



PLANNING & TRANSPORTATION COMMISSION MINUTES

=====MEETINGS ARE CABLECAST LIVE ON GOVERNMENT ACCESS CHANNEL 26=====

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Wednesday, May 10, 2006
REGULAR Meeting at 7:00 PM
Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL: 7:05 PM

Commissioners:

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

Staff:

Steve Emslie, Planning Director
Donald Larkin, Senior Deputy City Attorney
Julie Caporgno, Advance Planning Manager
Curtis Williams, Consultant
Chris Riordan, Senior Planner
Clare Campbell, Planner
Zariah Betten, Executive Secretary

AGENDIZED ITEMS:

1. 2300 East Bayshore/2450 Watson Court
2. Zoning Ordinance Update: Pedestrian and Transit Oriented Development (PTOD)
Combining District
3. Parkland Dedication Ordinance

APPROVAL OF MINUTES: Minutes of Special Meeting of April 19 and Special and Regular Meeting of April 26, 2006.

Chair Burt: Good evening. We will be convening the Planning and Transportation Commission meeting for Wednesday, May 10, 2006. Will the Secretary call the roll? Thank you.

At this time we give the public an opportunity to speak on items that are not on the agenda. If anybody wishes to do so they need fill out a speaker card. I don't believe we have any.

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

1
2 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional
3 items added to it up until 72 hours prior to meeting time.
4

5 Chair Burt: So our first item tonight is 2300 East Bayshore/2450 Watson Court. The
6 Commission will review and recommendation to the City Council of a request by Richard Peery
7 for a vesting tentative parcel map to merge two lots into one 5.6-acre parcel. Would the Staff
8 like to make a presentation?
9

10 **NEW BUSINESS**

11 **Public Hearings:**

- 12
13 1. **2300 East Bayshore/2450 Watson Court*** (05PLN-00305): Planning and
14 Transportation Commission review and recommendation to City Council of a Request by
15 Richard Peery for a vesting tentative parcel map to merge two lots into one 5.6-acre
16 parcel.
17

18 Mr. Chris Riordan, Senior Planner: Yes, good evening. The approximately 78,000 square foot
19 building to be constructed on the site received City Council approval on July 25, 2005. This
20 approval included a condition that the two lots that comprised the site be merged prior to the
21 issuance of a building permit. The only action required of the Planning and Transportation
22 Commission this evening is a recommendation on the Vesting Tentative Parcel Map. The
23 proposed map is in compliance with the provisions of the Subdivision Ordinance. Because the
24 sites to be merged would exceed five acres the map cannot be process administratively through
25 the Director of Planning and Community Environment and requires review by the Commission
26 and City Council. So Staff requests that the Commission recommend that the City Council
27 approve the proposed Vesting Tentative Parcel Map based upon the findings and conditions
28 contained with the Record of Land Use Action. Thank you.
29

30 Chair Burt: Thank you. Would the Commission like to ask any questions of Chris or other
31 members of Staff before hearing from the public? Okay. So I think at this time we will hear
32 from the public if we have any speaker cards on this item. We don't so we are back to questions
33 from the Commission to the Staff. Karen.
34

35 Vice-Chair Holman: I had three actually just for clarity, perhaps just two actually. The proposed
36 public easement could Staff point out how that relates to the existing pedestrian-bicycle overpass
37 and how it links to that? That would be great. Thank you.
38

39 Mr. Riordan: The bicycle path comes from off the highway off ramp, goes along the southern
40 portion of the site, curves up along the site and intersects with the East Bayshore Road. The
41 easement will be a cutoff that will bring bicyclists and pedestrians from that existing bike path
42 through this five-foot public access easement directly to Watson Court.
43

44 Vice-Chair Holman: Thank you very much. Then I had one other question which is the
45 easement that is being relinquished, just so we can be clear, typical process when there are
46 easements that run across a property that is a utility easement like this who has ownership, what

1 is the relinquishing of that entail? Who owns the property? Is there a purchase required? Is it
2 just someone relinquishes the property?

3
4 Mr. Riordan: The easement to be relinquished is a right-of-way easement that was the old
5 position of Embarcadero Road. When Embarcadero Road was realigned the right-of-way stayed.
6 So the City had been wanting to fix this issue here and this was a good time to do it when this
7 map was finalized.

8
9 Vice-Chair Holman: So the ownership of the property has always been in whose hands?

10
11 Mr. Riordan: The ownership would still be with the owner.

12
13 Vice-Chair Holman: As it was previously.

14
15 Mr. Riordan: Yes. It was a right-of-way easement over the property for the benefit of the City
16 owned by the property owner.

17
18 Vice-Chair Holman: That is very good clarity. Thank you, Chris.

19
20 Mr. Riordan: You are welcome.

21
22 Chair Burt: Yes.

23
24 Commissioner Lippert: I have a follow up question from when we had originally seen this item.
25 We had seen this as a discretionary review originally and the ARB had seen it and we had made
26 some comments to the ARB and I just want to follow up with some of our comments.

27
28 With regard to story poles for the building that was there.

29
30 Mr. Don Larkin, Senior Deputy City Attorney: Just to caution, we are limited to discussing the
31 map at tonight's meeting and basically the lines on the map.

32
33 Commissioner Lippert: I understand that.

34
35 Mr. Larkin: So lines going up might be a little bit off topic.

36
37 Commissioner Lippert: But we had specifically asked for story poles and that the ARB look at
38 that.

39
40 Mr. Larkin: If it is a question about whether something was done that was required as a
41 condition prior at the end of the meeting you can bring that up as referral and it will go to the
42 appropriate channels to look into whether the conditions were met.

43
44 Commissioner Lippert: That's fine. That is agreeable.

45
46 Chair Burt: Dan.

1
2 Commissioner Garber: Just a question of order. Normally, the other maps that we have seen
3 usually have the proposed projects outlined on them as opposed to the existing. Is there a reason
4 why it is presented this way?

5
6 Mr. Larkin: Because this is a subdivision map it reflects the changes from the current conditions
7 so it wouldn't reflect the future conditions. That was done as part of the Site and Design
8 Review. This is only dealing with property borders, improvements and easements that are being
9 granted.

10
11 Commissioner Garber: Thank you.

12
13 Chair Burt: Karen.

14
15 Vice-Chair Holman: Just to follow up on that and to give the Commissioners some credibility
16 here it is true that we often times see what is proposed as well as what existing conditions are.
17 So I think the Commissioner is accurate that often times we are provided with the other as well.

18
19 Mr. Larkin: Typically, we would be doing this closer in time with the Site and Design Review
20 part of the project but because this is coming, it has been almost a year since this was at the
21 Planning Commission, so what we are looking at now is something that would typically be done
22 on a Staff level just to make sure that it conforms with the Subdivision Map Act. The reason that
23 it is here and it is somewhat unusual is because of the size of the project. This is the first time
24 not only that I ever heard of the Vesting Tentative Parcel Map it is the first time that anybody in
25 our office has ever seen one. It is an extremely unusual situation. So this is different from most
26 of the subdivision maps that we would see.

27
28 Chair Burt: Paula.

29
30 Commissioner Sandas: I am just wondering if there is any legal ramification of our not making
31 the recommendation that the Council approve the proposed vesting map.

32
33 Mr. Larkin: The problem is that you need to make the findings that you have already, not you
34 because you weren't on the Commission at the time, but as a Commission have already made the
35 findings that this project is consistent with the Comprehensive Plan and has met all the Site and
36 Design Review criteria. So to make the findings that would allow you to deny the map tonight
37 would be to say that what was approved before was a mistake. So yes, there would be legal
38 ramifications would be the short answer.

39
40 Chair Burt: So this is really largely a procedural matter. Phyllis.

41
42 MOTION

43
44 Commissioner Cassel: I am going to move the Staff Report.

45
46 SECOND

1
2 Commissioner Sandas: Second.

3
4 Chair Burt: Any discussion? Would the maker of the motion like to speak to it?

5
6 Commissioner Cassel: No. This is a fairly routine matter. I read the findings and they match
7 my understanding of the circumstances and I can make the findings.

8
9 Commissioner Sandas: Same thing.

10
11 MOTION PASSED (6-0-0-1, Commissioner Bialson absent).

12
13 Chair Burt: Any other comments from Commissioners? All right. Those in favor say aye.
14 (ayes) Opposed? That passes unanimously. Thank you very much and we will be moving on to
15 item number two.

16
17 Item number two is an aspect of our Zoning Ordinance Update the Commission will consider
18 and recommend to the City Council an ordinance to adopt a new Pedestrian and Transit Oriented
19 Development (PTOD) Combining District. The boundaries of the district are generally
20 Cambridge Avenue to the north, El Camino Real to the west, Caltrain line to the east, and
21 Lambert Avenue to the south. Would Staff like to make a presentation?

22
23 **2. Zoning Ordinance Update** – Planning and Transportation Commission consideration
24 and recommendation to City Council of an Ordinance to adopt a new PAMC 18.66
25 Pedestrian and Transit Oriented Development (PTOD) Combining District. The
26 boundaries for the PTOD zoning district are generally Cambridge Avenue to the north, El
27 Camino Real to the west, Caltrain rail line to the east, and Lambert Avenue to the
28 south. Environmental Assessment: Comprehensive Plan Environmental Impact Report.

29
30 Mr. Curtis Williams, Planning Consultant: Yes, thank you Chair Burt and Commissioners. We
31 are here tonight to request that you recommend moving the ordinance for the Pedestrian Transit
32 Oriented Development Combining District on to the City Council. As we have discussed before
33 the district was formed in response primarily to the transit oriented residential designation in the
34 Comprehensive Plan that calls for higher density residential uses and support of alternative
35 modes of transportation particularly in close proximity to the train station.

36
37 Staff has in previous discussions with the Commission broadened somewhat the scope of that
38 initial Comprehensive Plan direction to the intent of the Pedestrian Transit Oriented District is
39 multiple. One is to support not only public transportation but other non-vehicular modes of
40 transportation, to encourage mixed use and concomitant reductions in vehicle use, to provide a
41 streetscape design that is attractive to pedestrians and bicyclist, to support the economic viability
42 in this particular situation of California Avenue and the surrounding businesses, to implement the
43 City's Housing Element as we mentioned there are some housing opportunity sites in this PTOD
44 zone, and to provide effective transitions from neighboring residential areas so that neighbors are
45 not adversely impacted by this proposal.

1 We have been to you previously and had several discussions of the potential provisions of the
2 ordinance and we then subsequently followed up with some community meetings late last year
3 and earlier this year and have put together a revised ordinance for your consideration tonight.
4 Thos meetings included getting together with the Emerson Street neighbors, the Palo Alto
5 Central Homeowners and some of the other residents of surrounding properties within the PTOD
6 boundaries, the Ventura neighborhood and then also putting a lot of information regarding the
7 PTOD on our website.

8
9 There are several key revisions that we have made in response to those groups that we met with.
10 We thought they had some very pertinent suggestions to try to address particularly transitions.
11 So we have made some changes both in the ordinance itself as well as the context-based design
12 section of the ordinance and the diagrams go along with it. We have added a daylight plane and
13 a landscape buffer adjacent to the railroad right-of-way. We have limited office use below the
14 .35 FAR that was previously suggested. The cap would still be .35 the cap on nonresidential but
15 only .25 of that could be office or R&D. We have limited the cumulative parking adjustments
16 and that means the code allows certain parking adjustments like 20 percent or 30 percent or
17 whatever and what we have said is if you combine those together it can't be more than a
18 reduction of 30 percent, although there are some provisions for senior housing/affordable
19 housing that are a bit more than that. We have also required that if you are requesting a parking
20 adjustment what you can do under the current code but if you do it in this district that you need
21 to provide a TDM program as part of your PTOD approval and specific monitoring and reporting
22 measures not so that we can try to enforce them so much that is difficult to do but so we can
23 begin to collect realistic data so that we can see if in the future there are reductions in our code
24 that are merited by that information. Then we have also tried to define what a minor change is.
25 If you recall last time there was some concern about allowing the Director to make minor
26 changes to a PTOD approval. We have used the same language that we have for the
27 Architectural Review Board approvals to define what the scope of that is and to specifically
28 exclude changes in land use as opposed to development standards. On the context-based design
29 portion of the code we have again added the daylight plane and landscape buffer adjacent to the
30 right-of-way for the railroad. Provisions to limit the length of walls, to provide some view
31 corridors, to provide designs to articulate buildings and minimize noise as well as for visual
32 purposes, provided some illustrations of the transitions of intensity that should occur from low
33 density neighborhood through a more modest density up to the higher density that would be
34 allowed in the PTOD similar to what might happen from the Ventura neighborhood up through
35 the Fry's site if it were redeveloped. Then we have provided also a streetscape section for Park
36 Boulevard that indicates not only some of the sidewalk widths and relationships of buildings at
37 the street level but also how those buildings after a couple of stories going up would be setback
38 to provide some relief and avoid kind of a tunnel effect along Park Boulevard.

39
40 Some of the key issues that came up in our discussions with the community included density and
41 intensity, reflection of train noise, several different traffic and transportation issues, parks and
42 school impacts, the Fry's site itself and also the potential impact on revenue generating uses. As
43 far as density and intensity goes we should have provided and there is a table attached to your
44 packet that includes more specifics on this, a couple of tables actually, that the density and height
45 and FAR that are proposed here are very similar in nature to the existing RM-40 zone which is
46 fairly prevalent within this area and also to many of the existing multi-family structures that are

1 there as well as a couple of mixed use projects that do exist. We have responded in terms of
2 some concerns about office and R&D to again further than the potential for those developments.
3 Then we want to emphasize, as we will several times during the evening that this is a rezoning.
4 What we are doing is establishing a boundary that makes properties eligible to request rezoning
5 and that each one of those properties would then subsequently come through this highly
6 discretionary review process before the Planning Commission and the Council and the ARB to
7 determine within those parameters what the appropriate densities and intensities and uses would
8 be.

9
10 Train noise reflection, we had a noise study prepared by EIP Consultants. Geoff Hornek who
11 prepared that study is in the audience tonight. He is prepared to answer questions and/or give
12 you a brief overview of the study. The conclusion of the study was that while yes trains make a
13 lot of noise and there is a lot of vehicular noise along Alma Road in particular that there was no
14 discernable noise reflection that would likely occur from buildings. That the noise at peak hours
15 tends to be dominated by vehicular traffic so that there wasn't so much of an increase when the
16 trains went by but at quieter times then there was more of a disparity. He has also made some
17 suggestions that it can help to assure that there isn't a reflection problem by articulating the
18 buildings and minimizing extensive lengths of walls using appropriate materials. Then we
19 wanted to point out that as we have mentioned before each one of these projects will on their
20 own be required to go through an environmental review process. If there is something that looks
21 like it may have a noise impact we certainly have the prerogative to request that on a specific
22 project.

23
24 Third, traffic and transportation issues dealt with pedestrian and bicycle facilities and concerns
25 about how those are accommodated. We have tried to show that to some extent on the diagram
26 of Park Boulevard but the thrust of much of this zoning is to establish these context-based
27 criteria that will provide for connections that will provide wider sidewalks and bike lanes and
28 various other improvements. The park parking was somewhat of a concern. We believe the
29 approach is very conservative here. We are essentially using the same parking rates, the same
30 adjustments that are allowed in the existing code and in a minute I will talk about a couple slight
31 modifications to that but overall that is the approach. Plus we are requiring a TDM program
32 which for most of the City you don't have to do when you request these adjustments. So we
33 think we have been very conservative on that and haven't branched out and tried to reduce
34 parking rates because it is near transit.

35
36 Caltrain ridership has been of some concern. We feel very strongly that this is supportive of
37 Caltrain whether the ridership is down or not. This is supportive of helping to enhance the
38 potential for ridership that is supportive of Caltrain's policies about developing around transit
39 stations. There are some improvements to safety and access that will help accommodate two
40 trains at the station at one time so there are improvements that are going in at the Caltrain station
41 now that will help enhance the use of train as well.

42
43 Trip generation in a very broad general sense we have done a calculation in your Staff Report
44 that development of a site that has either a .50 FAR for an R&D type of use that the GM allows
45 right as compared to residential at 40 units per acre that the total peak hour trip impact would be
46 less with the residential use. That doesn't mean that there wouldn't be impacts it depends on the

1 direction of the traffic at a particular intersection. Those are things that we would look at in a
2 traffic study as a project came through.

3
4 Traffic safety, there are some improvements that are slated and some that I am sure will be
5 required when projects go through such as we have talked about a left turn going from Park
6 down to the Page Mill-Oregon Expressway area so that the traffic doesn't chew back onto Park
7 Boulevard the way it does now and signalization or at least stop signs near where some of these
8 projects would intersect with Park Boulevard. Then there were also some questions about will
9 we retain the traffic calming devices that exist on either end of the Park Boulevard right now and
10 the answer is definitely yes. There is a proposal for the City to implement the Bike Boulevard
11 along Park Boulevard that will probably entail some additional measures going in to assist with
12 that.

13
14 Park and school impacts in a very big picture sort of sense were questions that we heard at the
15 previous meeting and in the community. On parks there are requirements for private and/or
16 common open space on these projects. If we have some larger sites develop we anticipate there
17 could be potential for some requirement of land to be dedicated as a park. There are areas not
18 devoid of parks. There is one directly within the PTOD and then some within walking distance
19 and then the Mayfield project is under construction now again within walking distance of the
20 PTOD. You are considering later tonight the Quimby Act Parkland Dedication Ordinance
21 leading up to that we also have park impact fees so there are mechanisms in place to try to
22 address providing additional parks.

23
24 School district, we did talk to and they don't have any definitive studies available. Their
25 preliminary indications to us were that district-wide there is capacity available to serve additional
26 development but that there are concerns about whether someone can attend the school closest to
27 the household. Those are issues that they are certainly working on the we will continue to keep
28 in touch with them and help provide them with a lot of information to help them with some of
29 these studies. Then we do also have school impact fees that are intended to be used for new
30 facilities and accommodate additional growth.

