



PLANNING & TRANSPORTATION COMMISSION MINUTES

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

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Wednesday, November 29, 2006
SPECIAL Meeting at 6:30 PM
REGULAR Meeting at 7:00 PM
Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL: 6:35 PM

Commissioners:

Karen Holman - Chair
Lee I. Lippert- V-Chair
Patrick Burt – conflicted Item 2
Paula Sandas - absent
Arthur Keller
Daniel Garber - 6:45 PM
Samir Tuma – conflicted Item 2

Staff:

Curtis Williams, Assistant Director
Michelle Tronquet, Deputy City Attorney
Julie Caporgno, Advance Planning Manager
Tricia Schimpp, Consultant
Roger Cwiak, WGW Eng. Manager
Zariah Betten, Executive Secretary
Whitney McNair, Consultant
Romel Antonio, Senior Utilities Engineer
Amy Bartell, Mgmt. Spc. for Attorney’s Office

AGENDIZED ITEMS:

SPECIAL MEETING @ 6:30 PM

- Draft Environmental Impact Report Training

REGULAR MEETING @ 7:00 PM

1. Zoning Ordinance Update: Changes to Chapter 18.88 of the Zoning Ordinance to address requirements for (1) wireless communication facilities; (2) water resources protection; and (3) landscape standards.
2. Comments Regarding the City of Palo Alto Emergency Water Supply and Storage Project

SPECIAL MEETING @ 6:30 PM

- Draft Environmental Impact Report Training

Chair Holman: We are here for a special half hour meeting before our regular meeting beginning at 7:00 to have a special meeting about DEIRs. Would staff like to make a presentation?

1 Mr. Curtis Williams, Assistant Director: Yes, thank you. We put this rather quickly based on
2 your comments at your recent retreat that would be helpful to give a little preview on
3 backgrounds of some of these issues before you dealt with them. Unfortunately, this one was
4 right upon us so we did not have much time to organize. We would like to at least run through
5 about a half hour's worth of discussion on what is involved with CEQA review, in particular in
6 terms of your review of environmental impact reports. Later on in the agenda you will be
7 reviewing or taking comments on a draft environmental impact report. I do want to acknowledge
8 EIP Associates, Mr. Rod Jeung who made a presentation to staff, Commission and the public on
9 this a couple of years ago and he has kindly agreed to let me quote on his presentation that is
10 before you tonight. We want to talk a little bit about what the regulations are in the CEQA
11 process, briefly touch on Initial Studies and Negative Declarations with focus on EIR contents
12 and the process for EIRs and the Commission's role in reviewing those. The California
13 Environmental Quality Act, also known as CEQA, the Public Resources Code accompanying the
14 legislation is the CEQA Guidelines which was developed by State Office Planning and Research
15 and they are more usable as far as what we actually look at how CEQA applies to projects. The
16 intent of CEQA is several, one is to disclose potential environmental impacts of a project, to
17 identify ways to avoid or reduce an environmental damage, to require changes to mitigation
18 measures or alternatives whether they are appropriate and ultimately to disclose reasons for
19 project approval if there are remaining environmental impact, what are the overriding reasons
20 why the City is approving the project. A project under CEQA is what's called the whole of an
21 action, has the potential to result in a change in the environment – we are generally talking about
22 is physical environment and for our sakes it typically involves an approval of a development
23 project, general plans, ordinances, anything that might directly or indirectly affect the
24 environment. They may cause a substantial, or potentially substantial adverse change in physical
25 conditions within the area affected by the project which development project is likely to have
26 some kind of impact. It may not in the end be considered significant but it would be a direct
27 impact. The whole of the action includes those direct impacts as well as indirect impacts so that
28 a physical change in the environment may not immediately be related to the project but may be
29 caused indirectly by the project. So a general plan or a zoning change or extension of a utility
30 line perhaps may not have direct impacts on the physical environment but the result of that zone
31 change or whatever may bring with it other development that does have that physical impact. So
32 those are considered projects as well.

33
34 So in the CEQA process the first question we ask is is something a project? We have statutory
35 and categorical exemptions that apply that may exempt certain types of projects from review.
36 Then we have an initial study if the project is not exempt and then determine whether either a
37 Mitigated Negative Declaration or an Environmental Impact Report is appropriate. I won't get
38 into too much as fair argument versus substantial evidence. I think I have a slide a little bit later
39 that will talk about that a little bit.

40
41 The Process, I won't go through this chart with you or we won't get done by seven o'clock. It is
42 again determining whether the project is exempt or not, preparing an initial study, determining
43 whether a Negative Declaration or Environmental Impact is required, certain notices and hearing
44 process that are required, and one of CEQA's purposes also is to allow for and provide for public
45 input to the process.

46

1 CEQA Process if the action is not a project, in other words it is exempt somewhere and no
2 environmental document needed and on the bottom there it says if the action is a project then is it
3 exempt?
4

5 There are two kinds of exemptions. Statutory exemptions are projects that the law says are
6 exempt. Some include ministerial projects, building permits and such that don't have any
7 discretion associated with them are exempt. Some emergency projects, various studies as long as
8 they are not resulting in any action just the studying of something, are exempt. Certain types of
9 housing projects, certain types of environmental restoration are exempt by statute. So those are
10 specifically called out that way.
11

12 The categorical exemptions are projects that are deemed to be so minimal in impact that they can
13 be generally considered exempt. There are 32 classes of categorical exemptions in the
14 guidelines. These are not in the statute they are in the guidelines. If you use them then you don't
15 need to do a Negative Declaration or an initial study. So these kind of classes include additions
16 to commercial buildings, or if they specify the percentage increase or square footage increase,
17 subdivisions of four lots or less are generally exempt from CEQA, so there are these various
18 classes of exemptions that we don't have to process an environmental document for.
19

20 If the project is not exempt under any of those statutory or categorical exemptions then either a
21 Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report is
22 necessary.
23

24 In order to make that determination typically the first step is to prepare an Initial Study. What
25 you see frequently in your packets along with a Negative Declaration is an Initial Study
26 including a checklist and responses to some of the comments on that checklist and the conclusion
27 that there are no significant impacts or at least after mitigation there is no significant impact. So
28 it is a preliminary analysis prepared by the lead agency, in this case the City of Palo Alto, to
29 determine what kind of document is necessary, what kind of significant impacts might result
30 from a project. It is not required under CEQA but it is pretty much necessary to support a
31 Negative Declaration, if we are doing an Environmental Impact Report and we know from the
32 get-go that we are doing an Environmental Impact Report we are going to cover a whole wide
33 range of issues, we don't have to do an Initial Study. We already made the determination that
34 there is a significant impact and we are going to proceed with the EIR. That is why for all the
35 Negative Declarations you see you do see Initial Studies with those.
36

37 An Initial Study includes an introduction, it includes a description of the project, and then an
38 environmental evaluation which you see as a checklist based on Appendix G of the CEQA
39 Guidelines as to whether a project in air quality or in water quality or the various environmental
40 categories has no impact, a less than significant impact, a significant impact, or less than
41 significant with mitigations. So you have those basic categories and there are checkmarks and
42 then there are explanations generally of those responses at least other than the no impact
43 responses later in the document that say why, what we looked at, what sources we used, and
44 what is the basis for that conclusion. In the end we have an environmental determination, which
45 leads to the document that is a Negative Declaration, which is declaring that there is no evidence
46 in the record that indicates that there may be a significant impact from the project. The burden

1 of proof is on the City to show that and if there isn't evidence to the contrary. If there is a
2 dispute over that then it is usually wise to prepare an Environmental Impact Report. If there is
3 no impact then we essentially prepare a one to two page form that we file with the county and
4 begin the public review period. Ultimately it comes along with the project to you.

5
6 A Mitigated Negative Declaration is just different from a Negative Declaration in that it
7 prescribes mitigation measures. So sometimes you see a Negative Declaration that has no
8 mitigation measures, most of the time what you see is a Mitigated Negative Declaration. So
9 there are specified impacts, there is construction so there is going to be dust kicked up and such
10 during the construction and as a mitigation measure we want to be sure the site is watered and
11 various other best management practices are used during construction to reduce that impact to a
12 less than significant level. So that is the mitigation measure and if all of those potentially
13 significant impacts are reduced to a less than significant level then a Mitigated Negative
14 Declaration is an appropriate document to use.

15
16 If there is substantial evidence that the project would have a significant impact on the
17 environment and that mitigation measures will not reduce all of those impacts to an acceptable
18 level than an Environmental Impact Report is necessary. If there is disagreement among expert
19 opinions over whether there is a significant impact then it is certainly a good idea to prepare an
20 EIR to provide further documentation. Again, the burden of proof is on the lead agency to show
21 that there is substantial evidence to support its decision even if there is evidence to the contrary.
22 In the Environmental Impact Report process as long as there is substantial evidence in support of
23 the conclusion in the end that has been found to be legally sufficient.

24
25 The typical contents for an Environmental Impact Report include a summary of the project and
26 of the impacts and of the mitigation measures. An introduction, a fairly detailed project
27 description often times will have drawings of the plans and a lot of those kinds of details much
28 more so than a Negative Declaration Initial Study would have. Then for each one of the topic
29 areas again, Air Quality, Biological Resources, Water Quality, Cultural Resources, Land Use
30 there is a description of the environmental setting, the existing situation, what the existing
31 regulations are that apply, what potential impacts might be generated by the project, and what
32 mitigation measures are available to reduce the impacts of the project. There are also some
33 sections that usually aren't very extensive but they are important on Growth Inducing Effects in
34 terms of does this project lead to additional growth in a way like a major utility line or something
35 like where we need to account for those growth inducing effects. Cumulative Effects are is this
36 project in conjunction with five other ones that are happening at the same time what kind of
37 cumulative effects do those have? One very distinctive difference between an EIR and a
38 Negative Declaration is that the EIR analyzes alternatives. So there are usually three or four
39 alternatives in an EIR looked at and those are intended to see if there are other alternatives that
40 will reduce or avoid the impacts that have been identified for the project.

41
42 The last two are sort of technical things who were the persons consulted and who where the
43 persons who prepared the report and appendices as to what some of the technical documentation
44 was that was used.

1 Project Description as we mentioned each of those EIR sections is generally organized with an
2 introduction talking about the regulatory context, environmental setting, standards of
3 significance are important for each, transportation you may have a level of service D being
4 considered a significant impact in an intersection that is a kind of significance threshold that we
5 would use, and you try to define those for all of your parameters. What kind of methods do you
6 use to assess the impacts? Then finally defining what those significant impacts are and what
7 mitigation measures are available to address them.

8
9 I will skip through these. Standards of Significance again are important, quantitative, where it is
10 certainly preferable to have some quantitative standards but that is not always possible. It is also
11 important to use local policies and our Comp Plan and our Zoning Ordinance and those kinds of
12 things as thresholds rather than some general figures that other communities might use and to
13 cite sources for those standards. Again, local policies and plans should be used. We want to be
14 consistent with those thresholds so when you see EIRs those kinds of thresholds should be
15 consistent for each EIR that we present.

16
17 Project impacts are those that are really related specifically to the project, direct and indirect
18 impacts that are reasonably foreseeable from the particular project. Cumulative impacts, again a
19 very important area to analyze, are those effects that are added to and increased by other projects
20 or it could be an accumulation of the various impacts that you have on the site. Cumulatively all
21 of that together may be significant even though individual impacts are not.

22
23 So again a list of past, present and of probably future projects is used to define and analyze the
24 cumulative impacts. Sometimes we may have projections in a plan or in a regional plan that are
25 useful in terms of defining what cumulatively might occur in an area.

26
27 Then ultimately there needs to be a determination, those of you involved in the 901 San Antonio
28 project will remember that we had cumulative impacts but there were determinations for most of
29 those that the project contribution to that was not what is called 'cumulatively considerable.'
30 That means that the project itself even if you didn't have the project you would still have
31 significant cumulative impacts but the project itself may not be significant in that contribution
32 but overall you do need to recognize that there are cumulative impacts.

33
34 Mitigation measures can do several things. One is hopefully they could avoid impacts all
35 together. If not, they could minimize the degree of the magnitude of those impacts. In some
36 cases rectifying the impact through restoration or preservation or in certain cases particularly in
37 things like biological resources there may be opportunities to compensate for the impact by
38 providing wetlands say in some other location that compensate for the loss of wetlands on a
39 particular site. They may specify that you achieve certain standards in the future but they can't
40 really defer the measure to a later date and you can't really say you will do a study in five years
41 and let's see what happens then. You really need to be as specific as possible with the mitigation
42 measures in the Environmental Impact Report.

43
44 When you have mitigation measures that reduce impacts then there needs to be a clear statement
45 at the end of that discussion that says this mitigation measure will reduce the project impact to a

1 less than significant effect or it will and there will still remain a significant effect, which is noted
2 then at the end of the report.

3
4 Mitigation measures also have some constitutional constraints in terms of nexus that they have to
5 relate to the impact that is being generated and rough proportionality which means basically that
6 the degree of the requirement for the mitigation measure has to be in some way related to the
7 degree of the impact so someone is not committing to build a new entire roadway for a very
8 small impact or something along those lines. It can require a fair share of it which is reasonable
9 but not to burden that one property owner with that.

10
11 As far as the Commission's review and the public input there are several opportunities for input
12 to the EIR process. It is not required by CEQA but in most cases there is initially a scoping
13 session at the early stage of preparing the EIR where the public can have an opportunity to
14 indicate what issues are of concern to them so that the EIR consultant and the City know that we
15 need to address those issues as part of the EIR process. There is a Notice of Preparation that is
16 sent off to the state clearinghouse that identifies and describes the project and gives state
17 agencies an opportunity to respond as to whether they have any issues but that also is generally
18 circulated to the public too so the public has an opportunity outside of the scoping session to
19 provide comments as well, written comments, email comments, phone comments.

20
21 When the Draft EIR is prepared there is a required public review period generally 45 days for the
22 public to comment on the adequacy of the EIR and its analysis. For the most part in Palo Alto,
23 and this isn't the case in every city, here we generally try to have a Planning Commission
24 hearing, which is what tonight's agenda item is, to accept comments from the public and also to
25 allow the Commissioners to provide any verbal comments that you would like to provide. You
26 are welcome to provide follow up with written comments any time before the end of a review
27 period but this is a chance to make comments in the public forum.

28
29 Then for the Final Environmental Impact Report which responds to the various questions and
30 concerns that came up on the Draft the Commission would be asked to review that and to
31 recommend certification of that EIR before it goes on to the City Council. So that is one more
32 opportunity for the Commission and the public to weigh in on the EIR.

33
34 I just want to emphasize that the EIR certification is not approval of the project. These are two
35 separate processes. It is not infrequent at all to have an agency certify an Environmental Impact
36 Report and say that adequately addressed the impacts that are flowing from this project and then
37 turn around and say for various reasons, maybe some of those exact impacts or maybe some
38 completely other different reasons, we don't like the project and it doesn't meet some of our
39 other goals and we deny the project. So they are often linked together and they are not unrelated
40 certainly. You have to certify the EIR if you are going to approve a project but just because you
41 certify an EIR does not mean that you have to approve the project.

42
43 So we have one and a half minutes for questions and I am sorry that we don't have more time for
44 that but I hope that it was helpful for you at least to get a once through on that before some of
45 you get into your first review of an EIR.

1 Chair Holman: Any questions for Staff? Commissioner Lippert.

2
3 Vice-Chair Lippert: We are going to be doing the General Comprehensive Plan Amendment
4 soon. In the beginning of your presentation you mentioned that an EIR would be required for
5 general plans. How does that differ from say the EIR for specific projects? Does that blanket or
6 include the whole town and certain aspects of a town that wouldn't have to have an EIR for
7 instance if they stayed within certain regulations?

8
9 Mr. Williams: It sort of depends on the nature of it. One of the initial slides was essentially
10 saying that we had to do environmental review for a general plan amendment not necessarily an
11 EIR but we will be doing an EIR for the Comprehensive Plan Update.

12
13 It depends on the level of specificity of the Comprehensive Plan. There are a lot of parts of the
14 Comp Plan from our last Comp Plan EIR we will review some of that as the basis for
15 environmental review of say some of the Zoning Ordinance Update sections. As long as they are
16 consistent with what the Comp Plan EIR said and the Comp Plan EIR did look at those kinds of
17 issues, they didn't always but when they did, then we have used that as a basis. So yes it can be
18 that if you are within the confines of that analysis of that EIR then you may not have to do
19 subsequent environmental review. That is as whole other topic legally as to when you can do
20 that and when you can't and when you might need to do a Negative Declaration for instance still
21 to justify it.

22
23 Chair Holman: If no one else has questions I might just take a minute for a couple of others.
24 Scoping of a project, in other words CEQA talks about not being able to segment a project, if
25 you could speak to that real quickly. Statements of Overriding Considerations, under what
26 circumstances you can do that and what you have to do prior to considering a Statement of
27 Overriding Considerations. I had a third one but it is gone right now.

28
29 Mr. Williams: It's okay I couldn't remember three at once. Segmenting projects, which refers to
30 looking at one part of a project and not another related associated part of a project. You might
31 look at say a subdivision EIR and not take into account the effects the homes would have or
32 something like that. So you want to be sure that the whole of the action is considered. Like in
33 901 San Antonio if we had come forward with two separate EIRs on that I think there could have
34 been that argument that we were segmenting the project and we were looking at one without
35 really considering the other. That is one of the reasons why one EIR was done for those two
36 projects so that they were wrapped together and acknowledged that they were so closely tied that
37 you really couldn't pull one from the other. You are required to look at those joint impacts
38 anyway but it is important if you can do it to within one EIR consider everything that does relate
39 to that particular project.

40
41 Your second one was overriding considerations. When an EIR is adopted there are certain
42 findings that in this case the Council would have to make. Those findings generally are what
43 impacts were deemed significant, what mitigation measures were applied to them, and why those
44 are sufficient to mitigate the impact. Then if there are still significant impacts that aren't
45 mitigated, if the Council chooses to approve the project despite that there needs to be a Statement
46 of Overriding Considerations. Those statements need to indicate what other policies, objectives,

1 goals of the city are met and are important enough to meet that the city is willing to accept the
2 environmental impact that has been described in the document. As an example with the Comp
3 Plan EIR there were Statements of Overriding Considerations about where some impacts of
4 traffic could be mitigated by widening roadways and such but the City didn't choose to widen
5 the roadways because those would have some negative impacts on neighborhoods and pedestrian
6 and bicycle facilities. So it was deemed more important to protect those attributes than to accept
7 this level impact that had been described in the document. So that is part of findings for the EIR
8 at the end of the process.

9
10 Chair Holman: One last comment about that. Before a Statement of Overriding Considerations
11 can be made I believe all reasonable and feasible alternatives have to be fully explored. Is that
12 not correct?

13
14 Mr. Williams: That is right. The alternatives and mitigation measures, we have to look at those
15 and disclose them again. They don't necessarily have to be used but you have to look at them.

16
17 Chair Holman: Commissioner Keller.

18
19 Commissioner Keller: To follow up on Commissioner Lippert's question, when a
20 Comprehensive Plan is put together there is an EIR put together and that EIR is based on certain
21 assumptions and projections of how many jobs would be created, how much housing would be
22 created and such. What happens when those projections are exceeded? How does that affect the
23 applicability of that EIR for future decision-making?

24
25 Mr. Williams: It can affect it. I think it depends on a particular circumstance. It may depend on
26 the location of where that additional development occurred or projections were exceeded. It
27 might be in areas where it didn't have necessarily a significant impact but it might in other ways
28 in some other areas. So you should at least look at it and see whether it is necessary to revisit
29 that EIR or not.

30
31 Ms. Julie Caporgno, Advance Planning Manager: I was just going to add that you need to make
32 sure that your EIR or whatever environmental document you are using is still defensible. So if in
33 fact you can rationalize or you can show, as Curtis mentioned, that maybe the projections are a
34 little bit off but they still are reasonable you could still use the document.

35
36 Chair Holman: Seeing no other questions and that it is five after seven, unless Staff has
37 something else to add we will conclude the Special Meeting and convene the Regular Meeting of
38 seven o'clock.

39
40 **REGULAR MEETING @ 7:00 PM**

41
42 Chair Holman: This is an opportunity for anyone who would like to speak under Oral
43 Communications. It is an opportunity to speak to any item that is not on tonight's agenda. If
44 you would care to do that please bring a card to the Secretary.

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

6
7 *AGENDA CHANGES, ADDITIONS AND DELETIONS.* The agenda may have additional items
8 added to it up until 72 hours prior to meeting time.

9
10 Chair Holman: Then under Additions, Changes and Deletions we have had for some practical
11 matters and issues tonight changed the order of the two items. We have two items on the agenda
12 tonight a Zoning Ordinance Update item and comments on the DEIR for the Emergency Water
13 Supply and Storage project. We are going to transpose those two items. Seeing no cards from
14 the public for the public comment period I believe the Commission tonight is rather littered with
15 conflicts of interests. Commissioner Burt, would you care to start?

16
17 Commissioner Burt: I have been informed by the Assistant City Attorney that I have a conflict
18 with this item because of my adjacency to Rinconada Park. I would like to ask the Assistant City
19 Attorney to clarify that a little bit. We had a brief conversation and the more I looked at it I am
20 still not clear on the basis for the conflict so if you could explain it.

21
22 Ms. Michelle Tronquet, Deputy City Attorney: The Fair Political Practices Commission rules
23 advise, and it is certainly always up to you, but the rules state that if you have a real property
24 interest within 500 feet of a parcel that is a subject of a decision to be made by tonight the
25 Commission you are conflicted and you shouldn't participate.

26
27 Commissioner Burt: So the parcel that is the subject tonight is it the particular well site that you
28 are referring to or Rinconada Park as a whole?

29
30 Ms. Tronquet: Rinconada Park as a whole. The particular well site is not parcelized it is within
31 Rinconada Park so the boundary that we are talking about is the park boundary because the well
32 site actually had no legal boundary.

