



PLANNING & TRANSPORTATION COMMISSION MINUTES

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Wednesday, May 27, 2009

Meeting at 7:00 PM

Council Chambers, Civic Center, 1st Floor

250 Hamilton Avenue

Palo Alto, California 94301

ROLL CALL: 7:05

Commissioners:

Daniel Garber - Chair

Samir Tuma – V-Chair

Susan Fineberg

Karen Holman

Arthur Keller

Lee I. Lippert (Late 7:46 pm)

Fabio Rosati

Staff:

Donald Larkin, Assistant City Attorney

Julie Caporgno, Chief Planning and Transp. Official

Roland Rivera, Senior Planner

Amy French, Current Planning Manager

Lisa Green, Admin. Associate

AGENDIZED ITEMS:

1. Study Session: Comprehensive Plan Amendment Background Reports, including A) Community Services; and B) Sustainability.

2. 200 San Antonio Road

APPROVAL OF MINUTES: Special Meetings of April 29 and May 6, 2009

Chair Garber: Welcome to the Wednesday, May 27 meeting of the Palo Alto Planning and Transportation Commission. Would the Secretary please call roll. Thank you.

This would be the time where persons that would like to address the Commission on topics that are not on the agenda may do so. I have five cards.

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

Chair Garber: The first person that would like to speak is James Thompson to be followed by David Hughes. Welcome. Each of you will have three minutes.

1 Mr. James Thompson, Stanford: Thank you for having us. Actually the three of us have a
2 presentation to give together so nine minutes between us. So thank you for having us. We are
3 with the Palo Alto Pedestrian Mall.

4
5 Imagine this, University Avenue from High to Cowper transformed into a pedestrian only urban
6 park complete with outdoor restaurants, street performances, community events, trees and
7 gardens, and bike friendly infrastructure. This initiative seeks to do more than just block
8 University Avenue. We aim to eventually tear up the road and create a unified and truly
9 beautiful space.

10
11 Cities all over the nation and Europe demonstrate the success of pedestrian malls. They
12 revitalize business, encourage alternative transportation, and reinforce a sense of community.

13
14 My name is James Thompson and I am at Stanford as a grad student in design. With me I have
15 David.

16
17 Mr. David Hughes, Stanford: I went to West Point and I flew Chinook helicopters and I am also
18 a grad student at Stanford. I am looking at teaching at West Point next.

19
20 Ms. Amrita Mahale, Stanford: I am a graduate student of engineering at Stanford. The fourth
21 member of our team, who is a graduate student of business at Stanford, could not be here.

22
23 At the start of our project we went out University Avenue and spoke to pedestrians, and spoke to
24 custom design as well. While they all agree that University Avenue was a hub of retail activity
25 they all had two common complaints, the traffic congestion, and the parking problem. So if you
26 look at things that people said, I will read the first quotation. University Avenue is absolutely
27 over-relied on during rush hour. They are doing everything possible to avoid driving through it.

28
29 So if this is the situation that exists that people are not fully participating in and enjoying the
30 shopping experience I think not. We actually think the reality could be very different.

31
32 So we have looked at several other pedestrian malls across the world. These are some very good
33 examples. In the upper left corner is an example from Denmark, the other two are from the US
34 itself from Colorado and from Charlottesville. James is from Charlottesville. He will share
35 some of his stories about Charlottesville a couple of minutes later.

36
37 When we shared this idea with potential customers they were really excited. We have a really
38 good quote from a guy called Quinn who left this message on our website. He says that people
39 already enjoy coming to Downtown Palo Alto but it is not a place where one can come and sit
40 and enjoy themselves for hours. He sees the pedestrian mall changing that. He thinks that with a
41 pedestrian mall with a friendly community space he can think of himself coming to the city more
42 often and spending more time there.

43
44 No plan is complete without the details and Dave will talk a little bit about the details of our
45 plan.

1 Mr. Hughes: So we realize that we are grad students, we are not experts on this, so we kind of
2 come with a lot of folks that have come to us that are experts. We have Urban Planners that have
3 come and volunteered their time. We have talked to City Council people. We have talked to
4 folks on the Planning and Transportation Commission. We have come up with this prototype.
5 We are not married to it but we think this could be a good solution to the pedestrian mall. So
6 there are 60 parking spots on each side of University Avenue between High Street and Cowper.
7 If you displace those spots over onto Lytton and Hamilton using diagonal parking that can
8 account for the lost parking.

9
10 As far as the traffic goes we think that if you have two lanes of one-way traffic going in a
11 counterclockwise circle using Hamilton, Cowper, Lytton, and High Street it will help all the
12 extra traffic that is going to be removed from University.

13
14 We realize that cost always keeps coming up. What we are suggesting is that you do low-cost
15 experiments and prototypes at the beginning but we also realize that there are grants that are
16 transportation available that could pay for something like improving the urban and community
17 space.

18
19 Again, we don't propose doing this overnight. This is something that could happen over one,
20 two, maybe three years. We would use this iterative design so that if something doesn't work
21 you would go back to the drawing board, tweak it, and make it work better. We realize that a
22 pedestrian mall will only succeed if it is very well designed. I will pass it off to James to finish it
23 up.

24
25 Mr. Thompson: Okay. So this is who we are. We have started this movement in Palo Alto first
26 with facebook and then to capture those who don't have facebook we have created a website
27 called the ThePaloAltoPedestrianMall.com. We started out with a pretty small following of
28 about 70 people including local merchants and local community members. Very soon we asked
29 those people to tell others about the movement and very quickly we ballooned to about 200
30 members. Then we got picked up on some local blogs, Bob Sutton for example wrote an article
31 about us. With that sort of press we blew up even larger. We were featured in the *Palo Alto*
32 *Weekly* and *Trans Bay Blog*, and from there we exploded even greater. We were featured in
33 *Streets blog*, which is a fantastic blog that is known internationally. Soon we should be featured
34 in the *Stanford Daily*, the *Daily Post*. We might even have some television appearances this
35 week showing this idea. So it is gaining a lot of momentum. That is really our purpose as
36 students was to show that there is support an idea like this between the community and also
37 among the merchants.

38
39 Just to run through very quickly because I know we are short on time. Here are some pictures of
40 Charlottesville and some quotes from residents in Palo Alto. I thought this one was interesting.
41 Laura writes we live in the midst of a great university yet Downtown Palo Alto does not reflect
42 the innovation and diversity of our town. There is no character. Our family is personally used to
43 living in cities whose downtown areas serve as a magnet for socializing, street kiosks, themes,
44 information food and small gift items, etc. add to the fun and bring folks in. Then they hang out
45 and visit the local shops. Where is the music? It is nice that some peninsula towns host music

1 events but I miss the [buskers] and strolling musicians. It is all about creativity and energy and
2 not about structured events. I thought that was a very insightful quote that she had.

3
4 One more by Paul. Paul writes, my wife and I walk or bike down to Palo Alto several times a
5 week and think it is a fantastic idea, the pedestrian mall. We would spend even more time and
6 more money for those local businesses who may be concerned down there if this happens.

7
8 Finally, the last is by Maria. The weather is so mild that restaurants could have outdoor seating
9 much of the year. It could be a safe place for teenagers to cruise on a Friday night.

10
11 Mr. Hughes: So we think that the pedestrian mall will revitalize business, build community,
12 reduce car noise and pollution, encourage a healthy lifestyle, and encourage biking and walking.
13 With that we will close and if there are any questions we would be more than happy to field
14 those as well as display our website up here so that folks that want to go to it and show their
15 support can. We are available on email as well as the facebook group.

16
17 Chair Garber: Thank you. That was exciting. We have two other speakers this evening, Neva
18 Yarkin followed by Kerry Yarkin.

19
20 Ms. Neva Yarkin, Palo Alto: Good evening. I am talking about single story houses that concern
21 me and my family. My family has owned the houses 135 and 133 on Churchill Avenue for 50
22 years. Both houses are single story houses.

23
24 I have been out of the country for 20 years and before I left two different two story houses were
25 built, one facing my backyard, and the other facing my front yard. I had a City Council Member
26 come and look at what was being done 20 years ago. I have no privacy from any of the windows
27 or my sliding door in my house. I have taken nine pictures all from inside my house and I have
28 them here today.

29
30 Chair Garber: You can give them to the Secretary.

31
32 Ms. Yarkin: So for me nothing has really changed in 20 years since I have been gone. I am now
33 appealing the house, 119 Churchill Avenue, because of its size and overpowering image in the
34 neighborhood. There is a meeting June 4 on that house. This house is being built between two
35 single story houses.

36
37 My sister is living in another house in Palo Alto that has a two-story house being built in her
38 backyard. These are all pictures from inside my house. This is the kitchen window. I have run
39 to the Planning Office, Development Office, and to the neighbors. I have spent endless hours
40 and a lot of energy trying to protect my single story house. Who in Palo Alto really has this
41 amount of time or energy to do this? What about the landowners who are not going to sell and
42 flip their houses? What about those of us who will continue to live here when the gigantic
43 houses are finished and sold? What about the privacy that we have or we don't have? Who
44 really is checking and protecting single story houses and our rights?

1 I appeal to the Commission for someone in the Planning Department to be an advocate for single
2 story houses, to protect our rights, privacy, and preserve the unique character of our homes in
3 Palo Alto, not just for new story monster homes. Thank you.

4
5 Chair Garber: Thank you. Kerry Yarkin.

6
7 Ms. Kerry Yarkin, Palo Alto: Good evening Commissioners and City Officials. Is Amy French
8 here? I am supposed to meet with her.

9
10 I am here to tell you about what has happened to me and my family's privacy about the house
11 that we now reside in at 895 Clara Drive. There is a contractor that has now built a 3,100 square
12 foot home. He is in the middle of doing it. It is 32 feet high and that is my backyard. That is
13 exactly what we look out on. I just want to tell my story because I think other people could
14 probably empathize and also have similar stories to tell, which I have been finding out from
15 other residents or homeowners.

16
17 The contractor originally came to me because they were going to tear down the house and we
18 were very happy that they were going to tear down the house. It had been an abandoned home
19 and we called it the dead house. So we were really happy. Then he passed out this form to all
20 the neighbors. There are seven, it is a very large lot, and there are seven homes abutting this lot.
21 So he asked us to write a letter to the City so he would not have to go through the review
22 process, the Single Family Individual Review. I actually remember writing up something but not
23 sending it into the City because he did not want to go through any review at all.

24
25 Then I got the letter from the City saying it is going to go through the review, you have 21 days,
26 and this was over Thanksgiving holiday and Christmas. So he did it at a very opportune time to
27 get it through. Then what happened during that time I am raising twins, I am basically a single
28 mom. I had code enforcement issues on another side of my property about an illegal covered
29 patio. Then as you can tell, we have two homes on Churchill, which are also going through
30 another very large home that is being built there so I was involved in two other things, trying to
31 work, and trying to raise my children all at the same time this house snuck through.

32
33 Now, one of my neighbors did complain and she has a lot of issues. They had property line
34 disputes. They had to build a fence and then they had to tear down a fence, major issues.
35 Another neighbor thought that he never got the final plans. We never got final plans. Let me
36 just try to finish this up quickly.

37
38 So in conclusion, the City process for reviewing new proposed single family homes should
39 become more user friendly, take into account busy working families, and more accurately describe
40 the height, mass, and placement of new proposed homes before they are approved. Any City
41 Planner who would review this large two-story house should have to ask him or herself if they
42 would feel comfortable living next door. I am sure that not one City Planner in this City would
43 feel comfortable having to live facing that. It says in the guidelines that the placement, size, and
44 orientation of second story windows shall limit direct sightlines into windows and patios located
45 at the rear and sides of adjacent properties. That is my view in our kitchen window. My son
46 looks straight out there so I hope you can do something about that. Thank you.

1
2 Chair Garber: Thank you. A question for the City Attorney. I believe it is within the Chair's
3 discretion to allow questions that Commissioners might have of the presentation by the Stanford
4 students. We cannot get into a discussion.

5
6 Mr. Donald Larkin, Assistant City Attorney: That is right.

7
8 Chair Garber: Commissioner Keller.

9
10 Commissioner Keller: Do you have any comments on an article in the *New York Times* and
11 elsewhere about the pedestrian mall in Times Square. I am wondering if you have any thoughts
12 about that and if New York City can deal with the impacts of that how Palo Alto could deal with
13 the impacts of a potential pedestrian mall here.

14
15 Mr. Thompson: Yes, actually. In the recent Planner's Magazine, which is held by urban
16 planners they have identified two things that make pedestrian malls fail. One is a critical mass of
17 people and the other is places like this a university town. The town square example falls into the
18 first, the critical mass where you have a large number of people in this area. So it is going to
19 succeed if it is designed well. Do you have anything else?

20
21 Mr. Hughes: It is just great that this is happening right as we are proposing this. It is great to
22 follow on the coattails of what is happening in New York City. People are looking to more
23 green venues and this is something that can really encourage people to get outside and bike and
24 walk, and just enjoy the outdoors.

25
26 Chair Garber: Commissioner Fineberg and then Holman.

27
28 Commissioner Fineberg: I am not sure if you want to address this or Staff. What you talked
29 about was an initiative that you are doing with members of the public through the newspapers,
30 through different affinity groups. I am just wondering if you have or will be working with any of
31 the Staff department or City Council members. If this becomes something real it is going to have
32 to partake in a process that I think you will find surprisingly complicated. So I am just curious if
33 you can tell me a little bit about if you have so far or have any plans to make it a process.

34
35 Ms. Mahale: I think our mandate is mainly to build momentum and to raise the issue that this is
36 something that people care about. What we are trying to achieve is opening up of a forum where
37 the real stakeholders can participate in debate and discussion. So obviously the City will have to
38 be involved and all the merchants and business owners will have to be involved, and it will have
39 to be a formal process. What we are looking to do is just start the process by showing that there
40 is an interest in the community.

41
42 Mr. Thompson: It is so interesting because since we have launched we have had about 1,500
43 people officially sign up their support. That includes local merchants and people email me on a
44 daily basis whether they are local urban planners or Council people or some local economists
45 and citizens and everyone is just saying how can I help? Can I help you out in your efforts?

1 They think it is a great idea. The support is extremely wide from a whole range of experts and
2 personalities.

3
4 Chair Garber: Commissioner Holman and then we will move on.

5
6 Mr. Hughes: I had one last thing. We do have the support of one of the City Council members.
7 She has joined our Facebook group, and she enthusiastically joined it. So we have talked to
8 folks at the City level.

9
10 Commissioner Holman: I wonder who that would be since we have one female City Council
11 member. Commissioner Fineberg asked part of my question. The other part of my question is
12 for Staff. It would make sense for this to become a process but we have many things on the
13 Planning Commission Agenda and City Council Agendas that have been in the queue for a very,
14 very long time. So how do we sequence that? You don't have to answer it now but if you have
15 any thoughts about it so that we are not displacing things that have been waiting for a very long
16 time.

17
18 Ms. Julie Caporgno, Chief Planning and Transportation Official: Well, this is the first we have
19 heard about it. There was another presentation about it early today. We would not get involved
20 in this unless we were directed by the Council to take on this project. So at this point there has
21 not been any Staff involvement or direction to Staff to get involved.

22
23 Commissioner Holman: So it would have to come from the Council not the Commission?

24
25 Ms. Caporgno: I think it would be a Council effort because it is not an initiation of a rezoning.
26 You have the ability to do that. This is an actual project that would require some Council
27 direction to undertake.

28
29 Commissioner Holman: Then the other question is for Staff and it has to do with the second
30 group of speakers regarding Individual Review. We have had on our to do list for a very, very
31 long time the Individual Review coming back to us. I have encountered several issues having to
32 do with Individual Review. This is the first I have heard of these tonight. Is that scheduled or
33 close to being scheduled to come to us?

34
35 Ms. Caporgno: I don't know of any near term scheduling for that project. Since this has come
36 up I will check with Amy and Curtis and we will get back to you at the next meeting.

37
38 Commissioner Holman: Thank you.

39
40 Chair Garber: Commissioner Keller, a final comment.

41
42 Commissioner Keller: Yes. Just for full disclosure since my comment about an out of the box
43 solution like a pedestrian mall for University Avenue, the *Palo Alto Weekly* told these speakers
44 tonight about me and I met with them about a week and a half ago to discuss this. We discussed
45 some of the ideas. I just wanted to put that on the record.

1 Chair Garber: Let's move on to our regularly scheduled items. Thank you very much to all of
2 the members of the public that were participating this evening.

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

6
7 Chair Garber: Item number one is a Study Session. It is the presentation and review of
8 Comprehensive Plan Amendment Background Reports, including A) Community Services; and
9 B) Sustainability. Does the Staff have a presentation to make?

10
11 ***NEW BUSINESS***

12 ***Study Session:***

- 13
14 **1.** Presentation and Review of Comprehensive Plan Amendment Background Reports,
15 including A) Community Services; and B) Sustainability.

