De Geus say was that an Office of Transportation has been formed, and at present Josh Mello is Chief Transportation Official, is reporting to Rob, and that's how that relationship is taking place. I don't, you know, we're at a point there this has just happened and we're still trying to figure out how all the different parts. So, I don't know if I have...

Commissioner Gardias: The reason I'm asking is because there will be impact on us, because then we will have to deal with two assistant directors. Maybe more fun, I don't know.

So, the second question is like this. I believe that as I read on Palo Alto online, there will be new 12-person committee formed by the Council to continue the work on the railroad crossing. And so, I would like to know if that group has a room for somebody outside of those that are

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1 currently in the process. I would like to pretty much raise my hand and participate in this group,
2 given that those that haven't participated in the process till today would be considered. So, my
3 question is, is that newly proposed group limited to those that participated in the discussions
4 only, or it would be a process similar like for Ventura neighborhood, North Ventura
5 neighborhood selection?

6

7 Mr. Lait: I don't know what the process is that the City's going to go through to establish that
8 citizen, not a citizen advisory committee but some other form that's going to help advise Staff. I
9 could certainly check in with, again, Rob De Geus on that and e-mail the Commission as far as
10 how that committee would be formed and opportunities to apply or indicate your interest in.

11

12 Commissioner Gardias: Yes, please do.

13

14 Mr. Lait: Sure.

15

16 Chair Lauing: Commissioner Waldfogel.

17

18 Commissioner Waldfogel: We're still on Commissioner's Questions, Comments?

19

20 Chair Lauing: Yup.

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Commissioner Waldfogel: Okay, great. Two things. With the possible conversion of the President Hotel from residential to hotel use, I would appreciate agendaizing, within our housing workplan, some study of if any protective measures are possible, legal, prudent, because we won't catch on housing if we just watch losing it. So that's one item. It doesn't really need a response, but I would like to add that to the scope. Second thing is that the Stanford GUP, it was widely reported there was a study on trip impacts of housing on the Stanford campus, which, and that study seemed to publish some kind of startling results that the housing on campus would actually just add trips. This is something I think we should try to understand, because we have a lot of discussions about how proximity to housing affects, does or doesn't affect trip patterns between housing and work, and I'm very confused by the little bit that I've seen about that Stanford GUP report, and I think it would be nice if we could understand it. But is that a transportation issue now?

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Mr. Lait: Yeah, I mean...So, we're working on, we, the City are working on a response to the GUP recirculated draft environmental impact report. I think what that study found was that, as you could anticipate, I mean, where there's more building area, more units in the area, there is going to be more traffic and that was not evaluated in the project that was analyzed as a part of the first round, Draft Environmental Impact Report. And so, here they are saying okay, well what if we housed the number of workers, you know, faculty, Stanford affiliates that we think

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1 would be needed for this build out, that would result in, I think it was two point, well I forget
2 the number. I don't want to state it right now, but some millions of square feet more to house
3 all these individuals. What they found was that it, you know, it continued to increase,
4 contribute to impacts in certain areas, in certain intersections, Alma and Charleston, but that
5 the vehicle miles went up, vehicles miles traveled went up because there's more residential
6 travel commutes going outbound from the campus to some local areas. So, there's, you know,
7 trip counts, all that sort of related impacts, but also VMPT related stuff. Anyways, there's this,
8 the document, I think we e-mailed it to the Commission and we're working on it and trying to
9 analyze it, but our timeline on that is pretty short.

10

11 Commissioner Waldfogel: I'm not looking for a big analysis tonight, but I just thought that those
12 findings seemed to be contrary to what we've heard from some other studies. So, it's just
13 something I think we should be, you know...

14

15 Commissioner Riggs: I would say that some of this is, you know, so a lot of the models are just
16 broken. I mean, the idea proximity based, chip generation models just don't function
17 appropriately, and I think that we're starting to scratch the surface of that.

18

19 Commissioner Waldfogel: (no mic, inaudible)

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1 Commissioner Riggs: Based on broken models.

2

3 Commissioner Waldfogel: I'm sorry, we try to make policy decisions based on broker models. I
4 don't think that we have the technical traps, maybe you do, but the rest of us probably don't
5 have the technical traps to analyze the fidelity of those models, you know, from this place. So,
6 I'm left struggling a little bit about what to do.