33
34 Commissioner Burt: So let me ask you because this seems so far fetched that you have a small
35 portion of a remote area of Rinconada Park that probably if that site were chosen would be
36 minimally impacted, the Staff Report says that while it could cause a disruption in recreational
37 uses at the park or it could cause increased use at adjacent or parks elsewhere in that area. So if
38 the impact spillover went to a nearby park would that cause a conflict for a Commissioner? The
39 Staff Report that a large number of recreation users to other recreational facilities within the
40 project region could have overcrowding occurring as a result of that so then the impact gets
41 transferred to another park. Does that mean that if I were a Commissioner who lives within 500
42 feet of that other neighborhood park I would also be conflicted?

43
44 Ms. Tronquet: Well at this point we most likely wouldn't be able to say that an impact on a
45 different park in the city is substantially likely and that is the threshold that the FPPC uses. What
46 the real issue is is the economic impact to your property of the development, the well

1 development, as well as the park impacts because of the proximity to a property you own.
2 Certainly the decision to participate is always up to you but it is a direct conflict under the FPPC
3 rules.

4
5 Commissioner Burt: So now I still need a little bit of clarification. You are not saying it is the
6 impact through the disruption of the use of the recreational facilities it is other impacts? Impacts
7 upon me hypothetically.

8
9 Ms. Tronquet: Right. Essentially the FPPC rules establish a presumption that there is a direct
10 impact whenever you own property within 500 feet of a parcel where a decision has to be made.
11 So because you own property within 500 feet of Rinconada Park where a well development will
12 be affected by this project the FPPC presumes that your property will be directly impacted.

13
14 Commissioner Burt: Okay. Well for the record I will just state that that's as much of a stretch of
15 this rule as I have encountered in my eight years on the Commission. So I will abide by your
16 advice but it is pretty far fetched in my mind. Okay.

17
18 Chair Holman: Commissioner Tuma.

19
20 Commissioner Tuma: Mine is a little more clear cut I think. One of the parcels involved in the
21 discussion this evening is on Stanford land so as I understand it my wife is employed by Stanford
22 and therefore I have a clear cut conflict and won't be participating.

23
24 Chair Holman: Thank you. I neglected, do we need to call the roll again for this regular
25 meeting? Thank you. Let the record show that Commissioner Garber has joined us.

26
27 Given that we have Commissioner Sandas out ill this evening we have four Commissioners
28 participating. Would Staff care to make their presentation?

29
30 *NEW BUSINESS*

31 *New Business:*

- 32
33 **2. Comments Regarding the City of Palo Alto Emergency Water Supply and Storage**
34 **Project**: The Planning and Transportation Commission will receive public comments
35 regarding the adequacy of the Draft Environmental Impact Report (DEIR) for a proposed
36 8-Hour Emergency Water Supply and Storage Project which would upgrade five existing
37 groundwater wells, construct up to three new wells, construct a new storage reservoir and
38 pump station, and upgrade an existing pump station. The City has identified seven
39 potential locations for new wells and four potential locations for the 2.5 million gallon
40 (MG) storage reservoir, evaluated in the Draft Environmental Impact Report (DEIR).

41
42 Ms. Caporgno: Thank you Chair Holman. Before we get into the presentation I just wanted to
43 let the Commission know that here tonight we have several people from the Utilities Department,
44 Romel Antonio, Jim Flanigan, Tom Marshall and Roger Cwiak. Also Tricia Schimpp who is the
45 City's contract planner who prepared the Staff Report as well as oversaw the preparation of the
46 EIR with this also, as well as the consulting engineer and EIR consultant.

1
2 I am going to give kind of an overview of the findings in the EIR but before that Roger, who is
3 the Engineering Manager for Water, Gas and Wastewater Engineering, is going to give you a
4 brief overview of the project itself.

5
6 Mr. Roger Cwiak, Engineering Manager, Water, Gas and Wastewater Engineering: Good
7 evening Commissioners. I am going to discuss the City of Palo Alto Emergency Water Supply
8 project and the Draft Environmental Impact Report and give you an overview of the project.

9
10 First I will discuss the existing water system operation. Palo Alto currently receives 100 percent
11 of its potable water supply from the San Francisco Public Utilities Commission and operates a
12 series of reservoirs to meet peak demands including the Fire demands in the city. The city also
13 has five standby wells that do not normally operate.

14
15 Next I would like to discuss a comparison of the emergency water supply for the Palo Alto water
16 utility versus other local water utilities that are of equal or larger size than the City of Palo Alto.
17 On this graph you will notice that along the bottom of this graph it represents the number of
18 maximum demand days supplied by each of the utilities listed on the left side of the graph. This
19 vertical dashed line represents the minimum level recommended by the Department of Health
20 Services of eight hours of maximum day demand. So if you are going to read this graph you
21 could look at the horizontal yellow bars and these bars could represent the level of emergency
22 water service provided by each of these utilities and how they meet the minimum level
23 recommended by the Department of Health Services.

24
25 When we looked at the Palo Alto level on the bottom of this graph we can see that Palo Alto
26 currently meets approximately one-third of the minimum level recommended by the Department
27 of Health Services of approximately 2.7 hours of maximum day demand. We would like to get
28 to this level, the minimum level, and the projects included in the Draft Environmental Impact
29 Report would move Palo Alto's level of emergency water service to the minimum level
30 recommended by the Department of Health Services. So this chart provides a graphic
31 representation of the City of Palo Alto's project purpose to provide enough water to meet the
32 normal and emergency demands if the SFPUC aqueduct system was to shut down. The shut
33 downs on the system could range from a water quality event or a physical separation of their
34 pipelines.

35
36 The benefits of the project are to provide Palo Alto with a reliable emergency water service. The
37 project objectives are to provide adequate supplies to meet the DHS recommended eight-hour
38 emergency supply. To provide facilities that would allow for drought year supplemental
39 production. To design facilities to meet fire flow requirements under emergency water supply
40 conditions, and to implement cost-effective improvements to meet the above objectives, and to
41 reduce and minimize the effects of the projects to the degree feasible.

42
43 In 1999 the City completed a study on the water distribution systems and that study
44 recommended emergency supply improvements. These improvements included the development
45 of 2.5 million gallons of stored water. It recommended that the City develop an 11,000-gallon
46 per minute reliable well capacity. This was to be accomplished by constructing three new wells

1 in the city and rehabilitating the city's five existing standby wells. The final recommendation
2 was to upgrade the Mayfield Reservoir Pump Station to better meet the emergency water supply
3 needs of the community.

4
5 Now Julie will cover the CEQA process for this project's Draft Environmental Impact Report.

6
7 Ms. Caporgno: The table you see up there outlines what the CEQA process entails and where we
8 are in the process. We circulated a Notice of Preparation on February 7 and it had over a 30-day
9 review period through March 13. The Notice of Preparation went to public agencies and they
10 were to identify what issues they wanted to see addressed in the EIR.

11
12 A public scoping meeting was held on March 8 and the Draft EIR that you have before you
13 circulated on November 8. Right now we are in the 45-day public review period. Written
14 comments on the EIR are due on December 22.

15
16 Tonight's hearing is to take public comment and any comments that the Commission may have.
17 We are not here to respond to those comments. If we can clarify an issue for the Commission we
18 would be glad to do that but the responses to all the comments we receive tonight will be
19 included in the Final EIR which should be circulating prior to February 14 when we are
20 anticipating coming back to the Commission for their review of the Final EIR and a
21 recommendation on its adequacy. Then we are anticipating that the Council will be hearing the
22 EIR in the spring of 2007 along with the project.

23
24 The EIR addressed four different potential sites for the reservoir itself, ten potential sites for
25 three wells, the rehabilitation of five existing wells, and the rehabilitation of one existing pump
26 station. This approach will enable the City Council to have some flexibility in determining
27 where they want to place the reservoir as well as the wells.

28
29 The map that you see before you shows the locations of the different potential sites. Everyone
30 within 600 feet of each of these sites was notified of the EIR availability and the notice of this
31 meeting.

32
33 The EIR addressed all of the required impact categories required by CEQA. The highlighted
34 sections are those that were analyzed in the EIR that are key to the project. I am just going to go
35 through each of those just briefly describing the findings for each of those areas.

36
37 For the recreation resources impacts we identified that construction of some of the proposed
38 project facilities would temporarily disrupt access to existing recreation facilities and over
39 crowding could occur at those facilities during peak use periods. The mitigation measures that
40 were identified were a public notification program of the impacts that would be occurring during
41 construction and rescheduling park usage during the construction period.

42
43 The visual quality section identified that well drilling activities would require 24-hour activities
44 over a three-week period and could result in light and glare effects as experienced from adjacent
45 streets and residential uses. The regulations for nighttime lighting for construction will require

1 that no light source is directly visible from neighboring residential areas and that is the
2 mitigation that we have identified.

3
4 The hydrology and water quality impact is increasing the groundwater recovery to meet
5 emergency demands and would have the potential to result in groundwater levels below historic
6 low elevations. The mitigation is that aquifer testing following construction would verify the
7 basin's response to the pumping and we would limit emergency demand pumpage to 1,500 acre
8 feet in one year and restrict production. Another impact is that the placement of new wells
9 would alter the localized groundwater gradients during an emergency operation and could result
10 in direct effect to the efficiency of existing wells due to well interference. The mitigation
11 measure would be to insure that new wells would not be located closer than 500 feet from
12 existing production wells.

13
14 Under the cultural resources section the Hale Well Pump House that is an historic property
15 eligible for the National Register may have alterations to the existing structure in order to
16 implement the project. The mitigation for that would be that any alterations would have to be
17 consistent with the Secretary of the Interior's Standards. I would note that in the Staff Report
18 there is mention that Staff is investigating previous rehabilitation activities in the Hale Well
19 Pump House we have looked into that and there haven't been any renovations or rehabilitations
20 to the structure that reduces its historic significance.

21
22 Under traffic and circulation primarily it is parking that is an issue for this project. The proposed
23 project would permanently reduce parking supply at all proposed well sites by five spaces and in
24 storage reservoir location e by ten spaces. The mitigation measures that were identified were to
25 require in lieu parking fees for each parking space lost in the Downtown parking lot site and
26 redesigning the parking layout at the California Avenue parking lot site. If redesign of this lot
27 were not possible this impact then would be considered significant and unavoidable.

28
29 Noise and vibration, the construction of the proposed facilities and well drilling activities would
30 generate temporary noise levels above existing ambient conditions. The mitigation measures are
31 that the site project facilities would be located at least 100 feet from the property lines adjacent
32 to sensitive receptors. Engineered sound wall or noise blanket would be installed during the 24-
33 hour construction activities and all residents of the area would be notified of the construction
34 schedule or any other sensitive receptors within 1,000 feet of the construction sites.

35
36 In addition to the site alternatives that were addressed in the project analysis that was done
37 throughout the EIR the EIR also addressed four alternatives to the project as required by CEQA.
38 The 'No Project' doesn't meet the project alternatives. It doesn't have environmental impacts
39 obviously and there aren't any benefits derived from project. Connections with adjacent
40 agencies also don't meet the project objectives, has limited or very low environmental impacts,
41 and the benefits are none because the adjacent utilities are dependent on the same water supply.
42 An interconnection with the Santa Clara Valley Water District does not meet the project
43 objectives either, and it would have the greatest land disturbance area, and the highest
44 environmental constraint, and does not meet the fire flow objective. Then desalination would
45 meet the project objectives but the regulatory constraints and water quality constraints, greater

1 land disturbance, greater impacts across all areas, but it would meet the project objectives, as I
2 said.

3
4 As I said earlier this the review of the EIR in which we are taking public comment. Tonight the
5 public can present their comments orally or they can still submit comments in writing before
6 December 22, and the public process will enable them to attend the meeting on February 14 in
7 which they can also raise issues regarding the adequacy of the EIR. At that point the public
8 comment period will have ended. We have a project website that can be contacted and we are
9 taking email, it doesn't need to be in letter form to the City, so if someone has comments on this
10 EIR they can submit either letter or email to the City. The contact information is listed above.
11 As I said, we are taking comments through December 22. With that I will turn it over to the
12 Commission and we welcome comments from the public as well as any Commission comments.

13
14 Chair Holman: One point that I would like to make also is that typically the Commission likes to
15 do the review of the DEIR later in the review period. As this comment period is open until
16 December 22 this isn't late in the process but due to scheduling and the holiday this is the best
17 that could be arranged. So as Julie said we can submit comments also until December 22 as can
18 the public.

19
20 With that do Commissioners have questions or comments? I think I saw Commissioner Garber.

21
22 Commissioner Garber: Just a couple of project questions. They are not directly related to the
23 EIR but they are just so that I understand the project a little bit. The eight hours that the
24 Department of Health Services identifies as the minimum that communities should have is that
25 eight hours regardless of the size of the community?

26
27 Mr. Cwiak: Yes.

28
29 Commissioner Garber: Just because I don't understand, does the eight hours buy us something
30 that ten hours doesn't or that six hours would not allow us to do?

31
32 Mr. Cwiak: I don't know all of the exact reasons that the DHS determined to use eight hours. I
33 do know that for a water utility to meet that type of demand it takes a significant amount of
34 stored water or other resources like wells to help meet that demand for that period of time. You
35 also have to meet the fire demands in each of the pressure zones that you have. So we have
36 stored water that we have to keep in reserve for fire demands that may occur at the same time if
37 we had no supply from anywhere else outside the city we have to be able to supply the maximum
38 day demand. In Palo Alto that maximum day demand is about three and a half times the normal
39 demand that we have in the city. So it is a demand that is calculated over a day period but it is
40 really based on your maximum hourly demands that you might experience in your system at any
41 high demand hour.

42
43 Commissioner Garber: So correct me if I am wrong, I am understanding that the eight hours
44 calculated as part of a maximum or as the maximum actually gives Palo Alto essentially a day
45 worth of normal use.

1 Mr. Cwiak: It could but in the emergency that would break pipes or cause an interruption Palo
2 Alto would have to rely on just the water it had at any given time. So during your normal
3 operations your reservoirs are not always full. You are using water in and out of them during
4 your daily operation so if it hit at the wrong time you wouldn't have your full capacity of every
5 reservoir. If there was a break on the lines then that same event may cause breaks on the City's
6 lines, which would cause us to lose water also until we could control those damages.

7
8 Commissioner Garber: One more related to this. Eight hours is obviously the minimum. Is
9 there any reason why Palo Alto should be thinking that there should be more?

10
11 Mr. Cwiak: To meet the eight hours actually gives Palo Alto – for us to be able to supply that
12 amount of water over an eight hour period with fire flows included to develop that type of a
13 reliable emergency water supply service we could with conservation in the system be able to
14 extend it beyond the eight hours.

15
16 Commissioner Garber: One other just project question then I am done. Who owns the proposed
17 Middlefield well site?

18
19 Mr. Cwiak: The City of Palo Alto owns that site.

20
21 Commissioner Garber: Thank you.

22
23 Chair Holman: Commissioner Keller did you have any clarifying questions? Then after
24 clarifying questions we will go to the public. I don't have any cards yet but I presume there will
25 be some.

26
27 Commissioner Keller: Thank you. I appreciate the emergency water supply comparison chart. I
28 am trying to make sure that I am reading this correctly. It says current City of Palo Alto and that
29 says 10.5 MG so I assume that means the current emergency water supply of the City of Palo
30 Alto is 10.5 million gallons.

31
32 Mr. Cwiak: Palo Alto currently has a stored water capacity of 10.5 million gallons.
33 Approximately one-third of that is the emergency water supply. Approximately one-third of that
34 is our normal fluctuation in the reservoirs and then the other third would be the reserve for our
35 fire flows.

36
37 Commissioner Keller: Thank you. So what I am taking from that is we need about three times
38 that or about 31.5 million gallons, is that correct?

39
40 Mr. Cwiak: That may be close to the number.

41
42 Commissioner Keller: We are planning to add 2.5 million gallons for storage and I assume the
43 purpose of the storage is for the fire flow issue.

44
45 Mr. Cwiak: Yes.

1 Commissioner Keller: And assuming that the 31.5 million gallons is correct that would leave
2 about 29 million gallons to be obtained over a period of time from pumping.

3
4 Mr. Cwiak: Yes.

5
6 Commissioner Keller: I had the advantage of going to the scoping meeting so I vaguely
7 remember hearing that with emergency usage measures we would hope that the eight hours
8 might last as long as a month depending on how many fires existing and things like that. Is that
9 a reasonable way to think about it?

10
11 Mr. Cwiak: Yes, if we construct the wells that we need to supply the 11,000-gallon per minute
12 reliable water supply. Then we could pump and supply Palo Alto at nearly its normal rate for
13 about 30 days.

14
15 Commissioner Keller: Thank you.

16
17 Chair Holman: Commissioner Lippert, any clarifying questions? Okay. I have but one card for
18 Jean McCown and you will have five minutes. Welcome.

19
20 Ms. Jean McCown, Stanford University: Thank you very much Chairman Holman and members
21 of the Commission. I am the Director of Community Relations at Stanford University. I am
22 here tonight to talk to you about this because three of the four sites that are considered in this
23 EIR for the reservoir specifically are on Stanford land.

24
25 I wanted to start off by saying we are very supportive and sympathetic to the purposes of this
26 project. Stanford has its own water supply not through the City of Palo Alto but directly from
27 Hetch-Hetchy and we have had to deal with the same emergency water supply issue that you are
28 looking at or the City is looking and have had to deal with that on our land. So we absolutely
29 understand the need for the project.

30
31 Earlier in the year when the City Council acted to initiate this EIR the University provided a
32 memo to the City about the sites that are being considered on Stanford land and I brought extra
33 copy of those tonight which I would like to have the Clerk give you copies of. This is back in
34 January when the Council saw the recommendation from Staff to proceed with this EIR and that
35 identifies the three sites one of them is El Camino ballpark, one of them is the parking lot
36 fronting on El Camino at the Stanford Shopping Center, and the last the third is the corner of
37 Arboretum Road and Quarry Road which is described in the EIR I believe as the shopping center
38 south site.

39
40 The things that I wanted to point out to you tonight about the EIR analysis are some missing
41 pieces of analysis with respect to those options. First is with respect to the shopping center site
42 that is the parking lot fronting El Camino. The memo points out to the City that we have actually
43 it is now the Simon Corporation has obligations to the major tenants at the shopping center and it
44 specifies them here, Macy's, Bloomingdale's, Neiman Marcus, and Macy's Men's where there
45 are ground lease restrictions about any impact on those parking areas. That is not only long-term

1 impacts it is short-term impacts. We believe those obligations and the potential impact on the
2 land use aspects of those obligations need to be understood and evaluated by the EIR.

3
4 Then the third site, the one being described as the shopping center south site, which is the
5 northeast corner of Arboretum and Quarry Road, that is not actually in the City of Palo Alto. It
6 is in the county. It is part of the campus lands. It is governed by the campus General Use Permit
7 and it is designated as a housing site. That information, at least as we understand it, is not
8 discussed or analyzed in the EIR. I believe that is an omission and an inaccuracy that needs to be
9 corrected in the EIR. As you can see from this memo we provided this information to the City
10 back in January, we provided it again in March when the scoping for the EIR was done, and
11 understood that already had been provided to the consultants for their consideration, and we
12 believe it does need to be included and understood and evaluated in the EIR.

13
14 Then the final point I would make is that the absence of understanding those current land use
15 conditions on those parcels means that the alternatives in the EIR that look at cost and feasibility
16 of the project don't look at the differences of what those costs and feasibility may be on these
17 different alternative sites. For example, with the shopping center parcels as we understand it the
18 Simon Corporation very soon will be bringing forward some ideas at the City's initiation of
19 potential changes of the shopping center which might involve building in that area, and that
20 would certainly be inconsistent and difficult to accomplish with these sites being considered for
21 the reservoir. So we believe again that this needs to be understood in terms of evaluation of the
22 EIR.

23
24 The final point I would make as far as El Camino ballpark is concerned we have understood for
25 awhile that that is the number one preferred possibility and we support that. The University is
26 supportive of working with the City to figure out how to site a reservoir on that location. We
27 believe the other two alternatives, the shopping center alternative and the Quarry
28 Road/Arboretum alternative, have significant impediments that really make them very difficult to
29 achieve for this project.

30
31 I would be happy to answer any questions.

32
33 Chair Holman: If you have anything else to say, as the lone speaker, go right ahead.

34
35 Ms. McCown: No, again if there are any questions I would be happy to respond to them. We
36 want to be sure that these sort of fundamental land use issues are considered in the EIR
37 consideration.

38
39 Chair Holman: I believe Commissioner Keller had a question.

40
41 Commissioner Keller: Looking at the EIR Figure 2-11.

42
43 Ms. McCown: I don't have that in front of me, I apologize.

44
45 Commissioner Keller: Maybe we could put it on the Elmo. It is the El Camino ballpark. It
46 states that a potential area for this is the park area, which is the logical north of the park towards

1 where Alma Street meets, the left side of the image. What I am wondering is where are you
2 suggesting it go? Is that a reasonable question?
3

4 Ms. McCown: My understanding is in the prior conversations that have happened between
5 Stanford and this has been staff other than myself and the Utilities Staff was there was an interest
6 in sort of pushing within the general envelop that the City was looking at pushing the location
7 further towards I think it is north, left on that map. To look at the options of not having it be sort
8 of dead center in the middle of the park area but potentially moved within the general envelop
9 that the City was looking at out to the north or left. We have not gone into technical discussions
10 about what those options are and my understanding is the EIR doesn't specifically look at those
11 options either. That is what we would expect would happen if this is the general area that is
12 selected that we would engage in those discussions of more particularly how you would best
13 locate it.
14

15 Commissioner Keller: So it sounds to me like you are suggesting that it is Stanford's preference
16 to locate the reservoir away from the ball field and towards the area closer to Menlo Park, if you
17 will.
18

19 Ms. McCown: That is correct. That has been my understanding of what we have previously
20 communicated to the City.
21

22 Commissioner Keller: I presume as long as it doesn't impact our famous namesake, El Palo Alto
23 Tree.
24

25 Ms. McCown: We are a long ways away from El Palo Alto Tree.
26

27 Commissioner Keller: Thank you.
28

29 Chair Holman: Commissioner Lippert I believe you had a question as well.
30

31 Vice-Chair Lippert: Yes. I just wanted Staff to respond to some of the honorable Jean
32 McCown's questions or comments.
33

34 Mr. Williams: If I can respond, this is not the forum to do that. This is comments on the EIR
35 and they will be responded to in the Final EIR. We will take these back and look at them and
36 prepare analysis and if it is necessary to look at an additional and I think she understands that is
37 the way this process works. It is not an interactive type of deliberative process as far as preferred
38 sites and such go at this point.
39

40 Vice-Chair Lippert: I guess what I wanted was clarification that one of the sites is actually
41 outside of the City boundaries.
42

43 Mr. Williams: Okay, just clarification for that. Is that the case?
44

45 Mr. Cwiak: Staff is aware the site off of Quarry Road is in the County of Santa Clara and not
46 within the City of Palo Alto boundaries.