16
17 Ms. Caporgno: I am going to introduce Dahlia Chazan from our consultant firm, Design,
18 Community & Environment that is working on the Comprehensive Plan. Before I do that I want
19 to make a few comments.

20
21 As you know you looked at two of the background papers two weeks ago, Retail and Fiscal.
22 These papers, as you mentioned, are for Sustainability and Community Services. These are a
23 little bit different as you probably noted because these are mainly facts and then we have
24 identified some opportunities and challenges for the Community Services as to how to address
25 some of the deficiencies. Then for Sustainability since one of the directions for the
26 Comprehensive Plan is to incorporate Sustainability within the Comprehensive Plan or give it
27 more heft, because right now there is limited mention of it in the Comprehensive Plan. There are
28 some opportunities identified in that paper for inclusion. So what we were hoping is that the
29 Commission may focus on those.

30
31 Obviously if there are any questions you have regarding the information that we have provided
32 we will attempt to address those. We may not be the right people at the table to address those. If
33 there are any questions that come up that we cannot answer we will email you answers if you
34 need further information.

35
36 Dahlia is here and I mentioned and Roland Rivera who is the main Staff person working on the
37 Comprehensive Plan. I also wanted to mention that you have at places some questions we
38 received from Commissioner Fineberg today. After Dahlia briefly describes what they did I will
39 try to respond to her questions. With that I will turn it over to Dahlia.

40
41 Ms. Dahlia Chazan, Design, Community & Environment: Thanks Julie. Thanks to the
42 Commission for having us here this evening. I am going to briefly introduce the two background
43 reports and then we can turn it back to Julie for answer to Commissioner Fineberg's questions,
44 and any other questions that you have this evening.

1 The Community Services Background Report really comes out of the request that was made in
2 the RFP that we responded to regarding concerns that Community Services keep up with
3 population and housing growth in the city. So what we have done is gone through some of the
4 main services that community members really rely on here in Palo Alto, schools, parks, open
5 space, libraries, solid waste collection, and utilities. We have reviewed those relative to
6 anticipated population growth.

7
8 One thing to remember as you are reading through this is this is a background report telling us
9 where we are now. We will do a similar evaluation when we get to the actual EIR for the
10 Comprehensive Plan Amendment, at which point we will have more detailed information about
11 any changes that are going to be made to the Land Use Element if changes are made that would
12 result in population growth. That will give us more detailed numbers to work with in terms of
13 population projections to kind of match up against these Community Services that we have
14 reviewed so far.

15
16 Just to give a brief overview of those services in the school section we see that there are
17 obviously some schools that are oversubscribed right now, some that have some capacity
18 remaining. We see that Garland Elementary is going to be reopening soon. Really the growth
19 that has come to schools in recent years has come both from population growth within existing
20 homes of younger families moving into homes and having more children than lived in those
21 homes before in addition to new homes being built within the city.

22
23 On parks we see that there is significant acreage in the city but in terms of proximity to where
24 people live there is not always as much parkland within close proximity of where residents are,
25 as the standard for the city would have. Then in addition to that there is also a real need to
26 upgrade some of the existing parks to keep up with demand for the types of activities that people
27 are doing now. There is less demand for shuffleboard now than there used to be. So keeping up
28 with those kinds of park uses that people are interested in.

29
30 For open space and trails, again the main issue that we found was really in terms of ongoing
31 maintenance and operations for those parks and trails. For libraries we found that the Children's
32 Library obviously has been recently upgraded and the other libraries in the system are in need of
33 upgrade and expansion. Those are on the docket and planned over the next several years. Really
34 one of the bigger challenges will be in providing operating budget again for those libraries once
35 they have been expanded. So you starting to hear kind of a recurring theme here, which I am
36 sure you are hearing about through the budget process as well.

37
38 Then for solid waste the big picture is related to the zero waste operational plan really focusing
39 on getting the city to zero waste by 2021 and making sure that the transition from PASCO to
40 Green Waste as well as from having a local landfill to figuring out what to do over the long-term
41 with organics as well as recycling drop-off. Those are the big issues related to solid waste.

42
43 Then finally we reviewed utilities and that has a whole subset of issues or topics that I won't go
44 into in detail. In general the utility services are adequate and are projected to remain adequate
45 over the next ten years based on what we hear from the service providers, with the possible
46 exception of water supply over dry years. Utilities are something that we evaluate pretty

1 extensively when we prepare the Environmental Impact Report. So we will definitely be coming
2 back to that in more detail when we get there.

3
4 I am going to forge ahead into the Sustainability Background Report and talk a little bit about
5 that. Then we will go onto question. Sustainability is a big theme for the Comprehensive Plan
6 Amendment from the direction that we got from the City Council and also something that we
7 hear from community members as we have had our first set of workshops for the Comprehensive
8 Plan Amendment.

9
10 What we did for the Sustainability Background Report was really to review the documents that
11 exist now, and programs that exist now, and the Climate Plan that was completed recently, and
12 work that is being done by Staff, work that is being done by individual community members, by
13 community groups in cooperation with business groups, and to really focus on using this review
14 instead of cataloging endlessly the many things that are going on in the city to really focus on
15 what can we do really to the Comprehensive Plan. As Julie said in her introduction the
16 Comprehensive Plan is not as vocal on this point as you would think for this community. So we
17 identified Comprehensive Plan policies that don't have corresponding programs and plans. So
18 those are things that we can help identify in the Comprehensive Plan Amendment as potential
19 actions to follow onto the Comprehensive Plan Amendment. We identified things that are going
20 on in the City now. Programs that exist now that do not have corresponding Comprehensive
21 Plan policies. Those are an area that as we work with Staff on developing proposed policies for
22 the Comprehensive Plan Amendment we will definitely look at those as a starting point for
23 additional policies that should be added to the Comprehensive Plan. Then finally Sustainability
24 related issues that we see as being important in cities as a whole that we didn't see covered in
25 either Comprehensive Plan policies or ongoing City programs. I am sure there are many other
26 issues that could be covered under each one of these but these are starting places that we saw as
27 we prepared this background report. I will turn it over to Julie.

28
29 Ms. Caporgno: I was just going to finish up with Commissioner Fineberg's questions. As you
30 can see she asked from the email about the Parkland Dedication Ordinance the park impact fees.
31 Just to clarify the City adopted park impact fees in 2002. Then in 2006 it adopted the Parkland
32 Dedication Ordinance. All of the projects that you identified here, even though they have been
33 built after 2006, they were considered "pipeline" projects when the Parkland Dedication
34 Ordinance went into effect. So we were not able to apply the Parkland Dedication Ordinance
35 requirements to those projects. The only project that has been approved that we have applied
36 that to was the Summer Hill Elk's site and they are building a park as part of that project. The
37 Tree House, which was approved, is exempt from fees because it is an affordable housing
38 project.

39
40 As far as the parkland fees that have been acquired to date the Council in 2007 approved a
41 priority list of ten different projects that they wanted to see those fees used for. I can distribute
42 that information to the Commission if you are interested. I can forward the CMR to you also.
43 So that is kind of the status and if you have any other questions regarding this I would be glad to
44 try to answer them.

1 Mr. Larkin: The difference between our Park Impact Fee Ordinance and our park in-lieu fee or
2 dedication in lieu fee ordinance is that park impact fee money has to be spent on neighborhood
3 parks and acquisition of neighborhood parkland. Whereas the Quimby Act or the dedication in
4 lieu fee funds have to be used for a park or community facilities that serve the subdivision but
5 they are not necessarily for parkland acquisition and the facilities don't actually have to be
6 within half a mile but they have to be designed to serve the subdivision.

7
8 An example would be the Baylands Preserve or the Foothills Park Arastradero Preserve. They
9 are parks that serve the entire city so those would be considered as serving a subdivision. So
10 those monies could be spent on those parks, not that that is what the plan is.

11
12 Chair Garber: If you would like to follow up, go ahead.

13
14 Commissioner Fineberg: So if I understand you the projects that I listed, the Echalon, Vantage,
15 Altaire and the rest were built before the Quimby Act so they were covered by the park impact
16 fee. What you just said was that those fees would have to be spent within the half-mile
17 proximity?

18
19 Mr. Larkin: They have to spend on neighborhood parks. I don't know that the ordinance itself is
20 specific enough to require that the money be spent within a half mile but I believe there is a
21 difference based on the size of the park. If it is a pocket park it would need to be closer than a
22 half mile because a pocket park a mile away is not going to serve the project.

23
24 Commissioner Fineberg: Then can it be the maintenance of existing ones or does it have to be
25 acquisition building of new ones?

26
27 Mr. Larkin: It can be used for infrastructure but it can't be used for maintenance.

28
29 Commissioner Fineberg: So then my question still stands, what happened with the impact fees
30 on those projects? It may be a matter of public knowledge but I am just not aware of any
31 infrastructure projects that happened with something between 500 and 1,000 homes being built
32 in that area.

33
34 Ms. Caporgno: I will send this to you also but as I mentioned the ten priority projects. The first
35 one is Stanford Palo Alto Fields, the second one is Heritage Park, the third one is Greer Park
36 phase four, the fourth, Seale Park restroom, Eleanor Park restroom, Cubberley Field snack shack
37 and restrooms, Cubberley tennis court, Cubberley field synthetic turf, Greer soccer field, and El
38 Camino Park soccer field. So I guess the Cubberley items are ones that would serve that area
39 and obviously Greer Park serves that area also.

40
41 Chair Garber: Are you complete with your presentation?

42
43 Ms. Chazan: Yes.

1 Chair Garber: Now would be the time to ask the member of the public if he has interest in
2 speaking on this topic. If not, we will go to questions and discussion from the Commission.
3 Commissioner Holman followed by Tuma and then Keller.
4

5 Commissioner Holman: To get to the crux of things here, I am a little bit confused because on
6 page one the Staff Report says the Community Services Report describes the existing level of
7 services relative to current and projected population in the City of Palo Alto's neighborhoods.
8 At the bottom of the page it says by comparing existing service levels for public schools, public
9 parks, etc. the standards for those services, the report identifies possible gaps in Community
10 Services that could arise between now and 2020. What I heard in the presentation, if I heard it
11 correctly, was that the report provides information on what existing conditions are and after we
12 go through the process we will identify where the gaps are. Can you clarify that?
13

14 Ms. Chazan: Yes. The background report evaluates existing conditions relative to services that
15 are being provided currently and based on current projections for population growth in the City
16 of Palo Alto, but then we will go back and evaluate the information that we have collected again
17 once we are at a point of having a preferred alternative Comprehensive Plan Amendment to
18 review for the EIR. In CEQA terms we don't have a project right now to evaluate because we
19 have not prepared the Comprehensive Plan Amendment. So once we have that we will review
20 this information again and update it.
21

22 Ms. Caporgno: Just to clarify a little bit, as you know we are looking at two study areas. Let's
23 say there are some land use changes that come out of those study areas then these projections
24 will be changed based on that. If in fact the land uses remain the same then we are just going to
25 project that some of the land that is planned for growth over the next ten years is going to be
26 absorbed and this is probably the type of analysis that they have done and it is probably not
27 going to change much.
28

29 Commissioner Holman: So there is still a little bit of a chicken and egg here. I prefer one way
30 over another. I will speak to the Community Services report at the moment. I guess what is
31 missing for me here, with all due respect, is much of the information that is provided gives
32 information about what the existing conditions are. With schools and wastewater it talks about
33 what the capacity is and what current use is. Most of the areas talk about what is being used now
34 but doesn't really talk about if there a wait list for affordable housing.
35

36 Chair Garber: Can I help out?
37

38 Commissioner Holman: Yes.
39

40 Chair Garber: I was going to have a comment similar to Commissioner Holman. There are three
41 data points that would be helpful. Ideally even though I recognize that it is very difficult to
42 actually get three data points that actually relate to each other. For things that have capacities the
43 three data points would be existing usage, capacity of that system relative to that usage, and then
44 the projected use in some timeframe in some unit. Those points exist all in one bar chart, in one
45 bar with three segments in that bar. So it is an Edward Tufte, *Wall Street Journal* stock, little
46 tiny, one inch by one inch graph for each one of these topics. Seeing those three things enforces

1 a very strong discipline because it means you have to exclude a lot but it also helps us in terms of
2 focusing in on the things that actually can be compared and helps us understand how we should
3 begin to make decisions in terms of planning for those gaps that occur between those three data
4 points. Commissioner Holman.

5
6 Commissioner Holman: I would add to that possibly a subset of existing use or capacity is some
7 of these do have backlogs. It would be helpful to know what that backlog is too.

8
9 Understanding this isn't CEQA but it does inform us as to what we are willing to consider or not
10 as we look at these two area plans. So I am a little bit perplexed at not having that information.

11
12 Are we okay in making comments as opposed to just questions?

13
14 Chair Garber: Yes.

15
16 Commissioner Holman: Some of the other things that I found missing, and this applies to both
17 Sustainability and Community Services, is I would hope to have what the impacts are. Again,
18 this is to inform the process. What I would hope to have is some very basic information about
19 what is the environmental footprint of developing new single-family homes. What is the
20 environmental footprint of developing multifamily homes, commercial? There is a footprint to
21 that. So it is to develop or not to develop or to redevelop. There is an impact to that. If there is
22 an increase in size there can be some – X square foot of office is going to create X number of
23 trips, generally speaking. We are not doing CEQA but there are rules of thumb that would be
24 very instructive when we are going through these two area studies.

25
26 There are some things that I found that were not addressed like development impact fees, about
27 changing those or if that might be something that we can consider when talking about
28 opportunities and challenges. Our development impact fees don't begin to cover the cost of the
29 impacts. So I will leave it there for the moment.

30
31 Chair Garber: Commissioner Tuma, then Keller, then Fineberg. Just before you start I would
32 like to acknowledge that Commissioner Lippert has joined us.

33
34 Vice-Chair Tuma: The first thing I want to do is reinforce something that Commissioner
35 Holman just said because it was a question that I had. When we get to discussing the extent to
36 which the services are currently inadequate and then we are looking at the plans where we may
37 require additional services I think it is going to be important to examine whether the impact fees
38 need to be adjusted in order to deal with that. So I would just reinforce that point.

39
40 The overarching question I have is that these reports are citywide and meant to be
41 comprehensive. In the Comprehensive Plan Update we are going to be focusing on two area
42 plans, right? To what extent will in that process will we be also looking at any shortfalls in
43 services and also areas where sustainability policies needed to be added that don't directly come
44 out of those two area plans?

1 Ms. Caporgno: Both of those will have to be looked at in a citywide analysis. The first one is
2 going to have to be addressed in an environmental document. Even though we are maybe
3 making some adjustments to the land uses in those areas we are updating the entire
4 Comprehensive Plan EIR. So we are going to have to look at service capacity as part of that
5 process.
6

7 Then as far as sustainability and making changes to sustainability aspects that was kind of your
8 second question? That also is kind of a citywide effort and if there are some deficiencies that we
9 have not identified we can suggest those. We were hoping for this process right now, for
10 Sustainability we were pulling together everything the City has done to date. Maybe there are
11 some things the City could do that it hasn't done and that should be identified. I think they tried
12 to identify those in the Opportunity section but there may be other suggestions that the
13 Commission has that could be addressed too. So that is open for inclusion. Does that get to your
14 question?
15

16 Vice-Chair Tuma: Yes, that is great. Also, recognizing that as soon as you put a report together
17 like this the next day it is obsolete, in terms of what some of the inadequacies are of services, one
18 of which I will point to has to do with the schools. Last night there was a discussion at the
19 School Board about whether in fact they are going to reopen Garland and when that is going to
20 be. There was a whole discussion about some of the enrollment numbers were less than what
21 they thought they were going to be. That is just by way of example. So how much, if at all, will
22 any of these baselines be updated throughout the Comprehensive Plan process? Particularly with
23 the economy and the impacts that that's having any time these things are obsolete but in this
24 particular time that we are in they become obsolete faster, and more dramatically obsolete. So
25 how do you deal with that sort of evolving situation knowing that we are going to try to plan to a
26 baseline plus impact for changes that we are making?
27

28 Ms. Caporgno: I think the drop-dead date for the baseline will be when the EIR process begins,
29 when we issue a Notice of Preparation and hold a scoping meeting. Then everything is kind of
30 set at that point. So these numbers can be modified right up until that point. Right now we
31 believe we are going to start that maybe at the end of this year to the beginning of next year.
32

33 Vice-Chair Tuma: Okay. Not to bring up my favorite subject but we have to make sure on the
34 school stuff that we have the latest data from them. I know that we have a lot of our own data
35 but even some of the things in this document that are quoted from the laptop documents are
36 obsolete. I know it is hard and that is in a sense an outside agency, but if we are going to cover
37 that, then meetings with the demographers in the School District right up until the time you are
38 kind of locking the baseline down is important. There was a meeting this morning with the City
39 School Liaison so I know some of that goes on, and making sure that gets folded into the
40 baselines in the reports that we are dealing with.
41

42 Ms. Caporgno: We will. She actually reviewed this and made suggestions for inclusion of
43 information. We will make sure that that's one of the things as we go forward that we are
44 continuing keeping them involved.
45

46 Vice-Chair Tuma: Okay, thanks.

1
2 Chair Garber: Commissioner Keller and then Fineberg.