31
32 The Fry's site obviously is of concern given its size and as I think we have told you before it is
33 zoned for multi-family RM-30 but is scheduled for amortization of the existing retail use by
34 2019. Commissioner Garber had some questions that I will answer here in a minute. The first
35 one was basically what amortization means and how that works. It essentially means in this case
36 that the existing retail use goes out of business by a certain date or whatever the non-conforming
37 use is that is out there. So in this case the amortization is through 2019 and by that time a
38 conforming use needs to be on the property and the existing use would have to cease to be unless
39 some other change in zoning occurred in the interim. We believe Fry's is an integral part of the
40 PTOD. It anchors the south end and would create this network from Fry's all the way up Park
41 Boulevard up to the train station and to California Avenue. There are a wide range of build-out
42 scenarios that we provided in the Staff Report last time and this time as well ranging anywhere
43 from 40,000 to 190,000 square feet of nonresidential and up to 350 to 400 units at the maximum
44 potential build-out. With the PTOD's advantage here it provides flexibility for Fry's to retain the
45 retail use whether it be Fry's or another retail use on the site. Again, this is something that
46 Commission and the Council will have very full discretion to look at as a project rezoning

1 request is made as to what the appropriate mix of uses is and what the appropriate intensity is
2 and how the transitions are made from the adjacent neighborhoods through the site. That is part
3 of what the context-based design does as well and now it helps illustrate those transitions.
4

5 Other concerns about revenue generating uses, the retail uses that exist on California Avenue in a
6 block either direction basically have an R combining district, retail and shopping combining
7 district, that requires the first floor to be retail so it cannot be replaced by housing on the first
8 floor. There is one auto dealership, AD overlay site, within the PTOD boundaries. We have
9 heard that that's a concern. We understand that but we don't think that further restricting the use
10 of that property or prohibiting it from having the same potential as other properties in the area is
11 the appropriate way to address that. It would be more appropriate to work proactively to try to
12 come up with other solutions to retain that use. Fry's we talked about providing that additional
13 flexibility for continued retail use and the district does also provide an opportunity again with the
14 discretion for you to review this for a hotel to be located in the area.
15

16 So just to very quickly kind of summarize where we are with the ordinance the district
17 boundaries have not changed. The flow chart has not changed it still involves full Commission
18 and Council review, ARB input at a preliminary level along the way and then ARB review of the
19 final design after rezoning is approved. The land uses generally have not changed. We are
20 looking at primarily multi-family and mixed-use land uses with some potential for live/work or
21 for hotel uses. The development standards have changed in that the .35 is limited to some extent
22 as far as office and R&D being at .25 FAR. Also, the BMR bonuses are still in the ordinance as
23 they were last time and as we discussed last time it would take in order to get to maximum
24 higher densities and heights and such would take about 65 percent of the units being BMR units
25 to qualify for those incentives. The parking I did want to again revisit just for a minute. There
26 are no changes to the parking rates so you use the same table that we have in the Zoning
27 Ordinance for that. The same thing with the adjustments that are currently allowed, we have
28 adjustments that allow requesting from the Director reductions for being close to transit, for
29 mixed use, for senior housing and those kinds of things. We have put a limit, which the code
30 doesn't have right now of 30 percent but 40 if it is affordable housing and 50 for seniors, which
31 is what the code has right now as maximums so that you can't accumulate all these reductions.
32 Then on top of that we require TDM measures. What we want to do is encourage anyone in
33 these locations to provide measures, what they can, to further encourage transit use and
34 pedestrian and bicycle usage. To monitor that we have suggested at two and five years after
35 occupancy of the uses to receive monitoring reports and we will have to structure what those
36 reports include and what the performance measures are and come back to us so we begin to build
37 that database of how these various measures work. So for the next project down the line we have
38 a better approach. The one area where there is some change from the parking that exists today is
39 we have suggested that the landscape reserve requirement not apply under certain conditions or
40 that it could be requested not to comply when the average unit size is less than 1,250 square feet
41 and where only one assigned space per unit is provided from a parking standpoint so that the
42 other spaces are available to be shared among which is a more efficient use of the parking. Then
43 again with the TDM measures and monitoring. So that is really the only difference from our
44 current standards and we are interested in pursuing that but if you are not comfortable with that
45 we can modify that as well.
46

1 What I am going to do is turn it over to Rick Williams in a minute to run through the context-
2 based design section with you. Rick is here with Kevin Gardner and Chris Sensenig from Rick's
3 firm and as I mentioned Geoff Hornek, the noise consultant is here. You know Clare who has
4 helped out greatly in putting all this information together for you. I want to go ahead and sort of
5 conclude my presentation by saying that we think that the PTOD district is implementing what
6 the Comprehensive Plan saw as a sustainable and smart growth approach to development in the
7 areas around the transit stations. We have modified the ordinance to address what we have heard
8 as some of the transition concerns to neighborhoods. We think the intensity of development that
9 is proposed is not inconsistent with many of the projects that exist in this area as they are now. It
10 does help us implement our Housing Element policies and the housing opportunity sites we have
11 there and again it retains a very high level of discretion for the Commission and Council to look
12 at individual projects as they come through in the future. This is just the first step. With that
13 said, we also did provide you with a couple of alternatives if you are not comfortable with where
14 this is headed. One we have called a lesser intensity alternative which is to reduce the overall
15 density to 30 units per acre instead of 40, these are combination or permutations of them are
16 certainly possible but to perhaps delete the BMR bonuses so that that opportunity for going
17 higher doesn't exist and/or to further restrict office and R&D use. The other alternative really
18 relates to the scope of the boundaries and particularly whether to include Fry's or not so it would
19 allow excluding Fry's and the adjacent Olive Avenue residential on the GM part of Park
20 Boulevard down near there from the PTOD boundaries. So I am sorry I took so long but there
21 was a lot to tell you. I would like to let Rick briefly go through the context-based.

22
23 Chair Burt: Curtis, before we go forward with that Commissioner Lippert has one question and I
24 had one request. Could you just for everyone's general concept of the context of the PTOD
25 review how the current zoning remains in place and how this PTOD interacts with that rather
26 than replaces it?

27
28 Mr. C. Williams: Sure. The PTOD is an overlay that establishes a boundary around this district
29 and allows for a property owner to request rezoning pursuant to this code. The existing zoning
30 whether it is CC on California Avenue or GM on Park Boulevard remains in place unless and
31 until that rezoning occurs. So if a property owner chooses to just stay where they are use the
32 existing zoning that is a perfectly fine option. We think that there are a number of cases where
33 that is likely California Avenue being the predominant one. If there appears to be a benefit in
34 terms of mixed use or multi-family to requesting the PTOD then they may request rezoning and
35 go through the rezoning process of review and public hearing by the Planning Commission and
36 the City Council with input from the Architectural Review Board and then final review of the
37 specific design by ARB after the rezoning is completed. So that is essentially the process.

38
39 Chair Burt: Thank you. Lee, you had a question at this time?

40
41 Commissioner Lippert: Yes. Regarding the alternatives here those are meant to be considered
42 separately A or B. It is looking at those in addition to what is being proposed here, correct?

43
44 Mr. C. Williams: Yes. They would be in lieu of some specific things in the ordinance but all the
45 rest of the ordinance would be in place. So in other words the 40 units per acre would come out
46 30 units per acre and that kind of thing.

1
2 Commissioner Lippert: Correct. So we could very well adapt both options A and B if we
3 wanted to or neither of those.

4
5 Mr. C. Williams: Right, or others that are out there.

6
7 Commissioner Lippert: Okay. I just wanted to make sure of that. Then again regarding the
8 reason why we are not looking at a coordinated area plan or a specific plan for this area is that it
9 doesn't supplant the underlying zoning is what you are saying.

10
11 Mr. C. Williams: Right.

12
13 Commissioner Lippert: It is purely at the owner's discretion that this zoning be applied and they
14 would have to go through a process of a hearing before the Planning and Transportation
15 Commission as well as the City Council.

16
17 Mr. C. Williams: Exactly.

18
19 Chair Burt: Welcome Rick.

20
21 Mr. Rick Williams, Van Meter Williams and Pollack: Thank you very much. I am going to just
22 highlight the context-based design criteria that was developed and modified through the various
23 community meetings and neighborhood meetings that we have had over the past few months.
24 We have still focused on the basic fundamental concept of the PTOD and focusing on the
25 pedestrian and bicycle environment creating a walkable community that has the connectivity to
26 both transit and retail and to each other's neighbors. We have also in doing that focused on the
27 building design, building façades, as they relate to the street. We acknowledge in the design
28 criteria that there is an important relationship between the buildings and the street as part of the
29 pedestrian, bicycle and transit oriented development. The other critical issues were massing and
30 articulation, varying the massing, minimizing the massing appearance as well as looking at it as a
31 way of transitioning to the lower intensity uses and respecting the scale and privacy of those
32 adjacent properties. I think that when we explained the design criteria to the neighborhoods they
33 overall became much more comfortable in understanding what the goals and objectives of the
34 PTOD were and how this actually could work in their favor as well. They will be able to give
35 you feedback on that also.

36
37 The concept of usable open space has always been something that we felt needed to be
38 augmented in the zoning regulations and we have incorporated that not only in the PTOD but
39 other regulations as well. We feel that that's an important part as residential comes into a mixed
40 area that it have usable open space and the parking design and the orientation of parking so that it
41 doesn't impact the pedestrian environment. Then we have incorporated a couple of unique
42 characteristics including dealing with large sites and the building patterns consistent with the
43 surrounding neighborhood, breakdown the scale of larger developments. One of the things that
44 we feel is that this makes the Fry's site a great opportunity site within the PTOD to really define
45 and create a character of the area that gives you an advantage that most smaller neighborhood
46 sites wouldn't provide.

1
2 Sustainability is also an important criterion within this and the design criteria incorporate the
3 same sustainability criteria, which we are also incorporating in some of the other zones as well.
4

5 The tools that we are using include a wide variety within this including the connectivity which
6 relates to both pedestrian connectivity as well as visual corridors so that you see down streets,
7 you see from public right-of-ways through to the hills and we have incorporated that both within
8 the concept of pedestrian walks, streets as well as view corridors.
9

10 We have also related, as we mentioned, to the building design both when they are mixed use
11 commercial-retail spaces as well as residential and how those buildings would relate to the street.
12

13 One of the long conversations we had with the community was the design characteristics and
14 how the designs related to both the train right-of-way and how we would incorporate landscape
15 elements, building articulation, stepping back and daylight planes all as part of a strategy to both
16 minimize the overall massing as it relates to those neighborhoods, deal with any noise reflection
17 as well as create just a greater visual buffer through landscaping, etc.
18

19 The building massing and articulation and creating a great variety and different characteristics
20 within residential portions versus mixed use was another piece of the characteristics that we used
21 in the context-based design and the transitions. This is one of the new diagrams that we
22 incorporated in which relates to how you use these design characteristics to transition from
23 existing lower intensity development within a new development to have transitions which rise
24 periodically in intensity and again this was looked at both from the Fry's site as well as in more
25 detail on smaller sites.
26

27 Commissioner Lippert: Before you move on from that illustration there could you clarify for me
28 those boxes, the colored boxes, those are just outlines. It is the little white things.
29

30 Mr. R. Williams: It is the little ones that are the actual buildings. You see the low intensity
31 single-family homes and then we have a space and then the medium density transition area and
32 then the taller intensity and you see that there is a transition area between as well. I will show
33 this again when we go through a site section through the entire site in just a moment and show
34 you how it relates in kind of more real space time.
35

36 As I mentioned we looked at it in both the bigger scale of that last section as well as in a more
37 intimate detail scale of the parcel right adjacent to the next parcel. We have used that along the
38 El Camino Real, we have used it in the mixed-use development and we are incorporating the
39 same type of transition characteristics and privacy features in the context-based design tools for
40 the PTOD.
41

42 This is actually one that I feel pretty excited about and this is the issue of having multiple
43 building types when you have larger development parcels. This relates to a number of the
44 development parcels within the site. It definitely relates in a large way to the Fry's site where
45 the larger sites are required to have multiple building types and those can be used as real
46 transition strategies to the lower intensity surrounding parcels. So this works in both ways it

1 creates variety, it creates different housing types, it creates different unit sizes and it also acts as
2 a transition. It is the larger sites that people are most concerned about because those are the ones
3 that create the most dramatic change. So those are the sites that we are placing the most
4 emphasis on from a context-based design strategy as far as breaking down the scale by requiring
5 real different building types not just different building blocks.
6

7 Park Boulevard is going to really be the key corridor from pedestrian and bike standpoint. There
8 has been concerns about the vehicular circulation on it so we paid special attention to creating
9 from the property lines having a strategy of widening sidewalks, having landscape buffer,
10 incorporating in rows of trees, double rows of trees against residential so that we create a very
11 pedestrian walkable environment and this is an implementation piece that the City could move
12 forward with as parcels develop or as a comprehensive streetscape strategy whichever is most
13 appropriate down the line. It allows the Public Works and the City to really focus on Park
14 Boulevard as a spine for the PTOD. Also I just noted that the building sections showed the step
15 backs that the neighborhood was also concerned with.
16

17 Within this section there was a lot of conversation with the neighborhood about the Fry's site,
18 how it relates and what the transitions are to the surrounding neighborhood. You can see that
19 there is already, with the canal portion already there, there is already a kind of business transition
20 zone between the neighborhood but you can also see how that diagram that we illustrated
21 previously is reversed with the single family neighborhood, the business light industrial area to
22 the greater intensity that would be potentially on a site such as the Fry's site but that that also has
23 a variety of breaking down in scale and it has a series of streets and pedestrian walks within it
24 that again breakdown the scale of that site to a greater extent than it is now for sure. It relates
25 that previous section to this specific location.
26

27 We have also done similar sections relating to the Emerson neighborhood, the Caltrain station
28 along the major streets and Park Boulevard and illustrated how the buildings step back, how
29 there is building articulation and varied massing and other relationships are illustrated in other
30 key diagrams within the context-based design.
31

32 This is one of the new sections that also illustrates, and we will show it in the next one, how
33 there is a landscape buffer between the railroad tracks and the building. If we can go to the next
34 slide I think that shows it more clearly. What we have done is created a simulation, which we
35 illustrated to the neighborhood as well that shows everybody's favorite building along the
36 railroad tracks. If it was replaced or an adjacent building along here it would be illustrated such
37 as this that would be a comparable under this zoning framework. These were illustrated but
38 came from computer models through a photomontage to illustrate how the guidelines would
39 create the various massing strategies.
40

41 Mr. C. Williams: I think this brings me back. The next steps in this process are that the
42 Commission acts tonight that we would try to schedule a meeting with the Council likely in June
43 or July and we would anticipate our next work session or study item on the Zoning Ordinance for
44 you to come back with commercial, mixed use and performance standards at a study session
45 around that same timeframe.
46

1 Then I don't want to lose sight of Commissioner Garber's questions. I mentioned the one about
2 amortization. A second one was about the Agilent site and what sort of impacts the Commission
3 would consider as part of an evaluation we would identify certainly the relationship to Park
4 Boulevard, the relationship to the residences across Olive Avenue, any visibility from across the
5 tracks at Alma and Emerson, any traffic issues that come out of a traffic study. We think that the
6 design criteria helps with the transitions like from Olive Avenue to the site, from those
7 residential areas the traffic would be addressed again through a traffic study. I don't know if it
8 would be more or less if it were all residential. It would probably be less but we don't know
9 what it would be and what kind of safety or signalization improvements would be associated
10 with that. Again, we would go through the whole review process by the Commission and the
11 Council before rezoning to PTOD.

12
13 Thirdly, there was discussion on page 14 in the Staff Report about what we call this
14 susceptibility of what areas of the PTOD would likely be able to use this more readily than
15 others. The question is if all of those areas use them what percent of the area would that be?
16 Basically that is mostly the GM zoned sites if you exclude Agilent from the GM zoning for a
17 minute that is 11.9 percent of the PTOD area. The rest of the GM sites are about 10 acres.
18 Agilent is about another 10 acres, that is another 11.9 percent, and then Fry's is another one we
19 have talked about is 12.6 acres, which is about 15 percent of the total PTOD area. So that is not
20 to imply that all of these sites would use the PTOD or that there aren't some other sites zoned
21 CC or zoned something else that might take advantage of it but those are the ones we certainly
22 see as being most likely to take advantage of the rezoning.

23
24 There is an Attachment B, page 2, comment C that is part of the context-based design, pedestrian
25 and bicycle text refers to Park Boulevard as being an area for certain improvements along the
26 sidewalks and such and wouldn't this be applicable to California Avenue too? I think the answer
27 is yes, it probably should and we should probably mention that in there. I think the reason we
28 didn't was because California Avenue already generally has a lot of those improvements on it. It
29 isn't in need of it in the same way that Park Boulevard is but they are anticipating doing some
30 additional improvements on California Avenue. Also, the entirety of that street includes the P,
31 pedestrian shopping district requirements that do require some frontage improvements as well as
32 the R, retail requirements.

33
34 Then the fifth question was in Attachment J which is the noise study that the graphs, it is difficult
35 to tell at which point on the graphs the trains are going by. That was described in some
36 paragraphs earlier in the report but it wasn't clear on the graph specifically where that is. I gave
37 Dan a copy of what that is. I can go through it for you but I don't know that it makes a lot of
38 sense other than if you are looking at every one of them like in Figure 2, the train stops at 14:27
39 and 14:36. Generally if you see a peak that is pretty long it is usually probably a train stopping
40 for about two minutes. If you see just a real quick spike it is likely to be a train passing that
41 didn't stop. So I have all the times listed here and can go through that if you like again. Also
42 Jeff Hornack is here if there are additional questions on the noise analysis. That's it.

43
44 Chair Burt: Thank you. Commissioners, do you have questions of the Staff before we hear from
45 the public? Paula.