1
2 Vice-Chair Lippert: Do we have jurisdiction commenting on such things?

3
4 Mr. Williams: That is part of the EIR and you have jurisdiction to comment on that.

5
6 Ms. Caporgno: The EIR addresses the various sites. Now whether or not when the Council has
7 to take action on a project that maybe an issue.

8
9 Vice-Chair Lippert: I guess it is not appropriate to get into dialogue here but I just want to have
10 an understanding. I know that when Stanford's General Use Plan came forward and was
11 reviewed by the County it was within the purview of the City to comment on that. Is this
12 something similar to that?

13
14 Ms. Caporgno: You mean is the County going to comment on the EIR? The County was sent a
15 copy, the County is aware of the EIR, and the County was informed. We sent copies of the
16 Notice of Availability to the County so they have been informed. We have not to date received
17 any comments but again the comment period ends on December 22.

18
19 Ms. McCown: If I could just say our main point is I don't think the EIR identifies the fact that
20 that parcel is in the County and that is really point I am making tonight is to be sure that it does
21 accurately describe that fact.

22
23 Mr. Williams: We will do that.

24
25 Chair Holman: Okay, I think consider your comments accepted and in the record. Thank you
26 very much Ms. McCown for coming. So comments by Commissioners on the DEIR.
27 Commissioner Keller did you have questions or can Commissioner Lippert ask his questions?
28 Okay, Commissioner Lippert.

29
30 Vice-Chair Lippert: A question for Staff. I brought this up at yesterday's meeting. Several of
31 the sites that are designated or indicated are parking lots and there is an incompatibility issue I
32 think with parking lots and we are supposed to plant or require trees plantings in parking lots and
33 there is an incompatibility between trees and large sources of water. The roots try to seek out
34 those sources of water. How would we mitigate or how would we deal with those City
35 requirements for planting in parking lots?

36
37 Chair Holman: If I might, might that also actually just be a comment that would be responded
38 to?

39
40 Mr. Williams: Yes, that is what I was going to say. I think we have to accept these. You can
41 put them in the form of questions that's fine or comments. We need to take them back and
42 respond to all of those as part of the Final EIR.

43
44 Vice-Chair Lippert: Okay. Then my understanding is that El Camino Real is not only a major
45 roadway but it is also the main line for the Hetch-Hetchy pipeline, is that correct?
46

1 Mr. Cwiak: The 36 inch Palo Alto pipeline from Redwood City to California Avenue in Palo
2 Alto is mostly within the El Camino right-of-way.

3
4 Vice-Chair Lippert: Okay. All of these or most of these reservoirs are actually right off of El
5 Camino Real so would there be additional work done in terms of connecting that line to the
6 reservoirs?
7

8 Mr. Cwiak: We haven't finalized any design so the reservoir wherever it was sited it would be
9 connected to the largest supply that we had. So if it were El Camino park then there would be
10 pipes from the Palo Alto pipeline to a more than likely a pump station and then the reservoir.
11

12 Vice-Chair Lippert: My assumption is that there would also be backflow preventers that would
13 go between those. You don't want our well water that is going into the reservoir to then go back
14 into the main pipeline in case of a disaster.
15

16 Mr. Cwiak: Right. That is a standard design practice in the water industry. So our current
17 services have backflow prevention devices on them.
18

19 Vice-Chair Lippert: Okay. Does this take into account any disruption of El Camino Real traffic
20 during the construction period if there were those connections made?
21

22 Mr. Williams: That is an item we will look at as part of the response.
23

24 Vice-Chair Lippert: Then as sort of a follow up to that has the Draft EIR been sent to Cal Trans
25 for their review?
26

27 Mr. Cwiak: Yes.
28

29 Vice-Chair Lippert: Okay. Then I guess lastly it is a similar question that since El Camino park
30 is being considered as a prime site for one of these reservoirs there is a substantial number of
31 trees that surround the park how would the trees be impacted by this? You don't need to answer
32 but that needs to be addressed. Then vise-versa is how the reservoir would be impacted by the
33 trees.
34

35 Chair Holman: Commissioner Keller. We can come back. I don't expect people to just have
36 three or four questions. Commissioner Keller and then Commissioner Garber.
37

38 Commissioner Keller: Thank you. I am usually the one who brings up all the math questions so
39 I am going to continue that trend. If you look at page 6-3 of the EIR where it says "Planned
40 Growth and Water Demand," in the fifth paragraph which is the fourth paragraph after City of
41 Palo Alto, it says that the annual water use is somewhere on the order of 13,900 acre feet per
42 year or basically 14,000 acre feet per year. So there is a comment among other places on page
43 3.5-20 about 1,500-acre feet and that being the maximum pumpage that would be allowed. By
44 my math that is about 12 percent or so of the other number, of the 14,000 number. So what I am
45 wondering is is that 1,500 acre-feet the correct number? It doesn't sound like it is an eight-hour
46 supply of water. It sounds more like it is a month and a half supply of water so I am confused.

1
2 I didn't actually know what an acre foot was because that is not a number that I am generally
3 familiar with. I didn't know how many gallons it is so I basically asked that useful resource
4 called Google. I asked for acre-feet in gallons and it told me that one acre-foot is about .33
5 million gallons of water. That would make 1,500 acre-feet 4.89 million gallons of water. So that
6 doesn't match the approximately 29 or so million gallons we talked about earlier so that doesn't
7 match either. So there is some inconsistency here. At 11,000 gallons per minute if one were to
8 pump that continuously, I am not sure you could, but if one were to pump that continuously to
9 produce 29 million gallons it would take about 44 hours. So these are interesting numbers. I am
10 presenting them but I am sort of wondering how they all fit together. I would not expect that we
11 would supply our normal water supply for a month. I am assuming that we would be severely
12 restricted, that we would not allow watering of lawns and shrubbery and stuff like that, that we
13 would reduce water significantly. I think one of the things in terms of the requirements here is it
14 would be useful to identify how much water would be needed for the fire demands which is why
15 you have this 2.5 million gallon storage. I assume that is for peak fire use. It would also be
16 helpful to have some sort of estimate if the big one, I assume it would be the Hayward fault were
17 to rupture and thereby cause a break in the pipeline to Palo Alto and the peninsula from Hetch-
18 Hetchy Reservoir, what are the estimates of how long that would take to repair? I have heard
19 estimates of something like three to nine months of being able to repair it to the extent that water
20 could flow through it assuming that there weren't a lot of breaks. So the matching of that to
21 what our water supply would be, and I would call these requirements engineering. These are the
22 kinds of things that seem to be missing from the report of how do we figure out eight hours, how
23 does that match what the needs are really for Palo Alto in terms of emergency water supply with
24 a reasonable amount of use at a very restricted level. What would be reasonable for the City of
25 Palo Alto to actually provide in contrast to some number, arbitrarily based on the state? I will
26 give more comments later.

27
28 Chair Holman: Commissioner Garber.

29
30 Commissioner Garber: The project benefit is to provide a reliable emergency water supply for
31 Palo Alto. Bullet point number two under Project Objective says provide facilities that would for
32 a drought year supplemental production. The question would be is that legitimately part of the
33 project? It is a good objective but is it really providing for the benefit that it is being provided
34 for?

35
36 Number two is a question regarding the Stanford locations is would those locations be a part of
37 the upcoming area plan that is being contemplated for the hospital and other changes that are
38 going to occurring on that? If it is, how does it fit in, etc.?

39
40 Number three, Ongoing Impacts, not immediately clear to me if there are impacts ongoing once
41 any one of these various facilities is in place relative to maintenance if there are impact there, or
42 monitoring access, repair, I don't know what those are.

43
44 Number four, Figure 2-5, just as a way of information here this is an old aerial and does not
45 include the housing that currently exists around there which would obviously have immediate

1 impacts that are talked about in generalities here. We should recognize that there is housing
2 immediately in Heritage Park.

3
4 Number five, on page 5, I could also reference the report itself but on page 5, Hydrology and
5 Water Quality, the draw down test is a common test for establishing how much water a well can
6 actually sustain obviously. However, the question in my mind is given any emergency our
7 neighboring communities are also going to be drawing up water and so the test doesn't really
8 have validity at that point and how do you accommodate or anticipate the impact of having the
9 neighboring communities doing the same thing we are doing which is drawing down during an
10 emergency? That's it for the moment. I will have two more I think. Thank you.

11
12 Chair Holman: I will jump in with a few at the moment. One is fiscal impacts aren't, as I
13 discovered, described here. So project funding and I can't remember how this all relates to the
14 CIP, but if there are any fiscal impacts those should be explored.

15
16 I found a few things a little bit confusing. The groundwater level that is mentioned in a number
17 of places including in this presentation, the potential impacts say that drawing the groundwater
18 could interfere with existing well efficiency. Since the sites have already been identified I am
19 not clear how locating new wells more than 500 feet from existing production wells is a
20 mitigation because if the site are already identified and there is still an impact aren't they already
21 located 500 feet from or that a discovery? That is a little bit unclear to me.

22
23 There are a couple of impacts, one of them had to do with noise that basically talked about noise
24 impacts and it said in the Staff Report that notification of neighbors would mitigate the impact.
25 If somebody is pounding on something in my neighborhood and they tell me that they are going
26 to be pounding on it that doesn't change the fact that there is an impact. So I am not clear how
27 that is a mitigation.

28
29 Stanford has, and I didn't read it here, I am sure Ms. McCown could answer this but Stanford has
30 as she described solved their emergency water supply fairly recently. I read somewhere and I
31 don't think it was here that Stanford has an excess. Stanford was mentioned in I think the Staff
32 Report and I am not sure about the DEIR about there being no joint agreements between them or
33 other cities around but then there wasn't an exploration of an agreement with Stanford
34 potentially. So I am wondering if that could be explored. I will leave it there with those
35 comments and move back to Commissioner Lippert.

36
37 Vice-Chair Lippert: I just have one other question or comment and it is again related to the
38 reservoirs. My assumption is that this is not like building a swimming pool in the backyard of
39 your house that the gallons that we are talking about have considerable mass to them. One of the
40 things I don't see addressed in here is that in the event of a seismic event you are going to have a
41 tremendous amount of water that is a lot more fluid than soil being accelerated. Its impact in
42 terms of rupturing the vessel that it is in and then spilling out and then losing the whole purpose
43 of such a dynamic volume of water. So I am imagining this in El Camino park where we have
44 some sort of a deck over it that is a long span structure. Again in the event of a seismic event the
45 lid or the beams that are carrying this being dislodged and falling into this body of water. So
46 these are just concerns that I don't see necessarily addressed in the EIR that I think are

1 significant enough because as I said you are not building a swimming pool in somebody's
2 backyard.

3
4 Chair Holman: Back to Commissioner Keller.

5
6 Commissioner Keller: Following up on some of the other Commissioners comments regarding
7 the potential for drought use I understand that droughts tend to last several years. They tend to
8 be cyclical and last awhile and the data on droughts here indicates that in the past they have
9 lasted several years. I am concerned about the ability to draw down water several years in a row
10 in the event of a drought particularly to the extent that the ground can recover its and preventing
11 subsidence. It does indicate that emergency demand pumpage shall be limited on page 3.5-20 to
12 1,500 acre-feet in one year. It doesn't indicate what happens in subsequent years. It says
13 following this level of pumpage groundwater production shall be restricted until groundwater
14 levels recover to pre-pumping levels. But it is not clear how that will affect the future years of
15 drought. So I have some concern about shooting the wad so to speak or drawing all the water in
16 one year and then not having water in subsequent years for an earthquake emergency, which
17 seems to be more important. It seems to me that a drought should be covered through water use
18 restrictions and not through pumping water.

19
20 Santa Clara Valley has subsided considerably. I understand that parts of Santa Clara Valley have
21 subsided somewhere on the order of 20 to 40 feet or more due to the extensive groundwater
22 pumping that has happened in the prior years. So considering that somewhere on the order of
23 2,400 homes are in a flood zone from the Bay subsidence would mean that more homes might be
24 entered into a flood zone. That would mitigate several different things. First of all that would
25 indicate that it is probably a good idea to locate pumping away from the Bay to reduce the
26 subsidence adjacent to the flood zone. I couldn't find a flood zone map overlaid anywhere in the
27 DEIR. It seems to me that overlaying a map would be helpful in this.

28
29 It does indicate that because we once pumped 1,500 acre feet and nothing happened and
30 somehow there would be some recharging it is not clear that that wouldn't cause subsidence.
31 Subsidence by one foot, I am not sure if we have any measures of what would cause subsidence
32 of one foot, and how many additional homes in Palo Alto might be part of a floodplain and
33 thereby have to pay \$1,000 or more per year for flood insurance and have restrictions on what
34 could be built on them and what additions could be done based on that one foot subsidence. So I
35 think the idea that that is not a significant impact from my point of view would have to be
36 quantified somewhat better.

37
38 Also, I understand that my guess is that you can't build anything on top of this reservoir. So as
39 was pointed out the financial impact of paying for all this there are financial impacts on the
40 property owners for where this is placed. So for example if it is placed at the Stanford Shopping
41 Center all you could build there is a parking lot. You could never build anything else there. You
42 could never put a parking structure there. You could never put another store there or something
43 like that and I assume that that would have financial impacts and would affect how much the
44 property owner might want to charge you in order to do that. The same thing would be true in
45 Town & Country if they wanted to build a hotel in the place where there is a nice reservoir that
46 would make it hard for them to do that.

1
2 To follow up on the comment about the Stanford agreement it would seem to me that Palo Alto
3 probably should consider negotiating an agreement with Stanford with respect to Stanford's
4 supplying the emergency water at least for the hospital and potentially for the shopping center
5 needs being that that's most adjacent to what they are doing and that is there own lands. I realize
6 there is some obligation to the City of Palo Alto for providing emergency water in the sense that
7 by using water they are paying into the water enterprise fund which pays for the emergency
8 water supply and all of that but to the extent that some agreement could be made with Stanford
9 that they would provide some sort of backup emergency supply or alternative emergency supply
10 to those locations I think that would be in the interest of both Palo Alto and Stanford. It probably
11 would be worthwhile considering as part of the discussions in terms of the area plan that is going
12 happen or at least the discussions regarding the changes to the Stanford Hospital and the changes
13 to the Stanford Shopping Center. I think that kind of discussion would be worthwhile as part of
14 that.

15
16 Chair Holman: Commissioner Garber back to you.

17
18 Commissioner Garber: A couple of questions. What is the radius of the reservoir,
19 approximately?

20
21 Mr. Cwiak: Depending on the final design you could use 150 feet.

22
23 Commissioner Garber: Okay. Question. The project has been imagined as working 24 hours a
24 day over six weeks. Is the intent there just to simply get it done as quickly as possible? Is that
25 why that is the case versus if it were in some locations where it would be more drawn out,
26 granted it might cost more but it may have less impacts? Sorry, I am not asking for an answer I
27 am just asking the question.

28
29 Another question. Are there any desalinization plants in the Bay? I'm sorry I just don't know
30 the answer to that.

31
32 Mr. Williams: There aren't are there?

33
34 Mr. Cwiak: I believe Marin County is trying to site a station.

35
36 Commissioner Garber: Okay. I thought the question of is there a relationship between wells and
37 flood zone is an interesting one. I don't know if there is an answer to that but it is an interesting
38 question.

39
40 Finally, another question on timing and that is it seems because we have the DEIR in front of us
41 that the intent is to try and make the project move forward as quickly as possible. However, if
42 investigation into its relationship with Stanford via the area plan or for that matter any other
43 project there is some synchronicity that can be exploited is there a negative impact to doing the
44 project later if that sort of synergy can be taken advantage of either for financial reasons or other
45 mitigation reasons?

46

1 Chair Holman: Okay, I will take another hit at it here. The Visual Impacts are sort of described
2 but there are no visuals that I discovered in the EIR that show actually what the storage facility
3 or the pumps or well sites would look like. While I know most of this is proposed to be put
4 below ground I went to several earlier meetings about this and there are probably going to be
5 berms or some aspect, and it is referenced in the EIR, some amount of above-grade structure.
6 That is not described or depicted visually in the EIR. I think for public review that should
7 happen.

8
9 On the Figures 2-3 and 2-4 actually are transposed. They are misidentified. Figure 2-3 is
10 actually the Library Community Center it is identified as Eleanor Pardee and Figure 2-4 is
11 actually Eleanor Pardee and not proposed Library Community Center well site.

12
13 When I looked at those I was somewhat confused or concerned about why there is tree removal
14 proposed when it would seem there are other locations that I am maybe not smart enough to
15 know where they could go but it seems to me there are other locations that could be used that
16 didn't require tree removal especially since if these are just well sites they could be below
17 ground. So that is something else I would like a response to.

18
19 Having to do again with notification. If there is going to be an impact on park usage again
20 notification doesn't seem to me that that's a mitigation.

21
22 Back to costs again, the cost of the project, and I should have been clearer as it might affect or
23 impact community services or other community projects. Also that should include in those cost
24 impacts the cost of doing the park improvement ordinances. With those I will go back to
25 Commissioner Lippert.

26
27 Vice-Chair Lippert: I just have one other comment. Again in our regulations we specifically
28 talk about parking lots being permeable or pervious surfaces and that is not addressed here. A
29 certain amount of groundwater needs to percolate back in to recharge the aquifer. What is
30 probably more important than that is that if El Camino Park is considered that is all turf. What
31 are we going to do with all that runoff there? Will it be collected in a cistern and then added to
32 the reservoir or will it be treated and added to the reservoir or will it simply just be flushed into
33 the storm sewer system?

34
35 Chair Holman: Commissioner Keller, do you have more questions?

36
37 Commissioner Keller: Yes. I guess I renewed my membership in nitpickers anonymous. If you
38 look at Figure 5-1 the label for Foothill Expressway appears to be the Hetch-Hetchy pipeline. It
39 really should be about a quarter of an inch to the north where it says Stanford University both
40 eight-inch diameter because that sort of gray line is in fact Foothill Expressway.

41
42 The other thing is it is not clear whether this part of the EIR process or not but I would expect
43 that there should be if there is not already a standby emergency water use measure that would in
44 some form being triggered by for example the City Manager or the Mayor or someone like that
45 would automatically or at least by ordinance restrict water use to some minimal use that is
46 necessary for protecting public health and safety and that kind of stuff. Those water measures

1 should be reviewed to make sure that they are up to date, that they are in some way enforceable,
2 and understanding how they can be triggered so that when we go through this process of building
3 this reservoir and pumping system that there is some way of making sure that the water lasts as
4 long as it can and it is not wasted.

5
6 Chair Holman: Commissioner Garber, do you have more questions or comments? I will give
7 you that time and in the meantime go back to Commissioner Lippert. Commissioner Lippert is
8 complete. I will go to a couple more and then come back to you if that is all right.

9
10 On Noise and Vibration as a mitigation again it is a clarification on these. It is talking about
11 noise impacts and it says site project facilities at least 100 feet from property lines adjacent to
12 sensitive receptors if sufficient space is available. It is not explained at all why 100 feet. What
13 determines that 100 feet will be a mitigation?

14
15 I think I will stop there. I might have more that I could put in through email but I will stop here.

16
17 Before I forget Commissioner Sandas who became ill did email me with three or four questions
18 and I won't read them in the record but I will make sure that Staff gets these.

19
20 Commissioner Garber? So Commissioner Keller.

21
22 Commissioner Keller: I think that it is not clear to the extent to which this is clear. There are the
23 various alternatives to the projects and I think that one of the considerations of the alternative
24 projects of linking into adjacent systems should specifically consider the event of a Hetch-
25 Hetchy break because I believe that one of the reasons that the alternative projects are less
26 desirable is because they won't be usable in the event of a break because everybody else will
27 have the same problem. So to the extent that that's not made painfully obvious I think it should
28 be. Thank you.

29
30 Chair Holman: Commissioner Garber.

31
32 Commissioner Garber: Just a suggestion that has obviously been a part of some of the questions
33 and that is in the project description something that tells us obviously of what the maintenance
34 structures that are going to be above ground, what they are, what they look like, or something
35 that suggests that as well as ideally a section through the reservoir that shows the ground plain so
36 that some of the questions that Commissioner Lippert was asking would become self-evident as
37 to is there earth above it and existing trees and other such things, how deep is the structure that
38 supports that earth? I don't know what those things are but just a simple concept section through
39 it would be helpful. Thank you.

40
41 Chair Holman: Commissioner Keller.

42
43 Commissioner Keller: Continuing the theme that a likely use of the water supply will be during
44 a major earthquake, it is also likely that a major earthquake would result in a suspension in
45 electrical power. It is not clear to me from reading this, maybe I didn't read enough, the degree
46 of emergency supply of power that exists for the pumping and the impacts of those emergency

1 supplies both on the pumping for the wells and also for pumping water out of the reservoir. The
2 other thing that I was concerned about regarding that was to what extent, let's suppose that
3 somewhere in the city there is a fire and you open up the fire hydrant and you want water to
4 pump out of there very fast, and you might want the water pressure elsewhere in the city to be
5 lower. So I am trying to understand how you would balance that so that there would be some
6 sort of valves or something, I am not sure how you would do it, so that you could have adequate
7 water pressure for the fire department at hydrants and yet have a lower water pressure for
8 households so that they weren't using as much water. I am not sure of the answer to that
9 question. Maybe you don't have a different water pressure but I think that is worthwhile
10 considering.

11
12 Chair Holman: Commissioner Garber.

13
14 Commissioner Garber: With Commissioner Keller's permission I might try reframing a certain
15 portion of your question and that is some discussion about what the construction mitigations are
16 that allow the system to function in the event there is a physical disturbance.

