



PLANNING & TRANSPORTATION COMMISSION MINUTES

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Special Meeting of Wednesday, June 10, 2009

6:00 PM

Council Chambers, Civic Center, 1st Floor

250 Hamilton Avenue

Palo Alto, California 94301

ROLL CALL: 6:05 PM

Commissioners:

Daniel Garber - Chair

Samir Tuma – V-Chair

Susan Fineberg- absent

Karen Holman

Arthur Keller

Lee I. Lippert

Fabio Rosati – in at 6:10 PM

Staff:

Donald Larkin, Assistant City Attorney

Curtis Williams, Interim Director (in at

Amy French, Current Planning Manager

Jason Nortz, Planner

Rafael Rius, Transportation Engineer

Zariah Betten, Admin. Associate

Dave Dockter, Planning Arborist

AGENDIZED ITEMS:

1. Study Session: Comprehensive Plan Amendment Background Paper Review: Transportation Existing Conditions Report. – Continued to a date uncertain

2. 4301 and 4329 El Camino Real (Palo Alto Bowl):

APPROVAL OF MINUTES: Special Meetings of May 6 and 13, 2009

Chair Garber: Welcome to the Wednesday, June 10 meeting of the Planning and Transportation Commission. Would the Secretary please call roll? Two notes before you do, I believe that Commissioner Fineberg will not be joining us this evening due to illness, and Commissioner Rosati will join us about five minutes or so late. Thank you.

Now would be the time that members of the public can address the Planning and Transportation Commission on items not on our agenda. Do we have any cards? We do not.

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.

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

1 **PLEASE NOTE: ITEM NO. 1 WILL NOT BE HEARD ON THIS AGENDA AND IS**
2 **CONTINUED TO DATE UNCERTAIN.**

3
4 ***NEW BUSINESS***

5 **Study Session:**

- 6
7 1. Comprehensive Plan Amendment Background Paper Review: Transportation Existing
8 Conditions Report.

9
10 Chair Garber: We will go to item number one is 4301 and 4329 El Camino Real a request by
11 Aaron Barger, on behalf of Palo Alto Bowl, LLC, for Site and Design Review for the demolition
12 of 64,263 square feet of existing commercial development floor area and construction of 125,034
13 square feet of new floor area including one four-story, 167 unit hotel and 26 three-story detached
14 and duplex-type townhomes on a 3.70 acre site located at that address. Would Staff care to make
15 a presentation?

16
17 **Public Hearing:**

- 18
19 2. **4301 and 4329 El Camino Real*** (Palo Alto Bowl): Request by Aaron Barger, on behalf
20 of Palo Alto Bowl, LLC, for Site and Design Review for the demolition of 64,263 square
21 feet of existing commercial development floor area and construction of 125,034 square
22 feet of new floor area including one 4-story, 167 unit hotel and 26 3-story detached and
23 duplex-type townhomes on a 3.70 acre site located at 4301 and 4329 El Camino Real.
24 Environmental Assessment: An Initial Study has been completed and a Draft Mitigated
25 Negative Declaration has been prepared in accordance with California Environmental
26 Quality Act (CEQA). The site is zoned as RM-1, RM-15, and CS.

27
28 Mr. Jason Nortz, Planner: Yes, thank you Chair Garber. Good evening Commissioners. The
29 proposed project before you this evening is for the demolition of 64,263 square feet of existing
30 commercial development floor area and the construction of 179,594 square feet of new floor area
31 including one four-story, 167 unit hotel and 26 three-story detached and duplex type
32 condominium units on a 3.62 acre site located at 4301 and 4329 El Camino Real.

33
34 The project will consist of a single condominium parcel of land with a hotel unit and 26 for sale
35 residential units. The applicant will apply for Tentative Map in accordance with the procedure
36 set forth in the Subdivision Map Act. The Subdivision is not before the Commission at this time.

37
38 The project site is comprised of four parcels with multiple zoning designations. Service
39 Commercial, which comprises the largest portion of the site accounting for just over three acres.
40 There is Multifamily Residential, which comprises a half acre of the site, and Single Family
41 Residential, which accounts for the remaining one-eighth of an acre. The site is located in the
42 Los Altos School District and the Mountain View-Los Altos High School District.

43
44 The site is presently occupied by a Motel 6 at the northerly end of the site, a small commercial
45 building with three service-oriented businesses fronting El Camino Real on the Motel 6 site, and
46 the Palo Alto Bowl building that includes a restaurant on the southern end of the site. There are

1 two vacant lots, which occupy the northeast corner of the site. The remainder of the proposed
2 site is parking area and vacant land.

3
4 The project is being proposed as a Mixed Use Development consisting of a hotel and multifamily
5 residential units. Both of the proposed uses are permitted uses per the Palo Alto Municipal Code
6 and both uses are consistent with the Palo Alto Comprehensive Plan goals and policies. It should
7 be noted that the project initially was proposed for more residential units and a smaller 151-room
8 hotel. After numerous meetings with adjacent neighbors the applicant reduced the number of
9 residential units to 26 units and increased the size of the hotel to 167 rooms. It should also be
10 mentioned that per zoning standards the site could accommodate up to 56 residential units.

11
12 The proposed location of the hotel is along the southwestern edge of the site facing El Camino
13 Real with part of the hotel also fronting Monroe Drive. The proposed location of the residential
14 portion of the project is located directly behind the hotel on the rear half of the lot along the
15 northern and eastern property lines. The site planning for the project is consistent with the area
16 in that a four-story hotel is located along El Camino Real in the Service Commercial zoned
17 portion of the site and is consistent with similar uses in the area. The project transitions to the 26
18 residences in the rear half of the lot that is adjacent to the neighboring single-family zoned
19 properties.