46

1 Commissioner Sandas: I just have one quick one Curtis. There is something that you mentioned
2 that I didn't know the meaning of. It was the landscape reserve relative to parking. Do you
3 know what I am talking about?
4

5 Mr. C. Williams: It was in the PowerPoint and it is under the parking section.
6

7 Commissioner Sandas: I don't see it but can you explain what the landscape reserve is, please?
8

9 Mr. C. Williams: Sure. There are some of the adjustments, not all of our adjustments that allow
10 an applicant to request a reduction of up to 20 percent in parking for a mixed use development or
11 up to 20 percent for being close to transit. Some of those, the transit one being one and mixed
12 use not being one, require that an area be set aside as a reserve and landscaped in case the
13 parking is needed subsequently. That is pretty much counter to the whole concept of what we
14 are trying to do here in setting aside the land there for potential parking. So we would like to be
15 able to bury that but by the same token we don't want to leave that open ended. So our thought
16 was as long as the units were generally of not a very large size, a moderate size or less, and that
17 they provided again not having assigned parking where we don't have two spaces for every unit
18 and those are the only people who can park in it but it is much more efficient if you have one
19 assigned parking space and then a group of spaces that can be shared by guests and other
20 residents who do have two cars. That was a viable way to go so that is what that relates to. That
21 again is the one area that differs from all the other provisions that are already in the Parking
22 Ordinance.
23

24 Chair Burt: Don.
25

26 Mr. Larkin: Just real quickly before you go to the public I wanted to mention a couple of things.
27 The first I know I have mentioned this to the Commission before but Steve suggested just as a
28 refresher I should say there is a section of the designated area that is listed in the Housing
29 Inventory as potential housing sites. Currently those, even though the GM zone prohibits
30 housing, by right housing can be developed on those two sites. There are no design criteria for
31 those so this would be the design criteria that would apply to those sites. I thought it was
32 important to remind the Commission that that is one of the reasons for going forward with the
33 PTOD out of schedule.
34

35 The second thing I wanted to mention was for anybody that read the paper this morning, the
36 daily news, there was an article about a potential police building site in the PTOD district. I
37 wanted to just remind the Commission that that can't be a factor in any decision regarding the
38 zoning tonight.
39

40 Chair Burt: Thank you. Lee.
41

42 Commissioner Lippert: Could you just clarify for me again if we don't adopt a PTOD how
43 would housing in the GM zone then be developed if a property owner decided that they wanted
44 to move forward?
45

1 Mr. Larkin: There would be no design criteria but they would have to meet setbacks and other
2 criteria that are included in the GM zone but built to the RM-40 standards with no design criteria.

3
4 Commissioner Lippert: Okay. I have one other quick question.

5
6 Chair Burt: Could I do a follow up to that one that you just asked? Don, with Council having
7 designated no housing in the GM in the absence of a PTOD there could not be housing in the
8 GM but state law requires us to allow for housing in these transit oriented regions, is that
9 correct? So we currently have a contradiction that we need to quickly resolve between those two
10 different – the Council action and the state law and this is a means to resolve it. Is that correct?

11
12 Mr. Larkin: That is correct. The state law would trump our Zoning Ordinance but because we
13 don't have anything in place the housing would be allowed under state law criteria, which is
14 virtually nonexistent. Right, it is the housing opportunity site issue so it is those sites that are
15 designated in the Housing Inventory.

16
17 Chair Burt: Right, I stand corrected. It has nothing to do with the transit location. It is just
18 coincidental that we had designated that site because in the Comp Plan we would have treated as
19 a transit oriented development area.

20
21 Mr. Larkin: That is correct.

22
23 Chair Burt: Lee.

24
25 Commissioner Lippert: I had not realized that we had the acoustical engineer here that had
26 written that part of report. If you don't mind I would like that person to just take a moment and
27 just briefly describe how both form and material can affect the quality of acoustics.

28
29 Mr. C. Williams: Okay. His name is Jeff Hornack from EIP.

30
31 Chair Burt: Welcome Jeff.

32
33 Mr. Jeff Hornack, EIP Associates: Thank you it is good to be here. I work for EIP Associates an
34 environmental consultant. For the past 20 years air quality and noise has been my area of focus.
35 I did the survey and all the technical details that went into this study.

36
37 In general the things that enhance reflection, as I mentioned also in the report, are kind of
38 continuous façades, high, long flat, reflective. Any design features that would depart from that
39 scenario would tend to reduce the affect. So if you had varying heights, varying gaps in the
40 façade, if you had façade materials that were inherently absorptive, if you had portions of a
41 façade that were oriented in different ways that would tend to disburse sound rather than
42 focusing it. All of these features would tend to reduce the reflective effect. That is I think
43 mentioned, all of them, in the summary at the back of the study that you see. Is there anything
44 more I can add?

1 Commissioner Lippert: Well, is it prudent for us to look at reducing say the quantity of glazing
2 perhaps on a side of a building being that glass is far more reflective both light and sound?
3

4 Mr. Hornack: Actually it is not as reflective a material as say hard polished stone. It is probably
5 more reflective than say wood siding. The windows would have their best effect for the
6 occupants of a new building if you could ensure that the sound wouldn't penetrate but they
7 would not be an especially reflective surface compared to other materials. So I think that would
8 not be among the top concerns when choosing design criteria.
9

10 Commissioner Lippert: What about acoustical plasters?
11

12 Mr. Hornack: Again, sort of softer materials that don't have hard reflective surfaces I think of
13 stucco. Again, rough surface, concrete rather than sometimes you see this in reinforced concrete
14 buildings where the surface seems polished that would tend to be more reflective than a rougher
15 surface. Again, I think of like polished marble as very reflective. Again the harder the material
16 the more polished the face of it the greater the reflective effect would be. I think more important
17 though would be the extent of the surface like the height of it, the continuous length of it. That
18 would be what you would really want to avoid more than – that would come first and the type of
19 the material would be of a secondary nature.
20

21 Commissioner Lippert: Would the stepping back of a façade help scatter the sound?
22

23 Mr. Hornack: In general the closer you have the surface to the source, if you are moving the
24 surface closer to the receptors on the other side so the closer you move the buildings to the track
25 side the more you enhance the intensity of the reflected wave on the other side. Again, the
26 length and height of it also has an effect. If you had a surface that was broken up say 30 feet of
27 reflective surface and a 30 foot gap the bigger the gaps were the less the effect would be. Again,
28 the higher the buildings the more the effect would be. So you have an interplay of different
29 effects that affect the total intensity of the sound at your receptor point.
30

31 Commissioner Lippert: Thank you very much Mr. Hornack.
32

33 Chair Burt: Karen.
34

35 Vice-Chair Holman: Before you sit down same thing about that sound to follow up on that. Are
36 square corners more likely to reflect sound as opposed to rounded edges?
37

38 Mr. Hornack: Again, the sharper the angle the ...if you had a 90 degree corner you would get in
39 a sense and even if it was in the front you would have total reflection from that part and none
40 from the part that angled down. As you curved around you would be getting more reflection
41 from the part you are facing. Again, because it is curved it would be reflecting the sound not
42 right back to the source but sort of at an angle away from it. So that would have an effect.
43

44 Vice-Chair Holman: So would the same thing apply then to rooflines? If you have a vertical
45 wall and you have a flat roof is sound going to tend to be deflected more if there is a slope to the
46 roof?

1
2 Mr. Hornack: In the sense if you have a flat roof in essence once you get past that roofline there
3 is no reflection but as you have a sloped roof you have a transition, it is not a zero reflection but
4 you have less than it would be if it were perpendicular to the wave hitting it. With the sloped
5 roof the sound would come in and some of it would be reflected directly back but other parts of it
6 would be reflected up so you wouldn't get as much of an effect.

7
8 Vice-Chair Holman: Thank you very much.

9
10 Then the other question I had was for Staff. There is considerable reference made to the retail
11 and pedestrian overlay along California Avenue. As I read it the ordinance doesn't continue
12 those requirements of R and P with a PTOD application. Do I read that correctly or was it the
13 intention of Staff that a PTOD application would include those requirements to continue with?

14
15 Mr. C. Williams: A PTOD application if you rezoned it from the current is what you are saying
16 to

17
18 Vice-Chair Holman: Correct. Say for instance if there were an application for PTOD along
19 California Avenue, which has R and P overlays on it, would not those requirements continue
20 with a PTOD overlay application? I am not reading that that's the case but I am wondering what
21 Staff's intention is.

22
23 Mr. C. Williams: Right. Staff's intention is that they would continue and under the applicability
24 section it says that in those zoning districts you can request the PTOD and then it says
25 compliance with the provisions of Chapter 18.46R Retail/Shopping and 18.47P
26 Pedestrian/Shopping combining districts shall also be required where such combining districts
27 are applicable. So where they exist they would stay in place.

28
29 Vice-Chair Holman: Great. What page was that?

30
31 Mr. C. Williams: That is page 3 of the Ordinance under Applicability, the last sentence.

32
33 Vice-Chair Holman: Thanks so much.

34
35 Chair Burt: Okay, now we would like to hear from the public. Each speaker will have up to five
36 minutes to speak. I have a total of 13 cards so far. You are not obliged to use all five minutes.
37 If you wish to concur with another speaker and allude to that that is an efficient way to do it as
38 well. Then there were a few speaker cards that did not refer to this item but they came in the
39 same batch so I am going to assume that everyone who has turned in a card is intending to speak
40 to item number two. If I call your name and you wish to speak to item number three, which is
41 regarding the Quimby Act Park Ordinance fee structure, then just let us know. Our first speaker
42 is Kate Rooney to be followed by Bruce Knoblock.

43
44 Ms. Kate Rooney, Palo Alto: Thank you very much for allowing us to speak. I wanted to thank
45 the City Staff for allowing us to hold the last neighborhood outreach meeting and for really
46 addressing in a positive way nearly all the issues that we brought up at the meeting and to see

1 them move forward and be incorporated into the PTOD document was very positive for our
2 neighborhood group. So it is great to see it. When it happens it is great.

3
4 Regarding the alternatives I don't really understand why reducing the allowable density has to be
5 a tradeoff with the BMR. I am sure there is a reason but I didn't really understand the argument
6 about why that has to be a tradeoff in option A. I think our neighborhood would prefer the lesser
7 density but preferably not with the BMR housing going away. Regarding option B it is a
8 confusing one for me to understand because I think in some ways we want to keep that
9 commercial center viable. The commercial area is a nice buffer in itself between the Ventura
10 and the PTOD design criteria. I can see how including Fry's has positive implications for the
11 neighborhood too. I think the particular slide that was shown that showed the transitions to the
12 Ventura neighborhood with housing on the Fry's site and then going to smaller commercial is
13 palatable but I don't know what ensures that really happening in the future except for these
14 documents. It is another loss of a viable commercial area that if it had good transition design
15 could still be a nice transition to the neighborhood. So it would be interesting to see a discussion
16 on it.

17
18 So thanks again. Also, Transportation heard our comments about Park and Page Mill and in
19 between this time they put in a sidewalk with pedestrian warning signs and they have also been
20 doing traffic monitoring in our neighborhood. So we really appreciate that.

21
22 Chair Burt: Thank you. Bruce Knoblock to be followed by Suzanne Bayley.

23
24 Mr. Bruce Knoblock, Palo Alto: Good evening. I am here on behalf of Essex Property Trust,
25 which is the owner of 2785 Park Boulevard, which is one of the housing opportunity sites that
26 was on the Housing Element of the Comprehensive Plan. We are housing developers. We
27 would love to get on with the business of building our project. As you know under the GM(B)
28 zoning housing was allowed and that is why we purchased the site and that is why we started our
29 application process. We actually got as far as we had an ARB public hearing and immediately
30 after that is when the new ordinance kicked in not allowing housing from the GM zone. We
31 work with Curtis and Staff quite a bit or not worked with them but conferred with them a little
32 bit. We are very supportive of the PTOD. It is the only way at this point that we are really going
33 to expeditiously move forward with our project. So we certainly support it. As a good by-
34 product I think it is a good thing for the California Avenue area. I think it will reenergize the
35 area and would urge you to please move it forward to City Council so we can all move forward
36 and get this thing going. Thank you. We are also the site by the way that was in the paper this
37 morning as the blue ribbon task force is zeroing in and I think part of the reason they are zeroing
38 in on our site is because no one else wants them to build. There are a couple of parking lots and
39 we are the only site left standing. Quite honestly we have no desire of waiting for a ballot
40 initiative in 2008 for this to happen or not happen. So we are desirous of moving forward with
41 our housing project. Thank you.

42
43 Chair Burt: Thank you. Suzanne Bayley to be followed by Eric Topp.

44
45 Ms. Suzanne Bayley, Palo Alto: Hello. I have been before you, as have many of my neighbors.
46 The last time we opposed the PTOD and tonight I am here to ask you to please approve it. That

1 is thanks to Staff. They met with more than 25 of my neighbors at my house and they really
2 listened to what we had to say. I think they agreed with us and they have come up with some
3 really great additions and we are really supportive of it. However, and the big caveat is the only
4 reason I have been involved with this and all of my neighbors is because of one particular rogue
5 site that was mentioned before. What I would like to ask is that you do apply the PTOD design
6 guidelines to that particular site as it develops otherwise we have sort of won the battle and lost
7 the war. We don't get all of the good things for our neighborhood that Staff has agreed with us
8 and recommended to you. I hope you add that to your recommendation going forward to
9 Council that things in the pipeline are subject to these guidelines too. Again, thank you so much
10 to Staff for all the work that they did in working with us and listening to us. Thank you.

11
12 Chair Burt: Thank you. Phyllis.

13
14 Commissioner Cassel: I am sorry, but would you help us by naming your rogue site? I don't
15 know which one it is.

16
17 Ms. Bayley: Well, I just meant the rogue projects that were on the Housing Inventory site that
18 are GM that are now zoned GM and do not allow housing but apparently can move through
19 because of this. I am talking specifically about the 195 Page Mill site. Thank you.

20
21 Chair Burt: Thank you. Eric Topp to be followed by Bob Moss.

22
23 Mr. Eric Topp, Palo Alto: I have been following the plans particularly for 195 Page Mill. I
24 would like to say that I support the PTOD as it has been proposed here. I also would like to give
25 props to the Staff for coming out and meeting with us and being so receptive to our concerns. It
26 came as a shock to me that all of this could be for nothing if the Page Mill site is allowed to be
27 built under GM in this uncertainty of what the state law requires. It would be unfortunate I think
28 to have that built in any way other than the PTOD guidelines that we have talked about. We are
29 certainly not opposed to higher density housing going in in that area. I think it is appropriate but
30 we just want the builder to be responsive to our concerns, which are particularly the building
31 massing, loss of views of the mountains, noise reflection, traffic issues and nighttime light
32 trespass. One other thing I would like to say is that in a more comprehensive look at PTOD in
33 that district the pedestrian crossing along Alma over Oregon Expressway needs improvement.
34 That is the way I go to the train station if I want to take a train to the airport. Trying to get across
35 four streams of traffic with a roller suitcase and not very good curb cuts is just harrowing. It is a
36 problem for anybody that uses that kids, elderly, it is very poor. If you haven't experienced it
37 give it a shot but keep your wits about you because traffic is coming from all which ways and it
38 certainly could be a lot better. Thank you.

39
40 Chair Burt: Could you clarify what you were just talking about on the crossing? Were you
41 talking about crossing Alma?

42
43 Mr. Topp: I am talking about being on Alma and crossing Oregon Expressway or Page Mill.

44
45 Chair Burt: I just want to make sure I understand it.

46

1 Mr. Topp: To get to the bike tunnel on

2
3 Chair Burt: Okay, so you are crossing each of those offramps individually.

4
5 Mr. Topp: Exactly. Exactly.

6
7 Chair Burt: And so your concern would be that there be an improved pedestrian safety for those
8 crossings.

9
10 Mr. Topp: Exactly.

11
12 Chair Burt: Okay. Thank you. Our next speaker is Bob Moss to be followed by Wayne Swan.

13
14 Mr. Robert Moss, Palo Alto: Thank you Chairman Burt and Commissioners. I would also agree
15 that the Staff has improved the draft ordinance significantly with this version but it still needs a
16 little help. Fortunately they have made suggestions that you can adopt which I think would help
17 it. That is adding options A and B. Let me give you a little different perspective on residential
18 density. I think that RM-30 rather than RM-40 has a lot of advantages for a number of reasons.
19 One of them is if we are going to allow density bonuses for additional BMR if we start with a
20 lower maximum then we will have a higher percentage of the total units built as BMR with the
21 addition than if we start with RM-40. So since we are trying to get a higher proportion of BMR
22 units in the residential that is built in the future this gives a greater incentive for developers to put
23 more BMR units in on a proportionate basis.

24
25 Second, I am very concerned about the Fry's site. The higher the allowed density in any of these
26 sites the greater the incentive for the property owner to redevelop it. Therefore, if we start with
27 an allowable density of RM-40 Fry's is going to go away. You can talk about having mixed
28 retail in there but the existing Fry's site that building is going to be gone. So nothing we do
29 should encourage that to happen. I think everybody in the City feels that Fry's is a real benefit to
30 the community for a number of reasons taxes being one of them. That leads me to one of the
31 points in option B removing Fry's from the area and I have heard arguments on both sides of
32 this. Initially I thought Fry's should be left out just because it is for thing more than 2,000 feet
33 from the train station. So it actually lies outside of the required zone we are supposed to be
34 looking at. Secondly, anything that is done to enhance the possibility that Fry's is going to be
35 redeveloped is dangerous. Third, it is not required. So at least in the initial cut on this ordinance
36 I would like to see the map redrawn. You can always go back later if there is a compelling
37 reason and extent the PTOD to include Fry's. But initially I would like to see that area excluded.
38 Cut it off at Olive as the Staff Report suggests and then think about it five or ten years from now.
39 I still think that if that amortization pops up in 2019 and Fry's is still there and still in business it
40 will be extended yet again as it has been twice before.

41
42 One of the things in the new graphs concerned me. In the conclusion slide it talks about
43 retaining a high level of discretion at the Planning and Transportation Commission and the
44 Council to determine appropriate uses for specific sites. That smells to me very much like
45 wildcard zoning. That smells to me like a developer who understands the system and can
46 manipulate it and we have a few of them in this town is going to come in and get something that

1 would normally not be allowed that would be totally out of proportion with the other sites in this
2 area and it would bastardize the zoning and land use. So I would like to see a zone which is
3 clear, concise and specific that everybody the City Council, Planning Commission, Staff and
4 developers knows the parameters, knows the boundaries and has to fit within those parameters
5 and boundaries. If they want something else PCs are still here unfortunately. I don't like the
6 idea of allowing wide ranges of discretion. I have seen too many errors made when we have that
7 in there.

8
9 Finally, you have a letter regarding properties at 195 Page Mill and 2875 Park that says they
10 should be excluded from the design criteria. I totally disagree. If they are going to be in the
11 PTOD zone they should be included because they are part of that family and they should look
12 like the other developments. I didn't understand the comment from the City Attorney that they
13 have a vested right legally according to former City Attorney, Ariel Calonne, a property owner
14 does not have a vested right to build until they have a building permit. That is a legal vested
15 right.