17
18 Chair Holman: I have one follow up also to a question or a comment that Commissioner Keller
19 mentioned. If we are in a situation where we are needing emergency water supplies that, and it
20 isn't referenced in here that I found anyway, that there be the enactment of a city program that
21 you are not washing your dog and washing your car. I am not sure that would be part of the EIR
22 but it should be part of a program that should go with this whole project and that it would be
23 implemented in those situations. So with that it appears that we are finished with this item. I
24 will close the public comment and again remind public that is either here or watching that you
25 can still submit comments either by letter or email to the City Staff on this project as well as
26 Commissioners may do the same. Curtis.

27
28 Mr. Williams: If I could just reiterate that point as well including in fact the Commissioners who
29 have excused themselves are certainly welcome as individuals to send comments regarding the
30 EIR. We did talk last night about what we will try to do as we get close to the 22nd date forward
31 to you comments that we have received in writing just so you are familiar with them and if they
32 spur any additional comments you want to make you will have time to get us something else.

33
34 Ms. Caporgno: I just wanted to add that Utilities provided a card so if there are members in the
35 audience who are interested in this project and want to comment and didn't want to provide
36 verbal comments that they can take the card home and it has all the relevant information as far as
37 submitting comments.

38
39 Chair Holman: Commissioner Keller.

40
41 Commissioner Keller: Maybe during our break you can put this on the Elmo.

42
43 Chair Holman: Thank you very much. With that we will close this item and take a seven-minute
44 break. Thank you.

45

1 We will reconvene. Our second item, which was originally our first item, is a Zoning Ordinance
2 Update item. Staff will make a brief presentation after the City Attorney describes
3 Commissioner Keller's conflict.

4
5 Ms. Tronquet: I will have Commissioner Keller announce his own conflict but I did want to let
6 the Commission know that we have three issues to discuss tonight for the Zoning Ordinance
7 Update. One is wireless communication facilities, the second is water resources protection, and
8 the third is landscape standards. Commissioner Keller's conflict is on water resources protection
9 and it is possible to segment these three items because discussion of water resources protection is
10 totally independent of the landscape standards and wireless communication facilities. So what
11 we will do is discuss the water resources protection issue first without Commissioner Keller and
12 once the Commission has concluded discussion on that item we will bring Commissioner Keller
13 back to discuss the last two.

14
15 Chair Holman: Commissioner Keller, would you like to go ahead and declare your conflict?
16

17 Commissioner Keller: Yes. My house is adjacent to Adobe Creek so any standards that would
18 involve whether one could build adjacent to the creek would potentially affect my house. I did
19 obtain permits from the Water District in terms of creek so I understand that process.
20

21 Chair Holman: So we will do exactly as City Attorney suggested and we will break this into
22 three pieces. We will do creeks first, wireless second, and landscape third unless there is some
23 objection from Staff. So given that Commissioner Keller you are excused for the time being.
24

25 Ms. Tronquet: Excuse me, I think we were going to do the full Staff presentation first and then
26 we will break it out and take questions and discussion on each individual item.
27

28 Chair Holman: Okay, thank you.
29

30 **1. Zoning Ordinance Update**: Planning and Transportation Commission consideration of
31 proposed changes to Chapter 18.88 of the Zoning Ordinance to address requirements for
32 (1) wireless communication facilities; (2) water resources protection (streamside
33 development standards and storm water quality protection); and (3) landscape standards.
34

35 Ms. Caporgno: I want to introduce our contract planner, Whitney McNair, who will give the
36 presentation on the three items.
37

38 Ms. Whitney McNair, Contract Planner: Thank you. Tonight's hearing is the latest Zoning
39 Ordinance Update focusing on Chapter 18.88, which is Special Provisions and Exceptions. The
40 proposed revisions to the chapter include separating out the text into two chapters one for general
41 standards and exceptions and one for special uses, updating the format to be consistent with the
42 other updated code sections, the addition of new sections for landscaping, water resources and
43 wireless communications, and deletion of some text that limits the number of liquor permits per
44 block to be consistent with ABC Regulations. The deletion doesn't remove the requirement for a
45 conditional use permit just the number issued per block.
46

1 The Commission has held two different study sessions one on October 25 and one on November
2 1 to go over the new sections of wireless communications, stream protection, and landscaping.
3 At those meetings the Council raised a few issues that the Staff Report addressed and I am just
4 going to briefly go over. First we will go over the wireless communication facilities. With the
5 new state regulations it is unclear how much authority the City will have in regulating
6 collocation projects. Collocation review is limited to Staff level architectural review until further
7 clarification from the City Attorney. Submittal requirements will include provisions to ensure
8 the applicant has attempted to find suitable collocation sites. Collocation will be encouraged but
9 may not always be accomplished. Development standards incorporate a requirement for all
10 unused wireless communication facilities to be removed within three months of discontinued use
11 was added. All wireless facilities are subject to architectural review on a case-by-case basis to
12 review the proposed placement and treatment of the antennas and equipment. The goal of the
13 project is that it will blend into the existing surroundings.
14

15 Staff also reviewed the Los Altos antenna code. Their code does reference what they call
16 'micro-cell antenna systems' under its own specific category. Those are just real small systems
17 that cover a more specific area and are utilized more in like a downtown environment or within a
18 shopping mall and they can be installed either inside or outside of a building. The recommended
19 review process proposed is applicable to these types of facilities.
20

21 There are two review processes for wireless communication facilities that are recommended
22 based on the sensitivity of the project. The first one is a conditional use permit and Staff level
23 architectural review is recommended for the more sensitive projects such as residentially zoned
24 or used parcels. This would have a 600-foot notification and a public hearing. The second
25 review process would be a Staff level architectural review for less sensitive projects that include
26 building mounted facilities and collocation facilities. This would have a 150-foot notification.
27 Up here is the chart of the two different review processes that was attached in the Staff Report.
28 We have that in there if we need to go back and reference it.
29

30 Included in the code will be provisions for development requirements such as meeting the zoning
31 requirements of the particular zone in which the facility is located, requiring equipment and
32 enclosures to utilize the smallest footprint possible, minimize the height, screen from public
33 view, and be architecturally compatible with the existing site, building mounted antennas are to
34 be architecturally compatible, they are to have a stealth design and shall be removed after no
35 longer in use. Some exceptions may be considered if approved in a review process and those
36 include building mounted facilities may exceed the permitted height by 15 feet, and that 15 feet
37 is equal to the existing allowance for rooftop equipment. A standalone facility may be 65 feet in
38 height and may encroach into interior street-side and rear setbacks.
39

40 The next new section will include landscape standards, the landscape standards are included to
41 encourage creative ways to integrate landscape design as a primary resource for infrastructure
42 management, economic vitality, and public health, as well as traditional aesthetic enhancements
43 of structures, streetscapes, and parking areas. Landscaping requirements are intended to
44 emphasize the preservation and enhancement of natural areas with native vegetation, support
45 water conservation, and storm water quality objectives. The new sections will apply to all new
46 development and additions requiring architectural or discretionary review. The sections

1 proposed include one for general regulations that would reference other technical and relevant
2 documents, a section for natural areas with Open Space District, hillside lands, Baylands, creek
3 and riparian areas. It would have basic program statements related to preservation of sensitive
4 plant species, habitat, and view shed preservation. A section on special design landscape
5 standards for public and private projects and includes screening of utilities, utilization of gray
6 water for irrigation, limitation on the usage of lawns in commercial development, and special
7 surface materials and a section on residential landscaping design standards for light well
8 landscaping, screening standards, street tree guidelines, and street planning restrictions under
9 power lines.

10
11 Many of the guidelines and requirements of the code would be implemented through the details
12 outlined in a landscape technical manual. Right now some of the items that would be included in
13 the technical manual are design standards, parking areas, trees, and green practices. Staff has
14 researched and concluded that Palo Alto should consider a shade benefits potential formula for
15 parking lot shade. That was one of the questions that was raised at the study session. The
16 vehicle use area shall provide required landscape areas designed to achieve a minimum of 50
17 percent canopy coverage within 15 years and there is some detail about that in the Staff Report.
18 Design standards for reducing hard surfaces, increasing tree canopy, planter size and root
19 growing areas, storm water management best practices design, special materials, screening and
20 landscape buffers, and recommended best practices for stipulating and screening above-ground
21 utilities.

22
23 The last new item is the water resources protection. The Santa Clara Valley Water Resources
24 Protection Collaborative developed a set of guidelines and standards for land use near streams.
25 These cover a wide range of issues affecting land development near and in local streams. Based
26 on comments from the Commission Staff has made a few modifications to the requirements. The
27 proposed separation requirement for noise producing equipment was increased from 25 feet to 50
28 feet from the top of bank. The planning landscape specialist or arborist may, where deemed
29 necessary, approve removal of native vegetation within 100 feet from top of bank in conjunction
30 with a discretionary review. Pervious areas are included in the list of items that cannot be
31 located in a slope stability protection area. That was taken from the Comp Plan Program N-7.

32
33 Staff recommends the establishment of a streamside review area, which includes all properties
34 abutting a stream or located within 50 feet from the top of a stream bank except for those
35 properties separated from the stream by a public street. These properties would be subject to the
36 new guidelines and standards and the properties are development in all zones other than R-1.
37 Development in R-1 zones requiring discretionary review such as Individual Review for a new
38 two story house, Individual Review for a new second floor on an existing house in certain
39 circumstances, a Variance and Home Improvement Exception, and then there is a list on the
40 screen of a few exempt items such as interior construction and fences of six feet or less.

41
42 The properties within this review area are subject to development requirement in order to
43 preserve the stream's riparian resources and to protect improvements from damage caused by
44 potential stream flooding and bank erosion. These development standards include all
45 development shall be located outside the slope stability protection area, native riparian
46 vegetation within 100 feet from the top of bank shall be retained unless its removal is approved,

1 planting of nonnative invasive plant species shall not be allowed on the project site, and only
2 native riparian vegetation shall be planted between the top of the bank and the stream. Also
3 loading docks and trash enclosures and noise producing equipment shall be located, as I
4 mentioned earlier, 50 feet from the top of bank of a stream. Nighttime lighting shall be directed
5 away from the riparian corridor of the stream. Irrigation systems shall be designed such that they
6 do not cause soil erosion, and all permitted improvements shall be constructed in a manner
7 consistent with the latest version of the User Manual: Guidelines and Standards For Land Uses
8 Near Streams that was prepared by the Santa Clara Valley Water Resources Protection
9 Collaborative.

10
11 The last small section of storm water quality protection is the countywide storm water discharge
12 permit requires each local agency to revise its development design standards and guidelines to
13 encourage the incorporation of storm water friendly site design measures into land development
14 projects. The guidelines will also be included in the code and include items about minimizing
15 land disturbance and preserving high quality open space, minimizing the amount of impervious
16 surface, directly connected impervious areas, and routing storm water runoff into vegetative
17 swails, utilizing minimum impact street, parking lot and driveway design standards, clustering
18 structures and impervious surfaces, routing rainwater leaders into landscaped areas, and utilizing
19 techniques to slow and reduce storm water runoff, also minimizing changes to the volume, flow
20 rate, timing, and duration of storm water runoff from the development site.

21
22 So the next steps for this ordinance are a draft ordinance will be prepared after the Commission
23 meeting tonight and will be brought back to the Commission on December 13 for your review.
24 A Council meeting would then be scheduled for early in 2007. The Water Resources
25 Collaborative is encouraging adoption by the City by the end of February in order to implement
26 new requirements. So the goal would be to get it on the Council agenda early in 2007. That is
27 the end of my presentation. There are also other Staff members who specialize in each of these
28 areas here to answer any questions you might have.

29
30 Chair Holman: I think at this point Commissioner Keller would recuse himself and we can take
31 up the creek item. Does Staff have any additional comments or presentation to make?

32
33 Ms. Campbell: No we don't.

34
35 Ms. Caporgno: I would like to add one thing. I would like to let the Commission know that we
36 notified all the property owners within the creek areas so that anybody who could possibly be
37 affected by these ordinance changes would be aware of it. We also volunteered the information
38 to the PAN website and I am assuming it was posted. We also indicated that we would be glad
39 to meet with them to discuss any of the issues from the three items that you are going to be
40 discussing tonight.

41
42 Chair Holman: We expect nothing less of you so thank you for doing that. Do we have any
43 clarifying questions for Staff? Commissioner Lippert.

44
45 Vice-Chair Lippert: In your presentation you mentioned that when it comes to water resources
46 protection specifically naming R-1 would any zones that are R-2 also have similar application?

1
2 Ms. Campbell: Yes, they would. Basically everything that is not R-1 that is within the specific
3 area would be subject to the new requirements. In the R-1 zone only if it is going through a
4 discretionary review as it was listed those would be the only R-1 properties that would be subject
5 to the new requirements.

6
7 Vice-Chair Lippert: Okay, so would R-2 also have the same requirements as R-1 or would they
8 be different?

9
10 Ms. Campbell: No, they would be different. Anything that is not zoned R-1 would be required
11 to do the requirements even if it has a single-family use on it.

12
13 Vice-Chair Lippert: What is the reason why we are making a distinction in this case from R-1
14 and R-2?

15
16 Mr. Williams: The primary reason that I see is that R-2 and the other low density residential
17 zones like RMD allow more FAR and coverage and those kinds of things that have some
18 increased impact on water resources in terms of runoff in particular. Certainly unless Joe tells us
19 otherwise it is certainly within our purview to probably decide where to draw those lines but it is
20 easiest obviously by zoning district rather than trying to get in and say well this is only a single
21 family home so we are not going to apply it there but that is within your discretion if you choose
22 to do that.

23
24 Vice-Chair Lippert: I guess my question is that I can see that there is a distinction between say
25 RMD or RM-15 and R-1 but is there a significant difference really between R-1 and R-2 that it is
26 going to make that much more of a difference or are we creating more regulation than we need
27 to?

28
29 Mr. Williams: Good point. There is not a lot of difference so again you have some discretion to
30 make that call as to where you are comfortable applying the new regulations.

31
32 Vice-Chair Lippert: I guess what would be helpful in making that determination would be an
33 understanding of the R-2 sites and where they abut the creeks. If they weren't significant, if
34 there weren't a significant number I might be inclined to say let's just make the R-1 standard
35 apply to R-2. If there were significant sites backing up to a creek side then maybe it is worth
36 looking at.

37
38 Ms. Campbell: Staff has done some analysis on the different parcels that are backing up to these
39 creek areas. Unfortunately I don't have that specific breakdown here with me tonight I just have
40 a breakdown on single family versus multiple family but I don't have the R-2 information but we
41 have done that analysis already.

42
43 Vice-Chair Lippert: That's fine if we could have it at the time of the final.
44

1 Mr. Williams: We will look at the zoning ordinance and see where those R-2 zones are and see
2 how they relate to the creek areas and make a final recommendation to you with the ordinance as
3 to whether it looks like they are impacted or not.

4
5 Vice-Chair Lippert: That would be helpful.

6
7 Chair Holman: Two things. One is if we can look and see if there are more clarifying questions
8 and save our comments for later and then I also have three cards from the public, one that wants
9 to speak on wireless which we will do later and then I have two cards one from Art Kraemer and
10 one from Karen Sickel. If you wish to speak to the creek issue then you will speak now or if you
11 want to speak to something other than then you can speak later when we address that. Okay,
12 Karen Sickel and you have five minutes.

13
14 Ms. Karen Sickel, Palo Alto: I live and have lived on the creek for 38 years. What I am
15 concerned about is overlapping bureaucracy. We have to have permits from the county to
16 remove a tree, to add on within the 50 feet from the top of the bank, to put in lighting or water.
17 Whatever you want to do you have to have a permit. If they approve if you are going to add on
18 something to your house and if they approve it then it goes to the City of Palo Alto where they
19 review it. So I don't see what is different other than you are specifying that you are going to do
20 this. Is this some other little separate group of people that is going to review the streamside
21 committee or is it the Planning Commission? How many delays? I am concerned about that and
22 how everybody is kind of at cross – can't we all agree? Can't we do it once? I guess that is my
23 concern and I would like some clarification on what that is all about.

24
25 Chair Holman: Thank you very much. Are there more questions for Staff? Commissioner Burt.

26
27 Commissioner Burt: I had two questions regarding items on page five, actually three. One I
28 would be interested in the question that the previous speaker brought up about potential
29 overlapping permit approval wherever you think it is most appropriate to respond to that.

30
31 Down under section one on page five of the Requirements it refers to exceptions to this
32 requirement may be granted by the Director of Public Works where a geotechnical slope stability
33 analysis is provided and maintenance and repair of the stream banks would be accommodated.
34 So as I understand it then all of the (a) through (e) items above could be allowed at the discretion
35 of the Director of Public Works provided that there is a slope analysis, etc. Why do we want to
36 allow for instance structures larger than 120 square feet within the streamside setback just
37 because we have a slope stability?

38
39 Mr. Joe Teresi, Public Works: Well, I would answer that by saying that part of the concern
40 about having something too close to a stream is that in general a 2:1 slope is what is considered
41 stable and anything steeper than that is not. If an analysis were to show that the bank is stable
42 and that there was no risk to that structure that is one thing that would have to be shown.
43 Secondly that there is some other mechanism by which the stream can be maintained then those
44 are two of the major impacts that we are trying to avoid. So if those two conditions could be
45 satisfied then there is this provision for exception.

1 Commissioner Burt: So I guess I can appreciate why the concern over the stability would be
2 addressed but there is a whole bunch of other concerns that we have as to why we don't want to
3 allow these things to encroach in the streamside. So how does the fact that the building would be
4 stable affect all these other reasons that we don't want to allow these kinds of encroachments?
5

6 Ms. Caporgno: I would think the language enables the City to make that exception but it doesn't
7 require the City to make that exception. So the Director of Public Works if the slope stability
8 were proven to be sufficient they can be granted but it doesn't say it will be granted. So other
9 factors would enter into it also that maybe in certain instances we would want to allow it but in
10 many we wouldn't.
11

12 Ms. Tronquet: I believe a flat prohibition on any kind of development without considering the
13 factors that are listed here could also be problematic legally.
14

15 Commissioner Burt: Okay, I can understand that but as it is worded it doesn't sound to me as if
16 what we are saying is that the prohibition is based upon lack of streamside stability then that can
17 be waived by the Director of Public Works but then all of the other criteria would still apply. Is
18 that the intention?
19

20 Ms. Caporgno: Yes. It is only under item one. So two through eight would still be applicable.
21

22 Mr. Williams: That is what I was going to say too. So the thought that you could have a
23 structure within that area given slope stability is demonstrated but also given that you are
24 preserving the native vegetation that does exist there, that you are not planting nonnative
25 invasive, and all those other requirements still apply but it is just that in some cases you may be
26 able to have a structure and accomplish all of those things as well. I certainly understand where
27 you are coming from and it looks like we could clarify that to be sure that people understood that
28 it is subject also too compliance with items two through eight below.
29

30 Commissioner Burt: Okay, I think that addresses most of my concern. Does it also in two
31 through eight refer the fundamental structural setbacks? Is that elsewhere?
32

33 Ms. Campbell: It doesn't refer to the setbacks in those other items only number one refers to the
34 setbacks.
35

36 Commissioner Burt: But we do have elsewhere in our code reference to fundamental setbacks
37 and I just want to make sure that the Director of Public Works doesn't have the authority to
38 waive those, which is the way it sounded in this number one.
39

40 Ms. Caporgno: No, it just means that everything else would still be in place and items two
41 through eight would be in place it is just that if the slope stability could be met and everything
42 else could be met then he could waive that requirement.
43

44 Mr. Williams: So we should add that to this qualifier to number one there.
45

46 Commissioner Burt: Okay.

1
2 Chair Holman: I would like to do a follow up to that if I could. City Attorney if you didn't
3 allow these exceptions, you said they could be problematic, in what way?
4

5 Ms. Tronquet: Just to ban all development completely in this area without providing for any
6 exceptions could constitute a taking. I don't know if that is a concept behind this or not but just
7 to ban all development simply because it would occur near a creek could be problematic without
8 providing any additional measures if the justification is environmental protection.
9

10 Chair Holman: That wouldn't mean necessarily thought that we would have to say that all of
11 these are the exceptions. We could, if you are concerned about a taking, we could pick and
12 choose whichever ones we thought. The reason that I am going there as well is because creeks
13 change, storms happen, streams reroute themselves, there is erosion that happens over time, and
14 it is part of what has been witnessed along San Francisquito Creek for instance. There are some
15 places where the sides of the creek are not nearly as stable as once they were. For instance
16 swimming pools, personally I can't even conceive of why no matter how stable the creek side
17 seems now that we would allow that.
18

19 Ms. Tronquet: Certainly reasonable conditions are permissible. I may have misunderstood
20 Commissioner Burt's comment but I want to clarify that a flat prohibition would be problematic.
21

22 Chair Holman: Commissioner Lippert.
23

24 Vice-Chair Lippert: My understanding was that the reason why we are looking at a 50-foot
25 setback from top of bank is with the understanding that the creek will change with time. So the
26 idea is that somebody may build a house or something and then at some time that top of bank is
27 going to shift over a period of time and that house or structure is actually going to be closer to
28 top of bank. We are not saying that they have to demolish that structure what we are saying is
29 you just can't build within 50 feet of top of bank. We know that that top of bank is going to
30 change over many years and that will gradually move I guess and cut into the property.
31

32 Chair Holman: Commissioner Garber.
33

34 Commissioner Garber: Not to add to the confusion. The intent, and I am asking this as a
35 question, of the 50 feet if the creek moves obviously the 50 foot boundary moves as well. When
36 we talked about this several weeks ago part of the reason I think there was interest in extending
37 the boundary from 25 to 50 was to create a zone around the creek that was natural and to reduce
38 the opportunity for built things to occur within that zone. Is that the understanding of the Staff
39 when they wrote this?
40

41 Mr. Teresi: All the points you are making are very good. First I might say that somehow we
42 have gotten into this 50 feet, it is not 50 feet, it is 20 feet so I want to clarify that first of all.
43 Again, a couple of the primary reasons, and there are others but the primary reason why this 20
44 feet was selected was twofold. One is that if something is allowed to be built too close to the
45 bank and then the bank erodes and starts to threaten that structure that tends to result in a need to
46 armor the bank which is something we would like to avoid so therefore the idea is to move the

1 structure further away so that there will be some allowance for some erosion without threatening
2 the structure. The second issue is maintenance. If something is built so close to the top of the
3 bank it doesn't allow for vehicles and access to do the maintenance that is required from time to
4 time. Certainly there are other issues that you have raised that are equally valid as far as keeping
5 that space open. If you would like to make these restrictions more tight I certainly wouldn't
6 object to that.