3
4 Commissioner Keller: Thank you. Let me first ask a broad question. Under the City code, City
5 laws, or ordinances, who is actually tasked with authoring the Comprehensive Plan and updating
6 it? Is that the Planning Commission? Is it Staff? Who is actually tasked with authoring the
7 Comprehensive Plan?

8
9 Ms. Caporgno: I think the Council directed Staff to prepare it and to work with the Planning
10 Commission to go through the process. There were certain areas that they wanted you to focus
11 on. So we are going to be bringing to you the policies and programs with any changes.
12 Actually, this summer some of them are going to come to you, the ones we don't anticipate
13 having wholesale changes to. Everything will come to the Planning Commission. The draft was
14 given the direction to prepare that document to go forward.

15
16 Commissioner Keller: I understand that Staff is doing this in the budget. I am just curious who
17 is actually tasked by the City Charter and City ordinances with authoring it. That is one thing we
18 should examine later.

19
20 To the extent that Staff is authoring this what is the mechanism for interaction between the
21 Commission putting our input into this process and Staff? For example we have this final report
22 being presented to the Commission. As far as I know the Commission had minimal if any input
23 into the decision process that went into what issues are in the report. We have no ability as far as
24 I can tell, since this is a final report, to suggest things that were oversights, or incomplete, or
25 missing from the report. So in some sense it is a fait accompli and that sort of limits the
26 Commission's role vis-à-vis development of the Comprehensive Plan because we have limited
27 ability to direct or to ask what goes into this report and the others like it.

28
29 Ms. Caporgno: Four or five background reports were identified in the scope of work that went
30 through the Commission and went to Council for approval. What was going to be included in
31 the background reports was identified and the process that would be undertaken for completion
32 of those reports. So that is what we are following and that was the process that although you
33 may not have focused on that but the work scope had been reviewed by you. The contract went
34 to Council and they approved the contract so that is what we are adhering to.

35
36 Commissioner Keller: I have no problem with the work scope in terms of reports. What I have a
37 big problem with is that the content was reviewed by various Staff members and that it is not
38 going to us nor to Council to ask questions saying, here is a draft, here are additional things we
39 would like to see in the final report, and then the final report being produced. So in some sense
40 this is being dropped in our laps. We can ask questions but essentially we can't arrange for those
41 questions to be addressed in this report. They are addressed at some point in the future in the
42 EIR process, which means that there is an iteration that is effectively missing from this report.

43
44 When is the Housing Element supposed to be approved and sent off to the state whatever they
45 are called?
46

1 Ms. Caporgno: The State Department of Housing and Community Development, HCD. The
2 Housing Element is in the process of being reviewed and worked on with a Housing
3 Subcommittee that Commissioner Fineberg has been sitting on. That document for review of
4 some of the policies and programs will probably be coming to you in the next couple of months.
5 Originally we were hoping to have a document that would be coming to the Planning
6 Commission and going to Council as an actual Housing Element in the next two or three months,
7 but the process has been delayed to the point we are probably going to go at the end of this year.
8 We are hoping that we will have that ready for your review and then Council review, and then it
9 goes to the state. They make comments and then it comes back, and then it is incorporated in the
10 evaluation in the EIR, then it comes back to you again for final review and Council action when
11 this whole process is completed.

12
13 Commissioner Keller: So correct me if I am wrong but what I got from that is that there is no
14 direct EIR process that goes in for the Housing Element. Instead once the Housing Element is
15 reviewed by the state then the EIR process is incorporated into the Housing Element, is that
16 correct, or am I confused?

17
18 Ms. Caporgno: For us to prepare an EIR that then needs to be changed based on state action
19 won't happen either. So what we are doing is getting kind of a draft of the policies that we want
20 evaluated in the Comprehensive Plan EIR and that goes to the state. If they want to make any
21 changes it comes back to you, you look at those, then that is folded into this whole analysis in the
22 EIR and it will come back to you. If you don't like the analysis, if the Housing Element based
23 on the analysis in the EIR is not acceptable the Planning Commission and Council can reject that
24 and we can start over again.

25
26 Commissioner Keller: Let me give you a hypothetical situation. Suppose that the EIR process
27 says that there is no way we can build X number of housing without adding X number of parks
28 based on our deficiency and the state rules for parkland and in the City rules for parkland. As a
29 result of that we have to considerably change our Housing Element in order to be able to say that
30 you need to tie parkland to housing. That is just a hypothetical. Once this has gone to the state
31 how constrained are we in modifying the Housing Element to accommodate to these discoveries
32 that essentially we won't get until the EIR process or we could have gotten if we had the ability
33 to ask further questions for analysis in this report or similar reports?

34
35 Chair Garber: May I interrupt? Will we not be looking at various scenarios through the two area
36 plans that are being developed that might get us closer to an iteration of these various scenarios
37 that Commissioner Keller is curious about?

38
39 Ms. Caporgno: Yes you will be and also as part of the EIR process you will be looking at
40 different land use scenarios too. There are going to be different growth scenarios, which we
41 have been telling you before. There is going to be a maximum growth scenario, a maximum
42 growth scenario, and maybe an intermediate as was included in the previous Comprehensive
43 Plan EIR. I believe the Council selected the intermediate growth scenario.

44
45 Commissioner Keller: Thank you. I am basically concerned about the interaction and timing
46 and the limited opportunities from this for the Commission to be able to provide the appropriate

1 input and ask the appropriate questions as a body in order to make sure that the necessary
2 analysis is done so that when the Housing Element is produced and the Comprehensive Plan
3 Update is done that we have done our job of vetting the resulting document.
4

5 Chair Garber: May I? I believe Staff has produced a schedule of their activities, although I am
6 not recalling it at the moment. Perhaps you could update that and send that out to the
7 Commission. That would show the roles and responsibilities over time and how this happens.
8 Then maybe we can have more constructive input on it.
9

10 Ms. Caporgno: Yes, and we just recently updated it. So we can send it to you tomorrow.
11

12 Chair Garber: Okay.
13

14 Commissioner Keller: I will give comments in the next round.
15

16 Chair Garber: Commissioner Fineberg.
17

18 Commissioner Fineberg: I will echo the comments of previous Commissioners and probably
19 take it one-step forward. While I understand the purpose of tonight's study session is for us to
20 better understand existing service levels, and we are not charged with making any
21 recommendations. I cannot endorse or find that this report adequately addresses the scope of
22 work that was purported to be put forward. I think it would be an embarrassment for this report
23 to be distributed to Council and the public. I think that it needs to be modified before it is put
24 into distribution.
25

26 Some of those modifications are going to be very simple, very high level, graphic modifications.
27 Some of them are corrections of factual error. Let's start at the high level. We have Attachment
28 A on Sustainability. This is not the Staff Report, this is the report itself. The first paragraph, the
29 Community Services Background Report is intended to describe the existing level of service to
30 current and projected population in the City of Palo Alto neighborhoods and to identify possible
31 gaps in the Community Services that could arise between now and 2020. That, unless I missed
32 it, the identification of gaps is not included anywhere in this report yet it is your lead-in sentence
33 so you either have to identify what those gaps are or change that sentence.
34

35 Taking a step back to structural changes, I got ahead of myself. It was very difficult and took
36 work on my part to figure out what this report is about. I sat down and wrote a table of contents.
37 The formatting, A is Public Schools, B is Parks and Recreation, C is Open Space and Trails, D is
38 Public Libraries, E is Solid Waste Collections, F is Utilities. A one-half page table of contents
39 would allow someone to scan the document and know what is going to be reported on and then
40 give a page number. So add a classic table of contents they can find that information. Same
41 thing is true in Attachment B, the Sustainability Report. I won't go through all the detail but that
42 has A is Introduction, B is a section about residents with eight points, C a section on business, D
43 a section on government, E on nonprofits, and F on sustainability opportunities. Without having
44 that and then adding some graphic format so someone can see in a bigger type font, in an indent
45 format they can scan through the pages and not have to work so hard to glean the information
46 that is in there.

1
2 On schools, I think if you talk to most people in this community the adequacy of school capacity
3 is going to be one of the biggest issues on people's minds, certainly it is when you read the
4 paper. We have two and a half, maybe three paragraphs of text about PAUSD school capacity.
5 If we have growth, if we are building housing and adding homes that house children we will
6 have growth in the school district. There is almost no discussion of it, two and a half paragraphs.
7 Yet, we have two or three pages on discussion of community colleges that are in other counties.
8 So just the weight of what we are discussing I don't feel is properly balanced.
9

10 Let's focus on PAUSD, on page one, approximately 11,000 students in the City of Palo Alto,
11 portions of Los Altos Hills, and Portola Valley, as well as Stanford University campus attend
12 Palo Alto Unified School District. Well, number one, there are more than 11,000 students so that
13 approximation is ten percent off just to start with. That is only two new elementary schools or a
14 middle school so that is not within what you could say is statistically insignificant. That would
15 be a big construction project. So the level of detail, the granularity, has to be better there. Also,
16 it excludes the fact that ten percent of our student population approximately comes from Tinsley,
17 which is the program where students come in from outside Palo Alto. Then we also have the
18 volunteer transfer program, VTP, where children of teachers and folks that work or have other
19 family members in the community. So we have not properly identified the sources of all of our
20 students especially those that are having bus or extra car trips.
21

22 The report does not include any discussion about the issues of kids crossing Oregon, safety, or
23 other huge issues that are going on that are known. It is just devoid of that rich discussion of the
24 existing conditions. On the next page, there is not a page number, so maybe page two with a
25 chart. I am looking down the column of elementary schools. There are three spaces at
26 Duveneck maybe they are there or maybe not. There are 29 at Barron Park, Juana Briones has
27 28, and I believe those were filled after Arbor Real came on board. So my understanding of the
28 elementary schools is the only one with capacity is Barron Park and yet I see statements in this
29 like – let me read it verbatim, I am sorry I am not finding it right now. It is characterized that
30 some of the schools have capacity. I think it is much more dire than the way the language in this
31 makes it appear. It doesn't mention the fact that one of our middle schools is closed to new
32 enrollment. It doesn't mention the fact that one of our high schools is closed for new enrollment.
33 It also doesn't capture the fact that we have a lot of kids going in places that are not their
34 neighborhood schools. So if a parent has a choice of driving their kid five miles across town
35 they might put them in a private school or they might go to a Choice school. So how we
36 consider what these numbers mean, the lack of capacity is greater than the measurement of how
37 PAUSD answers it. If we don't consider those subtleties I think we are losing the richness of the
38 information that we have.
39

40 Going on to page six, Opportunities and Challenges facing the schools. I think there needs to be
41 mention that because PAUSD is basic aid that any increase in the number of students decreases
42 the dollar per student available because we don't receive additional funds from the state. An
43 omission of that simply doesn't identify the impact that you splitting the pie up between more
44 students. There is no acknowledgement that if the renovation of Garland is deferred we are
45 going to have increasing class size. There is no mention that with the current budget crisis a
46 district may lose funds and that will make the fact that we are basic aid have an even greater

1 impact. Here it is, page six, when I mentioned it earlier I could not find the statement
2 categorizing that chart on page two. It says as shown in Table 1 several public schools, and
3 elementary schools in particular, are operating near or over capacity. That is very different than
4 there is one elementary school with capacity, one of the two middle schools is at or over
5 capacity, and one of the two high schools is at or over capacity. So I don't think it is a matter of
6 quibbling, to me that is just grossly inaccurate. It is not a characterization that reflects reality.
7

8 Parks and Recreation, let's move onto that. I will try and go a little quicker on some of this. I
9 would like to have more of an understanding of the relationship between the two acres per 1,000
10 residents in the Comprehensive Plan versus the five acres per 1,000 residents in the subdivision
11 section of Municipal Code, how they count it, where they are, and I want to see a bubble chart of
12 where are the parks, and where are the people, and whether we are in compliance with our park
13 standards with that half mile walkability.
14

15 Also on page 12, I think it is a typo, the first paragraph of text says however if the same
16 calculation is completed excluding open space areas there are 2.6 acres per person. I believe that
17 should read per 1,000 persons and the 1,000 was omitted.
18

19 Page 13, Planned Facilities for parks. The second paragraph, there are also major renovations
20 and new developments underway that will expand recreational services in the city. The City is
21 planning to renovate the Art Center with support from Palo Alto Art Foundation. I guess that is
22 additional recreational facility but I am not sure how the Comprehensive Plan would impact that.
23 A new Mitchell Park Library and Community Center are planned to meet the future library and
24 recreational needs for South Palo Alto. I believe Mitchell Park is going to be one of those
25 libraries that meets the citywide needs not just South Palo Alto so I am not sure that is quite an
26 accurate characterization.
27

28 I don't know the right words to use, and I will try and be judicious, but I am very concerned with
29 the next sentence. The Oshman Family Jewish Community Center set to open in its new location
30 in South Palo Alto in 2009 will also provide the City with exclusive use of some rooms and gym
31 space to help meet gaps in recreation service. They will be available with limited hours for fees.
32 They are private facilities and I don't think that private facilities that charge count as public open
33 space or parkland. So I don't understand why that is included in this discussion at all. I
34 understand it was considered as a public benefit during the development but unless it is dedicated
35 parkland or owned by the public if we have to rent it and someone else controls it it is not
36 parkland.
37

38 I love the idea of the City considering the master plan for the Parks and Recs. I think that will be
39 great. I have two more quick comments and then I will cede. Page 14, second point, the City
40 can work with the school district to develop additional joint use facilities as the district expands
41 facilities to meet the growing student population. I agree that it is good for the City to work with
42 the district to develop additional joint use facilities, but the districts expansion of facilities means
43 they will be reducing the playing fields, reducing the recreational capacity of their lands because
44 they are going to be building on them. So if they are building additions on the playgrounds that
45 is not going to create additional recreational facilities. So I think that is a very inaccurate
46 statement.

1
2 Then on the top of page 15, the Cubberley Community Center is largely owned by the PAUSD
3 and is therefore dependent on PAUSD needs. I believe that with the Terman arrangement it was
4 about half-and-half, so I don't think 'largely' is a correct characterization there. Then I will
5 come back later.
6

7 Chair Garber: Thank you. Commissioner Rosati and then Holman.
8

9 Commissioner Rosati: As I look at these two documents my first reaction is it is an interesting,
10 fairly straightforward, easy to read catalog of all of the things that we should be worrying about.
11 What I find it is missing is a connection with the projections, and therefore the ability to draw
12 any meaningful conclusions from it. If I think about the process of planning I think this is a
13 starting point. What is missing is the data that allows us to say therefore this is what we should
14 be focusing on, or this is what we should be recommending, or this is what we should be
15 approving, or this is what we should be discussing. It is a very broad table of topics.
16

17 The Community Services section for example and it is quite a complex set of topics including
18 schooling and the parks and libraries that comes with it. Still it is pretty straightforward. I think
19 we should be able to model if we project this much population growth and we project this much
20 business growth for the city. Create a set of projections and assumptions that we discuss and we
21 all agree to, the likely impact on schools is X, and the likely impact on parks is Y, and the impact
22 on open space is Z, etc. These assumptions are what we then review together and ask if we feel
23 comfortable that this is what we need to do.
24

25 On the other section where we talk about the services and the impact on residents there is a very
26 long list of things that community and the City is thinking about and working on such as
27 housing, child care, transportation all of which are really useful topics. I am having a really hard
28 time connecting any of those to projections again, and being able to draw any kind of conclusion,
29 but I could still do it. I think we could all do it if we had the consensus of where we see the City
30 go over the next several of years. Where I feel that there is a fairly substantial shortfall in this
31 initial pass of the reports is the business section. It is striking to me to see how comprehensive,
32 if you like, is the cataloging of what we are doing in the residential area, and how when we start
33 organizing anything that supports business the business part is no longer clear. The organization
34 doesn't even make sense. We talk about plans, and we talk about programs for businesses, but
35 when you actually read the details there are a variety of different things that are completely
36 disconnected from each other. I feel that who ever has worked on the business section should
37 step back a little bit and apply the same rigor that has been applied to the residential piece and
38 talk about what kind of initiatives support businesses, and what do we want those key topics to
39 be. Just to make it really simple if for residences we talk about housing maybe for businesses we
40 talk about office space. If for residences we talk about alternative transportation maybe we have
41 a similar topic for businesses. We basically translate the requirements of the businesses and the
42 projections of how many businesses we want in Palo Alto, what kind of businesses we want in
43 Palo Alto into what they need from a services perspective.
44