16
17 Chair Burt: Thank you. Wayne Swan to be followed by Peter Lockhart.

18
19 Mr. Wayne Swan, Palo Alto: Good evening Commissioners. I lived on Kellogg Avenue for the
20 past 24 years. Before I make some comments I would like to give you a bit of background
21 because it may be that I have a bias. Forty years ago I became a City Planner. I was Assistant
22 Planning Director in San Mateo and as such it was before CEQA. It was before Proposition 13.
23 The fees for applications like a variance, special permit or reclassification were very nominal.
24 At that time Planning was a service the city provided to the public and the people that are
25 building. So that is a beginning shot. Things have changed a lot since then. I was moved to
26 Palo Alto in 1953 as a field project engineer and I bought a house in Fair Meadow. Since after
27 that sometime a lot of traveling around doing other contract work I worked in San Mateo County
28 for a number of years. One of the things that came up earlier tonight is the topic of density. We
29 had a difficult time because of the western hills in San Mateo County there were no roads there
30 and it was a matter of what can be done. A new concept of density was prepared and it became a
31 part of the general plan, which I wrote. The population for gross residential acre, in other words,
32 POP/GRA and land was measured to the centerline of a street or in the case there were no streets
33 to the outline of what area was owned and property under question. So density was then related
34 to the housing and the number of people normally living in a particular type of unit. It could be
35 added up and density wasn't a matter of numbers except a guideline of population per gross
36 residential acre. Well that is all background.

37
38 I want to read two or three things that I found in this big report. I only obtained a copy of it
39 yesterday afternoon. The words that attracted my attention are related to public transit. I have
40 had some experience in that by setting up the bus transit system in Burlingame. On page 4 at the
41 bottom, Purposes and Benefits of PTOD, generate residential densities that support substantial
42 use of public transportation. At the top of the next page, it is the pedestrian accessibility and
43 mixed use nature of transit area that reduce the need for vehicle trips. Then going back to the
44 Zoning Ordinance Update where the different programs are listed, I find it on page 1 of 3,
45 Program H-1 mentioned transit along two major transit corridors El Camino Real and San
46 Antonio Road whichever are appropriate. Then we go back to the key points on the map, which

1 is before you up there. There is a large circle enclosing the 2,000-foot radius, which is the
2 PTOD. There is a lot of area that isn't included east of the railroad and north ofbut the point
3 I wanted to make is transit is available along El Camino. I personally think that transit oriented
4 development is within two-tenths of a mile or 1,050 of the centerline of a major street. So Birch
5 Avenue is an automatic boundary line for the two-tenths of a mile. Incidentally Rickey's Hyatt
6 project is all within two-tenths of a mile. Recently at a meeting at a joint venture project
7 somebody said senior trips to the doctor, trips by people living close to El Camino can take a bus
8 without getting a car out. They can go to a restaurant, shopping or what have you. I think it is
9 very significant so maybe there is a possibility of adding on transit oriented development close to
10 El Camino. Thank you.

11
12 Chair Burt: Thank you. Peter Lockhart to be followed by Sally Probst.

13
14 Mr. Peter Lockhart, Palo Alto: Hello. I am encouraged by this refreshing proactive approach to
15 design here. Staff has been extremely thorough and thoughtful and in fact I don't know how
16 they have been able to do it they have been so diligent. The Pedestrian Transit Oriented project
17 has a few problems, every project will but very few and the benefits are enormous. It allows
18 Palo Alto to achieve many of its long held goals without spreading problems all over town.
19 Scaling back this proposal will only lead to far greater problems elsewhere and that is why I
20 want to say that options A and B in my mind are unworkable and will destroy the likelihood of
21 positive results in the area. I think they are real landmines. There are plenty of design
22 restrictions believe me. Everyone I have talked to in Planning has lots of restrictions and they
23 can really focus on them to allow good projects to happen. The best news I think is the area
24 already works and I think it will work even better with a pedestrian oriented district. Many
25 commuters walk on Olive Avenue every day. I see them singly or in groups of one, two, three,
26 four. I see them with their business clothes and their walking shoes and their good shoes in their
27 bags. I see them carrying their attaché cases and then pulling little wheeled bags behind them. I
28 bike to Molly Stone's it is fun and it is faster. My wife, Sandy, bikes the area on her new
29 Christmas bike and that has been encouraging us. We often entertain guests by walking down to
30 California Avenue no cars, no bikes just using our shoes and going for breakfast, lunch, dinner or
31 just after dinner just for entertainment to see what is going on down there. It is real close, it is
32 real fun and it works. In a few weeks we are going to take Caltrain to BART and BART to San
33 Francisco Airport and go visit her folks in Hawaii. It will be tough but we will do that and no
34 cars involved already. Like I said all projects have some drawbacks but the benefits are so great
35 and by putting them where they can work rather than having problems all over town I think is the
36 answer. I support the Staff and their proposal. I think they have done a phenomenal job. They
37 listened to the public they have extended their hearing process too. I would also encourage you
38 to give attention to the proposal request by Dave Jost if possible. I know that his parcel is
39 probably extremely difficult to develop in a positive fashion without that line being moved over
40 to Pepper. It is a good example of why the RM-40 works so much better you can get into a little
41 niche where you can either not have a project or have a project. I would be careful that one
42 vehicle approach at most enters on Pepper though. I wouldn't want to put an impact on Pepper I
43 don't think that would be right. Anyway, I want to thank the Staff for the hard work. I think this
44 project could benefit Palo Alto and many, many people in a great way. Thank you.

45
46 Chair Burt: Thank you. Sally Probst to be followed byCarolynn Patten.

1
2 Ms. Sally Probst, Palo Alto: Good evening. I have supported the Pedestrian Transit Oriented
3 District for these many months. It is seven months now since this was first before you. I regret
4 that it has taken so much time and I regret that there are as many restrictions as have now been
5 added. Some of this is very desirable like articulation of buildings, etc., the sort of design
6 guidelines that the ARB usually attends to but I would like to see you permit a zoning limit of 40
7 units rather than 30. I think that California Avenue, which is an area that I frequent frequently
8 because I patronize many of their businesses, needs to be reinvigorated with additional
9 population. I think that this whole area needs to be reinvigorated and I am glad that Fry's has
10 been included. I am concerned that there are so many restrictions that you are not going to get
11 much of this reinvigoration for the area or for California Avenue.

12
13 We have only two train stations in town this one on California and the one Downtown. We
14 should encourage greater density around both of them. There are also tremendous transportation
15 opportunities along El Camino Real and there is the shuttle in addition to the train station. I
16 think that the requirement for parking may be a little excessive. I think that we need to do what
17 we can to include density within an infill within those areas of the city where it is practical and
18 this is one of those. I have been disturbed that the two sites that were on the Housing Element
19 have been held back for so long. I hope that they will be moving into the housing stage that has
20 been suggested by their owners many months ago. I would really like to see infill here. We
21 have a possibility of this initiative that is going to restrict any development in the County so that
22 means either people live in the cities or they go to the neighboring counties. It is going to be
23 extremely difficult for many people who need to live in the city closer to work to find areas to
24 live in. Thank you very much.

25
26 Chair Burt: Thank you. Carolynn Patten to be followed by Brian Bayley.

27
28 Ms. Carolynn Patten, Palo Alto: Good evening. I am one of the now infamous Emerson Street
29 neighbors. I have spoken to you previously initially when the 195 Page Mill project came before
30 you and many of us objected. First I would like to express my great appreciation for being
31 involved in the process and that the Planning Commission and the City Council and the Planning
32 Staff have been very responsive to our concerns as citizens and people in the community. We
33 have understood from the get-go that there was going to be development and there were going to
34 be changes in the area surrounding California Avenue and Park. Our efforts have primarily been
35 to assure that these are consistent with the Comprehensive Plan and are humane for the people of
36 Palo Alto. So in reviewing the Staff Report we were able to appreciate that most of our concerns
37 have been addressed, certainly there are compromises that have been made but overall we would
38 encourage that you approve this report and adopt the PTOD. My personal request would be that
39 special attentions are paid to the issues of mitigating the sound reflection and the light trespass
40 that could come from the commercial installations that emerge in this district. And finally we
41 think it is important that the applications that are currently in the pipeline are approved and
42 moved along. These would be the housing developments but that they are held to the guidelines
43 of the PTOD that have been so painstakingly taken care of. Thank you for your attention.

44
45 Chair Burt: Thank you. Brian Bayley to be followed by Robert Wheatley.

1 Mr. Brian Bayley, Palo Alto: I live on Emerson Street as well. I have also been here before to
2 speak about the PTOD and I would like to echo the sentiments of the other people you have
3 heard tonight about the appreciation that we feel for being able to be a part of the process that
4 has happened here. I think that starting with sort of the guidelines that you set out the last time
5 we came and working with the Staff and the Planning Consultants we had some very lively
6 discussions but I think very profitable ones. So I certainly appreciate that. I would like to speak
7 tonight in support of the PTOD. I hope that it gets approved. I think that the changes that have
8 been made have really made it a very worthwhile thing and something that will not have the
9 kinds of detrimental effects that we initially saw. So I would urge you to move ahead with that.
10 Then again I would also sort of reiterate some of the things that you have heard about projects
11 that may be in the pipeline and to make sure that they follow the rules and the spirit of what is
12 being attempted here. I think there is a real opportunity to do something really wonderful here
13 and so I would like to see that be taken to the full advantage. So thank you all and I urge you to
14 move forward with this.

15
16 Chair Burt: Thank you. Robert Wheatley to be followed by Terry Holzemer.

17
18 Mr. Robert Wheatley, Palo Alto: Hi I am the Manager for the Fry's site, it is El Camino Center
19 actually but known by its tenant Fry's. I wanted to be here to speak on behalf of the PTOD. I
20 think what is gratifying for Staff I am sure is to hear that all the people who previously opposed
21 it now support it pretty much. A lot of these discussions end in a very unfriendly discussion of
22 one side pitted against the other side. I think they have done a good job of being able to get a
23 workable proposal to you that is supported both by us who previously were on the other side as
24 well as those who are looking for a more workable way, a practical way to develop sites into
25 what we have been told the City wants which is housing. In our particular case, years ago our
26 commercial use was condemned to residential use so there was obviously a compelling need that
27 the Council felt to push it in that direction. The same reasons that brought the Council to
28 condemn the commercial use and put an RM zoning in place should be applied now to our site to
29 include it in the PTOD. If it was compelling enough to change zoning then our site is
30 compelling as a housing site to include it in the PTOD. One other thing that is unique about our
31 site is that it is the only one that stretches from Park up to El Camino I think in there and thus it
32 gets both the train as a transit mechanism and also the shuttle and the bus lines that are up and
33 down El Camino. Another reason to keep our site in there is that it is I think the only one that is
34 really large enough to create a neighborhood feel with a redevelopment where you can have all
35 the positive elements of a PTOD incorporated and have it feel like it is a neighborhood or not
36 just a little island that was created in the middle of other uses. So I think there are a lot of
37 reasons to include it. It provides some flexibility to have mixed uses. It does many things that
38 would be positive rather than just having it be an RM zone. There have been comments about
39 Fry's. Fry's will not be pushed out by this. Fry's will be much more influenced by the attitude
40 of the City in working with Fry's and addressing their specific needs as a long-term tenant in
41 Palo Alto. This is not an impediment. This if anything opens the door to a discussion of how
42 mixed use could be applied rather than saying this is an RM zone there is no place for any other
43 zoning. This opens the door to the discussion of mixed use and how commercial fits into the
44 neighborhood. There are many other things that have been addressed that I won't spend too
45 much time on. I think trying to get too specific on how the angles or what shapes might be
46 included is too specific. You can't engineer that kind of thing. That is something that Staff will

1 work with and has many tools to work with developers to make sure it is articulated and make
2 sure it is not a massive polished surface front. That is something that will have to be worked out.
3 Again, I would just encourage you to leave Staff's recommendation in place. It is something that
4 has been worked out over time with tremendous amount of study, with tremendous amount of
5 input from neighbors and compromise with different groups who had different concerns they
6 were bringing to Staff. To further cut into it and try to impose last minute compromise at this
7 point is to take away all the positive work that Staff has done and all the input that has been
8 made on all sides that brought it to this point. So again I would encourage you to take Staff's
9 recommendation as it is and pass that onto the Council. Thank you.

10
11 Chair Burt: Mr. Wheatley, I have a question for you aside from wanting to make sure that you
12 understand we are not here to rubber stamp. My question is that the currently proposed retail
13 FAR in the PTOD district if Fry's were included is that FAR adequate to meet Fry's needs under
14 the notion that Fry's might have a mixed use at the site of retail and residential? Have you
15 looked at the FAR that you would be allowed under the PTOD?

16
17 Mr. Wheatley: The first thing I would say is that the current zoning leaves no FAR for retail.
18 This opens the door to it. What I think would have to be done is that we have had some
19 discussions with the City Manager, Frank Benest and others to see what would have to be done
20 to have Fry's stay and have that be a viable option for them. I probably would have to include
21 other elements other than what is in the PTOD to have them stay and be happy. It might have to
22 include other sites. It might have to include some compilation of land to have them stay. There
23 are a number of things that the City can do that would attract and keep Fry's here but they would
24 have to take a fairly aggressive approach and listen to what Fry's needs are and then see how
25 best that could be done.

26
27 Chair Burt: My question is a little more specific. Have you looked at whether the FAR that
28 would be allowed to Fry's.....

29
30 Mr. Wheatley: Probably not. It is probably not adequate in and of itself, no.

31
32 Chair Burt: Okay, thanks. Our next speaker is Terry Holzmer to be followed by Denny
33 Petrosian.

34
35 Mr. Terry Holzemer, Palo Alto: Good evening. I am here representing not only myself but our
36 homeowners association which is the Palo Alto Central East Residential Association, which I
37 believe is the largest residential association that is in the affected PTOD area. I would first of all
38 like to thank the City Staff and the members, Curtis Williams and his people for coming to our
39 public meeting which was attended by not only members of our association but a number of our
40 associations in the neighborhood. I appreciate their coming and allowing us to give our input
41 and taking some of those ideas back with them and incorporating them into the newer version I
42 guess you could say of the PTOD.

43
44 I would like to say that we, as a homeowners group, we still do have a number of concerns. We
45 still are concerned about the density levels and we believe though the new option, option, A
46 which incorporated the RM-30, would be an excellent start to what we would like to see in our

1 area. We believe that lower densities make a lot of sense because we already are severely
2 impacted by parking and severely impacted by the lack of open space that we desperately need in
3 our area. Another thing that is important to remember in our concerns is our parking limitations.
4 Right now conditions in our peak business hours create a very maxed out, what I consider a
5 maxed out, situation. Adding more properties with higher densities will only increase that
6 problem in our area. We would like to make sure that the City takes that into account as they
7 move forward with new projects especially in our area especially in these peak business times
8 because that seems to be where the largest impacts occur. Another concern that we have as we
9 move forward of course is the police building. We don't really understand how this could affect
10 our neighborhood and we ask even though this is not a direct connection between PTOD and the
11 police site we are concerned about what PTOD could do to what the City is going to propose
12 there. We would like for that to be kept in mind as that project possibly moves forward.
13

14 Finally, are our concerns about open space and parks in our area. We feel like there isn't
15 enough. There are some small parks in our immediate area but since we are talking about higher
16 density levels we are talking about more families and families are a wonderful thing. They
17 spend a lot of money and they benefit the business areas I know. But there is also the impact of
18 where when children are done with school and in the summertime what do they do in our area.
19 We have a great deal of concern about that and having the facilities to accommodate them is a
20 critical thing. I would encourage the City to constantly keep that in mind when they talk about
21 building higher density projects. What do we do with families? What do we do to provide
22 adequate facilities for them? Finally, I would just like to say I do appreciate all the members'
23 hard work on the PTOD. I do think that with the proper inputs that have occurred that we are
24 making progress toward a good PTOD proposal. Thank you.
25

26 Chair Burt: Thank you. Denny Petrosian to be followed by our final speaker Edie Keating and
27 then we will be taking a break.
28

29 Ms. Denny Petrosian, Palo Alto: I want to strongly support Bob Moss' comments on including
30 options A and B. I think the Fry's property is a big can of worms. I think it is too huge in its
31 planning implications to be just slipping in under an overlay zone. I want to strongly
32 recommend as Bob did not to delete the BMR bonus provisions. Now actually that is an
33 exception to my support of my comments. Do not delete the BMR bonus provisions, please
34 don't do that. It is not fair to create something nice and so forth at the expense of people of
35 lower incomes. I am very concerned that what we are talking about here is two pieces of
36 property that the Council made a mistake on by removing the housing potential. Now we have
37 included this huge PTOD area here to deal with that mistake. I think what that is doing is
38 hijacking the Comprehensive Plan process. Aren't you supposed to be doing an area plan for
39 this under the Comprehensive Plan? Now what it looks like is happening here is planning by
40 application. You have some applications, you want to facilitate them, you want this property to
41 go for housing to comply with the state but that is not doing an area plan. So really I would
42 encourage you to again follow Bob Moss' suggestion and maybe he would differ with me on the
43 changing of the boundaries but if you are concerned about these two properties why not make it
44 a corridor instead of a huge 2,000 foot circle and have it go along that blue and white arrow line
45 just to the edge of those properties 2785 Park actually the end boundary would be 295 Page Mill
46 then you would go down along Park, you would finish up on the other side and then come down

1 the track. So it would be a corridor, it would be a PTOD corridor instead of a huge circle.
2 Exactly what Bob was concerned about is going to happen. You include Fry's in this and they
3 are going to come in with an application. They probably already have one drawn up. That is
4 going to generate its own momentum and what about those 12 acres that are supposed to go for
5 housing? Is this just going to get thrown out the window without any look at this as what is the
6 highest and best use or function of this area that the area plan is supposed to accomplish? This is
7 planning by the back door. The applications and the design all seem to be wagging the planning
8 process. I really hope that you will not direct the Staff to invest our tax money into a fancy
9 mixed-use plan of some kind. That is your job. That is an area plan. I really do want to thank
10 the Staff for including the neighbors and doing a great job. They have been wonderful
11 communicators in talking with us but it looks like it is really too weighted to these proposals and
12 not your thinking about what should be done in this area plan. I really think that these 12 acres
13 of housing potential are too important just to include in some application that Fry's is going to
14 bring forward under the PTOD. It is not about making it convenient for the owners to continue
15 retail on this site. There is housing zoning on here. It is not about doing that for the owner. It is
16 about deciding whether you want to keep those 12 acres of housing, making that decision, biting
17 that bullet and passing it along to the Council to ratify. So I want to just encourage you to make
18 this a corridor that ends at the properties that you are talking about and let that be dealt with or
19 comply under the state and then make an area plan for Fry's and so forth. So please eliminate
20 Fry's from the PTOD. I guess that is pretty much all I want to say but please don't let the
21 planning happen by an overlay zone. Thank you.