7
8 Chair Holman: Commissioner Garber.

9
10 Commissioner Garber: Let me just understand the concept here. Twenty feet from the top of the
11 bank on either side of the stream that zone is nothing allowed to be built?

12
13 Mr. Teresi: There are some exceptions that are listed that are relatively minor in nature but
14 essentially most things are not allowed in that area.

15
16 Commissioner Garber: Those that are going through a heightened review process or more
17 restrictive review process.

18
19 Mr. Teresi: It is just that there are certain things that are allowed to be built without a permit so
20 there is no way for us to even know that they are being built. That is the reason why they are
21 exempted because they are things that can be built without obtaining a building permit.

22
23 Commissioner Garber: Okay, so then from 20 to the next 30 feet so that we are 50 feet from the
24 top of the bank what does that zone refer to?

25
26 Mr. Teresi: That is not a zone. I think you are being confused because right now currently under
27 existing rules if someone is doing any work within 50 feet of the top of the bank they need to
28 obtain a permit from the Santa Clara Valley Water District. Once this new ordinance takes effect
29 in our city and all the other cities then the Santa Clara Valley Water District will no longer have
30 that requirement and anything adjacent to streams is going to be regulated by the local
31 jurisdiction. The Water District will only be permitting things within their right-of-way or
32 easement areas. Then the other area where 50 feet came up is that there is another section in here
33 later that says any noise producing features like trash enclosures and other items have to be at
34 least 50 feet away from top of bank.

35
36 Commissioner Garber: Okay, let me try it again. Top of bank 20 feet with some minor
37 exceptions things are not allowed to be built. The exceptions are allowed without building
38 permit, which is why they in fact are so minor. Then within 50 feet that is only relevant to the
39 fact that once that rule is enacted by Palo Alto and other municipalities a homeowner does not
40 have to get a permit from the county they can simply get a single permit from the City. Is that
41 correct? Okay, thank you.

42
43 Chair Holman: Pat, is it follow up to this?

44
45 Commissioner Burt: Yes. I think Joe just addressed the question on the overlapping
46 bureaucracies is that correct? Okay. So then as I understand it with this even without the

1 exception under Requirement number one, if someone wanted to build a structure that was 110
2 square feet right up against the top of the bank there is no restriction against it. If they wanted to
3 build a deck over their whole backyard right up to the top of the bank as long as the deck is
4 below 30 inches in height there is no restriction. Are those accurate statements?

5
6 Mr. Teresi: Those are certainly things that we wouldn't want to see but yes since those things
7 can be done without permit they have no enforcement tool to stop those things. We would
8 certainly endeavor to do outreach and education to make people realize they shouldn't do that
9 but yes in fact it could be done since it could be done without a permit of any kind.

10
11 Commissioner Burt: So then my question for Staff is if we didn't want to allow those kinds of
12 things to occur right adjacent to stream banks what tools might we have to restrict that given that
13 they don't technically require building permits to construct those? Can we still prohibit those
14 even if there is no requirement of a building permit? How would you go about enforcing that?
15 So any thought that you might have on that because it seems that those sorts of structures are
16 contrary to the overall thrust of this section.

17
18 Mr. Williams: We will probably need to explore this a little bit more with the City Attorney. I
19 don't know if Melissa has thought it through at this point. It seems to me that regardless of
20 whether a building permit is required or not that we can say something is prohibited, decking is
21 prohibited. I think we have something later on about impervious areas now being added as not
22 being allowed within 50 feet. These things, a deck and a structure less than 120 square feet are
23 still impervious surfaces. So we would at least need to clarify that if that was not our intent. I
24 think we do have the ability to prohibit these things as long as that is reasonable and it doesn't
25 sound like it would be taking someone's property rights in that case. What Joe is saying is we
26 don't have the readily available enforceable mechanism of a building permit to do that so it is not
27 something we would catch at the building counter it is something we would hear about from a
28 neighbor or know about some other way.

29
30 Commissioner Burt: I suspect that if the requirements were known by the property owners the
31 vast majority would voluntarily comply with the regulation if it were clear. So we would have
32 some combination of an informal enforcement and just a voluntary compliance and hopefully get
33 a lot of compliance between those two mechanisms.

34
35 Chair Holman: Commissioner Lippert.

36
37 Vice-Chair Lippert: This is just a follow up on Commissioner Burt's comment. The thing I
38 think that would probably be built most likely without a permit is a fence. We have regulations
39 for building fences but we don't require building permits as long as they follow the guidelines.
40 So what concerns me is generally those fences would be perpendicular to the flow of the bank
41 and possibly obstruct flow and might even extend into the area where the flow of the stream is.

42
43 Chair Holman: A follow up to that and I think Commissioner Garber has one as well. I am a
44 little perplexed and at the same time understanding why if a permit isn't required it is hard to
45 catch these so that is why they are being suggested as allowed. I guess the question I have is
46 why wouldn't we require for properties along a creek side building permits? Why let the tail

1 wag the dog? Why wouldn't we require permits for accessory structures under 20 feet or less,
2 the things that are allowed here, why wouldn't we require permits for that instead of doing it the
3 other way around? Commissioner Lippert brought up fences don't require a building permit and
4 there are illegal fences that go up all the time and we have very clear, very strict guidelines about
5 what fences need to comply to. They are built illegally all the time.
6

7 Mr. Williams: Right and they don't need a permit but they don't comply with the rules that they
8 are supposed to be built to. I think some of the things you have mentioned, my guess is that we
9 have some regulation somewhere that says that you can't put a fence across a creek in a way that
10 it obstructs the flow or something like that. We have various things that prohibit you from doing
11 some of these things probably anyway even though a building permit isn't required for it. I think
12 it would be a great burden to require building permits for those structures within a creek area. I
13 think it is much more direct to require or to prohibit these things and/or have some kind of an
14 outlet process through a use permit or something like that. Where if someone wanted to get
15 something approved within this prohibited area they could come through and make that kind of
16 request. But to just basically require a building permit for structures in that zone is something
17 that a lot of people are never going to pick up on. I think they would be much more likely to
18 pick up on the fact that these things are prohibited within that area than that they need to come
19 through with a building permit and then what are the criteria for allowing them within the zone?
20 If you just say a building permit is required then they come in and get a building permit for their
21 120 square foot structure. So if you don't want them in the zone say we don't want them in the
22 zone. Then if it is necessary to provide a use permit or variance process to allow it if there is
23 some hardship case then we could consider that.
24

25 Chair Holman: Okay. Then lastly I would say the safety issue, the safety of the structure has
26 been mentioned as one of the reasons not to allow construction or structures in this area and
27 because creeks erode and the creek can change. There is another one too which I would think
28 would be a reason for doing this is as creeks erode or as people use different things, depending
29 on what people store for instance in their accessory buildings that are 120 square feet or less, that
30 can lead to toxics issues and pollution issues in the creeks. Commissioner Garber you had a
31 follow up to this.
32

33 Commissioner Garber: Actually I think everything that I had imagined has been said. I was
34 simply going to introduce the concept of public safety as well in that structures in this zone that
35 are either in that 2:1 area or the 20 foot zone could present issues of public safety in a flood or
36 emergency situations which would be an answer to the issue of the taking.
37

38 Chair Holman: Commissioner Burt.
39

40 Commissioner Burt: Now I would like to hit the other side of the equation. The Commissioners
41 obviously all share a concern for protection of the riparian corridors on the other hand we have
42 the needs and rights of the property owners there. So many of the creek side lots are large in size
43 and a 20-foot setback does not create an unreasonable hardship for them. There must be some
44 percentage of the lots that are smaller in size and where we have had creek erosion where their
45 property boundary to extend to the center of the creek and as the erosion occurs over time their
46 backyard has eroded away so the top of the bank has encroached more into their backyard and

1 we are moving further back, I think correctly so we are moving further back, what can be the
2 distance that they can build. Then we have some other regulations that we have adopted
3 elsewhere, which have front yard setback constraints. It seems that we may need to look at the
4 reasonableness of allowing latitude on front yard setbacks if we are basically protecting riparian
5 corridors by essentially restricting rear yard setbacks in a way that is not normal for other
6 property. So that might be something that we should look at out of fairness. If somebody can't
7 build in the rear and it cuts back their buildable space on the lot then maybe we ought to allow
8 them to build closer to the street or some other consideration that compensates that.

9
10 I don't know if that has been looked at, I don't know how many properties that might apply to,
11 but it is something that perhaps we need to take a look at.

12
13 Chair Holman: Commissioner Lippert.

14
15 Vice-Chair Lippert: I was just going to look at the flip side of this, which is that if you look at
16 Arastradero Creek and portions of Matadero Creek those are basically drainage swails. They are
17 concrete lines, they are reinforces, the top of bank there is really the top of the concrete lined bed
18 there. They are not going to shift. Maybe in those instances we do allow for some of these
19 things to occur in those areas. In addition to that I was going to say there are certain kinds of
20 fences that are appropriate that are porous and are actually safety features from keeping people
21 from falling into that creek and being swept away. So I think that we need to look at the instance
22 whether it is a natural creek or whether it is a concrete lined swail of some kind.

23
24 Chair Holman: Commissioner Garber.

25
26 Commissioner Garber: Interesting discussion. I am only going to comment on some of the
27 thoughts that Commissioner Burt had. Having dealt with similar issues to this not on creeks but
28 in the Great Lakes I would be interested at the appropriate time having a discussion as to whether
29 a property owner should be compensated for the natural events that occur on their property by
30 creating exceptions to other rules. Although I would be interested in the discussion I am not sure
31 at least initially that I would be in favor of that necessarily because of the compromises that then
32 have to be made if you will on the other side of the property relative to the community. So that's
33 my two cents on that.

34
35 Chair Holman: Commissioner Burt.

36
37 Commissioner Burt: As we are going into these different pros and cons I realize that we had
38 kind of skipped over a discussion of what the objectives were and so maybe we ought to agree on
39 the goals and then it may or may not shed light on the practices that we would endorse.

40
41 So as I understand it there are at least two primary goals and maybe others. One is protection of
42 the very critical natural habitats, the riparian corridors where 90 percent of our bio-diversity lies
43 in this zone. We only have a few of those remaining in their natural state. The second is kind of
44 a Public Works perspective, which is protection of stability of structures and things like that and
45 stability of the creek bank itself and not doing harm in those ways. I am not sure if there are
46 other objectives besides those two primary ones or does that capture it.

1
2 Chair Holman: Toxics and such eroding into creeks.

3
4 Commissioner Burt: So I would throw that under the protection of the riparian corridor and the
5 natural habitat although you are right in that the exception that Commissioner Lippert cited of a
6 non-natural stream that is a concrete stream like we have some today they still flow directly to
7 the Bay so pollutants that are directly discharged there would have additional sensitivity
8 although not greater sensitivity than our other storm drain system. So I guess those are the things
9 we are trying to address. Then that leaves Commissioner Lippert's questions of should there be
10 a distinction between a natural streamside and an unnatural streamside? Then the other one is
11 Commissioner Garber's response to my question of if we are now creating new restrictions that
12 we think are appropriate to protect the natural habitat are there ways in which we should allow
13 some relaxation of other rules that otherwise might apply?
14

15 In my mind what we had setup previously on front yard setbacks was needlessly restrictive when
16 we set it up. So some relief in that area I suspect would not have an undue hardship. What we
17 have today is that many of the homes that are historic and long standing could not be built today
18 with our existing front yard setbacks and are homes that we look at every day and say this is
19 great, it is beautiful, and it works, and it wouldn't be allowed today because we have more
20 restrictive front yard setbacks. So that is why I thought if there is such a problem, which I don't
21 know how many of these lots exist that are not very large that are stream side, that that might be
22 one relaxation that would be reasonable and not create an excessive hardship on neighbors.
23

24 Chair Holman: Commissioner Lippert.

25
26 Vice-Chair Lippert: The direction that you were going Commissioner Burt I think was very
27 good. I think the point I was trying to make is that if we are going to require conditional use
28 permits perhaps or having some sort of permitting process for allowing some of these incidental
29 structures to exist in a natural environment or where there is a natural top of bank yes, we could
30 do it through a conditional use permit process. Where you have a concrete lined or stabilized top
31 of bank no conditional use permit might be required. So that might be the way to approach it.
32

33 Chair Holman: If I could add to that I was really pleased that the definition of stream included
34 naturalized and those that had become concrete culverts. The reason that I was really delighted
35 to see that is because as we move hopefully forward some of those concrete culverts will become
36 naturalized once again. So as much as I can appreciate what is being stated it runs counter to
37 being able to re-naturalize those now concrete structures.
38

39 Something that we haven't addressed is a question that I have I believe for the City Arborist,
40 which is on page four and is the second number two on the page. The first number two under
41 Water Resources Protection. It says the Planning Landscape Specialist or Arborist may, where
42 deemed necessary, approve removal of native vegetation within 100 feet of the top of bank in
43 conjunction with the discretionary review. Can you give an example of where that might occur?
44 Why would we allow removal of natural vegetation or native vegetation?
45

1 Ms. Campbell: I can just start off here. What we were thinking about is if you have a
2 homeowner who wants to redevelop their site and they want to build a brand new home. In
3 doing so they may need to change the footprint of their home and that may lead to the next thing
4 where they have an issue about the landscape requirement. So I think what we have tried to
5 include in this statement is that with discretion with our review we can take a look at what is
6 happening and what is being proposed and if it seems appropriate we can allow the removal of
7 some of the native vegetation with mitigation involved. That way a single-family homeowner
8 will have some ability to develop or rearrange their space.

9
10 Chair Holman: So you are saying this only applies to R-1? It doesn't state that and it also
11 doesn't mention mitigations.

12
13 Ms. Campbell: The mitigations state under number two on page five, all native riparian
14 vegetation within 100 feet from top of bank shall be retained unless its removal is approved by
15 Planning Staff or a Landscape Specialist. Mitigation planting shall be required when native
16 riparian vegetation is allowed to be removed. So that applies to all projects.

17
18 Chair Holman: Okay, thank you for that. Also Commissioner Burt mentioned about going back
19 to why we are doing this. In looking at the existing ordinance I don't find any purpose
20 statements and I think those are so very, very important. When we have done other aspects of
21 the Zoning Ordinance Update those purpose statements help keep us grounded in why we are
22 doing something and also keep us in the future from making mistaken changes on something that
23 we may not be grounded in the purpose if we don't have those purpose statements to refer to.
24 Are there any other questions or comments regarding this portion of the Staff Report?

25
26 We are not taking final motions tonight. Does Staff have enough comments to feel like you
27 know where we are headed or would you like some kind of sense motion?

28
29 Mr. Williams: I wanted to just run through sort of what I have listed here as things to change or
30 look at before we come back with the ordinance. One is to look at the R-2 zone and see how
31 impacted that is or how relevant it is to apply these and come back with a recommendation to
32 you on R-2. Secondly, to make some clarifications to that language on page five about being
33 sure that we are clear that items two through eight apply even if the slope stability requirements
34 are met and the structure is allowed to be in there that we still are consistent with that and also
35 reference the other zoning setbacks being consistent with zoning setbacks as well. Third that we
36 at least look at if not prohibiting these exempt projects within there being more eager in creating
37 a use permit process or creating more language here that says under what circumstances these
38 things are required like if fencing were deemed necessary for safety purposes or some of that
39 kind of language. We can look at this issue that was brought up about the yard setbacks and all
40 that. I think our preference would be to deal with that as a variance and it sounds to me like
41 pretty much a standard variance situation. In those cases if you are getting squeezed from the
42 front and this is now pushing you back from the back then that would seem to be an appropriate
43 way to look at that. Then the last one that I have is we will talk with Joe a little bit about the
44 concrete swail issue and whether it seems to make sense to have something a little different in
45 that sense. I think my initial reaction is probably not but we will look at that. Then the last one I

1 have is to add a purpose statement for this, which we will do as well as for the other few sections
2 too. I think that is a very good approach.

3
4 Ms. Caporgno: I just had two questions regarding the exempt projects and the structures less
5 than 120 square feet and the decks that are over 30 inches. I am assuming that what the
6 Commission wants is that for exempt projects we would just eliminate three and six from exempt
7 projects and possibly under the requirements that structures and decks could be exceptions if the
8 Director of Public Works determined that there was a geotechnical slope stability analysis
9 provided that was adequate and it met all the other requirements then in certain instances a small
10 structure or even one larger than 120 square feet, a structure period, could be allowed and/or a
11 deck.

12
13 Chair Holman: Samir you were next, is this direct follow up to this?

14
15 Commissioner Tuma: Yes it is directly relevant. The way I was looking at this the only one of
16 those exemptions that I see that would survive would be the interior construction exemption.
17 The rest of them seem to me to at least be worth pulling back out. Those are all things that could
18 create some of the conditions that other Commissioners were speaking about earlier. The
19 interior construction one seems to be....

20
21 Mr. Williams: A no brainer, pretty much. The ones that I see that maybe we would use
22 qualifiers with are maybe even less than three cubic yards of earthwork if necessary for stability
23 purposes or something, erosion control, or some maintenance type things, replacement of utility
24 service laterals. We could have a qualifier that there isn't some readily available alternative to
25 that but if there isn't then it pretty much has to go in that location. Then again the fences to the
26 extent that it is deemed to be appropriate or necessary for safety purposes and does not obstruct
27 the stream in any way or remove native vegetation or something like that. I think some of those
28 we could maybe put some qualifiers on and like you said the interior construction one is no
29 impact. We certainly are prepared to go back and make those changes and come back to you
30 with the ordinance.

31
32 Chair Holman: I believe Commissioner Garber was next.

33
34 Commissioner Garber: I think Curtis already spoke about it. I was just adding language for the
35 circumstance where you are allowing structures the allowances that you were making for the
36 ones that would exist short of them also impacting public safety or obstruction of stream,
37 whatever the language is I think you've got it or know the intent.

38
39 Chair Holman: Commissioner Lippert.

40
41 Vice-Chair Lippert: Procedurally for existing structures that exist and we are going to shift
42 encroachment from the rear to the front perhaps the HIE process would be a little more
43 appropriate than the Variance process. It is a little less cumbersome. So I would avail applicants
44 of that.

1 Then the second thing I just wanted to mention is that when it comes to decks below 30 inches
2 decks below 30 inches are actually much more preferable than people going in and pouring
3 concrete slabs out there. The idea here is that you are allowing for penetration of groundwater
4 but also it wouldn't obstruct the flow if water came over top of bank. Whereas with concrete
5 you would have some runoff problems I think. Do you agree with that, Joe? So I think that in
6 this case if there were going to be surfaces there we would want to encourage probably decks.
7

8 Chair Holman: Commissioner Burt.

9
10 Commissioner Burt: I think to the degree that you are going to have a patio or a deck type
11 structure the deck is preferred. My concern was does this allow us essentially a solid deck area
12 right out to the top of the bank. So I don't know what is the appropriate amount of incursion of
13 decks into this zone but my primary concern was having this area occupied by deck.
14

15 Chair Holman: If I could I would like a bit of a clarification. I understood certainly with exempt
16 projects what we are looking at. Under Requirements could you review that again, please?
17

18 Ms. Caporgno: The comment that I was making is that if you remove from exempt projects, now
19 the three that you are removing, but let's use an example of structures under 120 square feet and
20 we have under Requirements with the exception process we have structures larger than 120 feet.
21 Do you want kind of the corollary of just a structure the Director of Public Works may be able to
22 grant an exception under certain conditions for structures and any of these other items that you
23 have removed as exempt projects?
24

25 Chair Holman: I guess from my perspective minding what City Attorney said earlier I am not
26 seeing how any of those would be acceptable given that we are also being more restrictive in
27 what's allowed as exempt projects. So it would seem kind of contrary to the purpose to say that
28 structure 120 square feet or less are not now allowed in that setback but then say there is an
29 exception that you can do one that is greater than or equal to 120 square feet.
30

31 I think Commissioner Garber had a comment too.

32
33 Ms. Caporgno: I wasn't saying that. I was saying since you eliminated exempt projects or
34 structures under 120 feet do you want under Requirements, which the exception process would
35 allow, to just say any structure period because you don't have to make the distinction between
36 over and under 120 feet because there is no more exemption? Does that make sense?
37

38 Chair Holman: Yes it does, thank you for the clarification. I will go to Commissioner Garber
39 next.
40

41 Commissioner Garber: Not that I want to be automatically entered into Commissioner Keller's
42 NPA, that would be the Nit Pickers Association, and I will only offer this because you have
43 enough here I think the topic of decks being 30 inches on level the only concern that I have about
44 decks being raised and being permeable is that they have to be raised and then they are above
45 which allows water to come underneath them in a flood which creates snags and an opportunity

1 for things to be caught under there and impede the flow of water, etc., etc., etc. Take it from
2 there.

3
4 Mr. Teresi: On the decks it was the same thing as far as the structures under 120 square feet.
5 My understanding is that a deck that is less than 30 inches in height didn't need a permit that is
6 the only reason why it is in there. We don't want any decks in there. We should just say no
7 decks.

8
9 Chair Holman: Commissioner Lippert.

10
11 Vice-Chair Lippert: I just wanted to make sure of one other thing. In the last go around when
12 we looked at this Commissioner Garber had brought up a novel idea, which was to show the top
13 of bank actually on the site plan. I want to make sure that that's still in here that we are requiring
14 that the top of bank be done in a way that I guess is a measured way. I don't know if we require
15 that it actually be done by a licensed surveyor or not or whether it can be done as part of a site
16 plan, which an architect would do.

17
18 Chair Holman: So are we complete and clear? Does Staff have another question? Okay, I think
19 we are set and finished with that one and we can go to telecommunications.

20
21 One other thing, which I didn't hear in your notes, is a member of the public did ask about
22 clarification about overlapping jurisdictions and Staff would come back with some clarification
23 on that.

24
25 Mr. Teresi: I can comment on that. I think this is actually going to help the situation because
26 once this is adopted by our Council then there will be a clear demarcation. If the work is
27 occurring within the District right-of-way then you go to the District for a permit. If the work is
28 occurring adjacent to but outside of the creek then you come to the City for a permit and there is
29 no longer a duplication but it is more of a cooperative process where the District has a certain
30 area of jurisdiction and we have the accompanying area of jurisdiction not overlapping.