45 Chair Garber: Thank you. Commissioner Holman followed by Tuma.
46

1 Commissioner Holman: You are getting some straightforward comments and I do want to also
2 say that there is also a lot of really good information that is compiled here. It is what is missing
3 that I think we are finding challenging, and not giving us the kinds of information we need to go
4 forward to the next step and to use in terms of looking at the two area plans. How has Stanford's
5 potential development been included or not here? I presume not but can Staff just comment on
6 that or respond?
7

8 Ms. Chazan: In general it is not included in here, not being primarily within the City's
9 boundaries.
10

11 Ms. Caporgno: I think the development is not an existing condition. As far as projections it has
12 not been approved yet so it has not been included. As you pointed out there is limited growth
13 through 2020 identified. As far as the existing condition it is there yet so it has not been
14 identified. There is going to be Community Service requirements based on that project. When
15 we started this we would have had to have changed it anyway because we were anticipating at
16 that time we had both the Shopping Center and the Medical Center and now we would have less.
17 That will be included when we do the EIR obviously.
18

19 Commissioner Holman: I should have asked the question a little bit differently because if I
20 understood correctly this report will be done at the end of the year, we will be ready to conclude
21 this at the end of the year, but the Stanford projects are not going to be determined by the end of
22 the year. So how do we anticipate what the impact of that development might be and also
23 considering this, sort of but not quite, concurrently?
24

25 Ms. Caporgno: As I said, I think as you have all pointed out as far as this, I think we feel the
26 existing conditions are probably fairly complete. There may be some things that you would like
27 to see more of in here, but as far as that analysis if you were to project out to 2020 what the
28 impacts would be on all of these services that are missing, particularly in some of these areas.
29 We will need to go back and look at that. That Stanford piece should be included in that
30 projection out through 2020.
31

32 Commissioner Holman: Okay, thank you for that. I mentioned earlier some basic information
33 that would be helpful for those looking at the two study areas. One thing that I had overlooked
34 in my notes to include is what housing types generate additional students. I think that is going to
35 be really important in what kinds of additional development that we would consider.
36

37 Page 20 in the Community Services there is an inconsistency here. The Table talks about the
38 Downtown Library and it says two large meeting rooms, etc., and then down below it says the
39 Downtown Library has only one public meeting room in the library system, a small room with
40 capacity for four people. That seems inconsistent to me.
41

42 Sustainability page 28 assumes an outcome having to do with composting, recycling, landfill and
43 planned facilities. Under Challenges on page 28 it says the City needs to improve and expand
44 the system for processing organics within the city and will need to develop or identify a new
45 composting facility when the existing facility closes in 2011. The second bullet is the City will
46 need to find a long-term solution for relocating a drop off recycling center within the city. Both

1 of those assume outcomes that are being looked at but I don't find this to be accurate. I am not
2 projecting an opinion I am just saying that these project an outcome though that I think is
3 assumed and not a real conclusion.
4

5 The index, I completely agree with Commissioner Fineberg about an index would help this a lot.
6 I also find that when I was reading it I was having a real hard time. If I get into the topic I would
7 have a hard remembering what topic I am reading about. What am I back to? So just some very
8 simple visual improvement would help this a lot. If you are talking about parks, parks should not
9 be the same font size and italicized it should be a bold heading and then everything else flow out
10 of that in more of an outline form. Then the only other thing about structure is it works well,
11 what you have done in a lot of places here is you talk about the conditions and then you talk
12 about the opportunities and challenges. Some places the opportunities and challenges lump
13 together, they come at the end of several different topics and that really becomes then shorthand
14 for the topics that are covered, and harder again especially given the way it is identified now,
15 harder to track back to what it is. In the Community Services you get to the tail end and you see
16 that fiber is mentioned numerous times. I was left wondering if I missed fiber and it was way
17 back somewhere else. So if you relate the opportunities and challenges to the community service
18 that would be helpful.
19

20 Water on page 32, others might be able to speak to this a little bit better than I, but I found it
21 interesting that water is maybe the biggest challenge to development, maybe water, schools, and
22 traffic. Yet there is very little discussion about the impact of that and how that might in the
23 future affect what development any of us can have in any community. There are some
24 communities not so far from here that have very stringent restraints and constraints on
25 development because of the very lack of water.
26

27 Plans on page 22 of the Sustainability Report and maybe Staff would not think that this would
28 belong here because it is a different kind of plan but it is a plan. Since we are talking about
29 sustainability and talk a lot about the Baylands the Baylands Master Plan is not referenced at all.
30 I found that was to me an oversight.
31

32 Sustainability on page 16, this is one of my things as you will recall probably, talks about
33 community gardens and the opportunities and challenges are again separated from this. What I
34 would like to see included in opportunities is that in future development that community gardens
35 in multifamily and mixed use projects be given high consideration. It satisfies any number of
36 things.
37

38 On page 19 also in Sustainability having to do with businesses talks about the different ways that
39 businesses can be greener but it doesn't mention some of the other things that we either have in
40 place or could consider. One of them is something that is actually in the Comprehensive Plan
41 but we don't really have a way to particularly address it, which I don't think is included in your
42 list of things that are in the Comprehensive Plan but not addressed, and that is to support and
43 attract independent businesses. There are very strong fiscal and transportation reasons to do that
44 but those are not referenced. TDM programs are also not referenced here. Converting
45 businesses to recycling bins as opposed to garbage bins is missing. You go down alleys, which I
46 happen to do this morning, and there is a proliferation of garbage bins but almost no recycling

1 bins. One thing also to look at is the types of businesses those again affect trips and the local
2 economy.

3
4 I think the last two comments that I will make are it is rare that I do, but I disagree on this
5 particular occasion with Julie because I think there is not enough baseline data here for this to be
6 as informative a document as we really need to have going forward. In some cases there is no
7 baseline data. It has a discussion of what the facility is and what it does but it doesn't talk about
8 how well it is servicing the community or how it is not servicing the community. Libraries for
9 instance, there is no listing of number of hours or staff levels or need for more staff. There are
10 no kinds of baseline provided at all. So to go to Commissioner Fineberg's comments the
11 description that is both in the Staff Report and the lead in sentences in the reports themselves are
12 not satisfied to my way of thinking. I would actually recommend that this come back to us with
13 some significant changes that satisfy those needs. I will leave it at that.

14
15 Chair Garber: Before I hand it over to Commissioner Tuma. You are getting an earful from us
16 this evening. Typically we want everything and we want it perfect. Despite our best intentions
17 to help you sometimes it comes across more dictatorial than helpful. I just wanted to touch base
18 here to see one, if you are getting some feedback that you are finding useful, and two, possibly to
19 help me or perhaps all of us to understand how you were thinking these documents would help
20 you in the next step or how you were going to use them in the development of the analysis of
21 your area plans and those scenarios.

22
23 Ms. Chazan: This is useful feedback. It is good to know the additional things that you would
24 like to hear about. As I said before, I think many of the things that you are looking for will be
25 covered in the EIR. That is not right this very moment but it will come as part of this process
26 and before final decisions have to be made.

27
28 In terms of the concept plan areas this information provides us with general background about
29 citywide services and sustainability. Really when we dive into each of the concept plan areas, as
30 we have gotten further into the East Meadow Circle area for those of you who have been coming
31 to those workshops, then we have into the California Avenue area, for each of those areas we do
32 a substantial amount of existing conditions work to focus on those particular areas, on their
33 issues, on the types of businesses that are in the area, on the kinds of concerns that have been
34 raised about the area, and then obviously what we hear from the community at the workshops
35 that we hold. So I guess it would say this provides us with general background but we gather a
36 great deal more information about each of those concept plan areas as we go through doing that
37 work.

38
39 Chair Garber: How will you utilize these reports when you get to the actual development of
40 those concept plans?

41
42 Ms. Chazan: For the concept plan areas I would say that the input that we get from the
43 community workshops and the process that we are going through in those workshops has more
44 of impact. They do help us, more the Community Services one than the Sustainability one.
45 They help us identify places where we should be concerned about service capacity for things like
46 schools. We have been talking about that at each of the workshops. It obviously comes up as

1 people make comments at workshops and we have been reporting back to the community and
2 having that discussion at the workshops.

3
4 Chair Garber: So what is the next step for these documents if they are not going back into the
5 workshops?

6
7 Ms. Chazan: For these, especially for the Sustainability one as Julie mentioned, the kind of
8 larger policy issues are really more of a citywide consideration. Obviously they underlie the
9 concept plans in terms of determining what kinds of sustainable land uses should be added to the
10 concept plan areas if any changes are made. The direction that we have from Council is really to
11 incorporate sustainability throughout the Comprehensive Plan Amendment not just in the Land
12 Use Element. The Land Use Element is really where those changes through the concept plans
13 will be focused, whereas Sustainability will be throughout the Comprehensive Plan.

14
15 Chair Garber: Julie, what is the purpose that you have brought the consultant in to produce these
16 reports?

17
18 Ms. Caporgno: This was part of the consultant's proposal when they submitted for the
19 Comprehensive Plan Update. When we had our discussions as far as the work scope we actually
20 questioned whether or not we needed all of these. I think you will agree what I would
21 characterize this as is kind of providing a touchstone for where these different elements are. We
22 have the Retail, we have the Fiscal, which is a little bit different from these two, and then the
23 Community Services is kind of an overview of community services in the city not a detailed
24 analysis of every single thing but to get a feel for where we are with everything. Then the
25 Sustainability we definitely thought was important because it was pulling all these pieces
26 together. We had all this stuff going on. Then the Transportation one we actually were not
27 going to have that one but the consultant team convinced us it was important because that one
28 will be needed for the two study areas. So it was important to provide some general citywide
29 transportation analysis now before we get into the model review. So I think that was kind of
30 how we got to this point.

31
32 I think Staff sees them as more general information, pulling together all of these pieces. We
33 checked with all of the different departments. These have been vetted through numerous City
34 Staff in all of the different departments that are represented here.

35
36 Chair Garber: I am going to interrupt. I think what you are hearing this evening is that there was
37 an expectation on behalf of the Commission that we were going to get something that we could
38 utilize as a tool to help us one, analyze potential scenarios that the consultants have developed
39 that come out their workshops, and two, a report that would help us understand some of the
40 larger issues that the City is facing relative to these things.

41
42 By way of an example, one of the things in the report where you have data about current usage,
43 current capacity, and projected demand is with water. If you look at the numbers between what
44 is currently demanded and what is projected and that future demand it looks like the City will
45 actually be able to satisfy that demand. So what is the problem? The problem is that, as was
46 made obvious in the report in one sentence, that if there are dramatic shortages the City is out of

1 luck. So then I suddenly say, okay, I can plan for something now. That becomes a tool and a
2 way for me to evaluate how an area plan can contribute to mitigating that potential risk or how it
3 increases that risk. However, at that point I have some data and I can sort of use this as a tool in
4 that way. It is very inconsistent.

5
6 Without saying anything more, Commissioner Rosati had a follow up.

7
8 Commissioner Rosati: Thank you. My follow up is simply to reflect that what we are looking at
9 appears to be more of an ‘as-is,’ an inventory of all the things that we need to think about. My
10 question then is we need the tools to start talking about the future given the outlook and the
11 longevity that the Comprehensive Plan needs to have. I am just hoping that we will get an
12 understanding of what the process to get there is.

13
14 If this is a review of all the building blocks, what is available today, what is in place today, when
15 will the consultant help working with you to develop the to be scenarios that we need? Clearly,
16 tonight we are all eager to start talking about that.

17
18 Chair Garber: I think one of the important reasons that we need to see the schedule is that I think
19 many of us believe, unless we are convinced otherwise, that waiting to have the discussion until
20 the EIR means that we are talking about things that are in concrete that is getting dry quickly as
21 opposed to having a more fluid opportunity to talk about the pros and cons of things, and the
22 opportunities to test different ways of thinking about them, which hopefully is part of a larger
23 discussion about the area plans and how they participate in some of those outcomes.

24
25 Ms. Caporgno: I just want to add one thing. We are talking about the area plans but we also
26 need to look at one of the directions that the Council gave to us was to look at the amount of
27 growth that was anticipated for the City by 2020. So even if we said we are not going to change
28 any land uses in the area plans there is still going to be some growth that is going to occur by
29 2020, and what that is we have yet to determine. So this projection part, and that information we
30 came to you with a couple of months ago and explained we were going to use these in some
31 early analysis, well those numbers are going to change. I think that is part of the problem. Some
32 of the stuff is in flux but at least to kind of establish a baseline now, this is where we are with
33 everything, and then go forward. Obviously the EIR is far down the line and will give you, as I
34 said before, three different scenarios of growth. When we come forward to you with the area
35 plans we are going to have to have a lot more of this information for those areas addressed at that
36 time.

37
38 Chair Garber: Let’s move on. Commissioner Tuma, then Keller, and then Fineberg.

39
40 Vice-Chair Tuma: I just have one quick question or comment. In the Sustainability paper there
41 is a three-page discussion about transportation and I recognize that this is supposed to be a
42 current snapshot but there is nothing in there about high-speed rail. I know that in many ways it
43 is unknowable as to what this going to look like but it seems like in Palo Alto we can’t forget
44 about that. So somehow that has to be incorporated into everything we do with respect to
45 Sustainability, transportation, and all that. It has potentially big impacts so I just want to make
46 sure that high-speed rail gets captures in whatever is knowable at this point. It certainly is an

1 existing in that we have a High-Speed Rail Authority and we have an environmental process we
2 are going through as well. So all that just needs to find its way into the process and not get lost.

3
4 Chair Garber: Commissioner Keller and then Fineberg.

5
6 Commissioner Keller: So first of all this is actually amazing because I think I agree with
7 practically everything that has been said by all the Commissioners. I don't think this has ever
8 happened before.

9
10 Chair Garber: So do you need to say anything else?

11
12 Commissioner Keller: Yes, just because I agree doesn't mean that I can't amplify.

13
14 I think I agree with the comments made by people earlier about the study purports to do
15 particularly the first study on Community Services Background Report purports to talk about
16 projections but projections are in many way silent.

17
18 Let me make a first and overarching comment. In some sense this process has a big problem.
19 The problem is it is all incremental. If we did what we always do we will get what we always
20 got, sort of thing. It is sort of an incremental process. There are limited opportunities for out of
21 the box thinking, and I am going to come back there. Just like I talked about last time the issue
22 of out of the box thinking like should there be a pedestrian mall on University Avenue that is the
23 kind of think I talked about two weeks ago. There are limited opportunities for the Commission
24 to brainstorm, come up with ideas that can be explored in this process, and potentially adopted.
25 This is sort of just rolling thing forward and being limited proactive, it is mainly being reactive to
26 what might happen.

27
28 So for example, we are told time and time again that in terms of individual projects we cannot
29 talk about the school impacts of new housing. This is the one opportunity that we can talk about
30 the school impact of new housing. There is nothing that I have seen so far that allows me to
31 answer these questions. There is a little bit in here about capacity but what are the impacts of
32 new housing on school capacity? What are the cash flow tradeoffs in terms of capital? When
33 you build a 45-unit multifamily residential housing like the two complexes on East Meadow
34 Circle how much money goes to the school district in terms of capital costs for those housing
35 things? I realize that is limited by state law so there is a cap on how much can go there. How
36 much does it actually cost in terms of the additional classrooms that will be needed for the
37 projected students and that? Simple numbers like that are very useful. How much is the
38 additional operating cost to hire the additional teachers, the staff, the custodians, and that for
39 those classrooms that will be from those additional housing units? How much revenue is coming
40 in from additional property tax for those? Simple discussions of that kind of per development
41 analysis to see what the numbers come out to be.

42
43 To what extent is the pipeline of housing developments been filled up in terms of school
44 capacity? Essentially the housing that has occurred in the wake of the departure from South of
45 Forest of the Palo Alto Medical Foundation has essentially gotten somewhat mature. What I
46 mean by that is it has been there enough years that in large case if somebody moved in, had

1 babies, those children are sort of in the process of entering school, but none of that has happened
2 in the developments in South Palo Alto. In particular a lot of the developments are not even built
3 or fully built, or if they are fully built they are not fully occupied. Therefore there is a sort of
4 pipeline issue that we don't even know what the eventual size of those will be and the impact on
5 capacity.

6
7 So in terms of projections for schools in 2020 the school district has done projections, none of it
8 is here, we don't know how much additional capacity will be needed. The school district sort of
9 thinks in terms of being able to support every additional student that comes in there they can't
10 say no to a student that shows up on their doorstep that lives in Palo Alto. We have to think in
11 terms of how much housing we can support based on the school capacity and the need for more
12 schools. At one point in time there were 20-plus elementary schools and we closed or sold off
13 ten or so school sites. So the interesting thing is the potential for opening up Garland but how
14 much will the shortfall be based on the middle level projection through 2020 in terms of
15 additional elementary schools? Elementary schools in Palo Alto used to be kindergarten to sixth
16 grade and there were a lot of them. Now they are kindergarten to fifth grade. Is there going to
17 be a need for more school sites or are we going to get by with cramming more students on the
18 existing sites?