22

23 Chair Burt: Thank you. Our final speaker is Edie Keating.

24

25 Ms. Edie Keating, Palo Alto: Hello. First I would like to say thank you for two things that make
26 a lot of sense to me that really appeal to me. One is the possibility at least of getting traffic lights
27 at Park and Page Mill at those crossing because I think those are really needed. Also the
28 direction to preserve view sheds because it really is a public benefit to get a glimpse of the
29 mountains. The most important thing is that a PTOD district is moving forward because housing
30 in this area just makes so much sense. I will say more about that as I have time. Of the
31 alternatives before you I would not reduce the density. While Bob Moss told a great possibility
32 about getting more BMR if you start with the lower density it may not be an attractive option to
33 developers and you may end up with just fewer units period. I would allow the higher density.

34

35 One of the things that are important now that we all are utterly clear that global warming is real
36 is the opportunity before Palo Alto to do more with its jobs/housing imbalance. If we had more
37 people living here on average though they all won't work in Palo Alto there are so many jobs in
38 Palo Alto that on average we will be making a big reduction in commute traffic every time that
39 we are adding housing. This is a place where it makes so much sense where the train and the bus
40 lines are coming in or letting people commute out. Of the Fry's site I will let others decide that.
41 To me since it is already zoned for housing and my view of the PTOD is about allowing housing
42 I am not as clear on including or not including that site.

43

44 There have been questions raised about if we add the PTOD district will it cause an exodus from
45 other uses into housing. Until a few months ago every zoning in the City had housing as a
46 possible use and the California Avenue area remained with its services in tact and there was not a

1 huge exodus to housing as far as I could see. Some of which I think is appropriate but it still is a
2 vital retail area and has been for a long time.

3
4 Finally, it is funny how this topic keeps having me come here and speak about myself and tell
5 my own story but I really think it is relevant because I'm the kind of person who enjoys living in
6 PTOD type housing that might be developed in this area. First, yes I am watching my budget a
7 bit that is why I live in similar housing right now, a rented townhouse at Alma and East Meadow.
8 I have really enjoyed walking to the Albertson's there. One of the ways that I do watch my
9 budget is that while there are three drivers in my household, myself and two teenagers, we have
10 just one car. It saves a whole lot of money and so if people who choose to live in this denser
11 housing are like me also watching their budget that may be an important way that they manage
12 their dollars too. With the options of using transit that are available there for either myself, my
13 children it all makes sense. It all really works. And finally I would just like to tell you all the
14 things that have drawn me to that area to shop. I am the type of person that might move there I
15 am already shopping there. I am already using Printer's Ink, I am enjoying the café near the
16 train, and I get my rug cleaned on California Avenue once a year. When my kid hurt his arm he
17 went to the physical therapist there. So it is a great area with a lot of vitality. Yes, we miss
18 Printer's Ink Bookstore but perhaps adding the PTOD development area will bring back some of
19 that vitality. For every argument there is a counter-argument but my gut says that there still will
20 be retail there and adding housing will make it more viable and more vital. Thank you.

21
22 Chair Burt: Thank you. Don, did you have a comment before our break?

23
24 Mr. Larkin: Just real quickly before we go to break I need to correct one thing that Mr. Moss
25 brought up. I did not use the words 'vested rights' that is a term that has no applicability to this
26 situation. So in case there was some confusion that is not what I said.

27
28 Chair Burt: Thank you. So we will take about a ten-minute break and then reconvene to do our
29 discussion.

30
31 At this time we would like to reconvene. It is now the appropriate time for Commissioners to
32 ask questions of the Staff and if appropriate or necessary ask questions of speakers. Then we
33 will proceed into our discussion. Who would like to go first? Karen.

34
35 Vice-Chair Holman: Before we do that do we want to decide if we are going to be able to get to
36 the next item this evening? Do we want to make a conscious decision about that so Staff is
37 either encouraged to stay or allowed to leave?

38
39 Chair Burt: Okay. Let's go over that. The next item that is commonly known as the Quimby
40 Act but it is the Park Dedication Ordinance. Could Staff comment on the timeline in which Staff
41 needs to proceed on that? If we did not get to it tonight does that create a problem?

42
43 Ms. Julie Caporgno, Advance Planning Manager: Thank you, Chair Burt. We are scheduled to
44 go to Council on June 5 so the option would be to continue this item to May 24 but May 24 is the
45 night that you are going to be discussing the Comprehensive Plan Amendment so you may have
46 the same problem that evening that you are going to have tonight. Then it would be a very quick

1 turnaround for Staff. We are going to have a very quick turnaround on the Comprehensive Plan
2 Amendment anyway because we are going on the fifth to Council with that item. So we would
3 prefer if at all possible to do it tonight if that is okay with you. The discussion that we had with
4 you and the Vice-Chair indicated that we thought we might be able to get through this relatively
5 quickly. So hopefully that will be the case and if you would be willing we would prefer doing it
6 tonight.

7
8 Chair Burt: So having heard that and the importance of trying to get through it tonight if it is
9 okay with the Commission let's proceed in anticipation of getting to it. I think once we get to it
10 that item will go pretty quickly. Paula.

11
12 Commissioner Sandas: I just wanted to say that I noticed on our Tentative Agenda listing that it
13 would be potentially continued to May 31, this particular item. So if we can avoid continuing it
14 to May 31 that would be great. Would that give us May 31 off?

15
16 Chair Burt: Okay, let's get rolling. Who would like to go first? Dan.

17
18 Commissioner Garber: A couple of quick questions. What is the underlying zoning that
19 underneath the auto dealerships where the Auto Dealership Overlay is right now?

20
21 Mr. C. Williams: The underlying zoning is GM. There is one auto dealership with the AD Auto
22 Dealership Overlay on it and the underlying zoning with that is GM. There is another site just
23 outside the boundaries that also has the Auto Dealership Overlay and then there is a site
24 associated with that that I think is a service garage area for the Mercedes on Park that is in the
25 district and is GM but doesn't have the AD Overlay on it.

26
27 Commissioner Garber: One more. Can you discuss I am thinking specifically here of the Fry's
28 site and if it is included in the PTOD you mentioned in the Staff Report that that would allow for
29 planning of that site by the owners of that site to occur sooner than it would if it were not
30 included in the PTOD. Am I understanding that correctly?

31
32 Mr. C. Williams: Not necessarily. It would allow for them to begin looking at the flexibility and
33 the options that the PTOD allows. So yes from that practical perspective that is true but they
34 could start looking at alternatives outside the PTOD arena as well and talking to the City about
35 rezoning to something else or looking at a PC or other avenues. I think the PTOD allows them to
36 start as Mr. Wheatley said, start sort of exploring with the City a variety of potential options.

37
38 Commissioner Garber: The important piece I am hearing is exploring with the City.

39
40 Mr. C. Williams: Right. I think he has indicated they have had some meetings already to have
41 some discussions.

42
43 Commissioner Garber: Thank you.

44
45 Chair Burt: Lee.

1 Commissioner Lippert: Again, I just want to confirm this with you. With regard to the process
2 for people applying PTOD to their property they would have to request of the Planning and
3 Transportation Commission that the property be rezoned and that there be a hearing and we
4 would then forward our recommendation to City Council. Is that not correct?
5

6 Mr. C. Williams: That is correct. Don, correct me if I am wrong, but there is an initiation
7 process of the Commission initiating that rezoning and then actually coming back for the hearing
8 before you and a hearing before the Council.
9

10 Commissioner Lippert: In that hearing process what the applicant would then be doing is
11 basically coming up with what their proposal for that project would be. So they would say we
12 are planning on developing so many units of housing at so much FAR and so much retail and it
13 would have to also demonstrate the parking for that, correct?
14

15 Mr. C. Williams: Yes, I think realistically they would include the types of uses, the amount of
16 the uses, the square footages, the densities, the basic layout of it, the parking proposal, a TDM
17 plan and all those parameters. It wouldn't include all of the design components some of those
18 would be left for ARB to look at. But yes, all those basic parameters would be before the
19 Commission and the Council when they request the rezoning.
20

21 Commissioner Lippert: I have one other question that is a follow up on Commissioner Garber's
22 questions. With regard to the Fry's site and other sites as well, I am getting into sort of subtleties
23 and nuances here, one of the provisions of the PTOD will allow for the expansion of the PTOD
24 boundary by having sites that are adjacent to the PTOD that are contiguous and can take
25 advantage of that zoning as well. So if the Fry's site was omitted from the PTOD it could in fact
26 if it is abutting the PTOD district be able to take advantage of that by annexation at some point,
27 correct?
28

29 Mr. C. Williams: No. It is not correct because the Commission at a previous meeting directed
30 us to delete that portion of the ordinance that allows the boundary change to be considered in
31 conjunction with the application for the PTOD rezoning. In stead what would have to happen is
32 we would have to come back and amend the PTOD chapter and as part of that amend the map
33 that goes with it to accommodate.
34

35 Commissioner Lippert: So that provision is gone.
36

37 Mr. C. Williams: Right and I think that is why, I know you have a request tonight from another
38 property owner for that small R-1 lot and I think that is one of the reasons they are making that
39 request is they understand that if it doesn't happen in the beginning it is going to be a laborious
40 process to try to work through it later. That is something you certainly can consider too. Does it
41 make more sense to have a little more flexibility on the boundary if you are going to change it?
42

43 Chair Burt: Dan.
44

45 Commissioner Garber: So regarding the letter from Jost Heating, is their property, 411 Pepper,
46 adjacent to the existing boundary?

1
2 Mr. C. Williams: Yes it is.

3
4 Commissioner Garber: Could you just point that out on the map or which side of the street it is
5 on?

6
7 Mr. C. Williams: It is right there or now it is up there. It is on this side, right there.

8
9 Commissioner Garber: Is there any reason why we couldn't include it? What would the
10 arguments be pro or con?

11
12 Mr. C. Williams: Well, I think we had excluded it because we excluded all the R-1 area on
13 Pepper. This I don't think we have any objection to doing that. I've talked to an architect and
14 told her that if they do that then they are going to have R-1 on one side and they are going to
15 have the daylight planes and the setbacks and such that go with that and she understands that.
16 The properties that they own are actually not the one immediately next to it but the one
17 immediately behind and then the next one up to the corner so it is like an L-shaped parcel. The
18 answer to your question is no and in fact it sort of squares off to some extent the boundary line
19 up there to do that.

20
21 Chair Burt: Phyllis.

22
23 Commissioner Cassel: Related to that if we did that tonight are the neighbors across the street
24 concerned about that? Would that cause other problems? They are going to have to do a
25 backup. It may give them a little more depth to do something on the side that is in the middle of
26 the PTOD if they use this property to backup to the R-1 but what about the neighbors in the little
27 PC across the street? Oh, they are already in the PTOD.

28
29 Mr. C. Williams: Yes, they are included in the boundary already and this would basically be
30 even with the lot line that they have and make it squared off with the lot line that they have.

31
32 Mr. Larkin: We would probably need to do some additional noticing prior to City Council
33 meeting on this but if the Commission wanted to consider it tonight they could.

34
35 Chair Burt: Okay. Karen.

36
37 Vice-Chair Holman: A couple of three things. We talked about in the past the importance of
38 Park Boulevard and that being bicycle and pedestrian friendly. There was talk tonight again
39 about the bicycle corridor. It, however, doesn't have the R and P overlay as I think Staff had
40 talked about in the past would open to adding that so is that still the case? Staff would still be
41 open to adding the R P overlay to Park Boulevard at least down to Olive?

42
43 Mr. C. Williams: We would be open to that but that would take a rezoning of properties to apply
44 that specifically in that way. Part of the ZOU has not been to specifically rezone sites. The other
45 thing is that we believe that the context-based criteria we have here essentially do the P, the
46 Pedestrian, part of it they don't do the R-Retail. That would take an ordinance change to or the

1 actual rezoning to extend the R down there. I think, as a follow up item we certainly would like
2 to get your input on that know if you are interested in doing that because there is some logic to
3 trying to do that.

4
5 Vice-Chair Holman: I think maybe I wasn't clear enough in my question. What I was trying to
6 ask was that as a part of any PTOD application that the R and P be applied along Park Boulevard
7 rather than it being applied to the existing zoning.

8
9 Mr. C. Williams: I see. Yes, I think that is a reasonable thing to do. I think you would see it
10 and you would probably want to do that. Now you may see a request that you think has merit
11 that doesn't have retail on the first floor, that is certainly the P part of it certainly makes sense all
12 the way up and down. Retail, I don't know, when you start getting far enough south if you feel
13 like it should be there or not but you would have that opportunity under the PTOD to do that.

14
15 Vice-Chair Holman: Great. There was a comment made tonight about the Cal-Ventura area
16 being an area that should be a study area. Would Staff like to comment on that? It is Policy L31
17 in the Comp Plan.

18
19 Mr. C. Williams: Right. There are a series of about ten policies there that relate to California
20 Avenue. One policy has to do with creating a transit oriented residential around the train station.
21 The others have to do with creating a mixed-use environment and diversity. One has to do with
22 creating a coordinated area plan. Our sense is that doing this zoning at this point in time in the
23 overlay and the fact that it is a discretionary process and has a lot of flexibility within it number
24 one doesn't preclude coming in at some point and doing that but that it is important at this point
25 to get these provisions on the ground and have this flexibility. As you know doing a coordinated
26 area plan can be a very long process and we believe that this gets to the intent of that multitude
27 of policies that are in the Comprehensive Plan.

28
29 Vice-Chair Holman: Dealing with the Fry's site if I might Mr. Wheatley tonight said that, if I
30 understood correctly, that the FAR that is allowed for retail under this proposal wouldn't
31 sufficiently meet their needs to be able to expand Fry's at that location. I think I heard that
32 correctly. So really this doesn't help us towards retaining or expanding Fry's on that site. So
33 what is the advantage of applying the PTOD to the Fry's site from the perspective of retaining
34 those sales tax dollars?

35
36 Mr. C. Williams: Well, I would probably let Mr. Wheatley talk to what that opens up for them
37 but we think that will create an impetus for like he said it might involve additional properties
38 being included, that there are ways that can be accommodated. It may not be that the 190,000
39 square feet or whatever it is is the ideal for a brand new Fry's but I think he could tell you that
40 they again are supportive of this because it does open up the chance to talk about the flexibility
41 to do some other things with other properties and make the whole package work for Fry's. So I
42 don't think he was saying that Fry's couldn't happen under this project.

43
44 Chair Burt: So and Mr. Wheatley may want to add to this, if I might just share a similar related
45 question. I think one of our objectives is to have a retail vitality in the California Avenue area,
46 Cambridge, the adjacent streets. We certainly have the current zoning that allows them to have

1 the retail but whether it is at the Fry's site or other retail or service uses that currently exist in
2 these areas the one concern I have is are we creating a formula in the FAR of the residential
3 versus retail or service that actually incentivizes some of those valuable uses to want to flip to
4 other applications. Now I appreciate that Fry's may want to look at other sites as part of some
5 master long term planning and that might be a separate way to address this but I would want to
6 make sure that we haven't actually had an unintended consequence where we create incentives
7 that result in something different than what we hope for. So I would have that question of Staff
8 but first if Mr. Wheatley would like add any comments that he has to our questions.
9

10 Mr. Wheatley: Thank you. I apologize I think my comment was open to interpretation more
11 than one way. What I was saying is if you just look at the FAR allowance there is enough square
12 footage and it does allow enough for Fry's to be in there. My comment was more if you want to
13 really incent Fry's to say I think it takes a collaborative effort with the City and a creative
14 approach to say what does Fry's really need? No one knows what Fry's really needs to stay.
15 What is the value of being closer to El Camino or having an entrance from El Camino? How do
16 we not chew up the whole site with parking? Fry's could take the whole thing just with parking.
17 How do we work to get this to work? I think what the PTOD does do is to Fry's it says we are
18 not zoning you out. We are allowing zoning that or putting in place zoning that allows you to
19 stay now how can we work with you to make this work? So I think it is a very positive
20 development and a step towards keeping Fry's and having that dialogue.
21

22 Chair Burt: I think that is consistent with what our hope is just with value of housing we want to
23 make sure that we don't incentivize folks to say when crunch the numbers the best use of my
24 land is get out of the retail business.
25

26 Mr. Wheatley: I think we have already had a preliminary discussion as I mentioned with the
27 City and we would welcome other discussion about how we would make this work so that we
28 can take care of all the needs of the community and get some housing and get everything that
29 should be there.
30

31 Chair Burt: Thank you. Dan.
32

33 Commissioner Garber: Just to be clear, right at the moment the zoning for Fry's allows no retail
34 it only allows retail through an exception. Is that correct?
35

36 Mr. C. Williams: Correct. The zoning does not allow retail right now.
37

38 Commissioner Garber: So creating a PTOD overlay allows retail within that.
39

40 Mr. C. Williams: Right, to a .35 FAR.
41

42 Commissioner Garber: Right. Thank you.
43

44 Chair Burt: Karen.
45

1 Vice-Chair Holman: Still that topic and not just the Fry's site. I have had in previous meetings
2 concern about the loss of existing business and the loss of retail. I still have that same concern
3 with the .25 of the .35 or even the .20 of the .35 to be non-retail commercial. I guess my
4 question is did Staff consider that there would be no net loss of retail space? We can't dictate
5 what specific uses are in a particular building. Did Staff consider a no net loss square footage of
6 retail or retail and even personal service but certainly retail square footage?
7

8 Mr. C. Williams: We didn't consider that but again that is something that as a project came that
9 could be a vital part of your discussion. I don't know that as a blanket statement for every site
10 out there that that's where we would want to go. It seems like there would be some locations
11 where maybe that is appropriate and other locations where maybe you would want more retail
12 than is there now and sort of make up for what was done somewhere else. Unless what you are
13 talking about is trying to make those tradeoffs from site to site not just on a specific site of no net
14 loss.
15

16 Vice-Chair Holman: It could be site to site. I am also thinking about California Avenue most
17 specifically because what could be argued is what we did I think in the SOFA area is the first x-
18 number of feet from the street would have to dedicated to retail and that satisfied the R overlay.
19 It has been a couple of years but I think that is pretty close to accurate isn't it Mr. Emslie? Yes.
20 So I guess I have some concern that that might satisfy the R overlay especially along California
21 Avenue so we might end up with some token retail on the street, which helps the pedestrian
22 aspect, but we are still losing square footage to retail sales. So it is a concern. Does Staff have
23 another way of being able to address that?
24

25 Mr. C. Williams: We haven't thought that through and I am not familiar with the details of the
26 SOFA requirements. Again, our thought was you would be able to look at that as a project came
27 through. Again, California Avenue with the existing requirement for retail on the first floor is
28 pretty much set so we are not seeing that that's likely that there would be any loss along there.
29 Maybe you understand something I am not getting.
30

31 Chair Burt: So I have this similar generalized concern. Say along California Avenue a property
32 owner said I have my existing building and I have an option to rebuild according to the
33 underlying zoning, which gives them quite a bit of latitude or under a PTOD. Has Staff thought
34 through those scenarios and the likely economic incentives that might cause that property owner
35 to choose one of those options and is there a risk that the option they would choose is not the
36 direction that we are trying to incentivize with this whole program?
37

38 Mr. C. Williams: Yes, and very specifically thought that through and it is hard to imagine a
39 situation where it is an incentive to use the PTOD over the CC. The CC right now allows a 2.0
40 floor area ratio as opposed to what we are talking about which is 1.25 for mixed use. If you have
41 60 percent of the project as residential it is a 3.0 FAR and it requires retail on the first floor. So
42 the retail is there, the residential is there probably in a greater amount than the PTOD is going to
43 allow. This is all limited by parking constraints and those types of things too. So it is hard to
44 imagine where the incentive would be to do that.
45

1 Chair Burt: So you are pretty confident that the properties in the CC zone which are the
2 commercial areas along California and also some of Sheridan and Cambridge really as it is setup
3 the current underlying zoning is what they will choose to revert to if they were to redevelop their
4 property because that gives them their best development potential.