31
32 Chair Holman: Great, thank you very much. Mr. Kraemer did you want to speak to wireless
33 communications? Landscape, okay. We have one member of the public Denny Petrosian and
34 you will have five minutes.

35
36 Ms. Denny Petrosian, Palo Alto: Okay, I am going to do this fast. On page one of the Staff
37 Report I don't remember those communications being mentioned in the Comprehensive Plan it
38 was technology as I remember. I would be concerned if this were given undue weight as
39 opposed to other technologies like fiber optics if that was in the best interest of the city. I am
40 also concerned that we are looking at this in too small a way. This is not just about aesthetics
41 and accommodating new carriers one by one and approving antennas one by one kind of in
42 tunnel vision. We need to be looking at how is this technology going to function in this city.
43 There are going to be carriers coming in and there is going to be new bandwidths. There is going
44 to be new infrastructure requirements maybe different for each new carrier. We have six of them
45 now. It is just going to mushroom and get very confusing and we don't want to be in a situation

1 where we have to accommodate all of that plus the technology is galloping and changing and it
2 could look totally different. So we need to get control on this.

3
4 My feeling is that what we need to do is we need to look at the big picture, get a major hardware
5 technology company to give us a citywide system. We deserve the best. Not a cell phone
6 company. Cell phone companies have very narrow interests and everything they see is an
7 antenna. So let's go for the big picture. I think we need to be designing a citywide utility that is
8 going to be like the cable situation that we put together, like our energy contracts, a
9 communications technology structure, wireless, whatever that is subject to contractual
10 obligations. I think that is the only way that we can get control on this.

11
12 I think that there may even need to be a citizens technology advisory committee just like we have
13 other major advisory committees. There are too many large issues here. In the meantime I think
14 that there is no installation that is not sensitive. I think that every WCF should have a
15 conditional use permit so that we can be on top of this step by step. Now this is going to sound
16 extreme but I think it is true scientifically from everybody I have talked to. If we don't get
17 control of this we could be in the position of unwittingly making Palo Alto a giant microwave
18 oven. These rays are radiation it is only different in intensity and strength from any other kind of
19 radiation. It is non-ionizing but it is a continuum of this. If Palo Alto becomes unwittingly a
20 giant microwave oven that means that all of us from one end of the city to the other are going to
21 be constantly zapped by these rays. It is not only a health issue. Think of the electronic chaos
22 that could result, the interference with everybody else's gadgets and stuff.

23
24 I am just going to throw out some issues here that I think need to be looked at and I am going to
25 share with you the source of some of the information that I am giving because I am not an expert
26 but I have been talking to someone who is very respected. I think we have to also remember that
27 antennas, we are only talking about antennas, they are choke points. They slow down the flow of
28 data. Your fast data comes from fiber optic connections connecting site to site. Zap there it
29 goes, that's your fast. If you have an antenna it is going to slow it down. A lot of cities don't
30 even need wireless because everything is close together. Santa Clara County has fiber optic all
31 along Foothill Expressway that is all I know about that. New York City is putting a fiber optic
32 network together in New York City. Verizon is putting that network together in New York City.
33 You can zone without dealing with the health issues. You can make collocation a condition of
34 somebody getting a use permit for one antenna. You should consider requiring it in business and
35 industrial sites not in residential or near schools and you can do that by zoning.

36
37 The last point is how are you going to audit what is actually happening? Thirty percent of the
38 sites in Los Altos audited are no longer in compliance with their use permit. They have put in
39 extra capacity, they have added antennas, and they are out of compliance. There is a lot of
40 expertise that needs to be brought to bear to audit and make sure that what you permit is actually
41 happening. This is a tricky issue all by yourself. You don't want installations going in there
42 with empty slots that later on somebody can put in extra power. So I will again get some more
43 information to everybody about this. Thank you.

44
45 Chair Holman: Thank you Ms. Petrosian. Questions for Staff, Commissioners? Mr. Tuma.

1 Commissioner Tuma: A clarifying question with respect to the two different levels of review. In
2 the memo on page three it is put in there that there is an alternative of the 600 foot requirement if
3 the height requirement exceeds what is currently existing. Is that proposing that that alternative
4 be what we adopt or are you asking for a comment on that one way or another?
5

6 Ms. Campbell: I think Staff feels comfortable with the 150 foot noticing that we have already
7 discussed but we definitely have that in as an option that if the Planning Commission wants us to
8 bring that forward we can do that.
9

10 Chair Holman: Commissioner Burt.

11
12 Commissioner Burt: The Staff Report alluded to the new state regulations that may impact
13 collocation and that the City Attorney's Office is still looking into exactly how that might impact
14 us. Can we get just a general sense of what that new regulation might cause?
15

16 Ms. Tronquet: I am going to let Amy Bartell who is Special Council for our office answer that
17 she has been working on this project.
18

19 Ms. Amy Bartell, Special Council: Basically like you said we are still working on it and there is
20 actually going to be some training. I don't know if you are familiar with [SKIN ATOWA]. How
21 would you describe that group? They are bunch of local agencies that get together and they do a
22 lot of training for people like us to interpret the effect of these bills on zoning ordinances and that
23 kind of thing. There is going to be one of those in a couple weeks, which I think I will be
24 attending because it is a relatively complex bill. In a nutshell what it is going to do is if you
25 already have a wireless collocation facility it basically takes the city's ability to – let me back up.
26 If you already have a wireless collocation facility if somebody wants to come in and put another
27 antenna there the process is very streamlined and you pretty much just approve it. If you want to
28 have a new wireless collocation facility, a completely separate new one with nothing else already
29 there then the bill doesn't affect those. It is just existing ones.
30

31 Commissioner Burt: So it will actually encourage collocation but take away discretion from the
32 cities.
33

34 Ms. Bartell: Yes, that is what it would do but the cities don't get all of their discretion pulled.
35 What happens is the new collocation antennas still have to comply with all of the requirements
36 that the original wireless collocation facility had. So if you had aesthetic requirements or other
37 kinds of requirements on the original facility they can't put in something that is going to be in
38 opposite to those.
39

40 Mr. Williams: Could I just ask a follow on to that? Is there an ability for the City in entertaining
41 a new proposal to essentially limit it so that collocation cannot occur on it because we anticipate
42 there would be visibility impacts associated with any additional antennas? We might say that
43 one is fine just like it is but if you do any more than that and we see that it would have problems.
44

1 Ms. Bartell: That is going to be one of the issues that gets hammered out a little bit more when I
2 go to this training in a couple weeks. I think that we are going to have a little bit of a hard time
3 prohibiting the collocation facilities like you said.

4
5 Chair Holman: Commissioner Burt.

6
7 Commissioner Burt: Could you clarify, are all of our permitted sites for wireless allowed to be
8 collocation facilities? If we put in one does it necessarily allow collocation?

9
10 Ms. Campbell: That is definitely one of the questions that we need to get clarified because I
11 don't know if all of the ones that we have already approved all of a sudden now become a
12 potential collocation facility or with new ones that come forward we identify those and say we
13 are going to call you a collocation facility so then that one becomes eligible. I think it sounds
14 like from what I have heard so far that the existing sites might just become collocation facilities.
15 It is definitely one of the things that we have to figure out.

16
17 Ms. Tronquet: We expect that we would have a very difficult time prohibiting all together or
18 even severely restricting collocation at those sites. Although we don't believe at this point that
19 the ARB approval that we have outlined here would be prohibited. So we are hoping to get more
20 clarification on that when Amy goes to the training in a couple of weeks. We are hoping that
21 agencies will be able to come up with a clear consensus and we will be able to give you a better
22 answer then.

23
24 Chair Holman: Commissioner Keller and then Commissioner Lippert.

25
26 Commissioner Keller: Yes. First of all I would hope that by the time that this comes back
27 before us that those questions will have been resolved by that training. A couple of questions or
28 issues. Would it make sense in terms of the encroachment into setbacks for those encroachments
29 not to be allowed where the setback abuts a residential zone? So if you have a backyard setback
30 of a commercial property that abuts a residential zone or residential uses that you don't have this
31 facility that essentially overlooks the adjacent or abutting residential use. That would seem to
32 make sense to me. Do you have any thoughts about that?

33
34 Ms. Campbell: I think as part of the conditional use permit review we would take a look at that
35 definitely as something to consider whether that is an appropriate location. We haven't written it
36 in specifically to say if it is adjacent to an R-1 property that we would prohibit it but through the
37 use permit process and that review it would be a serious consideration that we would look at.

38
39 Commissioner Keller: Similarly I would suggest that a similar consideration appear in those
40 corridors where there is a special setback for a certain distance away from that corridor. In the
41 event that a parcel has the side be a street side corridor that the parcel faces a perpendicular street
42 that the side of that parcel then faces the street with the setback and you wouldn't want the
43 facility in that special setback. So that also would have to have special consideration similarly.
44 Furthermore, there seems to be a great deal of public sensitivity about locating these adjacent to
45 places where children congregate. Therefore thinking about adjacency issues with respect to
46 schools, daycare facilities, and parks and churches and houses of worship I think are also things

1 that we should consider. The science is out on that but I think that you will make the public a lot
2 happier if such exclusions were to exist.

3
4 Ms. Bartell: One thing I do know about the bill is that environmental considerations which is
5 what you just described would fall under that kind of thing, like health considerations, are not
6 allowed to be – you can only consider those to a pretty limited extent and that is pretty clear in
7 the bill.

8
9 Commissioner Keller: Can we include those as restrictions for adjacency for other issues? Do
10 we have to say we are doing that because of environmental considerations or can we simply say
11 that there are certain kinds of things just like you have a conditional use permit for in a
12 residential area, you have a conditional use permit for adjacent to a residential area.

13
14 Ms. Bartell: Basically if it is an environmental concern it is really limited. You have a lot more
15 latitude to restrict things based on aesthetics or what the original wireless facility those
16 requirements that were already set for the original facility. If you are going to start trying to
17 condition things based on these health effects or environmental effects it is very rigid what you
18 can and can't do.

19
20 Chair Holman: Commissioner Lippert.

21
22 Vice-Chair Lippert: That is the perfect segue for me, which is to aesthetic effects. There are a
23 number of historic buildings in Palo Alto and I know of a cell site that is on an historic building.
24 Would those be when they collocate onto that building would it be subject to Historic Resources
25 Board review?

26
27 Ms. Tronquet: The collocation restricts I expect that it probably would be allowed to locate
28 there. It might not prevent you from looking at that but if you have already located a site on an
29 historic building the new requirements certainly strongly suggest that you could collocate
30 another site there.

31
32 Vice-Chair Lippert: Well the issue I am thinking of off the top of my head is when you go
33 through and do historic rehabilitations of the building there are certain requirements. What it
34 does is preserves certain entitlements for the property owner. When you begin to add things to
35 the historic building what you do is you undermine the historic nature of the structure. So simply
36 by having a blanket allowance of allowing collocation without the appropriate review you
37 undermine the historic entitlement that is there.

38
39 Ms. Tronquet: To the extent that it had something like a visual impact on the structure you
40 might be able to look at it and regulate it. You would have to look at it on a case-by-case basis
41 but if you could come up with a good argument that it had a significant visual impact that might
42 be something that you could regulate.

43
44 Vice-Chair Lippert: Where I am going is possibly we could put something in here that on
45 historic Category I and Category II structures that those would be subject to review by the
46 Historic Resources Board.

1
2 Mr. Williams: I don't know that there is a reason why we can't do that. It is part of the
3 aesthetics of the building it is not for health reasons it is for that. Assuming that it is a new
4 application as opposed to collocating where one already exists, yes. Then the other thing I was
5 going to suggest is maybe we also list that we have building mounted antennas generally not
6 requiring a use permit and maybe if it is an historic Category I or II it requires a use permit and it
7 goes to the Historic Resources Board for their input before it is approved because we have to
8 consider the potential for collocation as well as the original antenna. So that gives it that extra
9 bit of review.

10
11 Chair Holman: Commissioner Tuma.

12
13 Commissioner Tuma: I want to go back to a question that Commissioner Keller had asked and
14 was answered before about if you had an antenna that was proposed on a commercial property
15 but that commercial property abutted a residentially zoned parcel would that fall under the
16 requirement for a conditional use permit or not?

17
18 Ms. Campbell: It depends on what type of facility they are proposing. Basically you have two
19 types of review process and they are outlined there for the types of facilities. So if they were
20 proposing a stand-alone facility then yes they would need to get a use permit. If they are
21 proposing a building mounted facility then they would not need a use permit but it just goes
22 through the architectural review with either the 150 foot noticing or a 600 foot noticing as is
23 listed there if it was exceeding the existing height of the existing building roof and equipment.

24
25 Commissioner Tuma: So even if it were on a property that abuts a residential if it is on a
26 building then it would go through the lesser review.

27
28 Ms. Campbell: That is correct.

29
30 Chair Holman: Follow up to Commissioner Lippert's question. I want to make sure I am clear
31 on this. An antenna could be denied on an historic building due to aesthetic reasons. The
32 collocation though once there is one there does that mean that even on an historic building that
33 you would have to allow another or because it is an historic building and aesthetics are an issue
34 could there be a separate review process that would require review of any collocation attempt?

35
36 Ms. Bartell: My answer on this might change a little bit based what I learn in a couple of weeks
37 but from what I have read so far if the second antenna is in compliance with the requirements for
38 the original facility you have to let them put it on there. The whole point of bill is to streamline
39 this process and basically put more antennas in sites where they already exist. I think the point
40 was to avoid having to put all these new wireless facilities up we would just use the ones we
41 already have and allow the process to go faster for those. So back to your question about the
42 historical aspect if the second antenna complies with the requirements that the original site on the
43 historical building had then it has to be allowed.

44
45 Chair Holman: So I guess the question for Staff would be wouldn't that require at a minimum
46 Staff review if not HRB review to see if it does satisfy the same requirements.

1
2 Mr. Williams: Yes, and I don't think that there is any suggestion here that there is no review it is
3 just that that's basically the limit of our review is that we review it at a Staff level and that we
4 assure that it is consistent with requirements that were imposed initially.

5
6 Chair Holman: Commissioner Lippert.

7
8 Vice-Chair Lippert: I am going to make a suggestion and this is purely a suggestion. I think that
9 it is great that legal is going to have somebody go to this training but it might be worthwhile to
10 consider having somebody from Planning also attend that to approach it from the planning point
11 of view not the legal point of view.

12
13 Mr. Williams: We will see if that is appropriate and if we can do it.

14
15 Chair Holman: Commissioner Burt.

16
17 Commissioner Burt: I have two questions. One has to do with enforcement. One of the
18 members of the public said that in a neighboring city many of the sites have had additions that
19 rendered that site not in compliance with their permit. On the one hand perhaps this mandate to
20 allow collocation would take away some of the discretionary powers we would have anyway but
21 what sort of enforcement tools do we have to assure that we don't have additions to these sites
22 that are going on beyond what we have permitted?

23
24 Ms. Campbell: I think one of things that we can add either as a condition of approval or we were
25 talking about adding language to the actual code was having the applicants test the site before
26 they do the project for the RF emissions and do that after and then put in as a condition of
27 approval that at any time Staff or the local citizens can require the applicant to do a test for these
28 emissions to make sure it is still in compliance with the FCC regulations. So that is probably the
29 most that we can do because then it would be the FCC's role to go in to regulate what happens
30 next.

31
32 Commissioner Burt: Well that might be a reasonable approach although I don't know about the
33 'at any time' but some reasonable frequency might be appropriate.

34
35 My other question has to do with under the paragraph Aesthetic Concerns/Roof-Mounted
36 Antennas. I read the paragraph as addressing both not just aesthetic concerns of roof-mounted
37 because it talked about the ARB review. This paragraph all the things that I think I would agree
38 with that the design goals to create an end produce that is unobtrusive and blends in and that
39 applied to not only roof-mounted but stand alones. My question has to do with in the past we
40 have heard some value structures on behalf of ARB that they prefer, if I am characterizing this
41 correctly, they prefer these sorts of devices to stand alone and essentially not be fakes, not be a
42 fake tree or not to be disguised in ways. We are saying that that's not our objective that we want
43 them unobtrusive. So if we are putting in the hands of the ARB a review for something that they
44 don't believe in do we have a built-in dilemma there?
45

1 Ms. Campbell: I think for the recent application that we had from Manuela we had that
2 discussion at the ARB. It was definitely kind of a split discussion. I do think that every site has
3 its own characteristics and I think everything would be evaluated on a site-by-site basis. The
4 only time or usually the ARB wouldn't see, not that that means anything in particular, but the
5 Board doesn't usually see these projects unless it is appealed to the Board. I do think it is always
6 a site-by-site situation and to make the best analysis of what looks good there. It may be that in a
7 certain situation that a normal monopole or regular monopole may be the best product there.
8

9 Mr. Williams: I would just add that we make the regulations for the City and if it is to hide it
10 then that is what we need to present to the ARB what we are trying to comply with. If they go a
11 different direction and somebody appeals it and you see it or the Council sees it then you look at
12 the same criteria and there might be a different result.
13

14 Chair Holman: Commissioner Keller and then Commissioner Lippert.
15

16 Commissioner Keller: So I think I had made this comment after the last meeting that I had to sit
17 out because it wasn't segmented. One of the things that is interesting is I believe your form for a
18 wireless communication facility requires that they applicant show all of the wireless
19 communication facilities the applicant currently had within the city confines. It also shows some
20 degree of coverage area. What I would recommend is that you ask for a map of the coverage
21 including those locations, the wireless communication facilities located outside the City of Palo
22 Alto and their locations that have coverage within the City of Palo Alto. If you think about
23 coverage it is typically a point and a circle around it based on how far the signal can propagate.
24 So what I would recommend is that as part of your application process you have all of the
25 wireless communication facilities that broadcast into Palo Alto and their areas of coverage
26 because those outside of Palo Alto that are located in adjacent towns would also affect Palo Alto
27 and will allow you to better see where the need for having a communication facility located
28 where they requested.
29

30 Chair Holman: Commissioner Lippert.
31

32 Vice-Chair Lippert: Actually I think that is a very good idea. I was going to follow up on that
33 by suggesting that perhaps the way to approach the whole collocation issue is when an applicant
34 comes forward and has a proposal is require them to present to the City the maximum build-out
35 for that site. So in other words develop it or show what their service is going to be plus any
36 collocation that is going to be there as well and make that a requirement of the conditions of
37 approval for that specific site. So they would actually build something that would be less than
38 that but they at the inception would show you what the maximum would be.
39

40 Chair Holman: Commissioner Tuma.
41

42 Commissioner Tuma: On the topic of abandon antennas as I understand it here there is going to
43 be a requirement as a condition of approval that any abandon antenna be removed within three
44 months. Is there a problem with abandon antennas not being removed today?
45

1 Ms. Campbell: I am currently not aware of a problem but I think other Commissioners have
2 expressed a concern that things might be left behind and we want to keep it aesthetically
3 pleasing.

4
5 Commissioner Tuma: I was wonder if you could make it a condition of an application for
6 another antenna that they certify that any abandon antennas have been removed or some other
7 way to be proactive because I know enforcement could be difficult unless it is pointed out. If
8 they have to certify that any abandon antennas have already been removed I think that gives you
9 an additional level of assurance that that's happened but I don't know if that is possible.

10
11 Mr. Williams: So you are saying if someone comes in with a new request that before we issue a
12 permit for that that we make sure that they remove any other abandon antennas that they have
13 elsewhere?

14
15 Commissioner Tuma: Well, within the City of Palo Alto.

16
17 Mr. Williams: Right. Okay. We can look at that.

18
19 Chair Holman: Commissioner Garber.

20
21 Commissioner Garber: I was simply going to remind that the concern there was because
22 technology changes so quickly that if the circumstance occurred it would be nice to have that as
23 part of the zoning that it comes out.

24
25 Chair Holman: Commissioner Keller, did you have another question?

26
27 Commissioner Keller: Yes. Also to follow up on that not only is technology changing rapidly
28 the frequencies change over time and because the frequencies change the coverage distances
29 change along with the frequencies because some of formula, I don't want to go into the physics
30 of it right now and I once knew but I probably don't remember any more.

31
32 I am wondering to the extent to which the locations of antennas are considered public knowledge
33 and people can go and say I want to look at a map of where the locations are of all the antennas
34 in the city or by carrier. Is that considered a trade secret or is that considered public?

35
36 Ms. Campbell: The Planning Department has not assembled such a complete list. I do have lists
37 but I can't tell you if they are 100 percent accurate. I would think that each of the different
38 carriers would be able to provide that type of information because it is part of their service and
39 they need to keep track of what they do. So I think they would be responsible for that.

40
41 Commissioner Keller: Well, I am not sure that any carrier is going to tell me what the locations
42 are as a private citizen but to the extent that the coverage maps and the locations of the
43 preexisting and proposed cell sites are a document that the public can actually look at that is an
44 interesting question that should be analyzed.

1 Secondly, to the extent that some entity in the City were to keep track of the locations on some
2 sort of collected map or list that showed all the locations and a carrier were to come by and say
3 we have a coverage gap in this area, having one of the carriers I certainly understand the notion
4 of a coverage gap, and they say we want to put a wireless communication facility at this location
5 if the City had that list of locations it could then go back to a carrier and say well, rather than
6 creating one where none currently exist have you considered these three sites whose coverage
7 area would cover the region of the gap and would not require a brand new site. So it seems to
8 me that the City could operate in that way as a clearing house to the extent that that information
9 were not considered a trade secret.

10
11 Ms. Tronquet: Just to answer your question about public records. I don't know exactly what we
12 require of applicants and I don't know whether we make lists of people who install these things
13 but whatever they file with us in terms of application materials would be a matter of public
14 record. So you might not be able to get a full list of sites that a carrier had or the radius but you
15 would be able to get the application information and compile it yourself if we didn't have such a
16 list.

17
18 Chair Holman: Commissioner Garber and then Commissioner Burt. Oh, I'm sorry Curtis.