19
20 The reason this is important to us is because I looked at a map of the city and the only location I
21 can tell in terms of land that can be redeveloped into a school is in East Meadow Circle. There
22 are limited opportunities to think about whether or not there should be a school in East Meadow
23 Circle. It has not come up on the Commission because we don't get a chance to talk about it. It
24 has not been brought up in the East Meadow Circle discussions. Some of the groups talked a
25 little bit about it but essentially it doesn't bubble up because there are limited opportunities for
26 people think about such out of the box ideas that are necessary when you think in terms of
27 projections about how the schools capacity limits are going to need to be increased.

28
29 In terms of what Commissioner Fineberg said about a parkland bubble chart I notice that the list
30 on pages 10 and 11 of Community Services there is a list of mini parks, there is a list of
31 neighborhood parks, but in particular the narrative makes a distinction between neighborhood
32 parks and district parks. I don't think anybody would consider the Baylands Center to be a
33 neighborhood park because I don't know anybody who lives right near there. I don't think there
34 is any housing within a quarter mile or half a mile of the Baylands Athletic Center with the
35 possible exception of on the other side of 101. So as an example I think we need to separate
36 these things out. It would be nice to see a chart of all of the parks in the city with a bubble
37 around them of a quarter mile or half mile bubble around them and see which areas of density are
38 not served by parkland within a half mile as envisioned by the Comprehensive Plan.
39 Furthermore, that bubble should be shrunk if there is dense housing out there. So if you think
40 about the idea of it may make sense to put a half-mile bubble around a park, if the park is only a
41 park like Werry Park of 1.1 acres and think about how many people are supposed to be served by
42 that park the adjust the size of the bubble for that many people so we can see what areas are
43 served by density of parkland and how many people should be served by the parkland. So it is
44 not only walking distance to the park but the capacity of the park coupled with population
45 density. That is the kind of analysis that will allow us to see there is a whole bunch of

1 development without parkland, there are areas that are effectively underserved with that kind of
2 analysis.

3
4 I agree with the idea of adjusting impact fees. In particular, I am confused by some of this. I
5 was looking at the Sustainability Report says the number of units required is determined by the
6 following formula, gross square feet divided by 6,350 times 0.17 is equal to the required number
7 of units. Now I don't remember where that formula came from but I don't believe that is
8 accurate. I believe the formula is 15 percent of the housing units if it is less than five acres and if
9 it is more than five acres it is 20 percent of the housing units.

10
11 Interestingly enough under the formula cited here if you build a 2,059 square foot housing unit
12 you have to provide one BMR housing unit. So that obviously can't be the case because a lot of
13 the housing development in multifamily residential housing in South Palo Alto has been in
14 excess of 2,059 square feet for housing units. So obviously there is something wrong there.

15
16 If you take a look at the in lieu fees paid at \$15.00 per square foot of proposed development we
17 have noticed that the cost of a BMR housing unit is between \$400,000 and \$500,000 per unit. If
18 you take the lower end of that range, \$400,000 per housing unit, at \$15.00 per square foot you
19 have to build the gross square footage under this in lieu fee is 26,667 square feet, which is
20 obviously nowhere near the idea of .15 or .20 times the amount of square footage. So clearly
21 that number is completely out of whack. So that is an issue that I think we need to think about
22 carefully. In terms of adjusting impact fees in general I think that there is reticence to actually
23 charge the full cost of these things. This is just one big example of that issue.

24
25 Considering the great emphasis of the City Council on greenhouse gases there is basically a
26 limited mention of that, effectively only one page on this.

27
28 I will close with two comments. One comment is that you have white space on bottom adjacent
29 to the page numbers. One of the things you can do is put a running head on the bottom and that
30 running head indicates the chapter you are in, whether the chapter this high level heading as
31 identified by Commissioner Fineberg. Great use of that space is to tell where you are so people
32 can figure it out.

33
34 The last think I am going to talk about now is that the Comprehensive Plan consisted of narrative
35 in terms of goals, policies, and programs. I have trouble figuring out how we are going to as a
36 process for the Commission and Staff to work together to create new goals, policies, and
37 programs. I would like to understand better how those get drafted and what the drafting process
38 is for the goals, policies, and programs. Essentially that is the outcome that goes into the
39 Comprehensive Plan. I have very little visibility in seeing where these come from and who
40 creates them. Thank you.

41
42 Chair Garber: Julie.

43
44 Ms. Caporgno: I was going to respond to Commissioner Keller. The goal, policies, and
45 programs the direction from Council is that we are supposed to focus on certain ones. Number
46 one if there are ones that will address the two study areas that will come out of that process.

1 Number two are ones that will ensure that there is sufficient retail serving facilities available to
2 accommodate the housing that we have developed and will be developing as well as community
3 services provided for the new housing units. So those are the areas we are supposed to focus on
4 as far as changes to the Comprehensive Plan programs, policies, and goals.

5
6 You are going to look at all of the plans, policies, and goals in the Comprehensive Plan. We are
7 going to start bringing those to you this summer in chapters probably. We have had different
8 departments that are responsible for implementation of those different plans or programs
9 particularly, but policies and programs working on this and you will be reviewing those.
10 Eventually though the new ones will be incorporated into that whole mix and then that is what is
11 going to be studied in the EIR.

12
13 Commissioner Keller: So how will Sustainability be handled? I assume that is also part of the
14 charge of what we are supposed to do.

15
16 Ms. Caporgno: Correct. What we had envisioned is that we are going to create Sustainability
17 policies and programs that will be throughout the document. We talked about whether or not we
18 would have a standalone chapter or it would be throughout the document. So those will be
19 incorporated also. So you will be seeing those probably not at this first juncture when we come
20 to with the existing. In the next six to eight months you will be seeing the proposal for how to
21 incorporate those into the plan itself and discussion.

22
23 Commissioner Keller: Thank you. I think that the kinds of things I talked about in terms of the
24 impacts of school impacts of new housing that would seem to be very useful for the Commission
25 as a whole and also for the Technical Advisory Group for housing to understand that quite
26 clearly.

27
28 Chair Garber: Commissioners, we are coming up to an hour and a half here. We have Fineberg
29 and Lippert and I think Lippert will be our last speaker unless there is anyone else that needs to
30 speak. Commissioner Fineberg.

31
32 Commissioner Fineberg: There is a lot in this that I think is good. It covers a lot of topics. I
33 think if we view it as a list of things that we have to think about I am okay. But when it gets to
34 the information that we need to think about the place where I struggle is I am not sure it is an 'as-
35 is' or an 'as-was.' Part of that, as Commissioner Tuma said, is because things become obsolete
36 overnight. For instance the PAUSD meetings last night changed our present state of what is
37 going to happen with Garland. There are other things that happened maybe two, three, or four
38 years ago that appear to be the most current source of data. I think in those cases if we are
39 starting now with assumptions that are three and four years old and there are known changes that
40 happened one year ago, two years ago I don't think we do ourselves justice to use data that is
41 quite that old.

42
43 So let me talk about that in light of the public libraries. On page 18 it talks about the children's
44 book circulation rose by 16 percent due in part to the reopening of the fully renovated Children's
45 Library in September. I think it would be worthwhile to add September 2007. It opened two
46 years ago.

1
2 Commissioner Holman talked a little bit about the hours. When we are talking about existing
3 levels of service there are five libraries, one or two of them do state the hours. When we talk
4 about the Children's Library there is no indication of the service hours per week. That gives a
5 good snapshot to know whether something is open ten hours a week or 80. It tells you
6 something significant.

7
8 In the description of the Children's Library there is a typo. It should read the Children's Library
9 is the country's oldest. It is not Santa Clara County it is the United States' oldest. The word that
10 I typically see rather than saying oldest separate children's library, the classic language and I
11 would say the language of choice would be the oldest freestanding library. On page 20, section C,
12 College Terrace, you need to indicate service hours. On the Downtown Library in the chart as
13 per Commissioner Holman's comment my understanding is it is not two large meeting rooms. A
14 more accurate description would be a closet with four seats. On page 21, this is again one of the
15 things where the world has moved since 2006 when the base assumptions for this report were
16 drafted. Library facilities except for the recently upgraded children's branch will be upgraded,
17 not need to be upgraded. We have gotten the bond measure to do that. I would change the 'need
18 to be' to 'will be.' On page 22, Library Advisory Commission suggests that efforts should
19 continue to build the website as a virtual branch. It says, this would offer online references and
20 continues. They already do that. They have implemented that. Then in that same paragraph or
21 just down below it talks about technology planning process that will happen and it pretty much
22 has already almost been completed.

23
24 Then going on to page 23 I am not sure it is correct to say that Palo Alto voters approve the City
25 Council's \$76 million general obligation bond. If the attorney might suggest correct wording. I
26 don't think the bond belongs to City Council. I don't know if 'a' would be adequate.

27
28 Mr. Larkin: We can come up with some language.

29
30 Commissioner Fineberg: Then on page 23, B, second diamond, the City will need to secure
31 sufficient funds and instead of 'secure' I would rather see the word 'identify.' If they have
32 committed to it they will secure it. It is a question of priorities. I would add a diamond in that
33 challenge much the same way that we talked about the City working with the schools for parks,
34 another challenge would be that the City works with the schools to accommodate student needs
35 for library resources during and after school hours. I believe that is already in the
36 Comprehensive Plan and that continues to be a challenge we will face.

37
38 On page 32, conclusion about water supply. Water supply is sufficient to serve existing and
39 projected water demand based on 2005 forecast. Do we really not have any forecast more
40 current than four years ago? Are we then not including Stanford's needs? Should the baseline
41 include, forgive me if I don't have the right word, we had a Stanford water technical analysis
42 from Stanford project recently was drafted. Should the baselines from that for the Stanford
43 Expansion be included in the baselines?

44
45 Going onto Sustainability. Unless I missed it I do not see any section that deals with potential
46 sea level rise or tidal flooding. If the definition of sustainability as it is defined is meet the needs

1 of the present population without compromising the ability of future generations to meet their
2 own needs. If climate change is going to cause a sea level rise how can our Sustainability Report
3 not talk about land use issues in known tidal flood zones? Do we have to zone differently? Not
4 just complying with FEMA but especially for the area plan that is in the flood zone, does the fact
5 that it is in an area that maybe subjected to increased flooding risk, to tidal flooding, does that
6 warrant any special consideration? I don't know the answers but I think we need to ask those
7 questions.
8

9 Also the impact on our ability to meet our needs for water may look very different if there is a
10 sea level rise, if it compromises the potability of the water supply in the delta and the Sacramento
11 River area. They have fresh water channels that are pretty much at sea level that will be
12 inundated if sea level rises. Will that create a massive shock that will jeopardize our water
13 supply and change what we have access to? Again, I don't know the answers but I think those
14 are known questions that we need to know if there will be impacts we need to consider, and how
15 that should affect our potential growth.
16

17 Page two the Sustainability Report. Looks like Mayor Kleinberg is no longer Mayor. It is in the
18 first paragraph, first sentence. Might I recommend inclusion of the word, 'former Mayor', down
19 at the bottom of Section B, where it talks about housing? It appears to present some conclusions
20 that I am not sure are accurate. The Comprehensive Plan references an imbalance to jobs and
21 housing ratio and advocates a more balanced ratio. I don't know whether that should put that
22 forward as a conclusion or whether that is something that is a matter of policy that needs to be
23 determined. The bottom paragraph there were it is talking about BMR units, and Amy maybe
24 my count is wrong, it is talking about 15 units in the development pipeline for subsidized rental.
25 What about 38 at Green House, 50 at Fabian Way, 50 at 801 Alma, one or two at Birch Place,
26 and 14 at JJ&F? It seems like a significant difference and we know those additional units are in
27 the pipeline. Again, maybe your pipeline cutoff was at where it is approved, or something.
28

29 I agree with Commissioner Tuma's comment that high-speed rail has to be considered when we
30 are talking about transit projects and population growth. Page 11 appears to have some
31 conclusions being presented about what will happen with landfill and solid waste, as
32 Commissioner Holman mentioned. I think there is more uncertainty there than is being
33 presented. I agree with Commissioner Rosai's comments about business operations. If you go
34 through the areas where they talked about residents, things like housing, childcare, alternative
35 transportation, energy conservation, waste reduction, water conservation, water quality, and food
36 those might be categories with some modification that would be very apropos to have that same
37 analysis for the businesses. Food, I that is a perfect place for consideration of our findings that
38 we had in the Retail Report we just had that there is the dearth of grocery stores and that is not
39 mentioned. We need to plan for either zoning or land where we would have grocery stores is we
40 will have any.
41

42 Then on Sustainability Opportunities and Constraints on page 33, I would agree that in this
43 section there is discussion of the gaps between the present conditions and the future needs. What
44 I would like to ask of Staff is whether or not these are conclusions that will then feed directly as
45 new policies or where will the policy discussions be about whether these items are feeding into a

1 plan that we will then be presented as finished. So do we need to discuss these? Has there been
2 public discussion or review of them or is this a fast track.

3
4 Ms. Caporgno: I am a little bit lost here. Are you asking me whether under Opportunities that
5 bulleted list is making a statement that this is it?

6
7 Commissioner Fineberg: Yes.

8
9 Ms. Caporgno: What came out of this is these are the questions or the comments that kind of
10 needed to be addressed based on the information that was available from the studies that we have
11 done to date. That is why I had said at the outset that I assumed the focus of the Commission, I
12 didn't realize we would have as many deficiencies in the report itself, but I assumed the focus of
13 the Commission would be on Opportunities and Constraint in the first report and the
14 Opportunities here because you could amplify on those.

15
16 Chair Garber: Commissioner.

17
18 Commissioner Fineberg: Can I just finish up? I think I agree that that is kind of the meat of
19 what is going to feed into the next step yet it doesn't exist for the first report on Community
20 Services. Maybe it is Opportunities but it wasn't any sort of gap analysis. We have not even
21 talked about these two pages.

22
23 Chair Garber: I was just going to ask how much longer you had.

24
25 Commissioner Fineberg: That was pretty much it.

26
27 Chair Garber: Okay, thank you.

28
29 Commissioner Fineberg: So what do we do with the fact that we haven't – are these going to be
30 the things that are going to become the amendments in our Comprehensive Plan and are these the
31 assumed priorities and conditions? When would we see it again?

32
33 Ms. Caporgno: I think this is kind of the first effort at kind of exposing all of this. We have
34 compiled all of this information from all of these different sustainability efforts that the City has
35 been undertaking. These are kind of the issues that seem to come out of those. The issue you
36 raised about the rising sea level that is something that the City has not really addressed in any of
37 the studies that it has undertaken to date. So that is something, kind of a policy statement that
38 the Council will have to address. These are things that you will be able to bring forward as we
39 go forward to take them to Council. If you identify them now or identify them subsequently
40 there are definitely opportunities, as I said this is just a first stab at everything.

41
42 Chair Garber: Commissioner Lippert and then Holman you had a final word. There were two
43 quick notes that were whispered in my ear during Commissioner Fineberg's comments that you
44 may want to include from Commissioner Keller. One is consideration of Caltrain 2025 and the
45 Peninsula Gateway Study of 2025. Commissioner Lippert.

1 Commissioner Lippert: First of all I would like to apologize for being late I had a meeting that I
2 could not get out of. In getting up to speed and listening to all of you I agree with probably 90
3 percent of what has been said here. I think that you have done an excellent job of vetting out a
4 lot of the issues.

5
6 My thought with regard to this document is that a comprehensive plan is a road map. It shows
7 how to get from point A to point B and what sort of obstacles and things you are going to meet
8 along the way. I think Commissioner Fineberg said it pretty well. In the beginning where she
9 identified gaps, used the word 'gaps.' What we are missing in this document really is some of
10 the obstacles are gaps I think. It is the only way we are going to ever be able to address them in
11 a plan is to identify where those potholes or gaps are.

12
13 I remember when I first moved to this community 25 years ago. The school district is selling off
14 school property at an incredible rate saying we are seeing a decline in school population let's get
15 rid of these school sites. With that came along baby boom and suddenly the school district is
16 scrambling to purchase property or recommission school sites again. I think had the
17 Comprehensive Plan identified those gaps at that time the wholesale sale of school property
18 probably might not have happened at that time. I was just using that as an example since that is
19 one of the chapters that we are looking at here.

20
21 With regard to the Sustainability program here I think there is something that we can hang our
22 hats on. It isn't necessarily ... we all know about global warming but there is state policy now
23 for cities to become carbon neutral or at least to reduce their carbon footprint. I don't see any of
24 that in here. Maybe that is where we begin to establish that policy looking forward by looking at
25 state law and begin with that as the prelude or preface to this chapter rather than saying
26 something to the effect that we are looking to become a sustainable community. It is really how
27 are we going to meet the state law?