5
6 Mr. C. Williams: I would think so. It allows office use too. It is not as constrained on the office
7 use as this is.

8
9 Chair Burt: Karen.

10
11 Vice-Chair Holman: A follow up to that. As Staff knows I am uncomfortable with that
12 comparison because it is the parking constraint that keeps that kind of redevelopment from
13 happening, as I am understanding it. So it is kind of funny, it is real but it is kind of an inapt
14 comparison as well. When we go forward, again something else I have been uncomfortable with
15 is when we go forward with the ZOU we are going to be looking at parking standards. So
16 depending on what happens with the parking standards we might see more development under
17 the CC2 but again we may not. So at this point in time given the parking standards that we do
18 people are redeveloping under CC2. So it is not really – that is more of a threat than the PTOD
19 is because they aren't redeveloping under CC2 because of parking standards. Does this make
20 sense?

21
22 Mr. C. Williams: Well the parking standards aren't any different for PTOD and I can tell you I
23 think with a pretty good degree of certainty that you are not going to see different parking
24 standards when the parking standards come forward either. The basic standards are not going to
25 change. We are going to have flexibility to have the adjustments that are in there now and we
26 will probably look at putting some kind of cap on how much you can reduce the way we are
27 doing here in the PTOD. So I don't see that there is going to be any significant change in those
28 parking standards when they come forward either. Generally we found when you have mixed
29 use the biggest constraint for parking and Rick correct me if I am wrong but it usually ends up
30 being the residential part of the parking because you have to have your couple spaces, one of
31 them has to be covered and also the Parking District doesn't give you credit for residential. It
32 gives you credit for the commercial so you can buy your way into parking for commercial but
33 you can't do that for residential. We looked at some Downtown sites and we would have to
34 change the whole requirements of the Parking District to allow some of that mixed use to happen
35 because of the lack of residential parking. So I think that is where the rub is in the CC2 zone is
36 pretty much all in the Parking District down there. So I see it being restricted and the PTOD
37 doesn't get around that parking limitation.

38
39 Vice-Chair Holman: Thank you and that is the first I had heard that so that's good to hear that.

40
41 Chair Burt: Phyllis.

42
43 Commissioner Cassel: I want to go in a different direction and talk a little bit or ask a question
44 or two about the density issue because 40 is what we've been talking about and 30 is the
45 alternative. You have listed on Attachment H a whole list of projects that currently exist or
46 developments that currently exist of which 11 are greater than 30 units per acre and one of them

1 is up to 66 units per acre. Now these aren't 66 units on an acre, we have a smaller project than
2 that. When you talk about going to 30 units instead of 40 units you are not changing the FAR,
3 you are not changing the height, you are not changing the site coverage on any of that. So that
4 just means we are getting larger units if we go to 30 units rather than smaller units. Am I reading
5 that correctly?

6
7 Mr. C. Williams: Yes.

8
9 Commissioner Cassel: So going to 30 units isn't going to change the mass on the site at all it is
10 just going to give you bigger units with larger size families in them.

11
12 Mr. C. Williams: Right. What we heard from the community though was that more of the
13 concern was the impact on traffic and parking and parking in parks and schools, which was
14 related specifically to the density.

15
16 Commissioner Cassel: But smaller units produce fewer people and smaller units produce fewer
17 school children.

18
19 Mr. C. Williams: I am with you. Our recommendation is to stay with the 40.

20
21 Commissioner Cassel: Right, but I am just trying to make sure that we have it clear and we have
22 it on the record that although you would reduce the number of units to 30 you do not necessarily
23 get much less in the number of school children because you will have more bedrooms versus
24 more living room and kitchen space.

25
26 Mr. C. Williams: Very possibly.

27
28 Commissioner Cassel: You do not reduce the mass of the size of the building that is on the site
29 in any way. You just get larger units.

30
31 Chair Burt: Lee.

32
33 Commissioner Lippert: Can you just take a moment and clarify for me under the lesser intensity
34 option A, item number 2, delete BMR bonus provisions allowing for applicants who request
35 bonus pursuant to state law? My understanding of that is that is a way for us to have some
36 control over SB1818, which allows for a developer or property owner to exceed the height limit
37 or violate daylight planes or setbacks or to create more housing units. Is that correct?

38
39 Mr. C. Williams: Right. We think it is more appropriate to specify what those bonuses are here
40 in the ordinance than leave that to change of what somebody can argue they should get and
41 wrangle through the process and perhaps end up in litigation. So that is why we have included
42 them in here and it is to address that issue.

43
44 Commissioner Lippert: So basically what it does is it neutralizes SB1818 by addressing that.
45

1 Mr. C. Williams: That is our intent. I don't know that Don can say that it absolutely does that
2 but it is the intent of it, yes.

3
4 Commissioner Lippert: Great, thank you.

5
6 Chair Burt: Dan.

7
8 Commissioner Garber: Question for our consultant. The effective area that was described
9 earlier this evening as approximately 40 percent of the area that is within the PTOD boundary is
10 that enough to create an effective Pedestrian Transit Oriented Design?

11
12 Mr. C. Williams: I want to be sure Rick knows where that 40 percent is. What we are talking
13 about is the GM properties including Agilent and Fry's. All that is approximately 40 percent of
14 the entire PTOD area.

15
16 Mr. R. Williams: I think that the key point isn't that it is just 40 percent of the area but if you
17 think of the whole PTOD area and that being the 40 percent that is probably the least pedestrian
18 friendly today and the ability for it to be kind of more comprehensively designed a few of those
19 key sites are going to have a critical impact on Park, California Avenue and the neighborhood to
20 the north of that is already of the quality and character of the PTOD. So what this would do in
21 those 40 percent would basically mean that closer to 90 percent of the whole area would have
22 that pedestrian character and quality. As was noted by the Fry's representative that is the key
23 site to creating a sense of neighborhood and identity there which would connect the rest of the
24 area together in a very strong positive way. So in that sense it is not that it is just 40 percent but
25 it is the 40 percent that makes the biggest difference.

26
27 Commissioner Garber: You are using the 40 percent to leverage the 90.

28
29 Mr. R. Williams: That's right.

30
31 Commissioner Garber: And it sounds like a yes. Thank you.

32
33 Chair Burt: I have another question on some retail and some service. It is the auto areas. We
34 have just one remaining auto dealership there or are there more? Two. Two auto dealerships
35 and some auto service.

36
37 Mr. C. Williams: Actually one of the auto dealers is just outside the boundary. One of the AD
38 overlays is just outside the boundary but their service area is in the boundary. The sales area is
39 not.

40
41 Chair Burt: Okay. So once again my question is are we creating incentives whereby those
42 property owners will say why the heck should I continue to have auto sales or auto service here I
43 can make a lot more money by flipping it to a PTOD? What is your analysis of that prospect and
44 whether we are endangering that we will have an outcome that is different from what we have
45 intended?

1 Mr. Steve Emslie, Planning Director: In so far as until recently many of these sites had that
2 ability under the current zone and really with marginal discretion provided they met the zoning
3 standards it wouldn't even need a discretionary permit. It would be an ARB review. Because
4 we are adding the possibility of retaining the commercial we think that this provides an incentive
5 so that if there a higher economic use that is related to residential it acknowledges that and
6 allows for the possibility of mixed use as a way to equalize the economics and retain the
7 commercial use if at all possible.
8

9 Chair Burt: So in the case of auto sales or service do you think it is feasible that that mixture of
10 uses would occur and be compatible? I understand in theory but
11

12 Mr. Emslie: It sounds kind of outlandish that you would have mixed use with auto related uses
13 but I quite frankly as planners we never cease to be surprised at the kinds of mixed use proposals
14 that are considered very viable.
15

16 I would not discount the ability for something as unusual as auto dealers and residential to be
17 mixed. It is quite remarkable what in high value areas what we are seeing as mixed use.
18

19 Chair Burt: Can you envision any modification to the formula that we have on different FAR
20 that might create a better incentive to retain that service or sales function there? Should we have
21 a higher weighting in FAR toward sales or service, retail or service? Would that help tip the
22 scales in the direction that we would like to see as an outcome?
23

24 Mr. C. Williams: You mean something along the lines of and you are talking not just auto
25 dealers but retail and service generally?
26

27 Chair Burt: Well, I don't know. It might be best to break that out. We might have subsets of the
28 area that would have a higher FAR allowable for sales or service and a lower one allowed for
29 housing. It might be the automotive areas.
30

31 Mr. C. Williams: Rick can probably speak to some of the economics of this but I don't think
32 there is a reason why we couldn't have for instance a .5 FAR allowed for a site with an AD
33 Overlay or some kind of formula like that that allows that to happen. I think Rick has talked a
34 little bit before about the possibility of incentivizing retail more.
35

36 Mr. R. Williams: I actually think we have been pretty aggressive with the nonresidential uses.
37 That is an acknowledgement that Palo Alto is in kind of a unique situation that if you want to
38 have nonresidential uses as part of a mixed use. Most communities would probably be more in
39 the 10 to 15 percent of nonresidential use within a mixed-use development. It is only in a
40 particular situation where you would get a Fry's or a grocery store or something like that where
41 you would have a greater than 10 percent or maybe 15 percent nonresidential use. So I think that
42 the reality is that at .35 we are really as high as you would really ever need to go and what would
43 happen is that people would then start trying to bring in more R&D type uses and larger floor
44 plates would probably add more traffic creation than you would want to look at for these areas.
45 So I think that we have been very cognizant that we don't want to incentivize greater kind of
46 general office floor plates and that we are really looking at, by keeping the percentage relatively

1 low, that you are going to be getting more localized services and not the larger floor plates for
2 office and R&D use. And that the service industry will really be better incorporated into this if
3 you keep it at a smaller piece. If you started going to the 50/50 split and there are cities where
4 you had to have a 51 percent commercial uses as part of a mixed-use project. What they found
5 was they didn't have any of their projects go forward because that wasn't a great enough
6 proportion of residential to give a residential character and quality to a development. I think that
7 is still a direction where we wanted to go from a policy standpoint but still allow a pretty wide
8 flexibility in nonresidential uses as well.

9
10 Chair Burt: Forgive me, I should be clear on this by myself but the way the wording is currently
11 framed does a developer have to retain any of the retail or service in order to get the housing
12 FAR that is allowed? They don't, correct?

13
14 Mr. R. Williams: No.

15
16 Mr. C. Williams: To retain it as far as with the mixed use 1.25 FAR?

17
18 Chair Burt: Rick has said that basically we have been pretty aggressive in how much retail we
19 would allow on the site. So if we give them from that end we have gone the appropriate distance
20 but if we still have a formula where they don't need to retain that in order to get the more
21 valuable housing wouldn't there still be a potential that we have incentivized them to drop the
22 retail and just put in the housing?

23
24 Mr. R. Williams: We kind of looked at it a little bit the other way and that is we have put a cap
25 on the residential. So you can do a certain amount of residential FAR and then the only way to
26 go above that base FAR is to do commercial or to do retail. So the incentive is it is kind of
27 cream on the top. That is plus. We aren't letting you use your entire FAR allowance with
28 residential use. So in a way we have sort of done the same thing. We haven't asked you there
29 are parcels that don't have to be, and it wouldn't be appropriate probably to have nonresidential
30 uses on it, but it gives them the ability to do it above and beyond what the residential allowance
31 would be. I think that is a pretty substantial incentive.

32
33 Chair Burt: So basically they are not required to have the retail in order to have the residential
34 but they basically get a retail bonus.

35
36 Mr. R. Williams: That is right.

37
38 Mr. C. Williams: The FAR in a mixed use is 1.0 for residential so you don't get more than that
39 so the rest of it if you want is nonresidential.

40
41 Chair Burt: Lee, was yours on that subject? Karen has a follow up. Okay. Lee and then Karen.

42
43 Commissioner Lippert: I just wanted to remind the Chair that when we did do the RM-40 zoning
44 regulations in the Zoning Ordinance Update one of the things that we did do there was encourage
45 retail as part of the RM-40 zoning also. So that component I think is consistent.

1 Chair Burt: Thanks. Karen.

2
3 Vice-Chair Holman: Yes, along the lines of Commissioner Burt's questioning there are
4 developers though who are housing developers. Being a zone for what you want kind of person
5 if we want mixed use then that is what we should be saying that we want it seems to me. We
6 have heard it in these Chambers there are developers who come forward and say what we build
7 is housing just like there are developers who come forward and say what we build is commercial,
8 we don't build housing. So I understand that there is this incentive or this cream or in the
9 Midwest we would call it 'gravy,' that has been added to this proposal but I am not sure we are
10 going to get what we think we might get given the different types of developers that are out
11 there.

12
13 Mr. R. Williams: One of the things is that as part of this application process they aren't just
14 allowed by right to have this overlay zone. So as part of the review process there is the ability
15 for the Planning and Transportation Commission to put forth a strong desire to the applicant that
16 in order to get this zoning on a site that you really feel is appropriate for retail that retail should
17 be an important component of it. That would be looked more positively on than not. However, I
18 don't believe as much as I am a very big proponent of mixed use I don't believe mixed use
19 should be everywhere and I think that you really do need to focus your retail on particular areas.
20 You don't want to do anything, which creates a secondary node of retail that is going to start
21 fighting with California Avenue. I don't believe that the Fry's site would fight with California
22 Avenue I think it would be a positive for California Avenue. I think that if you try to string retail
23 out too far I think that the only thing worse than not enough retail is too much empty retail space.
24 I think you want to keep it focused and have the residential play that pivotal role of supporting
25 the retail. If there is a particular site that everybody feels should have retail on it as a
26 Commission you have the ability to place that as one of the criteria that you have in a PTOD
27 zone as part of this discretionary review.

28
29 Vice-Chair Holman: One thing that would make me feel more comfortable about this is on the
30 process, which is Attachment E under Intensities it identifies density, square feet, FAR and under
31 Land Uses it just says land uses. I think I would feel more comfortable if this was clearer. If it
32 also included as part of our discretionary review and determination about whether to recommend
33 one of these applications if after land uses it parenthetically mentioned things such as mix of
34 uses, impact on city revenues, and those sorts of inclusions if Staff is comfortable with that. I
35 think it would make the review process and our discretion much clearer going forward after we
36 are all not sitting in these chairs. Is Staff comfortable with that?

37
38 Mr. C. Williams: That's fine. It is actually 18.66.060B under the review process where it
39 outlines that the Planning and Transportation Commission and Council approval establish limits
40 on allowable or required uses and intensity and then it has all those things you listed of
41 development. So if you would like us to spell out uses more than that.

42
43 Vice-Chair Holman: If other Commissioners are okay with that I would.

44
45 Mr. C. Williams: That is perfectly fine.

1 Vice-Chair Holman: Then since I am on this process page here just a real quick one. There is an
2 appeal that is included after the ARB review, which is the typical place that that would be. Did
3 Staff consider that there might be an appeal after the City Council determination? Otherwise it
4 would go all the way through the whole ARB process and if then it was reviewed because people
5 didn't agree with what the uses were then it is kind of a lot of wasted....
6

7 Mr. C. Williams: There is no appeal of the Council's decision. The Council's decision is final.
8

9 Vice-Chair Holman: Of course.
10

11 Mr. C. Williams: Other than court.
12

13 Vice-Chair Holman: That's true. Thank you for that.
14

15 Chair Burt: Phyllis.
16

17 Commissioner Cassel: He answered my question about the fact that you don't want retail every
18 place you want it in nodes. I was going to ask a slightly different question but that got the point.
19

20 Chair Burt: Yes and I think the concept that we were exploring was actually about retail in
21 places where it currently exists not plunking it down where it is not viable today.
22

23 Okay, so it sounds to me maybe we are ready to go into, no, Dan.
24

25 Commissioner Garber: I apologize two more things. I just wanted to talk about the word
26 'discretionary' that was presented in the PowerPoint slides earlier. My understanding is that the
27 overlay district is employing a zoning methodology which is obviously much different than the
28 other zoning that has been used to date in those areas in that it requires in fact more involvement
29 by applicants in order to develop or redevelop their properties. It requires a significantly
30 higher expectations in terms of what goes in there because of the form code that has been defined
31 for it and allows for much more highly managed outcomes as a result of both of those things
32 such that the opportunities for success are greater for the community than they would be under
33 the normal prescriptive zoning. So I guess the only thing I wanted to confirm is that this portion
34 of it is not discretionary and the outcomes are pretty highly focused here. That hasn't changed at
35 all even though you are describing it as a discretionary process.
36

37 Mr. C. Williams: I think generally you are right. There is sort of a balance between setting some
38 parameters and limits and then allowing within that framework you and the Council to define
39 what goes there. Don can speak to you more about the difference between discretionary and
40 quasi-judicial actions that you or the Council or the Director takes. The word 'discretionary'
41 the way we are using it is it is a legislative action to rezone and it really opens up a lot more
42 basis for you to find that you can't support a particular proposal whereas with the other kinds of
43 actions like a variance or something like that you have very specific findings and you have to
44 rely on those specific findings.
45

1 Commissioner Garber: Thank you. I just needed to clarify the use of the word and that legal
2 legislative as opposed to just everything is open and it just depends on the personalities that
3 happen to be reviewing it at the time. Thank you.