19
20 Mr. Williams: Could I add to that? After the last discussion you had on this item the next day or
21 two days later I went to a Santa Clara County Association of Cities meeting where there were
22 Council members from the various cities and the county convened to discuss various issues.
23 Frank Benest is there because he is head of the City Manager's Group and helps support them.
24 Their big topic for the night was wireless communications. This was a joint venture and Silicon
25 Valley is sort of taking the lead on trying to coordinate efforts throughout Santa Clara County in
26 particular for helping to get more information out about cell sites, about gaps in coverage, about
27 the process that various cities use in terms of review, and they obviously as you would expect are
28 pushing very hard for expediting reviews or at least dividing like what we are trying to do here in
29 saying these kinds of reviews are pretty much no brainers that nobody every objects to but these
30 here are ones that could potentially be more critical and we should divide them up that way. One
31 of the things that they were showing then was they had maps showing all the cell sites. They
32 know where all the cell sites are and they can draw circles and you can see gaps in coverage.
33 They also have a map now that I think you can go to the website and it will actually show you
34 people are calling in and telling them where they can't get coverage and they are mapping all of
35 those locations too. So there is already a lot of this information available. It is something that
36 we should be sure we are tied in to so that when somebody comes through if some of those
37 questions are up we can go there rather than creating our own database to do that.

38
39 Chair Holman: Commissioner Garber then Commissioner Burt.

40
41 Commissioner Garber: You may already know the answer to this but as part of the questions
42 you may ask as part of the learnings that you will have in the next couple of weeks would be the
43 degree to which the bill allows when it has the cohabitation of antennae and equipment if carriers
44 that are not the same can occupy the same space can utilize the same equipment, etc. rather than
45 having to duplicate that and/or if that creates, I am assuming that would be allowed or perhaps
46 required versus another carrier who is already there saying hey, don't step inside my utility box.

1
2 Ms. Tronquet: We will check it. We will look into that.

3
4 Chair Holman: Commissioner Burt, Commissioner Lippert, and then me and we will try to wrap
5 this one up so we can go on to the next. We have one more piece of business to do.

6
7 Commissioner Burt: Just a follow up on this collocation question and the aesthetics of it. So in
8 addition to whether they can share any equipment where we are using these fake trees and things
9 I am just starting to envision this, are we anticipating that we are going to have little groves of
10 fake trees and if so, do we have the prerogative to require one cell carrier that they have a
11 compatible fake tree with the other carrier who is already there? Does that fall under our
12 aesthetic guideline discretion?

13
14 Ms. Tronquet: We will research that and get back to you.

15
16 Mr. Williams: I do think and it would seem to me that collocation does not mean putting another
17 tree where there is a tree already. It means putting another antenna on an existing tree.

18
19 Commissioner Burt: Better yet. Also if we get all of this fake tree and demolition issue we don't
20 have any danger of heritage fake trees starting to become a public issue.

21
22 Chair Holman: Commissioner Lippert.

23
24 Vice-Chair Lippert: I think where we are going with this is that I think what is desirable is to try
25 to consolidate as many of these sites as possible. When a carrier goes in and makes application
26 for a site we want to encourage them to think in terms of collocation up front and make that a
27 requirement of them getting the permit if we can do that.

28
29 Ms. Campbell: So let me just address that right now. Even before this whole discussion about
30 collocation just recently has come up it has always been a part of our process that collocation is
31 one of the first things that we discuss with any new application that comes forward. So it is not
32 something that we brush aside or that we ignore it is our first priority that we look at and ask
33 have you looked at other carriers, is there any other way that you can do this project without
34 creating a new site? So it is something that we are currently, actively doing.

35
36 Vice-Chair Lippert: That's right and I think that is where we were going. If we know where
37 these sites are located and we know what the basic coverage areas are then we can say to one
38 carrier, another carrier has a site within 150 or 200 feet of where you propose to put this site, did
39 you look at collocating and having your antenna on their site and working out an agreement with
40 them?

41
42 Chair Holman: Commissioner Tuma.

43
44 Commissioner Tuma: I want to go back to the issue of when a conditional use permit is required
45 and when it is not. During the last session on this it was brought up that the issue be considered
46 that where you have a project that is on a residentially zoned parcel or on a parcel with

1 residential use but also those abutting. That topic was raised last time. It doesn't appear to have
2 been incorporated into what is being proposed. Is there some resistance to doing that or is there
3 some reason not to do that? I think where you have a situation where you have a commercial
4 property right next door even though the antenna may go on a building mounted facility it is still
5 right next door to a residential unit. So to me I don't see the reason not to have it also apply to
6 properties that abut either residentially zoned or a residential use.
7

8 Ms. Campbell: When we are looking at this we are also looking at the process as well as the
9 criteria for which types of sites we would apply it to. So if you have a type of facility that seems
10 like it would be more impactful like a stand-alone facility that we were talking about then you
11 would have the 600-foot radius and everybody would be noticed with that radius. Then for the
12 other type of process where we would only do 150 foot or potentially 600 feet we were calling
13 them less sensitive projects the noticing would still get out there to what we think are the
14 affected properties. So people would still have the opportunity to come in and look at the plans
15 and make comments on the project and discuss their concerns with Staff. I think that we have
16 covered it I don't know if we need to take it to that next step to include adjacent residentially
17 zoned parcels as well.
18

19 Mr. Williams: There is also an issue, and I think Clare was alluding a little bit to this, of not just
20 the aesthetic impact, which is basically what we can address, but the use issue. A wireless
21 carrier pays the property owner something to put the facility on there. So on a residential
22 property, figuring a single family residential, I think you start to question whether that becomes a
23 commercial use when you start to put antennas on the site and is that appropriate? So that is
24 another reason why we want a more elaborate process when it is on a residential property or
25 there is a residential use on that property. We want to take a look at that and determine is that
26 really necessary. We would prefer not to have residential properties having a commercial
27 antenna facility on them. So that is another aspect of it and a reason why if it is on an adjacent
28 property that is commercial or industrial then that issue doesn't pertain it is just becomes the
29 aesthetics issue. If it is a building mounted stealth design that those neighbors are going to have
30 a hard time even knowing it is there and even at 150 feet they are going to get notice of it
31 anyway so is it really necessary to go to the use permit? We have had these and they don't get
32 objected to. Like Clare said if it is a stand alone pole and it is next to those neighbors it is going
33 to have a use permit and 600 feet of notice. That is our thought process.
34

35 Commissioner Tuma: Okay, I appreciate that. Just to make the last comment that I have on this
36 stuff which is I do think that the 600 feet alternative is the appropriate alternative where you
37 have a facility that exceeds the existing height. I just think that we are limiting notice here and I
38 understand that and streamlining it but I think where it exceeds the existing height to go the extra
39 450 feet with the notice is appropriate.
40

41 Chair Holman: Commissioner Keller.
42

43 Commissioner Keller: Quickly, one is I am skeptical as to whether one carrier will allow another
44 carrier to use the same boxes containing the control equipment, I am very skeptical about that.
45 However, using the same antenna and placing multiple transmitters on the same antenna is much
46 more of a feasible concept. Secondly, I am assuming that the type of tree if it is a fake tree is

1 part of the architectural review and that part of that will be to look at adjacent trees and things
2 like that, real trees that are nearby and in particular since it is fake I assume that the tree will be
3 evergreen because deciduous fake trees don't drop their leaves and grow them again in the
4 spring. Finally, I think that I am sympathetic with Commissioner Tuma's point regarding the
5 adjacency issue to a residential property in the sense that a wireless facility that is visible to the
6 abutting residential uses may be unsightly so there are some issues there.

7
8 Chair Holman: A few things real quickly. One is a question that came up last time and I think it
9 was me actually who brought it up. On page two under Aesthetic Concerns/Roof-Mounted
10 Antennas, you don't need to respond to this I just wanted to mention it, there was some concern
11 that if there is a lot of collocation that a 50 foot high building could take on the appearance of
12 being a 65 foot building if there is a lot of collocation that takes place because it all has to be
13 screened. So if that can be more clearly addressed I know it would be an aesthetics issue but it
14 might be compatible with the existing building but then it alters the height so much that that
15 could be an effect. So that's one.

16
17 Then to go to the public speaker's comments about other communities going to fiber optic as
18 opposed to wireless. There is such a strong lobby that we can't right now restrict the application
19 for these except for aesthetics so along those lines the City of Los Altos is mentioned here
20 because of two things. One is how can we promote or help encourage the fiber or some other
21 means other than these cell towers. The City of Los Altos has, and maybe Curtis would like to
22 speak to this just briefly, something else that they are trying to encourage which are these smaller
23 systems and how successful they have been or not been, what the move is technologically for
24 companies to go to that, and also I am curious as to whether even the current boxes could be put
25 underground, if they could be subterranean as opposed to on top of the ground. Something I was
26 really struck by today as recently at the Women's Club we took the ceiling fans out of the ceiling
27 and so now it is just the chandeliers that hang from the ceiling. Just having that eye-acne gone
28 made one of the most remarkable changes in the building of anything that we have done there
29 and we have done a lot of work there. So that is a question, could they be subterranean? Can we
30 encourage other kinds of utility because of aesthetic uses and encourage that kind of approach as
31 opposed to what is being currently applied?

32
33 Mr. Williams: I will let Clare specifically address kind of Los Altos' ordinance for you. I
34 haven't seen one of these facilities be underground and I am guessing that they need side access
35 into this equipment and they can't just come from above but we can check into that and see if
36 there is any. Have you seen any of those? No.

37
38 One thing I will say about Los Altos is a Los Altos Council Member was at that meeting with the
39 other city representatives and indicated that they do try to encourage people to think about these
40 other kinds of technologies. They have not had any to date. They don't require them. The
41 representatives indicated that they are installing them in places like shopping malls and places
42 where it is relatively small areas that it seems to work well inside but you would have to do it
43 throughout a much larger area to be able to get citywide kind of coverage and you end up with a
44 lot of these little boxes that dot the city then instead of a few installations otherwise. Clare
45 looked specifically at the ordinance and can tell you what that says about those facilities.

1 Ms. Campbell: In the Los Altos ordinance it lists as a different type of antenna system a
2 distributed repeater or micro-cell antenna system as its own stand-alone category apart from
3 monopoles or fake trees or building mounted. Basically these types of facilities require multiple
4 antennas and I even have a picture of something similar where it is utilized in a more centralized
5 area. I did a little bit of research on the Internet so it seems like if you wanted to improve
6 coverage within a building or maybe like within a downtown or within a very specific area you
7 could put up these repeater sites or micro-cell sites and that could improve the service. But on a
8 large scale it is not something I think the carriers would do.

9
10 Their language in their code for encouraging this type of facility they basically put an order of
11 preference for facility type. They say would like building mounted facilities to be the first thing
12 that would be done. The second would be a distributed repeater or micro-cell system and then
13 the third would be a monopole. So that is their language in their code of how they show what
14 they prefer or their hierarchy for their preference of sites.

15
16 Basically we have these phones. This is just one example of someone who called or wanted to
17 get some information. Basically the tops of these phone booths are these boxes and I refer to
18 them as like maybe a suitcase kind of size, it is there and you can tell something is there.
19 Basically these would be dotted out throughout a specific section or region to improve your
20 service. So that is an example of what it would look like.

21
22 Chair Holman: One thing I had mentioned to Staff yesterday I think was that with this kind of
23 utilization perhaps it could be incorporated into newspaper racks or that sort of thing at least in
24 some parts of town so that we don't have all these extra things popping up off the ground.

25
26 Unless there is anything else and if Staff thinks they have plenty and more than we should move
27 on to – Commissioner Burt.

28
29 Commissioner Burt: It is more on what we have to do yet this evening. Since we have two more
30 items, the storm water and the landscape and I am looking at the agenda for the next meeting and
31 it is one item so would it be possible to roll this over or does that make a problem for Staff?

32
33 Mr. Williams: First of all I am confused because I thought the storm water was part of the water
34 resources discussion.

35
36 Chair Holman: Yes, I believe it was so we have landscape remaining.

37
38 Mr. Williams: The item that is on your agenda next week is listed as one item but it is really four
39 rezonings of sites that we know there is opposition to on some of those and we don't know how
40 much discussion there will be but that could very well be a full night of discussion. The only
41 other option would be to do an hour on landscape at the beginning at six o'clock or something
42 like that for that meeting. The dilemma that we are in is that we are trying to get the ordinance
43 back to you by the 13th and that is important because we don't have another meeting of the
44 Commission until January 10 which already has some items on it and the storm water and water
45 resources thing do have some timelines on them that we have committed to the Water District to
46 make.

1
2 Ms. Caporgno: I would like to add that the City has made a commitment to the Water District
3 that we would if at all feasible have the changes to the ordinance in place by the end of February.
4 So if we come back to the Commission in January that is almost impossible to do.

5
6 Chair Holman: Okay, so I would ask the Commission to be concise and bear with us as it is 120
7 to 11:00 and we did lose a member of the public unfortunately. We will now go to landscape
8 standards. I am looking for Commissioner questions or comments. Commissioner Garber.

9
10 Commissioner Garber: In the proposed shading calculation for the parking lots are trees the only
11 thing that would be allowed to create shade or are trellises other such things allowed? What are
12 the alternatives there?

13
14 Mr. Dave Dockter, City Arborist: We would entertain trellises and other vegetation on walls.
15 We would be highly encouraging trees to play the major function in shade. There are a lot of
16 values that get weighed into the trees that would not be achieved by trellises and other types of
17 things. So we would want to see predominantly trees play the role for providing shade for
18 several reasons.

19
20 Commissioner Garber: I am totally in line with the tree focus I am just thinking if you had
21 trellises would you also ideally have things that grew on the trellises as well? The idea is to have
22 green live things, right?

23
24 Mr. Dockter: Well, yes shade cast plays a positive role on rain water interception, it reduces the
25 heating that heats up gasoline in cars, it extends the life of pavement to the extent that vegetated
26 trellises could achieve that they would play a role and not just trees. Predominantly I think we
27 would achieve it by trees at least in a codified version of the ordinance.

28
29 Chair Holman: Commissioner Keller.

30
31 Commissioner Keller: So instead of paving paradise and putting in a parking lot you are putting
32 paradise back by adding the trees. I am wondering as a follow up to Commissioner Garber's
33 question if somebody wanted to put photovoltaics as some sort of carport kind of thing, if you
34 wanted to put a photovoltaic panel on top of parking would that make sense or not?

35
36 Mr. Dockter: I suppose that would make sense to achieve some goals of more of a green parking
37 lot that is producing something else other than just shade. You are creating a dual-purpose
38 function in something. I think we would favor that. That may not even play a role in
39 landscaping it my just be smart building in my opinion.

40
41 Chair Holman: Commissioner Burt.

42
43 Commissioner Burt: Dave, the report referred to the emerging alternatives of rooftop gardens,
44 usable/edible landscape, and other alternatives. In our outline I didn't see exactly where that
45 would be folded in, can you clarify that a little bit?

1 Mr. Dockter: In the ordinance we are going to be listing and encouraging/requiring the use of
2 creative landscaping, creative parking lots, creative use of the land. Within that we will be
3 pointing to a landscape technical manual that will have most of these, perhaps a hierarchy of
4 suggestions or recommendations such as if it is stipulated to have a rooftop garden say we will
5 have a list of alternatives and suggestions to achieve that. The same thing would go for parking
6 lots and the same thing would go for planter islands to help a property owner achieve the goals if
7 it is stipulated within conditions of approval. It will be encouraged and I think in the codified
8 version of the ordinance we will get the property pretty roughed out by the code but I think a lot
9 of the decisions and details will be left to the discussions with Staff and the manual.

10
11 Commissioner Burt: We had a couple of years ago an agreement with a Stanford office
12 development I think off California Avenue where they agreed to put in an apricot orchard, if I
13 remember correctly, as part of their landscaping. I heard over the last year from one of the
14 Stanford representatives that they have had no success in getting the fruit picked and no
15 knowledge of the means to do so and consequently they would be very reluctant to do that sort of
16 thing in the future. This was real disappointing because as we have discussed many times this is
17 something that we would like to see a lot more of. I see that you have the attachment on the
18 Valley of Heart's Delight program but it seems like if we are going to do this very positive thing
19 of encouraging agricultural landscaping that the City can't necessarily take on that task but we
20 need to somehow play some kind of facilitator role to make sure that the growers and the pickers
21 are hooked up. So I would like to encourage that we somehow build that into the programs if we
22 are expanding this.

23
24 My final question had to do with the structural soils and I hope everybody got a chance to read
25 this. As I was going through this I said great article and then saw that Dave Dockter wrote it.
26 Dave has been a leader in these and our city has been a leader in the use of the structural soils.
27 This is a real exciting new tool. The question I have is we have a lot of scars where we have had
28 parking lots, etc., and other locations go in that really if we had had the structural soils ten or 15
29 years ago we would have utilized them in those locations. So how can we heal those scars, is my
30 question? For instance we had just adopted the new Comp Plan when the Stanford Shopping
31 Center redevelopment or expansion went through and they redid their parking lots, tore out the
32 trees that were mature trees there and somehow the City didn't require them at that time to even
33 meet that new standard of 50 percent canopy within 15 years that we have here. So what I am
34 getting at is can we look at whether we want to require some sort of retrofitting that when a
35 development goes through a major permitting remodeling of some sort that we look at whether
36 with these new options on the structure soils whether they be required to come up to standard or
37 come closer to up to code on providing tree plantings that would result in the 50 percent canopy
38 within 15 years. So some kind of triggering mechanism that might let us heal some of those
39 scars.

40
41 Mr. Williams: I think there are some ways that we can probably try to do that. I would ask Dave
42 if he has examples of or is that what you tried to do with the parking lot across from the clothing
43 store down there in SOFA?

44
45 Mr. Dockter: On retrofitting and reusing land there will always be a discretionary Staff decision
46 on what is the nexus for really requiring a parking lot to be redone, changed, or not. If it were a

1 whole site redevelopment heck yes, absolutely we would do that. We would have them put in
2 street trees in the City right-of-way. In the code we will nudge everybody toward making the
3 best use of the parking lot. The storm water requirements now to treat the water on the site is
4 probably one of the most important criteria for actually redoing these parking lots and islands.
5 The best thing that ever happened I think for trees was the storm water regulations mandated by
6 the federal government, the C3 regulations. We are looking for opportunities on every parking
7 lot and to retrofit even if it is adding in one or two trees. If we can't redo the whole lot we will
8 do whatever we can like Anthropology on Addison that was a small retrofit project where they
9 put in new trees and structural soil and a little strip. It is not a permanent fix but it sure goes a
10 long ways towards making it work for them as well as the City.

11
12 Chair Holman: Commissioner Lippert.

13
14 Vice-Chair Lippert: I just want to comment. I go to the fifth floor here, sometimes the seventh
15 floor, and I look south and I am just amazed, I am bowled over every time I look south and I see
16 the canopy of trees. That is something that I think is definitely something we want to try to
17 preserve and promote. I don't like the idea or the notion of us having these buildings that
18 punctuate or come up through this wonderful canopy. I think what we want to try to do is when
19 you are up on the fifth or seventh floor and you look out you see this wonderful green canopy.
20 By the same token though I think about the two times that I have gone to Italy and have seen
21 these towers that punctuate these Italian towns. The families that were the captains of industry
22 have planted trees at the tops of these towers. They are the most remarkable things so I think the
23 whole notion of rooftop gardens has finally come about at a time that is appropriate when we are
24 in some ways to high-technology what the Italian Renaissance was to architecture. So I think
25 that it is very appropriate that rooftop gardens are something that are promoted now within the
26 code.

27
28 Then there was one last comment that I wanted to make with regard to parking lots. The flipside
29 of what happened at Anthropology and the adjacent parcel across the street that they are using as
30 their parking lot and it has been landscaped and planted very nicely, the flipside of that is of
31 course [Fazani] Carpet at the corner of Alma and Hamilton where there is an adjacent parcel
32 there which was a parking lot that has been undeveloped, un-landscaped since I have been in
33 town in 1983 or 1984. The sole reason is that the owner of those two parcels, I think it is
34 actually one parcel, but it might be two parcels, doesn't see the benefit of landscaping. So what
35 happened, the net result is, they are denied use of that as a parking lot until it is improved and
36 brought up to the quality and character of what it needs to be in order to meet our regulations. It
37 is just a blight on us. It is not being used. It is not pretty to look at. So I think now with these
38 regulations we need to be able to facilitate away through these regulations to get areas like that
39 either landscaped or redeveloped in some way. I wanted to say that there is a flipside to that
40 which is that for every success story there is also a place where we have failed.

41
42 Chair Holman: Commissioner Garber.

43
44 Commissioner Garber: I wanted to clarify a comment that I had at our last meeting, which was
45 about rooftop gardens and the greening of roofs. That comment came up in the context of roof
46 screening and this is simply a clarification that occurred to me after the fact, after that discussion.

1 My intent was not to include that as part of a roof screening section of the ordinance and I think
2 there was a little bit of confusion around that but it may exist more naturally in a different
3 section. The example that was being brought forward was one of the projects that came before
4 the Commission this past year there is a circumstance where you would see down onto the roof
5 and it wasn't that the roof wasn't screened it was that you are looking at the roof surface itself
6 which was not an aesthetic experience and by greening it you would create that. So it may not be
7 a part of the screening section but it may more naturally occur someplace else.

8
9 Chair Holman: Commissioner Tuma.

10
11 Commissioner Tuma: I just had a quick question. What did you have in mind with respect to
12 design standards for light well landscaping on residential?

13
14 Mr. Dockter: Screening for light wells used to be in the zoning code and there was a
15 requirement for vegetating large, large light wells. They were actually below ground patio areas.
16 Since I think that has actually been removed because it was almost impossible to achieve
17 vegetating a large below ground patio unless it was something just draping over the edge or a
18 vine or something. If a light well were visible from the street we would just want to, not as a
19 requirement but more probably as a guideline again in the landscape manual, provide elements
20 for screening different types of things on a residential house. You would screen maybe air
21 conditioners, light wells, anything that would stick up above ground in view. I think we were
22 thinking more of as a screening benefit not as a ministerial mandate but more of as a guideline to
23 learn how to and educate how to screen different areas.

24
25 Chair Holman: Commissioner Garber.