7

8 Commissioner Riggs: I can understand that. (not understood).

9

10 Chair Lauing: Okay, the next item sort of overlapped with that, which is what I want to talk
11 about, future agenda items.

12

13 Vice-Chair Monk: I just wanted to respond to something that Commissioner Gardias brought
14 up. We received an e-mail today, I don't know if you got it, but it was the Connecting Palo Alto
15 Community Advisory Panel, which I think might be what you're referring to with regards to the
16 Caltrain, that they're accepting applications to serve on this panel. Yeah, I can forward it to you.
17 So, if you don't have it, they're just looking for people to meet during the summertime for six
18 months to talk about Caltrain. So, I think that might be what it is.

19

20 Mr. Lait: So, I'll take that off my to-do list.

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Vice-Chair Monk: So, I will forward this to Yolanda to forward out to the Commission. I'll forward it to you, Yolanda, sure.

Chair Lauing: Okay, we we're on agenda items for the July 7th meeting, sorry, July 11th meeting. Last week we decided to take a vacation week, so we're down to July 25th. Can you address the two items that are in our published book, the 3877 El Camino tentative map? I think that's a minor item, correct Jonathan?

Mr. Lait: Yeah, it's another tentative map. The Commission has seen two of them in the last couple of meetings. And the parcel map for Boyce, it's a similar concept, but it involves some other aspects of our zoning code, so it's a zoning amendment and a map request. It's something related to an historic property or historic resource on that property. Okay, and now we're going to have the PTC procedures added to the 25th, a carryover item. And then in the premeeting yesterday, Commissioner Monk and I discussed the broader issue, which was alerted by the President Hotel publicity of just, you know, have a discussion about, you know, the need for retaining housing and having that discussion on this body just proactively, and perhaps eventually making a recommendation to Council consistent with the Comp Plan (Comprehensive Plan). So, I think that would be a requires that, if I'm correct, you and I would like to see on the agenda, potentially the 25th?

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Vice-Chair Monk: I think that subject to certain review by Council, but our thought was to have some sort of study session or community dialogue related to that property to the extent it's allowable, or we can make it into what Commissioner Waldfoegel suggested, as part of the Housing Workplan.

Chair Lauing: Well, I agree, it's part of the Housing Workplan, but I don't think it's necessarily project-dependent. I'm just saying that since there's publicity out there about the option of removing existing housing while we're trying to build housing is something that we might want to take a stance on vis-a-vie Council. So, I don't see this as a discussion of the project, because there's no project. But, that was just the impetus for our discussion.

Vice-Chair Monk: Yeah, we would have to figure out the framework. Yeah, I would support that.

Chair Lauing: I think there's room on the 25th.

Vice-Chair Monk: Not if we have our bylaws and procedural rules.

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1 Chair Lauing: We can push that again. But, we're not looking for a Staff report here. We just
2 want to talk about, you know, the policy issue more or less like we did during the Comp Plan
3 (Comprehensive Plan).

4

5 Mr. Lait: Right, so I'd want to be... Certainly we understand there's a lot of community dialogue
6 taking place relative to the Hotel President or President Hotel, and I would recommend the
7 Commission not get into a dialogue about that specific action, that property. There may be
8 applications before this Commission that require your review or consideration, and so what I
9 think the Chair is referring to is, there is a Comp Plan (Comprehensive Plan) that speaks to the
10 City over the course of the Comp Plan (Comprehensive Plan) horizon, look at ways to, City
11 regulations to consider standards that would not, to address no net-new or net-loss of housing
12 units. And to that extent, that the Commission wanted to start a conversation about that, you
13 certainly could. We would like to do some research and present to you a Staff report and let
14 you know what we've come up with in our research and what other cities are doing. We
15 wouldn't have the time to do that for July, but if you wanted to just have a conversation about
16 that, and again, no in the context of the 488 University, but in the context of, there's this policy
17 and what can we do, then that's something that you certainly have the authority to agendize
18 and discuss.

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 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Chair Lauing: Okay. Does anyone want to make a comment on that, or just general support for
2 that as a topic? Okay.