4
5 Chair Burt: Karen, you have one final question?
6

7 Vice-Chair Holman: I have a cleanup question about BMR in the red stripe version on page
8 seven, number two. It is talking about the density bonus and it says, such that one additional
9 BMR unit is provided for every three additional market rate units constructed. It isn't specific
10 about those BMR units in relation to the three additional market rate units that those would
11 comport with the requirements of our BMR Ordinance in terms of comparable size units and that
12 sort of thing. Is Staff comfortable with this language?
13

14 Mr. C. Williams: Yes because number one above with bonuses are only applicable where it
15 specifically states Program H-36 of the Housing Element and then C under there says BMR units
16 shall meet the affordability and other requirements of Program H-36 and the City's BMR
17 program policies and procedures. So that is broad and encompassing the whole BMR program
18 that we have that requires that they be like the market rate units in size and quality and that kind
19 of thing.
20

21 Vice-Chair Holman: Okay, so I guess where I was confused then, I don't want to nit this but
22 maybe where I got off was they are numbered one, two, three, four, five, six so I guess the
23 density increase, the FAR increase, height increase they seem like they should be underneath the
24 one because they are types of bonuses. I don't want to nit it now but just something to think
25 about.
26

27 Mr. C. Williams: Yes, we can look at that and see if it can make it clearer.
28

29 Vice-Chair Holman: Thanks.
30

31 Chair Burt: Paula.
32

33 Commissioner Sandas: Are we ready for a motion?
34

35 Chair Burt: I think we are pretty close. Dan says he has one quick question.
36

37 Commissioner Garber: There is a letter here from the Courthouse Plaza Company, which was
38 placed at our desks. I haven't had time to read it. Are there things in here that the Commission
39 should be considering as part of the discussion?
40

41 Mr. C. Williams: The request basically towards the end the architect, Hoover Associates letter in
42 particular, is that they I don't know if it is specific to but I think it is specific to not imposing the
43 daylight plane, setback, design type requirements along the railroad is I think what that is
44 directed towards. So I think that is what you should consider that is what their request is. I don't
45 know if they made a specific request to not have to be subject to this regulation, I don't think so.
46 So I think that was the thrust of their letter.

1
2 Mr. Larkin: Thank you. Just so I can elaborate a little bit the reason that it is something that is a
3 proper subject of discussion is that for other ZOU items the Commission has recommended and
4 the Council has adopted provisions to say these do not apply to applications that have already
5 been received. That is not a legal requirement and that is actually where the vested rights
6 discussion becomes important and why I clarified my statement. At this point nobody who has
7 an application has a vested right to develop without the design criteria. The Commission has a
8 choice of not applying to applications that are received but Staff is recommending that it does be
9 applied to future applications and current applications that don't yet have a vested right.

10
11 Commissioner Garber: Thank you.

12
13 Chair Burt: Before entertaining a motion I would just like to say I should have made the
14 statement before everybody left at break time as a number of the speakers noted this process
15 even though it has taken some extra months has evolved into one where Staff has really reached
16 out and responded to adjacent neighborhoods and property owners. While perhaps not everyone
17 is getting what they would see as an ideal it certainly seems that this has been a very
18 constructive, valuable process that has brought people closer to agreement on outcomes and I
19 think the entire Commission has appreciation for both Staff's work and the contributions that
20 have been made by the public and all the participants. We get a lot of ribbing about Palo Alto
21 process but we have a lot of people in Palo Alto who given a good proactive opportunity to make
22 valuable contributions and I think this is a good example of it. I think that goes to both residents
23 and property owners and we would just like to extend our appreciation for all the good work that
24 has been done. Having said that I would like to entertain a motion. Paula.

25
26 MOTION

27
28 Commissioner Sandas: I move that we the Planning and Transportation Commission
29 recommend to the City Council adoption of Chapter 18.66 of the Zoning Ordinance to create a
30 Pedestrian and Transit Oriented Development Combining District in the vicinity of the California
31 Avenue Caltrain station.

32
33 SECOND

34
35 Commissioner Cassel: I will second it.

36
37 Chair Burt: Is that intended to include the Staff recommendations as stated?

38
39 Commissioner Sandas: Yes. It does not include the alternative recommendations, however.

40
41 Chair Burt: Understood. Would you like to speak to your motion?

42
43 Commissioner Sandas: Yes, please. I have listened with intensity this evening. Having said all
44 that I feel like I need to say about the PTOD having been through several meetings about this
45 topic and I have to commend the Staff for including the community to the level that you did.
46 With every meeting that I have attended on this subject there have been questions that have come

1 up, there have been concerns that have come up and the Staff has addressed them to the best of
2 their ability and our consultants as well. I really appreciate that. That makes our job as
3 Commissioners a lot easier.

4
5 The second thing is that personally I am not so oriented towards the details and I really respect
6 my colleagues this evening for turning over the last of the minute stones and asking the proper
7 questions that addressed some other issues. I have been very excited about the whole notion of
8 the PTOD from the get-go and have been looking forward to the opportunity to make this motion
9 and get some closure and push this to the Council. So having said that I will stop speaking.

10
11 Chair Burt: Phyllis.

12
13 Commissioner Cassel: I am glad this is finally reaching some progression stage so that it will go
14 to City Council. In your text comments I think it would be helpful if you add some comments
15 about transit including the bus. We have excellent bus transit on El Camino and that in fact does
16 add to it. We have a Marguerite that runs up and down California so this has very good access
17 within short distance for a variety of public transit with the Marguerite being free and going to
18 all of the places at Stanford. So that really is a transit oriented nub in more ways than just the
19 train station and probably used more extensively than the train station if you counted people.

20
21 The difference between 30 and 40 units is some cars, it is some school children but it is not as
22 clear and obvious as it looks because what this brings us is smaller units and the same mass. It is
23 the mass that I think we feel when we are looking at something and how tall it is and how large it
24 is and it is a subtlety that we tend to interpret into the number of units in a space.

25
26 I think Fry's should be included. I wanted to comment on that the reason being that I think we
27 have better control over how the units blend out into the neighborhoods. Whereas if they just
28 came in on their own and they asked for some other kind of development option we have such as
29 a PC zone we probably wouldn't get the blending into the neighborhood that we are really
30 looking for. We really need that blending down into the neighborhood so that we don't have one
31 large building right at the edge. I think that will give us some options there.

32
33 Obviously we want to include the BMR we do not want to be at option of the state and have
34 someone go to the state and say yes, you are going to do this. We want to have our own rules in
35 place and if we don't have our own rules in place we are going to follow exactly what the state
36 wants us to do. We have to be within their guidelines obviously but this gives us more options.

37
38 I think we need the setbacks and the daylight planes and I think those should be along the train
39 lines and I think those should apply to all projects currently in existence. The R overlay zone
40 does exist on California Avenue and in the areas where we want it and we would really have to
41 think if we want it all the way out Park Boulevard and since this overlay zone only exists for
42 those projects that come in and not all the way out that really is not part of this particular process.
43 I think that our considerations of retail will be part of our evaluation or your evaluation as
44 projects come forward. Thank you. Thank everyone for their constructive comments and their
45 willingness to work together. It is really impressive.

1 Chair Burt: Dan.
2
3 Commissioner Garber: I would like to support Commissioner Cassel's comments. That covers
4 most of mine. I would also like to learn if there is support for a friendly amendment to include
5 the property at 411 Pepper as well as the comments that Commissioner Holman had for the
6 inclusion of the additional text to the motion.
7
8 Chair Burt: Do the maker and seconder accept that as a friendly amendment?
9
10 Commissioner Sandas: Yes.
11
12 Commissioner Cassel: Yes, I'm sorry I didn't remember that. Thank you, Dan.
13
14 Vice-Chair Holman: I would just like clarity about which text did you refer to, Dan.
15
16 Commissioner Garber: You were talking about the uses being called out as part of the review
17 process.
18
19 Vice-Chair Holman: Great, thanks.
20
21 Mr. C. Williams: Then also looking at the BMR clarifying that text there in that BMR to make
22 sure that we are referencing all of those bonuses being subject to the City's policies.
23
24 Chair Burt: Thank you, Curtis. Lee.
25
26 Commissioner Lippert: I too support the motion. I want to make a couple of important points.
27 First of all I think that this process rewards developers for doing the right thing. It can be
28 characterized as being "PC Lite" it doesn't negate the existing zoning but what it is is another
29 item in our toolbox to use when we are reviewing development in Palo Alto.
30
31 PTOD isn't automatic. It is subject to the requirements for the rezoning so I think that is pretty
32 obvious and there is nothing preventing applicants from applying for PC zoning. So already
33 there is the underlying zoning, the PTOD and PC zoning that they can take advantage of.
34
35 I think probably the most important thing here and I have mentioned this before and probably
36 people are going to start getting sick of it but it supports the four tenets of smart growth and
37 urban sustainability which are density, diversity, design and transportation. The first one is the
38 integration of housing reinforcing an economically healthy neighborhood. The second one is
39 diversity, which is mixed use within the same parcels and within the neighborhood. Design,
40 which is the context-based standards that have been developed for this. Then lastly is
41 transportation, which is an opportunity to get people out of their car, the transportation demand
42 management programs as well as having Caltrain and buses along El Camino Real. So I think
43 that is probably one of the meatier pieces of this PTOD ordinance.
44
45 One other thing that I want to mention which I think has been sort of skirted around and we have
46 danced around it and we've talked about it but really sales tax isn't one of the criteria by which

1 we look at zoning here. I know it is discussed here but it isn't a piece of criteria. Sales tax isn't
2 generated by merchants. It is generated by consumers and what is important is if we can have an
3 economically viable healthy neighborhood people in this neighborhood are consumers and they
4 will be buying goods and they will be paying sales tax, which will reinforce the economic base.
5 Furthermore, if we are going to look at sales tax why not property taxes? These properties are
6 going to be flipped, properties right now are subject by Prop 13 and again when they are sold the
7 tax basis for those parcels are reappraised and in fact they pay more property taxes. So I think
8 that sales tax is one way to look at it but the other way to look at it is property taxes in terms of
9 supporting government infrastructure.

10
11 If Fry's is desirable in Palo Alto an effort should be made to try to retain them but maybe not in
12 this area.

13
14 Then very last I just want to say that this may be the very best solution for a very, very bad
15 situation. I know that we have gotten ourselves into a little bit of trouble with the GM zone and
16 the fact that it is in the Comprehensive Plan as zoned for housing and that is in conflict with one
17 of the uses right now. In some ways I think that this is a silver lining in a cloud right now. So I
18 support this.

19
20 Chair Burt: Karen.

21
22 Vice-Chair Holman: I need to clean up my mess from earlier. I asked the question about after
23 City Council decision was that appealable and actually I meant was it referendable. I just used
24 the wrong word. So that was really my question.

25
26 Mr. Larkin: Yes, it would be referendable.

27
28 Vice-Chair Holman: Okay, thank you for that clarification and sorry for my misuse of the word.

29
30 I also want to congratulate Staff because I think we didn't do this at the beginning but I think
31 where you did pick up and start going to the public you obviously have had a great affect and
32 provided a lot of clarity and a lot of information to the public and this has come a long way.
33 That is much, much appreciated and congratulations to you Curtis and Clare I presume and Rick
34 and crew and members of the public for coming out and participating in that process. That is the
35 whole purpose of this is for engagement and hopefully a meeting of the minds and we don't
36 always, always agree. Having said that I support much of what is here and I do still have some
37 concerns so I don't know if I am going to be able to support the motion but I am going to try to
38 get it to where I can if we can up here reach some agreement.

39
40 One of the things I would like to add as a friendly amendment if the maker and seconder would
41 agree with this is to add the R and P overlays as a part of a PTOD application along Park
42 Boulevard extending down to Page Mill.

43
44 Commissioner Sandas: Can you explain R and P overlays?

45
46 Vice-Chair Holman: I am sorry, retail and pedestrian.

1
2 Commissioner Sandas: Yes.

3
4 Commissioner Cassel: No, and I think I explained that in my notes that that's a different zoning
5 process. You are talking about the whole of Park Boulevard and we don't necessarily want retail
6 all the way down Park Boulevard. We need it in nodes, in sections where it is working. You are
7 talking about something in a zoning that already exists rather than on the site itself and that needs
8 to be determined based on where it is as the development comes forward. If you have to put it
9 everywhere down there it may not be appropriate.

10
11 Vice-Chair Holman: Let me try the pedestrian overlay then.

12
13 Commissioner Sandas: Just to back up to the R and P after hearing what Phyllis had to say I
14 actually agree with you, Phyllis. I didn't quite understand the implications. So I say no.

15
16 Commissioner Cassel: You get to talk about the pedestrian first.

17
18 Vice-Chair Holman: In the Pedestrian Overlay the reason I am proposing that is because this is a
19 pedestrian and bicycle corridor. So if you want to make it pleasant for people to travel this route
20 then that is one of the things that would help assist that.

21
22 Commissioner Sandas: So a pedestrian transit overlay district doesn't already imply that
23 pedestrian is in there? I would assume that it did.

24
25 Vice-Chair Holman: It does everywhere in the design standards but it doesn't explicitly spell out
26 Park Boulevard separately and I think Staff has said that they would support that.

27
28 Commissioner Cassel: My understanding is that this overlay zone will apply to every unit that
29 goes down and it will be required to have wide setbacks. That is what all these design guidelines
30 are for.

31
32 Commissioner Sandas: Can Staff speak to that a little bit because Park Boulevard is definitely in
33 the radius and so I can't understand why we would single it out when it is part of the big picture.

34
35 Mr. C. Williams: Well, there are a couple of things to say. One is that I think our response was
36 that what we would support is if somebody came in with an application that you also consider
37 the R and P at the same time and whether that is appropriate or not but not that it automatically
38 be applied or that there be some implication that it necessarily would have to be there. The P
39 Overlay, the pedestrian, essentially requires pedestrian design features, weather protection for
40 pedestrians, display windows, retail pedestrian arcades, landscaping, architectural design features
41 to preclude blank walls and such. These are things that the context-based design does I think
42 better than the few paragraphs that are here. I don't think this conflicts with it but I also don't
43 think it adds anything to the context-based design requirements that are already in the PTOD. So
44 it is not a big deal one way or the other but it doesn't seem to us to be necessary to do that.

1 Vice-Chair Holman: Okay, maybe I understood previously that Staff would support doing that
2 so I thought it would be an improvement.

3
4 Mr. C. Williams: No, our intent was to consider that at the time it came in whether that was
5 necessary. Looking at this I don't think the P is if it comes in as far as the retail goes I think that
6 is something you should consider but I don't again agree that we want to necessarily imply right
7 now that all of Park Boulevard should have retail on the first floor.

8
9 Vice-Chair Holman: I was only going down to Page Mill not all the way down.

10
11 Mr. C. Williams: Okay, well that would be better.

12
13 Vice-Chair Holman: Per your previous comments. Okay. Well, we will see what we can get. I
14 actually would like to see the FAR of office as a part of option A limited to .2 of the .35 if the
15 maker and seconder would accept that.

16
17 Commissioner Sandas: No, because we did not include option A in the motion. The motion
18 does not include options A or B. It stands as the Staff has written it.

19
20 Vice-Chair Holman: Okay. Given that then there were a couple of other things that I wanted to
21 have added too. One was to eliminate the GM sites south of Olive, in other words to eliminate
22 the AD Overlay sites and I have all along supported deleting or not including the Olive Avenue
23 residential portion. So given those they won't be accepted as friendly amendments. As much as
24 I do support many other aspects of this I won't be able to support the motion.

25
26 As far as Fry's goes I have always been opposed to including Fry's in this for some of the
27 reasons that members of the public have also said given what the representative of Fry's site has
28 said tonight. It is a discussion that could happen whether the zoning is there or not so I am not
29 sure that it really helps anything along or not. I will not go on anymore about that.

30
31 MOTION PASSED (5-1-0-1, Commissioner Bialson absent and Vice-Chair Holman voted no)

32
33 Chair Burt: Well I am going to support the motion. I regret that we really didn't explore this
34 issue of whether or not there should be any additional restriction on the office space as one
35 aspect of option A that might have been appropriate. I think overall the balance is good. I would
36 like to clarify just one aspect in the retail discussions we actually didn't discuss tonight about the
37 sales tax revenue. That was only Commissioner Lippert who referred to that we talked about
38 retail. Within the retail there are other important aspects besides the revenue aspect from sales
39 tax. It is consistent with the Comp Plan objectives in economic aspects both synergies and
40 revenue that is a factor but it is also service to both residents and workers in our community and
41 it is valuable from those standpoints in that it serves them it also impacts the transportation
42 aspects whether it be pedestrian or simply shorter car trips. So there are a number of reasons
43 why both retail and service are important for us to really strive for aside from the sales tax
44 revenue although I don't think we should dismiss the sales tax revenue aspect. Having said that I
45 think this plan does a good enough job of addressing those and for those reasons I will support it.

1 Anybody else have anything else to add? Okay then I would like to take the vote on it. All those
2 in favor? (ayes) Opposed? (nay) So that passes five to one with Vice-Chair Holman voting no
3 and Commissioner Bialson absent.