28
29 Then I have a question. Have each of the departments and the school district reviewed this
30 document? When I say department I mean like Utilities, the school district, Parks and
31 Recreation, have they gone through each of their own subsections or chapters?

32
33 Ms. Caporgno: Yes, very thoroughly. We sent it out to numerous people in the City. We had
34 the Sustainability Team representative, we had people who are in the Sustainability Program, we
35 had the Parks Department, the Director of the Parks Department, the second in charge of the
36 Parks Department, and the school demographer looked at and actually wrote a portion of this. So
37 we have had it very much vetted. Whether or not the information is satisfactory to you is another
38 thing but it has gone out. This was not something that the consultant just went out and pulled
39 some sources together and wrote this and nobody looked at. Once it came to the City it was
40 thoroughly reviewed.

41
42 Commissioner Lippert: I am just asking that question because I know that your department has a
43 tendency of holding onto documents internally until it is our turn to review them or the City
44 Council's opportunity to review them. The only reason I am asking that question is because my
45 fellow Commissioners did find a number of inaccuracies. So the question is to what degree were

1 those sections or documents reviewed. It is important, if we are going to mine the gaps to have
2 the most up to date, accurate information possible.

3
4 Within the Sustainability Chapter I did not see any mention of the new waster water treatment
5 plant and how that is going to play an important role that we are doing this through UV
6 disinfection rather than chemical disinfection thereby not pumping tons of chemicals into the
7 bay.

8
9 Also, there is very little mention of the green canopy in the City of Palo Alto. The importance of
10 the green canopy in Palo Alto has to do with cooling. When you have more trees it actually is a
11 cooler microclimate. So I think that is important that that be mentioned as well. Those are really
12 my questions and comments. Thank you very much.

13
14 Chair Garber: Commissioner Holman some final words.

15
16 Commissioner Holman: Yes, I had overlooked something about Community Services on page
17 20, again the Downtown Library. The chart does not even mention books. I think that is quite
18 an oversight. The other thing is that the dialog says however, it is primarily used by adults who
19 make heavy use of the Internet, computers and laptops for loan. I have seen data that indicates
20 that it has quite large circulation and is growing at that. I think that is going to reach some
21 objectionable comments in the future if my observations are correct and it stands as is.

22
23 So my question in closing here is for the Chair and perhaps it is for Staff. We have Staff Report
24 and reports that indicate what their goals are, what the objectives are of the reports. I think I
25 have heard pretty much every Commissioner say they don't achieve those goals. Understanding
26 that we are going to have an EIR at the end of the process, but I really do have concerns that if
27 we don't at least have in all of these areas baselines at a minimum that we are going to go
28 through a couple of pie in the sky study area process that are going to be potentially baseless and
29 pit one perspective against another against another. Whereas if we had the baseline data we
30 would know where we were coming from and what was feasible to consider. I don't mean we
31 shouldn't dream. I don't mean that but there gets to be a very contrarian situation when you
32 have things that are not doable and people who dig their heels in because we can mitigate
33 anything, which isn't true of course. So I am concerned about where this is going to lead us.
34 How long it is going to take if we don't have good baseline to begin with. This is a discussion
35 item not an action item. You have heard all of our comments.

36
37 Chair Garber: I think all of us have the same concern but I think the way that I would suggest
38 that we attack this is by bringing back an item where we review the process here, and the
39 milestones through it, so we can understand where this document does or doesn't fall in and
40 where we get to the points we want to get to, and if they are not there where they can be added
41 in. So rather than defining that the document comes back to us let's take a step here and review
42 the process and find out if what we are trying to get at is actually in this document or someplace
43 else. Julie.

44
45 Ms. Caporgno: I said a little while ago that we questioned whether or not we really needed these
46 documents. I think if nothing else this has been very informative for us because if in fact you

1 had just read this and accepted it then I would have said this is probably less important than what
2 it did tonight. I think all of these comments have been helpful to us to kind of understand where
3 you are coming from and it stimulated this discussion, which I thought was very helpful.
4

5 Chair Garber: Coming from a Staff member who likes pain I can understand that. Very quick,
6 Commissioner Fineberg.
7

8 Commissioner Fineberg: Are we locked in that what has been presented tonight is the final
9 report that will go to Council? Can there be some corrections, some revisions that obviously
10 would be up to some one other than us? I think even small improvements, the graphics and just
11 technical corrections, would make a huge improvement.
12

13 Ms. Caporgno: We will make sure that there aren't any inaccuracies in the document.
14

15 Commissioner Holman: So my last thing is then that I am a little bit confused about if not in this
16 report where would that information be and how would it come to us?
17

18 Chair Garber: Well, I have a similar confusion because I am not truly understanding what the
19 purpose of this report is and what it is feeding if it is not feeding directly into the area plans. I
20 am hearing that it doesn't at least not in entirety. That is part of the reason that I want to go back
21 and say where are we in the process, what is the process, is it giving us what we want it to be? I
22 can understand Commissioner Fineberg's interest in trying to tune up the document and get it to
23 be right but to what end?
24

25 If it is not something that we are not going to be referring to or is not key to our decisioning let's
26 get rid of it and figure out what we need so we have the real data where we need it in the process.
27 I don't know where that is at the moment.
28

29 Commissioner Holman: It seems to me that the consultants have indicated that they thought this
30 would be helpful in the Comprehensive Plan Update. Those two study areas are part of the
31 Comprehensive Plan Update. They are a significant portion of the Comprehensive Plan Update.
32 So it seems to me that the roadmap is kind of obvious about how these two reports could help
33 feed into consideration of those two study areas. So I am perplexed.
34

35 Chair Garber: I wouldn't disagree with that sort of an approach however, what I heard from the
36 consultants is that they are really looking at those area plans to develop the level of detail that we
37 would be more interested in using to action any potential scenario for us to evaluate, which is a
38 different way of doing that. So I don't know if one is right or wrong here. I may have an
39 opinion but I don't know what has been asked and I am not recalling what the roadmap was to
40 tell you whether one way is right and the other way is wrong, frankly from when this first came
41 before us a year and a half ago or so.
42

43 Commissioner Holman: So when the area plans come back to us for instance, and understanding
44 there will be an EIR done, but when we are considering what is something that we really want to
45 consider this kind of document if providing the kind of information that we have indicated that

1 would be most helpful would so much help guide that process, and again lead us to so much
2 faster of a conclusion I believe.

3
4 Chair Garber: Again, I do not disagree with you and I am as interested in understanding what
5 the quantities are that we are dealing with so that we can talk about finite topics as opposed to
6 open-ended ones. Let's say for instance that what is revealed in a review of the overall process,
7 the roadmap, is in fact that these documents are supposed to be catalogs because we get to those
8 quantities that we are interested in later in the process, then what we are doing is we are
9 expanding the scope of a particular document that takes weeks or months to do and we push off
10 where the process may have already compensated for where that information was supposed to
11 be. Commissioner Rosati and then Keller.

12
13 Commissioner Rosati: This is what I wanted to ask before so it is perfect. It seems that it would
14 be very useful to have maybe half an hour to an hour session to review the overall process.
15 Maybe it is very familiar and evident to all of you but it is not to me. Tonight it seems like it
16 would be very helpful to review the whole process so we can understand this is where that fits,
17 and this is where we are going to get the rest of the information. I want to put that on the agenda
18 for an upcoming meeting so that instead of reviewing the tile we look at the big mosaic first.
19 Here are more or less all of the tiles that we are going to get and next time we meet we are going
20 to review this piece and how it fits in.

21
22 Chair Garber: Commissioner Keller and then Lippert and then Tuma.

23
24 Commissioner Keller: What is interesting is what I heard in some sense this is going to be fixed
25 in the process of the EIR. The problem is that the scope of an EIR is incomplete. In particular it
26 doesn't consider school impacts. This is our one opportunity to deal with school impacts so we
27 better do it right.

28
29 The second thing is it doesn't really deal with fiscal related impacts like services and things like
30 that. So to the extent that we expect the EIR process to do all the necessary analysis it is not
31 going do the necessary analysis in those two areas. I, in particular, want to make sure that we
32 sufficiently focus on those two areas in the Comprehensive Plan Update process to make sure
33 that we take into account, and in particular the biggest issue in terms of impacts on schools and
34 fiscal issues is housing. Since we are going to be putting together the Housing Element before
35 the EIR process, and the EIR process is essentially going to be a tweak on the end, we had better
36 do these school impacts and fiscal impacts of housing soon enough so that we can incorporate
37 the decisions that we need to make in the Housing Element based on those analyses. I don't
38 really those happening in the roadmap.

39
40 Chair Garber: Commissioner Lippert and then Tuma.

41
42 Commissioner Lippert: I have a tendency of agreeing with the Chair that what we do need is a
43 study session or something in which we revisit the schedule of the process that we are going
44 through here and take a look at that. If this document is slated to go forward to Council, is that
45 what is happening with it? Is it just informational?

1 Ms. Caporgno: This was never intended to be presented to Council. It is just a background
2 paper. We brought it to you because you are going to be working with us closely on the
3 Comprehensive Plan. We were going to have it available and it actually probably is available
4 online but we can always make corrections. It is not something that was going to go to Council
5 for any discussion. It will be available and they will know of it but it is not something that
6 would be discussed.

7
8 Commissioner Lippert: So I don't think it is terribly relevant unless it is going to be made part
9 of the document and at some point we are going to have review the document and move it
10 forward and make our recommendations to Council. At that point we can add or amend
11 whatever we need to add to that.

12
13 I also wanted to make mention that a lot of the comments that I heard going on here I thought,
14 gee should I really dig into Julie here or not. I thought about it and I think that we are going to
15 find that the EIR is going to address a lot of these gaps or issues that we have in the long run.

16
17 As to Commissioner Holman's question as to whether it is at the end and it is too late, it is not
18 too late until we bundle the whole thing up and send it onto Council with our recommendation.

19
20 Chair Garber: Commissioner Tuma.

21
22 Vice-Chair Tuma: Julie, how quickly could we have a study session on the process? It sounds
23 like you said you just revised this. Is this something we could do?

24
25 Ms. Caporgno: I would say within a month is the first agenda we can get on with noticing, etc.

26
27 Vice-Chair Tuma: Okay, so let me propose something to Commission. I think if we can have
28 that meeting relatively soon, see the roadmap, see the mosaic if you will, we may very well come
29 to the conclusion that this document or some iteration of it is an excellent place as sort of a
30 repository of information that we will use for our discussions later on. So we may decide that
31 this is the right place to put some of these comments and it may be worth revising. We may see
32 that it is going to come in somewhere else or there is something else in the process that is going
33 to take care of it. It seems like if we just sort of table it for now, let's look at the process, see
34 where this either does or doesn't get picked up, and if it doesn't get picked up then we somehow
35 find a way to incorporate these comments. I think what we are as a body collectively wanting is
36 kind of a good baseline. I think everyone sort of agrees that if this is the baseline it is not good
37 enough, there are holes in it. So it seems like either we are going to get that somewhere else, and
38 we will hear about that at the next study session, and if not then let's put it into this document or
39 and addendum or somehow put it all in one place so when we get to the Comprehensive Plan
40 process we have something to go back to draw from that is accurate, it fills the gaps, and shows
41 us where the deficiencies or issues are. So to me that sounds like a process that will work. So
42 maybe in the interest of moving forward I would just say if you are all amenable to that let's
43 leave it at that and get on with the next item.

44
45 Chair Garber: With that let's close this item. Shall we take a five-minute break with the
46 patience with our one member of the public that would like to speak to the next item? Please

1 stay with us. Commissioner Fineberg has a statement to make relative to her participation in the
2 next item.

3
4 Commissioner Fineberg: I will be recusing myself on the next item regarding the development
5 at 200 San Antonio. My husband is employed by Hewlett Packard so I have a personal conflict
6 of interest.

7
8 Chair Garber: Thank you. Five minutes.

9
10 Folks, lets get started. This is item number two, 200 San Antonio Avenue. A request by Hewlett
11 Packard for approval of a Development Agreement extending the Architectural Review and
12 Vesting Tentative Map with Exceptions approvals for five years and providing additional project
13 benefits of the approved 45 unit townhome development in ROLM and RM-30 zone districts.
14 Would Staff like to make a presentation?

15
16 **Public Hearing:**

- 17
18 **2. 200 San Antonio Road:** Request by Hewlett Packard for review and recommendation to
19 City Council to approve a Development Agreement extending the Architectural Review
20 and Vesting Tentative Map with Exceptions approvals for five years and providing
21 additional project benefits of the approved 45-unit townhome development.
22 Environmental Assessment: An Environmental Impact Report has been completed in
23 accordance with California Environmental Quality Act (CEQA) requirements. Zone
24 Districts: ROLM and RM-30.

25
26 Ms. Amy French, Current Planning Manager: Yes, and I will make it rather short, thank you
27 Chair Garber and Commissioners. The Development Agreement is to extend the ARB and
28 Vesting Tentative Map approvals. It does note that the owner shall comply with and perform all
29 of the conditions of approval of those approvals. I want to note that we are looking at an end
30 date of February 26, 2014 as far as the effective date. The applicant has made note of that and he
31 can present anything surrounding that. It would coordinate with the Mountain View extensions
32 of the Mountain View approvals. Of course the project is heavily a Mountain View project with
33 just a mere 45 units in the city. So the Mountain View approvals are the ones that they will be
34 really interested in having a developer have a consistency between the two approvals for
35 anybody who does buy this parcel and develop it.

36
37 The project benefits of extending the development approvals includes the Ginnever Sculpture
38 which you have a copy of the map which is helpful to see where the sculpture is now on the
39 Mountain View side and where it is proposed to be located as noted in the report from Staff. As
40 noted, this did go to the Architectural Review Board and Public Arts Commission for review of
41 the proposed location. As also noted in the report, the Development Agreement procedures and
42 requirements are governed by Resolution 6597, which notes that this is a legislative act. It is
43 approved by ordinance by Council and is subject to referendum. It also requires the Director to
44 review annually development agreements to make sure there is good faith compliance with the
45 terms of the agreement. Again, the extensions are not a whole lot longer than what would be

1 allowed as far as the Vesting Tentative Map because the Subdivision Map Act does allow
2 extensions without a development agreement. So it extends it just a bit longer than those.

3
4 The Staff just became aware tonight of an email that was sent from a neighbor in the
5 Greenmeadow Homeowner's Association, Penny Ellson. I believe it was put at places. We
6 found it on the back table. So I have shared that with the applicant who is here to present to you.
7 Just to clarify that the EIR covered some of these things.

8
9 Chair Garber: Excuse me Amy I don't think it was at places.

10
11 Ms. French: Oh, okay.

12
13 Chair Garber: Did anybody else get it? So you may want to review that.

14
15 Ms. French: Okay. It was received I guess Monday evening and Julie and I found it on the back
16 table today and I shared it with the applicant. So let's get it to you. It has three questions and a
17 comments, it has a comment on the submittal. As I said, the applicant is ready to address the
18 several of those and I am happy to answer questions about it. Basically the first question relates
19 to the EIR and the analysis of approved projects and future reviews of projects. It would
20 consider this as an approved project for future review of traffic analysis for other projects that are
21 going to come in the future. The second question has to do with the fact that there is a property,
22 the William Kelley parcel, which you may remember from your review of the Tentative Map not
23 many months ago where they are doing a phase one analysis of the hazardous materials to make
24 sure there are no hazardous materials. The City would not want to acquire a dirty site so as part
25 of the conveyance document, it was actually analyzed in the EIR presented there, and as part of
26 any conveyance document to the City it would have mitigation for the applicant to clean up prior
27 to the City's acquisition of such a parcel. Then the third question has to do with maintaining the
28 tunnel access during construction. On page four of the Staff Report as well as page six of the
29 Development Agreement we cover that as far as after the demolition and during redevelopment
30 we would have access through the site preserved. That pretty much sums up what I was going to
31 say. As I note the applicant is here to make a presentation.

32
33 Chair Garber: You will have 15 minutes.

34
35 Ms. Caporgno: Before the applicant begins I would like to respond to the first question from Ms.
36 Ellson a little bit more about the Development Agreement and the traffic analysis. I think what
37 is being questioned is whether or not we are going to consider the site as being vacant for future
38 traffic analysis as they come forward before the project is actually built. That would not be the
39 case. Now that project is assumed to have 45 units on it. So any subsequent traffic analysis for
40 any future development in that area would assume that traffic on that property. So therefore it
41 would be in addition to whatever their impacts would be.

42
43 Chair Garber: Please.

44
45 Mr. Douglas Aikins, Palo Alto: Good evening Mr. Chairman and Commissioners. I am with the
46 law firm of Rattan and Tucker in Palo Alto. I am representing Hewlett Packard. I would add

1 only to Julie's comment that all 481 units would be considered for planning and EIR purposes as
2 existing and their impacts would be factored into every subsequent environmental analysis in
3 that area.