26
27 Commissioner Garber: Just as a follow up and I may encourage Commissioner Lippert to add in
28 any comments he may have regarding light wells as well. Two questions occur to me as you
29 were answering Commissioner Tuma's query. One, is the intent of screening to also keep one's
30 view from looking down? In the case of a light well where you may not have something like an
31 air conditioning unit or something that is obviously sitting on the ground and you would screen
32 that but where you have a well itself is the thought that you would screen it so you wouldn't see
33 below grade in those circumstances?

34
35 Mr. Dockter: No, it would just be to interrupt the view of a concrete rim or a low wall.

36
37 Commissioner Garber: I see, okay.

38
39 Mr. Dockter: These tend to accompany light wells.

40
41 Commissioner Garber: So the screening may in that case be grasses or something of that sort?

42
43 Mr. Dockter: Sure.

44
45 Commissioner Garber: The other question that I had and I am not recalling the requirements for
46 the sizes of light wells right at the moment but frequently one has to provide access out of them

1 and because of limitations there is great frequency where that access out occurs as a ladder. I am
2 sure there has been discussion but I am curious if you are recalling pros and cons versus
3 including or excluding the staircases from the requirements for the areas of light wells such that a
4 homeowner could avoid having a ladder but have a more natural staircase coming out of it and
5 not have that included in the area of the light well.
6

7 Mr. Williams: I can respond to that and it is a little off the landscape topic but the amendments
8 that were made to the R-1 district a year and a half ago or so they don't exclude basically the
9 emergency ladder kind of thing which takes up very little space anyway but the change that was
10 made was that to the extent that you have larger than that like a sunken patio or something or like
11 that the stairways coming out of that are not included any longer as part of the 200 square foot
12 limitation or whatever the number is for those. One of the reasons for that was to allow that area
13 down below to be a more usable space and also to allow it to have some greenery and that. You
14 are right if you include that stairway out, a nice usable stairway out, then it tends to take up half
15 the space of the below grade patio.
16

17 Commissioner Garber: Thank you for the reminder. Thank you.
18

19 Chair Holman: Commissioner Burt.
20

21 Commissioner Burt: Two other items. Over several years on occasions where we had multi-
22 family development we have had discussions about whether to mandate the inclusion of small
23 community or common gardens that really are not only a preference to some of the passive
24 landscaping that may exist but it really helps build community in those multi-family
25 developments. Has Staff looked at incorporating that principle within any of our landscaping
26 standards for multi-family housing? It seems that it has been a couple of years since we
27 discussed it and so many of these Staff members may not have heard this discussion several
28 years ago. If it isn't something we have been addressing and if the Commission has an interest
29 in that I would be interested in having something brought back at our next review of this.
30

31 Mr. Williams: It is something that now that you refresh my memory I do recall that we
32 discussed that. We didn't get very far with drafting anything before the multi-family district
33 kind of went on the shelf for awhile. So I could talk to Dave and we could either try to see if that
34 is workable in here or if it is something we need to say in the multi-family zone when that comes
35 back to you early next year.
36

37 Commissioner Burt: Okay. Then my other question is following up on Commissioner Lippert's
38 comment on certain places in town where we have long-term vacant lots. They maybe paved
39 lots that have just essentially become blights on the community when it is something that goes on
40 for 20 years and no development is occurring there. The thought occurred to me that maybe we
41 need to consider whether a certain amount of minimal border landscaping would be required.
42 Not a high cost thing but a shrub border or some percent or something like that. I don't know if
43 we are going too far with this concept but I can think of a couple of examples in town where you
44 have a prominent location that might sit vacant for 20 years and it just really looks blighted. We
45 require people to remove weeds off of their property and just a blank slab of asphalt for 20 years

1 strikes me as something that maybe a property owner should be required to do something at a
2 minimal level not something at a high cost. I wanted to toss that concept out.

3
4 Chair Holman: Commissioner Lippert.

5
6 Vice-Chair Lippert: In this case of Anthropology what happened was that an offsite parking
7 agreement was signed with Anthropology to make the adjacent lot the parking lot for
8 Anthropology. So that triggered in that review process that that had to be landscaped. If you
9 don't do anything with the lot it just sort of stays there and that's really the problem. What I am
10 thinking of is there are numerous City lots in the Downtown that we don't even follow our own
11 requirements of every ten spaces putting in a tree. So we are not even following our own
12 requirements.

13
14 Commissioner Burt: So regardless, maybe I misunderstood the point you were making. I can
15 think of other examples in town where we simply have for a long period of time in a prominent
16 location a blank asphalt lot that has little bits of weeds and just junky and everything. So my
17 question is should we treat it like we would other blights where we require people to mow their
18 weeds. In this case we might require a minimal low cost border landscaping on a certain portion
19 of the border of that lot.

20
21 Chair Holman: Commissioner Keller.

22
23 Commissioner Keller: Yes, I have saved up a few comments. First as a follow up to
24 Commissioner Garber's comment I am wondering if that is roof screening or roof greening. In
25 follow up to Commissioner Lippert's comment I think the hanging gardens of Babylon preceded
26 the Italian rooftop trees.

27
28 I am wondering in terms of the interim landscaping that is mentioned in the landscaping
29 standards in terms of perimeter landscaping and interior landscaping, the perimeter landscaping
30 is surrounding a parking lot and I am wondering if you are going to include all of the landscaping
31 on the property that is not simply part of the parking lot and its perimeter as part of the scope of
32 this. In other words, not considering only that which is between the building and the lot but any
33 other landscaping around the perimeter of the lot, is that part of what the new ordinance
34 considers?

35
36 Mr. Dockter: Yes, that is correct.

37
38 Commissioner Keller: Thank you. I am hoping that with the new redevelopment of the parking
39 lot at Town & Country that that's taking advantage of your wonderful structural soil idea.

40
41 Mr. Dockter: Where we were able to specify it, yes, structural soil is going in at Town &
42 Country parking lot for the large oak trees.

43
44 Commissioner Keller: With respect to pervious surface in parking lots is there a concern about
45 the drippings that come from cars that are petroleum based and the like that might contaminate

1 groundwater through that. Is there something you can do to pervious surface to capture that so it
2 doesn't percolate down?
3

4 Mr. Dockter: We want to do very little to avoid that because we have learned that soil and the
5 tree roots will actually clean the water before it goes off into the Bay. The only thing we really
6 want it to do is soak into the soil. The trees and the soil if the soil is semi-healthy do their thing
7 on the oil. It is preferable to have that and maybe even stress the trees out a little bit than have it
8 go right into the storm drain and off the site. So the whole intent with this methodology is to
9 keep it on the site for as long as possible.
10

11 Commissioner Keller: It will just sort of stay near the surface it won't go down too far?
12

13 Mr. Dockter: It depends on the site and the percolation.
14

15 Mr. Williams: The storm water and this relates to storm water to some extent, just the
16 philosophy of storm water runoff and capturing it and running it through grassy swails or into
17 landscape ponds is that those soils and vegetation do the most effective job of actually removing
18 the materials before the water gets down to a groundwater table or something like that. The only
19 exception to that tending to be some of the nutrients like fertilizers and such some of those do not
20 cling to the soil particles the same way the oils and sediment and other pollutants do.
21

22 Commissioner Keller: The last comment is actually a follow up to something I believe
23 Commissioner Burt said with respect to these issues of fruit trees that aren't being picked. I am
24 wondering whether people who rent plots from community gardens or the community farm at
25 Stanford the pickings should be made available to these people who obviously want to pick crops
26 that they grow themselves.
27

28 Chair Holman: Commissioner Garber.
29

30 Commissioner Garber: Would the structural soils be a part of the technical manual as a
31 recommendation as opposed to the ordinance itself or where would one find that?
32

33 Mr. Dockter: We would envision that would be a provision in the technical manual not
34 mandated at all within the ordinance because it is not a silver bullet. It only makes sense where a
35 lot of compaction has got to occur to achieve a lot of goals, parking and surface area goals. Then
36 you have the same goal of a shade tree then it may play a good role. It needs to be reserved to
37 specific conditions of approval or stipulated in certain areas and not just blanket broad-scope
38 within the city.
39

40 Commissioner Garber: Would it be used to provide soils for trees and other vegetation over
41 underground parking and things of that sort or does it exist only where the soil can eventually be
42 graduated back into existing native soils?
43

44 Mr. Dockter: The premise of structural soil is to provide a stone matrix that will support high
45 compaction when you need to compact for putting a wearing surface like a road or a sidewalk up
46 on top. So you have a stone matrix soil that will support all of this load but yet it has a lot of air

1 voids so that tree roots can grow that is the basic premise of it. So if there were no need to
2 compact over the surface we would prefer just to have regular soil and not any of this structured
3 soil. So if there were fill that needs to occur for a tree our first preference would be just to use
4 regular soil but if it has to be compacted that would shorten the life of the tree and we would
5 consider structured soil. Does that answer your question?
6

7 Commissioner Garber: What I am hearing is that the criteria that I just gave you doesn't
8 determine whether you use it or not it is a different set of questions that you are trying to answer
9 than the ones I was asking about. Thank you.
10

11 Chair Holman: Commissioner Keller, a quick question?
12

13 Commissioner Keller: Yes. I am wondering whether the structural soil is being used when
14 streets are repaved and sidewalks are repaved in terms of protecting the street trees or if that is
15 something else being done elsewhere?
16

17 Mr. Dockter: Just briefly where new trees are going in and sidewalks are going in we are using
18 structure soil where there is a limited growing area for the new trees. It is not something that we
19 specify or require to be specified around older trees that are staying. It is really something
20 relegated to new construction.
21

22 Chair Holman: Okay, a few questions for myself here. The tree technical manual and there is
23 discussion about a landscape technical manual, since they are so very, very related would it be
24 feasible that they be one technical manual? A landscape and tree technical manual?
25

26 Mr. Dockter: We have given some thought to that. There is no reason to prohibit it. We would
27 want to take a look at it I think to see if it would make something so unwieldy for one discipline
28 to have a whole – it might be too cumbersome for some disciplines. On the other hand it may
29 work perfectly so I think we would want to look at that and talk about it internally. It is a good
30 suggestion though I think we should look at it.
31

32 Chair Holman: The 15 year/50 percent canopy. The 15-year I am sure is based on the premise
33 of how long it takes given trees to grow to have a given canopy. Is there any feasibility of
34 reducing that to say 12 years or looking at some combination of trees that might get to a larger
35 percentage of coverage quicker than 15 years? Especially when you are looking at larger
36 projects 15 years is a long time.
37

38 Mr. Dockter: I think we will have a mix of trees regardless on any given parking lot. We won't
39 have a monoculture. I think it is a realistic goal we should probably stick with. We are going to
40 have some trees that are just there in ten years I am sure especially providing for the roots like I
41 think we are going to be. I feel comfortable in the 15-year goal. The large parking lots where
42 we have large acreages like in the Research Park there is going to be many, many trees there
43 where I think the shading will be achieved with all of the five criteria that we listed in there as
44 long as we have condition compliance goals or requirements I think we can achieve the shading
45 goal. It is something that other cities have lacked is the actual compliance end of things and
46 trees get removed without the city having any ability to require the tree to be put back or no long

1 term condition monitoring. So as long as we have that integrated into it I think we are fine with
2 the ten to 15 year goal.

3
4 Chair Holman: I heard ten to 15 years so I am glad to hear that.

5
6 For a separate reason I brought this issue up to Staff not so long ago. There are some
7 developments that have been allowed to build underneath sidewalks, underneath streets, and
8 underneath alleys. Could you comment about how that might affect the growth of street trees?
9 Actually I might ask two questions at once here. The other thing is building height and
10 proximity to trees, so for instance if there is a ten foot sidewalk and it is 60 feet high let's say,
11 how that might affect the growth of street trees or even perimeter trees that in addition to how
12 building under sidewalks also might affect trees.

13
14 Mr. Dockter: Those are two criteria that we should always be looking at. An older tree that
15 becomes newly shaded will react and it will affect the health of that tree. It is something that
16 should be considered in the project. The same is true in the root area if it is restricted through an
17 underground basement the trees will only grow as big as the root system will allow them to so if
18 you limit it is going to be a bonsai tree. That is just a fact of life. So that is part of what we look
19 at when there is use of the right-of-way underneath the sidewalk. It is something that should be
20 part of our consideration from Public Works, Planning Commission or Council point of view.

21
22 Chair Holman: Rooftop gardens, we recently talked about that I think it was even before we
23 looked at this the first time. We talked about maybe having some requirements for those as we
24 looked at the sustainability as we had the sustainability study session and sustainability program
25 coming out of that. If other things come up during the sustainability study session how would
26 we best incorporate those into what we are doing now and on the 13th if there is expansion of
27 ideas or new ideas that come out of that sustainability talk? Much of what we are talking about
28 here is sustainability.

29
30 Mr. Dockter: In the code we will want to encourage use of green building and sustainable
31 practices. For rooftop gardens it is probably as far as we are going to go is stating the
32 encouragement of it. If it is stipulated within a project by one of the reviewing bodies then the
33 technical manual can provide more direction for that and as things unfold and as sustainability
34 learns and becomes more comfortable with areas we can update the landscape manual which will
35 have these details. It will be issued by the City Manager or the department head will be
36 overseeing this technical manual and it can change as technology changes. Within the ordinance
37 the way I envision rooftops gardens is merely trying to encourage the use of it. I don't know
38 how we can build in benefits and bonuses other than employee amenities but I think at this point
39 the landscape ordinance should just recognize that they are there, they are beneficial, and we
40 encourage it, and we will provide them guidelines pro bono by the manual.

41
42 Chair Holman: Great. Then another matter that actually addresses storm water as many things
43 tree do, parking at the curb. In the Comp Plan one of the policies I have always disagreed with
44 and we haven't codified it so it hasn't been used that much but it talks about allowing parking at
45 the curb to be counted toward required parking. There are of course tree leaves that come down
46 whether they are on private property or whether they are street trees, tree leaves accumulate and

1 when you can't sweep the street you have storm water issues. So I don't know if you want to
2 weigh in on that or have any comment about that or just let it stand as a comment as you wish.

3
4 Mr. Williams: Like you said we haven't imposed that requirement or allowed people to count
5 that parking anyway at this point. You are probably going to get people parked up and down the
6 street whether we do and that is why we haven't allowed it because most streets have plenty of
7 cars already parked on them. I think that is really outside the zoning purview it is a right-of-way
8 issue. As long as we don't bring it up if we come to you with something on the parking on the
9 street other than that the issue of does that create storm water problems and that is really a Public
10 Works issue not a zoning issue.

11
12 Chair Holman: Okay. I think the last thing is I think Commissioner Burt mentioned earlier
13 about edible gardens as a part of multi-family projects. I guess if you stick around long enough
14 these things that at one time are strongly discouraged come into favor. He and I have both been
15 pushing that for multi-family and he didn't mention affordable housing but also for affordable
16 housing projects, which usually are PCs as well as for open space. So I am glad to see that that
17 has found its way in here. So I don't think I have any other questions or comments. So if Staff
18 thinks they have enough direction and I see no other Commissioners with their hands up. Does
19 Staff feel like you have enough?

20
21 Mr. Williams: Yes, we have as you can see a little more of a task I think on this section than on
22 the others in terms of we haven't really given you as specific a language right now. We will be
23 back with that on the 13th based on your comments. Thank you.

24
25 Chair Holman: Great. Thank you very much. So we will close that item and I think I didn't
26 close the public comment on that item but I will do that now too.

27
28 So we will go on to Approval of Minutes.

29
30 ***APPROVAL OF MINUTES***: Regular Meetings of October 11 and 25th and Special Meeting of
31 November 1.

32
33 Chair Holman: We have minutes from the meetings of October 11 and 25 and the Special
34 Meeting of November 1. Are there any corrections to minutes? Commissioner Keller.

35
36 Commissioner Keller: On October 11 on page 37 it says, "In reviewing the letter from Chamber
37 and Chambers of June 18, 2002," I believe that that was 2006.

38
39 Chair Holman: That is line 31?

40
41 Commissioner Keller: Yes, line 31. Then on October 25 on page 37, line 7 I believe I said,
42 "SCCDEH," not "SCDEH." I am not sure whether I said three certifications but I don't know
43 what I really said. Then on page 58, line 1 I believe it is Title 19, not Title 9 Hazmat. Then on
44 November 1 on page 40, you probably couldn't hear this but on line 1 there should be an open
45 quote where it says, "First being open quote and PC zones" or "PC District" or whatever. Then
46 on line 3 I believe it is 'surrounding neighborhoods' as opposed to 'surround neighborhoods.'

1 Then on line 7 it is 'blank is to be deleted' not 'blank I to be deleted.' Then on line 15 is it
2 Section B guidelines to become C guidelines and I believe that is it.

3
4 Chair Holman: Do we have a motion to approve the minutes of these three meetings?

5
6 MOTION

7
8 Commissioner Burt: Yes.

9
10 Chair Holman: Commissioner Burt. We need a second.

11
12 SECOND

13
14 Commissioner Tuma: Second.

15
16 MOTION PASSED (6-0-1-0 with Commissioner Sandas absent)

17
18 Chair Holman: Commissioner Tuma. All those in favor say aye. (ayes) That passes
19 unanimously with six Commissioners participating.

20
21 ***REPORTS FROM OFFICIALS/COMMITTEES.***

22
23 Chair Holman: Do we have any Reports from Officials or Committees? Commissioner Garber.

24
25 Commissioner Garber: I have the following reports from my participation as the representative
26 of the Planning and Transportation Commission to the City Council this past month. First of all
27 regarding 705 and 711 Cowper Street, this is the Cowper Inn issue that issue was passed
28 unanimously by the City Council on November 6. Of note Council Member Morton had raised
29 the historical issue regarding that and whether it should become an historic property but that was
30 not pursued in the discussion.

31
32 Also on November 6 was the proposal for the Arastradero issue and what was being presented
33 was to approve the Commission's recommendation. However, what the Council did was to
34 move to add the overlay of design, and forgive me if I am getting this wrong you can correct me
35 here, and added language for noticing which eventually passed on a vote of six to three with
36 Kleinberg and Kishimoto declining to support that.

37
38 Mr. Williams: Did you say that the motion that was approved did not add the D overlay? There
39 was a motion to do that, which failed.

40
41 Commissioner Garber: I see I apologize.

42
43 Mr. Williams: The main motion passed six to three without the D overlay.

44
45 Commissioner Garber: Thank you. Sorry, I had that backwards.

1 On November 20 the issue of the air space rights within the two existing buildings at 610
2 California Avenue was heard by the Council. There was considerable discussion on this topic
3 that was not dissimilar from the discussion that the Commission had and eventually this was
4 passed. I think the vote was with only three declining to support it. Curtis, do you recall was it
5 three or four? I can't remember. This is the air rights issue on California Street. It passed but
6 again it was four to three I think it was. Well then it was probably five to four because it was
7 very close as it was in the Commission.

8
9 Finally on a topic that was not reviewed by the Commission, however, will be of interest to the
10 Commission was 195 Page Mill Road. This is the appeal by the Court House Plaza Company of
11 the Director of Planning and Community Environment's denial of a major Architectural Review
12 Board application to allow the construction of a three-story building, etc. There was significant
13 discussion on this. Curtis I am going to need your help on this one. The first motion was made
14 to accept the applicant's proposed change of zoning. Is that correct?

15
16 Mr. Williams: Right.

17
18 Commissioner Garber: Then there was a substitute motion, which was to deny the proposal all
19 together as the Staff Report had recommended.

20
21 Mr. Williams: Right.

22
23 Commissioner Garber: The substitute motion failed with Kishimoto, Kleinberg, Mossar, and
24 Burton supporting it. The original motion was then voted on which passed five to four.

25
26 Mr. Williams: Just one clarification on that. The Staff recommendation was for denial, the Staff
27 also included an alternative if the Council was to approve it that would provide for sort of more
28 of the components of the PTOD criteria to be worked in especially on the wall adjacent to the
29 railroad that it would have to drop down at a couple of points along the way to breakup the 450
30 foot long, 40 foot high wall. Then we also had some requirements for a TDM program and a few
31 other things. All of those components were included in the motion with the exception of the one
32 of breaking up the wall like that. Instead then when they denied the one motion Council Member
33 Klein suggested an amendment which was accepted to the main motion which said that there are
34 about eight or nine ARB conditions that they still have to satisfy and go back with some redesign
35 to ARB on, the Council added one that says that they need to better address the articulation and
36 visibility of that wall but that they specifically don't have to drop the height of it. So they have
37 to make some changes and ARB will be looking at that as part of their subsequent review.

38
39 Commissioner Garber: Two more items. The other item that was discussed on November 20
40 was the second dwelling unit extension to the urgency ordinance. That was passed unanimously.
41 Beecham was conflicted out because of his adjacency to that area.

42
43 The final thing that I will report on is the presentation that Stanford made to the City Council on
44 November 20. I will just hit some of the discussion points that were made. I believe the
45 Commission will be hearing parts of this in the near future. Some of the conversation that was
46 had by the Council Members at that time included: significant concerns about the various

1 impacts; general agreement that this was a necessary and important part of the community, that
2 the hospital is an important part of the community and that in general the plan needs to be
3 supported, however there were a variety of concerns about the various impacts and the need to
4 get into all those impacts. The concerns included the number of additional employees that the
5 1.1 million or thereabouts additional square footage would bring to the community

6
7 Chair Holman: If I might interrupt on this one because this will be coming to us and probably
8 the Council's comments will be forwarded to us when it comes to us I think in January.
9 December 13 we are going to be looking at the process and in January I believe we are going to
10 have a presentation where we can make comments and we will probably have benefit of these
11 comments provided to us then. So if we can hold off on those that would be great. We
12 appreciate that and thank you for the report on all the meetings. You have been a busy man at
13 Council meetings these days.

14
15 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

16
17 Chair Holman: Given that there are no other, I hope, Commission Member Questions,
18 Comments and/or Announcements.

19
20 We have Commission Representation in December by Mr. Lippert and in January Mr. Keller has
21 asked to be the representative. Other than that I believe we can adjourn the meeting. Thank you,
22 Staff.

23
24 Commissioner Keller: I think we should congratulate Mr. Williams for his promotion to
25 Assistant Director.

26
27 Chair Holman: With that we will adjourn.

28
29 NEXT MEETING: Special Meeting of December 6, 2006 in the CCR.

30
31 ***ADJOURNED: 11:40 PM***
32