3

4 (no mic, inaudible)

5

6 Chair Lauing: Okay. Any other agenda items upcoming...

7

8 Mr. Lait: Okay, so we're going to put that on the July 25th agenda? Is that what I'm
9 understanding?

10

11 Chair Lauing: Well, you said you wouldn't be able to do it in July.

12

13 Mr. Lait: Well, we're not writing a Staff report, but you can still have a conversation about it.

14

15 Chair Lauing: You said you wanted to do some research, so I thought that was...

16

17 Mr. Lait: Okay, so you want us to do, you want us to do that...

18

19 Chair Lauing: I was yielding to your desire there.

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1 Mr. Lait: No, that's find. That's perfectly fine. So, what I'm hearing from the Commission then is
2 that there's this future discussion item that we want to have regarding this Housing Policy or
3 this Comp Plan (**Comprehensive Plan**) Policy that will return at some point later this year to
4 discuss?

5
6 Commissioner Waldfogel: I think we'd like it to be somewhat in current with other Housing
7 Workplan items. It's hard to...

8
9 Chair Lauing: Yeah, so I was going to say it looks like that fits into the August 29th meeting then.

10

11 Vice-Chair Monk: I think we're talking about two different things. I think what I heard Acting
12 Director say is that if it's just a facilitated discussion, that we could have it on the agenda and
13 then they wouldn't have to...

14

15 Chair Lauing: That's correct, but I heard him say that his preference was to do some research
16 and present it to us.

17

18 Vice-Chair Monk: I didn't hear that, so clarify.

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1 Mr. Lait: I would like us to, I'd like to at least give some framework for the Commission to have
2 a dialogue about a topic, which means Staff doing a report and doing some analysis, so my
3 preference is that there is not a conversation about this on the 25th. We're not prepared to
4 have that conversation.

5
6 Chair Lauing: So, the only risk is that it pushes it to August 29th?

7
8 Mr. Lait: Well, I think it pushes it beyond that, frankly. Because I think the 29th is, we have a
9 Council-approved Work Program and with some specific items that we're working on and we've
10 had, I don't know, two or three meetings with the Commission and we're trying to move
11 forward an ordinance that is responsive to the Council. My concern is, and this is an important
12 issue that we need to discuss, but it's not one that's identified on our Work Program, and I'm
13 concerned that it could, I'd like to get through this Work Program discussion and then talk
14 about this other Comp Plan (**Comprehensive Plan**) Policy that is what the Commission is
15 expressing an interest to discuss.

16
17 Chair Lauing: I hear you on that, but the framework for Housing is to relax standards to get
18 more housing, and so at the same time, when there's potential action to reduce housing, that
19 seems like it sort of does make it part of the Housing Workplan.

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1 Mr. Lait: Right, but I want to distinguish any conversation we're having with a specific property.
2 So, the two really aren't related in this context, right? I mean, we do want to look at housing
3 preservation. That's certainly something that we're looking at, but we have a very discrete and
4 direct directive.

5
6 Commissioner Riggs: I'm hearing that we should do, as Commissioner Waldfogel suggested, to
7 start off with, which was just fold it into our, a general discussion into our Housing Workplan
8 discussion. And I don't believe that it is on July 25th. That it is further on out, and I think we
9 should, this discussion has gone on long enough, and we should move on to the next piece of
10 discussion.

11

12 Chair Lauing: Well, this is the last piece of discussion, but he's not agreeing with you. So, let's go
13 back to...

14

15 Commissioner Riggs: Who's not agreeing with me?

16

17 Chair Lauing: Commissioner (Mr.) Lait is not, I'm sorry.

18

19 Vice-Chair Monk: I just don't want this to hold up what we need to do with the Housing
20 Workplan. I thought, because of the timeliness of this issue, that we could bring it up and we

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1 had a light agenda specifically on July 25th. So, if it's not going to be baked in somehow to have a
2 discussion to address the current, there's a timeliness in it, where it's kind of fresh. People want
3 to discuss it now, if we can't be here to discuss it in some capacity by July 25th, then I would
4 rather just table the whole idea to a date uncertain.

5

6 Commissioner Gardias: I'm going to have my say too. I agree with Commissioner Riggs. I believe
7 that we will achieve nothing with just discussing this, because it's out of context. It will be only
8 political stand for no purpose. We can just have it as part of the discussion. If somebody wants
9 to make comments on the Housing reform, if somebody wants to make some
10 recommendations.

11

12 Chair Lauing: Okay, if there's no further conversation.

13

14 Vice-Chair Monk: Just the back story to it was actually, for that purpose was to allow this to be
15 a forum for people to voice their concern versus on-line and all that stuff. We thought the PTC
16 could provide that as an amenity rather than a function of our traditional role. That's where the
17 thought came from.