4
5 I think the staff report in summary covered the project very well and I would only add a couple
6 of context comments in addition to speaking to Ms. Ellson's objections. By way of context the
7 same real estate financial crisis that cast Hewlett Packard in the role of a more or less unwilling
8 real estate developer has also placed a crucial premium on certainly and stability in the land use
9 approvals that have been granted over the last five years by both Mountain View and Palo Alto.
10 It took a longtime to get them. They are very complex. They interrelate well. They address
11 literally hundreds of issues and the prospect of them unraveling in 18 months or less as current
12 land use approvals expire is intimidating and potentially fatal to a quick and successful
13 conveyance of the site into the hands an expert residential developer. Not only did Hewlett
14 Packard have to become a real estate developer overnight it had to become a residential
15 developer capable of game planning exactly what a buyer for the property would want to see.
16 Foremost among the things a buyer for the site would want to see is a very stable, relatively
17 certain set of land use approvals that can be properly priced that will determine the value for the
18 property.

19
20 So Hewlett Packard came to the City of Palo Alto and to Mountain View relatively late in the
21 process and said this is the feedback we are getting from the buying community, the local expert
22 developers that you are familiar with, and we need a Development Agreement. Mountain View
23 was quick to accommodate with a Development Agreement that produced both party's best
24 guesses as to what the duration of time would be needed for the real estate financing crisis to
25 abate and things to get back to normal. They enacted one extending their land use approvals for
26 five years with the proviso that provided that all of the complex infrastructure improvements
27 would be bonded for and financially secured and a Final Map issued on that basis within the five
28 years. Then an additional three years would be available if necessary. Again, assuming that our
29 best guesses as to the duration of the current financial crisis might be off.

30
31 The financial reality driving that is the potential disaster scenario that expiring development
32 approvals could force the buyer, the project developer, to rely on insufficient or fragile financing
33 particularly construction financing and start demolition and construction prematurely, before the
34 financing picture was solid or affordable or feasible, leading to the potential scenario of a half-
35 built project and defaults in loans and a disappointment of all of the community expectations
36 both in Palo Alto and in Mountain View.

37
38 So the financial reality Mountain View, and we hope Palo Alto recognize and accommodate is
39 one in which the developer needs time in which to select the moment at which it will obtain
40 construction financing, begin a roughly \$2.5 million demolition process, and then begin
41 construction of a very complicated property. The approved building types are very complex and
42 difficult to finance because there is underground parking with four or five stories of building
43 above that. You can't build those in chunks you have to build them simultaneously and they cost
44 tens and tens of millions of dollars. So we are in effect accommodating the developer
45 community by providing the certainty that they require in order to get financing at all and make
46 the project approvals a reality as soon as possible.

1
2 I can only underscore that these Development Agreements are crucial to Hewlett Packard. They
3 are financially imperative to conveyance of the site and commencement of construction as soon
4 as feasible. I will be happy to answer any questions.

5
6 Before I get that I would like to speak briefly to the objections raised by Ms. Ellson. Her first
7 point to the effect that the developer could build the project virtually unimpeded by potential
8 future land use regulation changes is true but it is one side of a whole issue. While this
9 Development Agreement does protect against future land use regulation changes the very
10 certainty that future land use regulation changes will not overburden financially, or radically
11 restructure or redesign the project, is a crucial element in allowing a developer to not only
12 understand the financial obligations of building out the project but also be able to plan a timeline
13 during which the project can be built without having to go back to the either city or both cities
14 for additional land use approvals. I can speak further to that issue if you wish. It is a very
15 important statewide policy issue that actually prompted the enactment of the development
16 agreement statute in the late 1970s, particular pertaining to large complex multiple phase projects
17 like this one.

18
19 The EIR issue, the second paragraph, she notes I think it can be characterized as her opinion on a
20 technical issue that the Mountain View City Council has resolved already in certifying the EIR.

21
22 Amy has spoken already to item number one. Item number two, I think there is no reason to
23 expect that any hazardous level one materials study would be an impediment to the conveyance.
24 That is a diagnostic study, it would simply say this is what we found on the site, the site has been
25 within Palo Alto's control for 30-plus years, and I doubt that there is anything there other than
26 what is there on other center medians and other traffic effected pieces of real estate. There are
27 no changes to that underpass area proposed by the new development. So her worry about
28 impeding a conveyance I think is unfounded.

29
30 The tunnel access issue, number three, there are no changes to the pedestrian tunnel proposed in
31 the new project. As Amy mentioned the Development Agreement explicitly requires that all
32 existing access will stay open until construction commences. That is an important issue for Palo
33 Alto and Mountain View both. The Development Agreement has regulated that issue. We are
34 perfectly content with that regulation. When first demolition and then construction begin of
35 course the site will be fenced and it will be an active construction site, a large one. So
36 unavoidably for the interim period the public will have to just avoid and go around an active
37 construction site until the new streets and new access ways are built. I hope that takes care of the
38 issues that have been raised and I will be happy to answer any questions you have.

39
40 Chair Garber: Commissioner Tuma and then Keller.

41
42 Vice-Chair Tuma: First a question for Amy. You said they would be allowed to get a certain
43 amount of time extended anyway and that it is only a little bit of difference. Can you quantify
44 that difference?
45

1 Ms. French: Yes, the ARB approval was extended to the adoption of the Vesting Tentative Map
2 approval. So that was February of this year by City Council. So technically then the ARB
3 approval would go until next year, February 9, with an option for the applicant to request a one
4 more year extension. So the ARB permit could conceivably expire February 9, 2011 as opposed
5 to February 2014. So that is a three-year difference. The Vesting Tentative Map, again because
6 of the Subdivision Map Act, could extend all the way out to February 9, 2011 unless the Final
7 Map is submitted. It can be extended by Council without a Development Agreement up to five
8 years beyond the expiration so even without a Development Agreement Council could extend it
9 five years beyond 2011 so that would be 2015.

10
11 Again, because the applicant is interested in selling the site it is important to do it this way with
12 the Development Agreement but I don't think it is all that different from what could be done by
13 Council.

14
15 Vice-Chair Tuma: Okay. So I am going to go straight to comments. In looking at this,
16 particularly Exhibit 1, Attachment A, the memorandum from the applicant, the last two
17 paragraphs I find it particularly compelling. I think the request is very reasonable and I see no
18 reason to not support the request.

19
20 My only concern is and this is another question for Staff. We talked about this a little bit in pre-
21 Commission. Is there anything that the City of Palo Alto needs to do to protect itself from the
22 impacts of any delays? What I am thinking about in particular is essentially what I gleaned from
23 the math we just did is this basically gives them as a matter of right once this is defined
24 something two years longer than what they could otherwise get, which is five years instead of
25 three years. So it seems to me that if we have any ordinances that get passed in that intervening
26 time that would otherwise entitle the City to something whether it is impact fees or something
27 like that would it be appropriate to instead of that curtain going down now it would go down now
28 three years from now? So it would give them the certainty of the extended amount of time but
29 not impede Palo Alto's ability to get certain impact fees or other changes in ordinances that
30 would be applicable. Is that appropriate under these circumstances?

31
32 Mr. Larkin: I think if you look at Section five on page eight of the Agreement that actually
33 addresses the issue. It says that any fees, assessments, dedication, taxes payable in connection
34 with the development, construction, occupancy, and use shall be those applicable to similar
35 developments in the City at the time of the issuance of the Building Permits. So that does give
36 the City that flexibility. The only thing that is excluded from that is the Quimby Act fees. I was
37 reminded that the reason that we excluded Quimby Act fees to begin with is that the project is in
38 compliance providing more than adequate parkland. The difficulty is the parkland that is being
39 provided is on the site but it is not in the city limits and that is where the confusion comes in.

40
41 Vice-Chair Tuma: So in that paragraph it says no other project-specific fee, assessment,
42 exaction, or required dedication policy not in effect on the effective date. What would be the
43 effective date?

44
45 Mr. Larkin: The effective date is the date of Council passage. But again, it is unless it is
46 imposed uniformly on all similar projects. So if the City passes a citywide impact fee on certain

1 developments it would apply to this project. Normally that would not be the case with a Vesting
2 Tentative Map.

3
4 Vice-Chair Tuma: Okay, it sounds like that is covered. I am not prepared to make a motion at
5 this time but under the circumstances I see no reason not to be supportive of granting the
6 Development Agreement or recommending it anyway.

7
8 Chair Garber: Let's see if there are other questions and then perhaps we can come back to you to
9 make the motion. Commissioner Keller and then Lippert.

10
11 Commissioner Keller: So with respect to the timeline I notice that even under environmental
12 review it says that this went to the Commission on January 14, 2009 that date is not to be seen
13 within the timeline. So I am assuming that the fact that it went to the Planning Commission
14 should be in the timeline and is not there.

15
16 What I do remember at the meeting of January 14, 2009 when we had Toll Brothers here is that I
17 asked the gentleman from Toll Brothers whether they were planning to develop this or whether
18 they were planning to sell the rights or somehow transfer the right to develop to somebody else.
19 I was told unequivocally by Toll Brothers that they were planning to develop them themselves.
20 Yet, one month and three days later we get the application for the Development Agreement. In
21 fact that was eight days after the Council approved the Tentative Map. While I certainly have no
22 beef with Hewlett Packard trying to proceed this forward this does indicate that the statement
23 was somewhat misleading by Toll Brothers. I just want to point that out for the record. The
24 gentleman here from Hewlett Packard did not make that statement and should not be blamed for
25 it but does indicate some lack of clarity in terms of the statement made by Toll Brothers.

26
27 I have a couple of concerns. One is what is the timing of the conveyance of the William Kelley
28 parcel to the City with respect to this potentially eight-year timeline?

29
30 Mr. Akins: That is required by Condition 3 on page ten of ARB approval. It simply says it must
31 acquire it and I don't know of a required point in the sequence of events by which it must be
32 acquired. In order to obtain a Final Map all the conditions of the Tentative Map and the ARB
33 approval must be satisfied. So either this parcel must have been acquired by the time of issuance
34 of a Final Map or it must have been a performance of acquisition must have been guaranteed by
35 provision of an adequate financial security subject to the approval of the Staff and City Attorney.

36
37 Commissioner Keller: So it seems to me that part of the Development Agreement I think should
38 have a timeline with respect to the conveyance of that parcel.

39
40 Mr. Akins: If I may, the acquisition is a mandatory prerequisite to issuance of a Final Map so it
41 must occur. Arbitrarily picking a time in space by which it must occur would probably not be as
42 effective as allowing the acquisition process to proceed because the acquisition is a two-step
43 event. The obligation is placed first on the owner, which would be a developer to be named later
44 at that time. That person would go and attempt to acquire it through private negotiations. If
45 those negotiations fail the owner, the developer at that time, will come back to Palo Alto and say
46 we have failed. Here are appraisals for the property. Here is our last best offer. Here is a

1 percentage surcharge that we think might be agreed to in a negotiation with the Kelley heirs, and
2 here Palo Alto is a check or a financial device of some sort in a certain amount, satisfactory to
3 the Staff and City Attorney that will guarantee that that property can be acquired through
4 eminent domain.

5
6 Commissioner Keller: If eminent domain turns out to be greater in cost.

7
8 Mr. Akins: We would make up the difference.

9
10 Commissioner Keller: You would make up the difference.

11
12 Mr. Akins: When I say we, it is the owner at the time, the person who wants that Final Map.
13 Palo Alto has a hammer that is unavoidable.

14
15 Commissioner Keller: Thank you. The second issue is I am concerned about the idea of early
16 demolition prior to an approved plan or Building Permit issued for the new thing. The problem
17 is that essentially you would be creating something that is more, to me at least, more blight than
18 what currently exists. Rubble or sort of the removal of the existing building and the big expanse
19 of land I am not sure if that is better than what exists. I am wondering if it makes sense to defer
20 the demolition and perhaps put the building to some use in the interim rather than demolishing it
21 potentially eight years or so prior to – I am not sure. There is at least five years between now
22 and when the Final Map can be approved and then it could be a year or two after that when
23 construction begins. So potentially it could be five, six, seven years of rubble.

24
25 Mr. Akins: If I may I could answer that to the Chair. Maintenance of the building in a lights out
26 condition, the building complex, costs nearly \$2.0 million a year for security, inspections,
27 maintenance, and cleanup, you name it, people dump stuff there, and a variety of community
28 organizations request permission to use the facility for various things. Hewlett Packard provides
29 them for free but they cost money to Hewlett Packard. Hewlett Packard's motivation, and it
30 happens to dovetail perfectly with Mountain View's motivation, is to get rid of these buildings as
31 soon as possible. They are expensive, relatively dangerous, they are sort of an attractive
32 nuisance to people who want to go into empty buildings and do whatever they want to do there.
33 The cost of having them present is extraordinary compared to the benefit, and this Development
34 Agreement and the Mountain View Development Agreement both provide that we would be
35 starting immediately with negotiations and discussions on the technical merits of Mountain View
36 issuing a comprehensive master demolition permit. That would address a long list of roughly 20
37 policy items that Mountain View has identified where it wants to properly coordinate the
38 sequence of terminating utilities on the site, fencing, security provisions, what have you, off haul
39 of demolition waste. It is a big deal to take away an industrial complex like this. Mountain
40 View is focused on this extensively. They want the buildings gone as soon as possible. It is
41 roughly a \$2.5 million process to demolish them. It is going to take roughly six months to get a
42 demolition permit at all, and then roughly eight or nine or ten months, something like that to do
43 the demolition work. It is a major undertaking and it is under rather comprehensive management
44 by Mountain View. Hewlett Packard's request is that Palo Alto not inject its own additional
45 policy priorities into that process beyond what is expressed in the Development Agreement
46 already. The Palo Alto Staff has gone through that and they provided for coordination between

1 the two building departments but once again Hewlett Packard is seeking a clarity and a
2 simplicity of the regulatory process that will translate in the eyes of the buyer of the site into a
3 bigger check. If the buyer of the site has to deal with two municipalities with competing and
4 conflicting requirements the site becomes less valuable.

5
6 Commissioner Keller: Thank you. So let's suppose this moves forward as you envision and a
7 year and a half from now the demolition is complete and there are presumably somewhere on the
8 order of three to six years after that before construction starts. What will be the state of the site
9 during that interim period?

10
11 Mr. Akins: A fenced grassy meadow punctuated by roads. The roadway network will remain.
12 Well, not necessarily, I take back, sorry. As long as possible the roadway network will remain
13 and at some point it will either have to be a set of roadways, existing roadways in the gaps
14 among fenced grassy sites or the entire area including the removed roadways will exist. That
15 will be immediately prior to construction. Palo Alto has required that the roadways remain as
16 long as possible to provide continuing community access to the site and that can be done. That is
17 feasible.

18
19 Commissioner Keller: So presumably getting onto my final question here is that other than as
20 needed during the demolition process and subsequently during the construction process there will
21 be continuous access for the bike lane from Nita into Mountain View.

22
23 Mr. Akins: As expressed in the Development Agreement. I don't recall specifically whether
24 your example is addressed there but the Development Agreement addresses it in a relatively
25 comprehensive way.

26
27 Mr. Larkin: It is all access via the roadways through the site shall remain open. Also the
28 Development Agreement has a provision that requires that the landscaping be maintained so as
29 not to create a public nuisance. So there would not be piles of rubble the site would be
30 maintained during the time there wouldn't be buildings on it.

31
32 Commissioner Keller: So what you are saying is that the bike lane from Nita into Mountain
33 View and the path from the tunnel to the Mountain View train station would be accessible.

34
35 Mr. Larkin: We were not explicit in the Agreement. We said that all the access ways had to
36 remain open.

37
38 Ms. French: Technically it says following the demolition and prior to the commencement of
39 redevelopment. So there is a window there when it is safe and there is not something happening.

40
41 Mr. Akins: Yes, that is the picture I was trying to create. All existing roadways remain and the
42 areas in between the roadways would be fenced and grassy.

43
44 Commissioner Keller: So if these things are grassy I am wondering why they have to be fenced.
45 Could these in some sense be used for recreational purposes during that period of time or is that a
46 hazardous condition?