4
5 Thank you everyone we are going to have one more item which some people may find exciting.

6
7 Item number three is Parkland Dedication Ordinance. The Commission will recommend an
8 ordinance to enable the City to require parkland dedication and/or in-lieu fees from development
9 of new subdivisions. Would the Staff like to make their presentation?

10
11 **3. Parkland Dedication Ordinance:** Planning and Transportation Commission
12 recommendation of an ordinance to enable the City to require Parkland dedication and/or
13 in-lieu fees from development of new subdivisions. Environmental Assessment:
14 Comprehensive Plan EIR.

15
16 Ms. Clare Campbell, Planner: Yes, good evening Commissioners. In January of this year a City
17 Council Colleagues Memo directed Staff to prepare a Parkland Dedication Ordinance pursuant to
18 the Quimby Act. Staff has and continues to work with the Attorney's Office and other City
19 departments to draft this new ordinance. Some of the key elements of the Quimby Act are that it
20 applies to all subdivisions providing residential units, the standards for the determination of fees
21 and amount of land dedication must be clearly defined in the ordinance, fees and land exacted
22 are to be used for the purposes of developing new or rehabilitating existing parks or recreational
23 facilities to serve the subdivision and it is not for day-to-day operations or maintenance. With a
24 subdivision of 50 parcels or less only the fee can be mandated from the subdivider, the City
25 cannot require land dedication. In the circumstances where there are more than 50 dwelling units
26 but less than 50 parcels the City can mandate land dedication. All the fees shall be committed
27 within five years after payment or returned without any deduction to the current property owner
28 and credit shall apply towards exactions when the subdivider provides improvements on their
29 dedicated land.

30
31 In developing the City's Parkland Dedication Ordinance Staff has identified two key issues that
32 must be considered. The first relates to the applicability of the current park impact fees and the
33 second is the calculation method on which to base the new fees and dedicated land area. With
34 the implementation of the Parkland Dedication Ordinance residential subdivisions will be subject
35 to the new fee. These residential subdivisions are also subject to the current park impact fees and
36 therefore would be assessed twice for the same type of impact. To correct this double payment
37 Staff recommends that the park impact fee be amended to exclude projects that are subject to the
38 Parkland Dedication assessments.

39
40 For the method of fee assessments for the new ordinance Staff recommends using the same
41 method of assessment used for the current park impact fees. Using the same methodology
42 provides for consistent application of fees for park impact for all types of projects in the city.
43 When the impact fees are reevaluated at a future date the parkland assessments can also be
44 updated at the same time.

1 The major significant difference between the park impact fees and the proposed Parkland
2 Dedication Ordinance is that the latter can mandate land dedication from the developer. Other
3 than that difference the fees function basically the same way. They can be used for land
4 acquisition or for park improvements.

5
6 As far as public comment Staff was contacted by the Silicon Valley Realtor's Association. We
7 had an informal conversation and they didn't raise any issues. After reviewing tonight's Staff
8 Report and the outcome of tonight's meeting that Association may be interested in having a
9 meeting. No other members of the public have contacted Staff on the proposal.

10
11 As a last note, the fees shown in Attachment E will be further refined to reflect accurately the
12 correct fee amounts. We are still refining those as we speak.

13
14 So in conclusion Staff recommends that the Planning and Transportation Commission
15 recommend that the City Council adopt a Parkland Dedication Ordinance pursuant to the
16 Quimby Act and amend the Municipal Code Chapter 16.58 to exempt developments that are
17 subject to the Quimby Act fees from additional park impact fees. Thank you.

18
19 Chair Burt: Thank you. Commissioners, do you have questions of Staff? Phyllis.

20
21 Commissioner Cassel: The calculations that were done weighted each visitor as heavily as each
22 resident. When that happens then the percentage of value or the weighted value there becomes
23 1.34 instead of something higher. That means that the developers actually pay less for their
24 parkland fees, as I read this. I am wondering why that is so heavily weighted for visitors because
25 most of us as residents use the space more regularly.

26
27 Mr. Jon Abendschein, Planner: Because the impact fee applies both to residential and
28 nonresidential the 1.34 ends up taking into account both residential and nonresidential
29 development in the City. The Quimby Act applies just to the residential subdivisions,
30 commercial would still be subject to the regular park impact fee.

31
32 Commissioner Cassel: I think I said it wrong, it is very late. When you look at the numbers in
33 here the weighting on that includes the commercial development and weights it at something
34 small like .20 and residents and then it also adds in the visitors use of the park and that becomes
35 37 percent of that weight. Then you only use the residential and commercial in doing the
36 calculation and that reduces the percentage of parkland per 1,000 people that we have and that is
37 what you are trying to maintain. I guess I was trying to figure out ways to increase that
38 percentage so that we would get more parkland out of it if there were any way or is there some
39 legal problem here. It just seems unfair to weight the nonresident visitors with the same weight.
40 It comes out that 50 percent of the weighting is in residents, some percent like 37 percent is in
41 visitors, and two percent is in the commercial use. That was my understanding when I read that
42 today or last night. I can't seem to find the numbers right now. What it did was make that 1.34
43 instead of 1.6 or something like that and then you are charging it based on that number per 1,000
44 for the amount that is owed us. It is very important as far as I am concerned that we get this
45 land. We know how hard land is and it is much preferable....

1 Ms. Caporgno: I just want to add that this nexus study was done for the original park impact fee
2 so none of us participated in that. The nexus will probably be updated and when it is done we
3 can bring up this issue and at that time both the park impact fee and the Parkland Dedication
4 Ordinance fee would be modified accordingly.

5
6 Chair Burt: Could you clarify, would the impact fee and the dedication fee have to be – if one
7 were based upon equal inclusion of visitors or workers would the other also have to include that?
8

9 Ms. Caporgno: I don't think that is the case it is just that we were informed that this nexus study
10 would cover for this fee at this time. When a new nexus analysis is done we could evaluate
11 whether or not it could be broken out. Don, do you want to add anything?
12

13 Mr. Emslie: Let me just add that I think the problem is we are confusing the basis for the impact
14 fee which is being shown here to show you that there is a conflict between the Quimby Act
15 dedication fee and the impact fee and that is the justification for creating an exemption for when
16 a property pays the Quimby Act fee which is going to be much higher because of the high price
17 of land than the impact fee would be. So I think the problems are really stemming from your
18 concerns about the impact fee. You don't have to do a nexus study to justify the Quimby Act fee
19 it is prescribed by state law system of maintaining your park ratio based on increases in
20 population. It would never apply to any visitors other than residents who live in land that is
21 subdivided in the city.
22

23 Chair Burt: So in the Quimby Act if I understand you correctly then in any of the projects over
24 50 units then because it allows us to require dedication of land we are automatically getting an
25 update in the land valuation. Whereas in the impact fee that is a fixed amount that has not stayed
26 current with the escalation in land values.
27

28 Mr. Emslie: That is correct and that has to be updated because impact fees are based on a
29 different body of law and a different premise. The premise in those is that there is a requirement
30 that cities can impose impacts that are proportionate to the creation of the impact by the
31 development can be offset only by a proportionate number. The Quimby Act fee is based on
32 maintaining your park ratio at your current or goal of certain acres per 1,000. So as you add
33 population you either get the in-lieu fee to create new parkland, amassing it in one particular
34 location or if the project is large enough, over 50 units, then you can require the park acreage on
35 the site.
36

37 Commissioner Cassel: It is that proportional number that you are talking about that I was talking
38 about.
39

40 Mr. Emslie: That is only there for background that is currently in place that is going to be
41 updated. So we will be bringing that forward.
42

43 Commissioner Cassel: As long as you are updating it.
44

45 Mr. Emslie: Yes.
46

1 Mr. Larkin: I should just point out the Quimby Act ratio is determined by the Comprehensive
2 Plan. So if there were a concern about that ratio the opportunity to adjust it would be when we
3 do the Comprehensive Plan update.

4
5 Chair Burt: Lee.

6
7 Commissioner Lippert: I have one minor question. If you have a piece of property and it is
8 redeveloped and there is no net increase in population on that property would there be fees or do
9 they receive credit in fact because there is no additional impact?

10
11 Mr. Larkin: It is not as simple a question as it should be. Yes, if there were a subdivision,
12 except there are exceptions for example if it were a condo conversion there would be no fee.

13
14 Commissioner Lippert: Okay. What about if a developer or property owner were redeveloping a
15 property increasing the number of units would they only pay the difference on those additional
16 units?

17
18 Ms. Campbell: Are you talking about doing as subdivision of that property or are you just
19 talking about a project?

20
21 Commissioner Lippert: Any subdivision would be, again cottage cluster or you are
22 condominiumizing a multi-family building. What I am concerned about here and the reason I
23 ask this question is particularly important is I don't want this fee to stop encouraging
24 redevelopment of properties and be an impediment.

25
26 Mr. Larkin: In answer to your second part is that if you are condominiumizing an existing
27 project the answer is no, there is no Quimby Act fee even though there is for a subdivision. If
28 you are adding new units and it meets the threshold then yes, there would be.

29
30 Commissioner Lippert: But are they paying that difference?

31
32 Mr. Larkin: Yes, they would pay the difference.

33
34 Commissioner Lippert: Just the difference?

35
36 Mr. Larkin: I am not 100 percent sure I believe it is based on the number of units that are being
37 created but I would need to confirm that.

38
39 Chair Burt: Dan.

40
41 Commissioner Garber: Follow ups on both of these questions. Let me just take Lee's first. So
42 in the circumstance where a property is being transitioned into a Village Residential in that case
43 the underlying property itself is getting presumably, in the example I will illustrate is getting
44 platted into four or six units at which point it is going to incur those fee, yes?

45
46 Mr. Emslie: Yes.

1
2 Commissioner Garber: The follow up that I wanted to have to the first one is my understanding
3 just because I need to understand, page 3 the method of assessing parkland dedication exactions,
4 the method that is described here is that what we are talking about as the way that these fees are
5 calculated? Is this what that is?
6
7 Ms. Likens: That methodology is described in the attachment that was done with the study and
8 that study described in detail what the methodology is and how it is setup.
9
10 Commissioner Garber: So is that what this is or is this something different?
11
12 Ms. Likens: That is exactly what this is. I tried to pull the numbers from the Attachment so that
13 way if you were to flip back and forth you would have an understanding.
14
15 Commissioner Garber: So then what gets updated in a Comprehensive Plan when it is done is
16 the number that is used here which is \$3.0 million per acre?
17
18 Mr. Larkin: No, what gets updated in the Comprehensive Plan is the goal of acres per unit.
19 What gets updated annual is the cost of land.
20
21 Commissioner Garber: Thank you.
22
23 Mr. Emslie: The Quimby Act basically allows the current market value of land to be the driver
24 in this. It is typically updated annually but in a rapidly escalating environment the Act provides
25 for an assessment or an appraisal that would determine what fair market value is for land at the
26 time of subdivision. So you can get the most accurate cost of land and plug this into the
27 equation. That is the nice thing of the Quimby Act is it has an automatic escalator because it
28 does allow you to use the current market value.
29
30 Commissioner Garber: Perfect, thank you.
31
32 Chair Burt: Karen.
33
34 Vice-Chair Holman: Just for our edification do you know when there is going to be a
35 reevaluation of what the park impact fees are?
36
37 Mr. Abendschein: We don't have a timeline for that at this time.
38
39 Vice-Chair Holman: The reason I ask is because I think it might be something we might want to
40 bring to the attention of the Council, not that they don't already know this or are aware of this
41 but the number that is being used to calculate them is \$3.0 million an acre and well a couple of
42 things. One is they aren't charging the maximum amount that they could charge and also they
43 are using a dollar amount of \$3.0 million and acre and we are much higher than that currently.
44
45 Mr. Emslie: It is already on our work program. We have already identified the need to update
46 the nexus study that provides the justification for the impact fees.

1
2 Vice-Chair Holman: But there is no timeline on it currently?
3
4 Mr. Emslie: Working with the Attorney's Office we are looking at within the next six months to
5 a year.
6
7 Vice-Chair Holman: Okay, that is helpful to know. Thank you.
8
9 Chair Burt: Phyllis.
10
11 Commissioner Cassel: I have one more question. Let me use an example. Say there was 10
12 acres of land. They were putting 30 units on an acre, that's 300 units it would qualify for land
13 dedication. Does that mean they would still put 300 units on that land but they would just put it
14 on nine and a half acres? In other words, would it allow for an increase in density and they
15 would in turn give the land? Is that the intent?
16
17 Mr. Emslie: Yes it would. Again, it would be part of the city's discretion to determine through
18 its site plan review where the acreage would be and how access would be given and so forth.
19 But yes, the idea is it wouldn't take away from the development capacity of the land.
20
21 Chair Burt: Okay. Do we have a motion?
22
23 MOTION
24
25 Commissioner Garber: I move that we support the Staff's recommendation.
26
27 SECOND
28
29 Vice-Chair Holman: Second.
30
31 Chair Burt: Okay, Dan would you like to speak to your motion?
32
33 Commissioner Garber: No, I think we have done a good job of it thus far. Thank you.
34
35 Chair Burt: Karen.
36
37 Vice-Chair Holman: Only just to say I really appreciate the Council Members, the Mayor and
38 the Vice-Mayor and Council Member Mossar who brought this forward. It has been something
39 too long in coming and I am really, really happy to be able to support it tonight.
40
41 Chair Burt: Lee.
42
43 Commissioner Lippert: Again I just want to reiterate that you made a good effort here to make
44 sure that people aren't double taxed or not paying twice for parks. I would encourage that we
45 make sure that people are not paying three times which is if there are units that are already there

1 and the land is being redeveloped they already have paid for parks. So maybe those base units
2 should be deducted out. So I think we should look at that.

3
4 MOTION PASSED (6-0-0-1, Commissioner Bialson absent)

5
6 Chair Burt: Okay. I support the motion enthusiastically. I would like to call the question. All
7 those in favor? (aye) Opposed? That passes unanimously.

8
9 We have Approval of Minutes for April 19 and 26.

10
11 **APPROVAL OF MINUTES:** Minutes of Special Meeting of April 19 and Special and Regular
12 Meeting of April 26, 2006.

13
14 Chair Burt: Do I have a motion to approve the April 19?

15
16 MOTION

17
18 Commissioner Garber: So moved.

19
20 SECOND

21
22 Commissioner Sandas: Second.

23
24 Chair Burt: Moved by Commissioner Garber and seconded by Commissioner Sandas.

25
26 Commissioner Lippert: Actually I have one minor correction in there and it is very minor.
27 Where I said "J and J" it is supposed to be JJ&F Marketing.

28
29 MOTION PASSED (6-0-0-1, Commissioner Bialson absent)

30
31 Chair Burt: Good, okay and everybody is eligible on that one? Okay. All in favor? (ayes) That
32 passes unanimously.

33
34 A motion to approve April 26?

35
36 Commissioner Sandas: I have a couple of corrections actually. What is the protocol for this?

37
38 MOTION

39
40 Commissioner Garber: So moved.

41
42 Chair Burt: We will take a motion and a second and then correct. A second?

43
44 SECOND

45
46 Commissioner Cassel: I'll second it.

1
2 Chair Burt: That is a motion by Commissioner Garber and a second by Commissioner Cassel.
3 Now corrections by Commissioner Sandas. Just so everybody knows if they are minor
4 corrections, typos and things, those can be corrected supplementally just by letting Zariah know.
5

6 Commissioner Sandas: Actually it is not a typo it was some comments that were actually
7 attributed to Vice-Chair Holman that were made by me. On page 47 of 74, line 22 says Vice-
8 Chair Holman and that should say Commissioner Sandas. Then line 24 says “connection to
9 sandals” and that would be “Zanotto’s Market.” Then that follows on the next page on 48 of 74,
10 line 7 says Vice-Chair Holman and that should be Commissioner Sandas, line 10 Vice-Chair
11 Holman and that should be Commissioner Sandas, line 12 Vice-Chair Holman should be
12 Commissioner Sandas. Page 48 of 74, I made a kind of smarty-pants kind of comment and I
13 didn’t want poor Vice-Chair Holman to have that comment attributed to her.
14

15 Chair Burt: Okay. All in favor?
16

17 Commissioner Cassel: Pat, I have a minor correction I will tell her later. I somehow gave
18 myself a Bachelor’s of Science degree instead of a Bachelor’s of Arts degree. I will find it and
19 tell her later.
20

21 MOTION PASSED (6-0-0-1, Commissioner Bialson absent)
22

23 Chair Burt: Okay, all in favor? (ayes) That passes unanimously.
24

25 ***REPORTS FROM OFFICIALS/COMMITTEES.***
26

27 Chair Burt: Do we have any Reports From Officials or Committees?
28

29 Commissioner Garber: Yes. Lee, why don’t you go?
30

31 Commissioner Lippert: Actually it is getting late it is eleven o’clock. Can we defer my report
32 until the next hearing?
33

34 Chair Burt: You can do that, yes. Dan? Your speaker is off. You want to defer your report
35 also? If there is nothing the Commission needs to be informed on before our next regular
36 meeting then we can defer it.
37

38 Commissioner Garber: Sure.
39

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

42 Chair Burt: Okay. We have Commissioner Representation this month with Commissioner
43 Lippert, next month with Commissioner Garber. Did we settle on anybody for July? Phyllis
44 says she will be here and I’m gone part of July. So Commissioner Cassel volunteered for July.
45

1 At our upcoming Retreat I want to make sure everybody knew that a light dinner will be served.
2 I wanted to ask something. It is always kind of awkward eating in front of visitors or figuring if
3 we have too many visitors do we invite them all. Should we have the meal briefly before the
4 meeting? Is 5:30 too early for anybody? Okay. So a meal at 5:30 and convene the meeting at
5 six o'clock. Paula.

6
7 Commissioner Sandas: Can I just confirm one thing? Because we did the Parkland Ordinance,
8 the Quimby Act, tonight we are off the hook for May 31 or will there be something put on the
9 calendar that we are unaware of at this point? Okay, a free Wednesday night.

10
11 Commissioner Cassel: Unless we have to continue something that we don't anticipate in
12 continuing from one of these other meetings.

13
14 Chair Burt: Okay, thank you. On that note we will adjourn.

15
16 ***NEXT MEETING:*** Special Meeting Retreat of May 17, 2006 at 6:00 PM.

17
18 ***ADJOURNED: 11:05 PM***