18

19 Commissioner Riggs: I had a question. I guess I'm... Staff, can we be a little more clear on when
20 the meetings are, because I've got like six e-mails about July meetings and I scheduled a trip on

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1 the 25th, because my understanding was there were no meetings in July, because of inability to
2 get a quorum. So, I'm now a little surprised to hear that there's a meeting in July.

3

4 Mr. Lait: We were looking to move the July 25 date up a week, but then we were not getting
5 enough support to find an alternate date. So, then an e-mail, I believe, went out from Yolanda
6 that said that we're not changing anything. Okay, I'm hearing now that you're not...

7

8 Commissioner Riggs: I'm not going to be here on the 25th, and my understanding is there is not
9 a meeting on the 11th?

10

11 Mr. Lait: That's right. So, the dates that are reflected on Packet Page 5 are the Commission
12 dates that we have. You'll note that 7/11 is cancelled, 8/8 is cancelled and 10/31 cancelled
13 based on the Commission's last discussion. Well, if we could just be a little more clear in the
14 back and forth. I guess I must have missed Yolanda's final meeting. It was a little hard to keep
15 up on all the dialogue out of the country, but my understanding was that everything was in flux
16 and there was no meeting.

17

18 Mr. Lait: Yeah. I think we talked about it at the last meeting. I don't remember if you were here.

19

20 Commissioner Riggs: I was not here.

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Mr. Lait: Okay, so are you not present for 7/25, is that right?

Commissioner Riggs: I scheduled a trip to Los Angeles with work with (not understood) on something.

Vice-Chair Monk: We can't move those items up the week prior? Can we poll people now? Is Staff prepared to move those items from the 25th to the 18th or no?

Mr. Lait: I'm sorry, no. We went through that exercise, and that's a packet going out in like ten days. So, we're on the schedule that we have that the Commission looked at last week, and this is our schedule.

Chair Lauing: Okay, so I think we are out to the, in terms of new agenda items, we don't need any because on the 29th we're doing the Framework, so what's here is here except on the 25th, we're adding that item that was tabled. Are there any other comments on future agenda items? If not... What there a question?

Commissioner Summa: No, just very briefly because I haven't spoken yet. I'm very supportive of Commissioner Waldfogel and other Commissioners wanting to include loss of existing housing

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1 in our discussion of the housing issues before us, because it's odd to me, in retrospect that it
2 was left out. It's a huge issue. That's all.

3

4 Chair Lauing: Any other comments? I don't want to miss any lights down on the end. Okay, then
5 we stand adjourned. Thank you.

6 **Adjournment**

7 **10:00 pm**

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1 Palo Alto Planning & Transportation Commission

2 Commissioner Biographies, Present and Archived Agendas and Reports are available online:
3 <http://www.cityofpaloalto.org/gov/boards/ptc/default.asp>. The PTC Commission members are:

4
5 Chair Michael Alcheck
6 Vice Chair Asher Waldfogel
7 Commissioner Przemek Gardias
8 Commissioner Ed Lauing
9 Commissioner Susan Monk
10 Commissioner Eric Rosenblum
11 Commissioner Doria Summa

12
13 Get Informed and Be Engaged!

14 View online: <http://midpenmedia.org/category/government/city-of-palo-alto> or on Channel 26.

15
16 Show up and speak. Public comment is encouraged. Please complete a speaker request card
17 located on the table at the entrance to the Council Chambers and deliver it to the Commission
18 Secretary prior to discussion of the item.

19
20 Write to us. Email the PTC at: Planning.Commission@CityofPaloAlto.org. Letters can be
21 delivered to the Planning & Community Environment Department, 5th floor, City Hall, 250
22 Hamilton Avenue, Palo Alto, CA 94301. Comments received by 2:00 PM two Tuesdays preceding
23 the meeting date will be included in the agenda packet. Comments received afterward through
24 2:00 PM the day of the meeting will be presented to the Commission at the dais.

25
26 Material related to an item on this agenda submitted to the PTC after distribution of the
27 agenda packet is available for public inspection at the address above.

28 Americans with Disability Act (ADA)

29 It is the policy of the City of Palo Alto to offer its public programs, services and meetings in a
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33 ada@cityofpaloalto.org. Requests for assistance or accommodations must be submitted at least
34 24 hours in advance of the meeting, program, or service.

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