1
2 Mr. Akins: I am actually paraphrasing Mountain View's preference. I don't know whether they
3 would be fenced. If they could be open I am sure Mountain View would go with that solution as
4 a community amenity for the interim. If they find that exposed items left over from demolition
5 are a problem again, their demolition permit is anticipated so far to be about 50 pages long.
6

7 Commissioner Keller: Okay, thank you. Just to close this issue I think that to the extent that the
8 space can be available for community use by having it be a grassy area without impedance of
9 fences – it seems that the fences actually create a potential nuisance more than removing it does
10 if it is not hazardous.
11

12 Mr. Akins: If I may further paraphrase Mountain View they share your desire to balance both
13 access by the community, which is mostly Mountain View, with the upper limits of feasibility.
14 If it is unsafe, if it is impossible to maintain, if you can't maintain it without a half million
15 dollars worth of sprinkler system that might be a constraint. Some areas may be grassy and
16 others not. They share your desire to balance those two competing interests.
17

18 Commissioner Keller: Thank you very much.
19

20 Chair Garber: Commissioner Lippert and then Rosati and then Holman.
21

22 Commissioner Lippert: I have a similar line of questioning to Commissioner Keller's. I am not
23 concerned about the demolition of the building in the sense of having a physical building there. I
24 think it should be raised almost immediately.
25

26 My concern is slightly different though. Hewlett Packard acquired the site back in the mid to
27 early 1980s. At that time property tax adjusted on the sale when they purchased the property.
28 Now it has increased in property taxes that were paid into the county and the local governments
29 at the rate of Prop 13. Here we are that you are asking that we have this Development
30 Agreement so that you can defer building on the property. So the expectation is that as far as our
31 community is concerned the buildings would be raised and then developed and it would turnover
32 and thereby generate even greater property taxes. In this case, we are taking a site, demolishing
33 a building, and as far as the County Assessor there is no improvement on the land what happens
34 to that portion of the property tax?
35

36 Mr. Akins: Through the Chair, I think what you would see is an immediate step up in the
37 assessed valuation basis of the property from the valuation current as of the date when Hewlett
38 Packard acquired it, and I don't know what that is so let's say it is mid 1980s values or early
39 1980s values to present value. Hewlett Packard's interest obviously in obtaining a streamline,
40 simple, clear entitlements picture is to make sure that they get as much money for it as possible.
41 Therefore the assessed valuation basis would be current as of 2009. My assumption, and it is
42 only that, is that would be substantially higher than the original acquisition price the early 1980s.
43 So Palo Alto would see a step up in property taxes current as of now, and then when construction
44 began the value of the construction financing loan would hit the Assessor's Office that would be
45 another step up in basis, and when the occupancy permits are issued upon completion of

1 construction that would be another assessment event, and at that point it would be assessed at the
2 value of 481 units.

3
4 Commissioner Lippert: Maybe the City Attorney could correct me if I am wrong but once the
5 building is demolished can they not apply to the county to have the improvement portion of their
6 property taxes expunged?

7
8 Mr. Larkin: I am not a tax attorney.

9
10 Commissioner Lippert: Okay.

11
12 Mr. Akins: If I may just clarify a point. The last evidence the Assessor would have is of the
13 conveyance value. Assuming that that is higher than the present assessed basis, that step up on
14 basis would be continuous regardless of whether improvements were removed because it is the
15 land that is being purchased and it is the land that has that value.

16
17 Commissioner Lippert: So what you are saying is, and again I am not a tax attorney I am an
18 architect.

19
20 Mr. Akins: I am not a tax attorney either.

21
22 Commissioner Lippert: If the building were demolished it would not represent a reduction in the
23 property tax?

24
25 Mr. Akins: From my limited experience in this I think the property owner at that time would
26 have to carry the burden with the Assessor that the land without the buildings is in fact cheaper
27 than the price he paid for it. In this instance I think that would be a hard row to hoe because this
28 would be fully entitled land with six subdivision maps on it in probably the hottest residential
29 real estate market in Northern California.

30
31 Commissioner Lippert: Okay, that is just something I think Staff should probably be aware of
32 and probably want to check with Council on that.

33
34 Then one other question is with regard to the level one environmental that is being done. That
35 needs to be done for transfer of the property in order to be able to secure the financing. Hewlett
36 Packard is notorious for paying cash for their buildings. What they generally do is say we are
37 going to build another fab building or office building and then they pay cash and don't have to
38 worry about the level one. The Mayfield Mall site was there and something else was probably
39 there prior to that. What if it came back positive that there was contamination there? How
40 would that impact the financing and further impact the schedule?

41
42 Mr. Akins: The level one diagnostic analysis of soil conditions would be in the hands of both,
43 let's say the developer it wouldn't be Hewlett Packard by that time. It would be a sophisticated
44 residential expert developer. It also would be made available to the Kelley heirs, the people who
45 own the property. That would probably affect the price depending on the magnitude of what is
46 discovered there. Let's say the fair market value as clean is X, it would be X minus the

1 mitigation cost. Soil of this type in this location probably the worst risk is that it would have
2 either lead from automobiles passing by for 50 years or agricultural chemicals left over from
3 predevelopment days. One way or the other you can excavate a lot of soil from this center
4 median, this very large center median area, and replace it with clean soil. So mitigation is just a
5 question of how many trucks of soil you have to haul away and store appropriately. In the scheme
6 of things this land is covered by Palo Alto's easements for access and maintenance. It is literally
7 a center median where there is no development permitted so it has a very low market value.
8 When you take that low market value it has no access, it can't be developed, there is no utility
9 whatsoever but reduce it by the cost of mitigation of surface soil conditions it is a pretty cheap
10 piece of property.

11
12 Commissioner Lippert: Thank you very much.

13
14 Chair Garber: Commissioner Rosati and then Holman.

15
16 Commissioner Rosati: I have a question for Amy. Does this set any kind of precedent? I am
17 thinking if other developers or property owners wanted to do something like this in the future are
18 we thinking there are any worries or anything we should think about?

19
20 Ms. French: In fact we do have other developments out there, developers, applicants who are
21 concerned about pending expiration of permits in this current economic climate. So we have had
22 discussion about coming forward with a proposal to allow for extensions by the Director for
23 certain periods to get us through this crisis in the economy. As far as precedent there is that state
24 law that allows for development agreements and so anyone can come in any time and request
25 these. They are by ordinance, by Council, and referendable.

26
27 Mr. Larkin: One distinction on this project is that it is a very large project the bulk of which is
28 not within our jurisdiction. So the idea of doing a development agreement that mirrors the
29 development agreement in Mountain View made a lot of sense to Staff.

30
31 Chair Garber: Commissioner Holman.

32
33 Commissioner Holman: A clarification on something that was just said. Amy, could you restate
34 what you were saying about the Director extending approvals.

35
36 Ms. French: Currently ARB approvals are good for a year and then by request they can be
37 extended for another year. This has some applicants concerned about approvals that have been
38 issued. There is a case of a Planned Community with similar concerns. There was no
39 development agreement accompanying that Planned Community, and Planned Community
40 expire after a year. They can be extended for one year, with a two-year total by the Director.
41 Then after that they would have to do something extraordinary. So we are looking at coming
42 forward with something that will look into having the Director have greater flexibility, an
43 additional year maybe, but we can talk about that at this level. We have not agendized it. It has
44 not been vetted through Staff yet but we are getting concern out there.

45

1 Commissioner Holman: That would come to us? Nothing would happen without it coming to us
2 first?

3
4 Ms. French: Correct.

5
6 Commissioner Holman: Okay, thank you for that clarification.

7
8 Two things about this, and I appreciate the other Commissioner's lines of questioning. On page
9 ten of the Development Agreement, under number 8, Periodic Review, 8.1 Annual Review, City
10 and owner shall review all actions taken pursuant to the term of the Agreement once annually
11 within 60 days before the anniversary of the effective date, etc. Who pays for that? There is
12 going to be involvement with the City. Is there any mechanism by which the City can recuperate
13 the Staff expenses for doing that review?

14
15 Mr. Larkin: It is cost recovery. It is not expensive but it is cost recovery.

16
17 Commissioner Holman: Even after the Development Agreement is signed, after permits have
18 been given it is still cost recovery.

19
20 Ms. French: Our accounting allows for us to keep open, we have a deposit that is received. In
21 this case I believe Toll Brothers paid it. So the question would only be once there is a new buyer
22 do we look into getting a deposit if it is not Toll Brothers acquiring the property, we may look
23 into that.

24
25 Commissioner Holman: Would there be any difficulty in just saying 'at owners expense' in the
26 Development Agreement? That way it is clear, straightforward, and there is no question.

27
28 Mr. Larkin: We can talk to the applicant about that. I don't see why that would be a problem.

29
30 Mr. Akins: Through the Chair, if I may that is certainly an assumed principle. Every time we
31 come to the City or anytime anybody comes to the City for Staff work my understanding is that
32 your existing ordinance and resolutions provide for cost recovery. This is a well-known
33 statewide principle. These sections are taken from state law and everybody in the development
34 business understands that a review of annual compliance is in effect an application subject to the
35 fees.

36
37 Commissioner Holman: It is somewhat different but it has come to my attention if it stated
38 correctly that in the PC Ordinance we have a requirement for review of those PC projects every
39 three years. A Staff person said that when we look at changing that ordinance we need to build
40 in something that says that it will be paid for by the owner because there is no way now to
41 recoup those costs. So that is what causes me to ask the question. So I am just looking for
42 would it provide better clarity rather than just an assumption to add that in.

43
44 Mr. Larkin: It is actually a good suggestion because the actual cost of doing this type of a
45 compliance certificate is less than. Normally what would happen is either we would have it at
46 the deposit, the deposit is gone, we would charge them a new fee for a certificate of compliance.

1 This is actually cheaper than a normal certificate of compliance. So we could put at owner's
2 expense and that shouldn't be an issue.

3
4 Commissioner Holman: Thank you. The only other thing that I have and it does come from
5 looking at ordinances in the last year or more is there any difficulty with including the conditions
6 of approval in the Development Agreement? What happens sometimes, more than one time, is
7 conditions of approval get separated from Development Agreements or PC Ordinances and then
8 you have track down something else and sometimes they are just lost. So could we incorporate
9 the conditions of approval in the Development Agreement? Is there any difficulty with that? I
10 would suppose not.

11
12 Ms. French: Or we could do it as an exhibit. I think that is one way we have done it in more
13 recent times and have actually kept track of those exhibits.

14
15 Commissioner Holman: If you are comfortable that it would not get lost or separated.

16
17 Ms. French: We are more modern today than we were in the 1960 when those kinds of things
18 went missing.

19
20 Commissioner Holman: More recent than that too but not under your watch. Okay, those were
21 my two questions.

22
23 Chair Garber: Commissioner Tuma, motion? We will close the public hearing.

24
25 MOTION

26
27 Vice-Chair Tuma: Yes, I would like to move that the Planning and Transportation Commission
28 recommend that City Council adopt the ordinance approving the Development Agreement,
29 which is attached as Exhibit A to our Staff Report with the following two amendments. Section
30 8.1 shall have an introductory clause that reads 'at the expense of the owner,' and additionally
31 the conditions of approval shall be attached as an exhibit to the Development Agreement.

32
33 SECOND

34
35 Chair Garber: I will second that. Would the Commissioner like to speak to his motion?

36
37 Vice-Chair Tuma: No.

38
39 Chair Garber: The seconder will just briefly. I would like to thank the Commissioners for their
40 questions. I thought they were very good. I think it is a very important thing for us to move this
41 forward. So let's vote unless there is other discussion, Commissioners? Commissioner Keller.

42
43 Commissioner Keller: I agree this makes sense to move forward and I cannot resist saying that
44 the economy has taken its toll.

45
46 MOTION PASSED (6-0-0-1, Commissioner Fineberg conflicted)

1 Chair Garber: Thank you, Commissioner Keller. All those in favor of the motion say aye.
2 (ayes) All opposed? The motion passes with Commissioners Holman, Rosati, Keller, Garber,
3 Tuma, and Lippert in favor and Commissioner Fineberg not participating.

4
5 With that we will close item number two. I would like to thank the applicant's representative for
6 a job very well done, nicely done, and for your patience waiting for this.

7
8 Commissioners, we have a little bit more business to take care of here.

9
10 ***REPORTS FROM OFFICIALS/COMMITTEES.***

11
12 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

13
14 Chair Garber: The June rep is Holman and July is Tuma. There is no report from the
15 Commission's Rep to the Council because the Council did not have Planning and Transportation
16 items on their last agenda.

17
18 Before we move to minutes I have lights from Holman and Keller. Do you have things you want
19 to add?

20
21 Commissioner Holman: I did. Under Commission Representation, the Report to Council is
22 missing.

23
24 Chair Garber: That has been made apparent to me by Commissioner Fineberg as well and we
25 need to get that in there.

26
27 Commissioner Holman: Also, if we could get a schedule on that at some point, and then there is
28 also the Joint Meeting with Council I think needs to be scheduled. Do you have the full
29 contingent on the Report to Council Committee?

30
31 Chair Garber: Do you mean who is on it? I do not. I believe Susan was as well. I will need to
32 report back but I will have to dig up who got on it when Commissioner Sandas left. Maybe I
33 didn't. Maybe that is the issue.

34
35 Commissioner Holman: Is there a status?

36
37 Chair Garber: There is no status. There is status, which is that there is no progress.

38
39 Let's go to minutes.

40
41 ***APPROVAL OF MINUTES: Special Meetings of April 29 and May 6, 2009***

42
43 Chair Garber: We have two minutes to approve from Wednesday, April 29 and Wednesday,
44 May 6. May I have a motion to approve those?

45
46 MOTION

1
2 Commissioner Holman: I can move approval of the April 29 because I was not present for May
3 6. I can move approval of both and abstain from the May 6 vote.

4
5 Chair Garber: I will recognize that I was only absent for item one on Wednesday, April 29. Do I
6 have a second?

7
8 SECOND

9
10 Vice-Chair Tuma: I will second.

11
12 MOTION PASSED (6-0-0-1, Commissioner Fineberg conflicted)

13
14 Chair Garber: All those in favor? (ayes) All those opposed? The motion passes unanimously.

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

17
18 Chair Garber: You will also note Commissioners there is memo in your packets to the Planning
19 and Transportation Commission from the City Attorney regarding the Planning and
20 Transportation Commission duties regarding Capital Improvement Plan.

21
22 This item is not agendized this evening so we cannot have discussion on this. However, I
23 thought I would simply ask the Commissioners if they had questions or comments that we could
24 record. If there is any desire to agendize this so that we can have further discussion amongst
25 ourselves. Commissioner Tuma.

26
27 Vice-Chair Tuma: I just have a couple of quick comments. One is I want to first and foremost
28 thank the City Attorney for coming forward with this report. I think it brings some clarity to
29 issues that we had talked about before. So thanks very much for doing that.

30
31 The only comment that I have is something that we discussed in pre-Commission on page three,
32 the paragraph that begins with the phrase, however, the last two phrases. In the second sentence
33 it says specifically if there are any "needed improvements which do not appear in the program"
34 and then that is followed by a clause that say, "and whose absence makes the program
35 inconsistent with the General Plan," that phrase "and whose absence makes the program
36 inconsistent with the General Plan," we discussed and agreed that would be stricken from this
37 memo because that is not necessarily what the statute requires. It does not require us to find that
38 the program would otherwise be inconsistent without what we were proposing. So with that
39 amendment I am again grateful for the memo. I think it clarifies and gives us some latitude
40 going forward.

41
42 Chair Garber: Commissioner Keller and then Holman.

43
44 Commissioner Keller: I would also like to thank Commissioner Fineberg, who is not here to
45 hear this thanks, for having brought this issue forward. I was encouraging us all to sign a copy
46 of it and frame it for Commissioner Fineberg. I think that this is certainly an issue that has been

1 frustrating to me in prior analysis of the CIP and now it has been confirmed that the things I have
2 been trying to do are actually within the scope of what we are supposed to be doing. So I
3 appreciate that and I will have a comment to make later.

4
5 Chair Garber: Commissioner Holman.

6
7 Commissioner Holman: I will skip thanks.

8
9 Chair Garber: All Right. I am not hearing any desire to agendize this. We will move on.
10 Commissioner Keller.

11
12 Commissioner Keller: Thank you. As apropos of what was mentioned about high-speed rail by
13 Commissioner Tuma there is a meeting tomorrow in fact at the Holbrook Palmer Park in
14 Atherton from seven o'clock to nine o'clock at night. High-speed rail is on the agenda and it
15 will include quite a number of people, various officials, and such, I don't have the list. That
16 should be of interest in general. I believe it is open to the public so it should be of interest to
17 people in general community and I would encourage people who are interested in high-speed rail
18 to attend that meeting. Thank you.

19
20 Chair Garber: Commissioners, anything else before we adjourn? Commissioner Holman.

21
22 Commissioner Holman: Can Staff please email us the dates for the next meetings for the
23 California Avenue area and East Meadow area? I think California Avenue got bumped. So if
24 Staff could give us an updated email on that it would be appreciated.

25
26 Ms. Caporgno: I am sorry I didn't hear what you said.

27
28 Commissioner Holman: The two study areas, the next meetings on those two areas, if we could
29 get an email as to those dates and locations that would be great.

30
31 Ms. Caporgno: Yes you will. One of them is going on June 23 and the other is scheduled for
32 sometime in July. We will be sending you the notices. They have not gone out yet.

33
34 ***NEXT MEETING:*** Special Meeting June 10, 2009 at 6:00 PM

35
36 Chair Garber: Commissioners, we will see you on June 10. We are adjourned.

37
38 ***ADJOURNED: 10:42 PM***