20
21 The project also includes the creation of a public pedestrian and bicycle path easement located at
22 the rear of the site. The easement would be ten feet wide and approximately 5,500 square feet in
23 area. The connection would enable movement between Monroe Drive and Cesano Court along
24 the eastern edge of the property. The connection would also provide an alternative path of travel
25 that is safer than the existing path of travel along El Camino Real.

26
27 The project is subject to Site and Design Review in accord with Chapter 18.30 of the Palo Alto
28 Municipal Code because it is a mixed use project with more than four residential units. The Site
29 and Design Review process begins with Planning and Transportation followed by the
30 Architectural Review Board, and then Council for final action. A Mitigated Negative
31 Declaration was prepared in accordance with CEQA and circulated for a 20-day public review
32 period ending June 17, 2009. The document identifies potential impacts related to biological
33 resources, noise, seismicity, and air quality, with nine mitigation measures to address the issues.
34 To date some comments were received from members of the Monroe Park Neighborhood
35 Association specifically related to potential traffic impacts.

36
37 The applicant is here to make a brief presentation and answer any questions that you may have.
38 Also, Current Planning Manager, Amy French will address the additional information that was
39 requested of Staff prior to this evening's meeting. Thank you.

40
41 Ms. Amy French, Current Planning Manager: That was Jason Nortz and I want to add that after I
42 make a statement Don Larkin will have something to say regarding Planned Community's and
43 their relationship or lack of relationship to this project.

44
45 Today we did receive more than 38 questions from Commissioners Keller, Holman, and
46 Fineberg. We did forward those to the applicant. Because they came today we were not able to

1 prepare written responses for you but you should have at places the questions, or we can make
2 sure they are distributed. They are on the back table for members of the public. Again, the
3 applicant has received those questions and I understand he has prepared written responses that he
4 is interested in passing out.

5
6 I would like to suggest that prior to engaging Staff with question as is the usual way here that the
7 Commission hear the applicant's presentation and receive those answers to today's questions.
8 Then Staff can follow up with discussion if there are any unanswered questions or follow-ups to
9 those questions. So that is what I had to say I will pass it over to Don.

10
11 Mr. Don Larkin, Assistant City Attorney: I think this is well documented in the Staff Report but
12 for benefit of members of the public who may be following I wanted to go over a little bit about
13 the Commission's role in Site and Design Review. This is a true quasi-judicial matter unlike PC
14 applications, which were what the last few development items the Commission reviewed have
15 been. Because it is a quasi-judicial matter the code outlines what the scope of this review is and
16 what the Commission's task is. The main portion of it under Site and Design for the
17 Commission are the four Site and Design findings and the Commission is tasked with focusing
18 on those four. Obviously the other questions lend themselves to that.

19
20 Just to reiterate, those findings are to ensure the construction and operation of the use in a
21 manner that will be orderly, harmonious, and compatible with existing or potential uses of
22 adjoining or nearby sites. This gives the Commission a fairly broad scope to discuss in addition
23 to the obvious things like traffic flow, parking issues, and those sorts of issues. The second is to
24 ensure the desirability of investment or the conduct of business, research, educational activities,
25 or other authorized occupations in the same or adjacent areas. The third and four are to ensure
26 the sound principles of environmental design and ecological balance, and to ensure that the use
27 will be in accord with the Comprehensive Plan. Within each of those areas I think your scope is
28 fairly broad but just as a reminder because it is a true quasi-judicial matter any conditions that
29 the Commission is recommending be imposed on the project have to have a nexus to the project.
30 It is not like a PC application where you are trying to find public benefits. There actually has to
31 be a true nexus to the project in order to impose conditions.

32
33 Ms. French: One more thing I wanted to mention is Curtis Williams, the Director, will be
34 running a little bit late tonight. We have members of Staff from Transportation and the Planning
35 Arborist in the Council Chambers.

36
37 Chair Garber: Thank you. Commissioners, let us hold our questions. There is one quick
38 question for the attorney.

39
40 Commissioner Keller: Thank you. With respect to the fourth item, Palo Alto Comprehensive
41 Plan does that by extension include all the applicable zoning ordinances?

42
43 Mr. Larkin: Yes. The applicant is building under the existing zoning. They are not asking for
44 any zone changes, so yes.

1 Commissioner Keller: So to the extent that we agree or disagree with whether the proposed
2 application actually does meet the applicable zoning is open for our interpretation and analysis?
3

4 Mr. Larkin: You are free to make findings that the applicant does or does not meet the
5 applicable zoning.
6

7 Commissioner Keller: Thank you.
8

9 Chair Garber: Let us hold our remaining questions until we have heard the applicant and the
10 members of the public that wish to speak. Then we can combine our comments and our
11 questions later. The applicant may now speak. You will have 15 minutes.
12

13 Mr. Rob Zirkle, Applicant: Thank you very much. I am an Associate Principal with Steinberg
14 Architects. I am very happy to be a part of the project team presenting this to you tonight and
15 look forward to a presentation that maybe helps to answer some of those 38 questions. We have
16 the benefit of having the extended project team here so at the conclusion we can field as many of
17 those as you would like. So with I will just dive right in.
18

19 I think the spirit that made this project possible in the eyes of project sponsors was a ruling in
20 April 2007 with regard to this site that encouraged a couple of key features that really mandated
21 a direction and an interest in this project for the team. Specifically, those rulings and findings
22 are that it become a mixed use project that includes a residential component. That it encourage
23 the combination and aggregation of the parcels that make up this project together to allow this to
24 happen. Then also the desire for a hotel project which as is stated in the excerpt from the
25 minutes of that meeting that it could result in an interesting project but also provide for
26 significant revenue from the hotel portion of the project as well.
27

28 So with that backdrop it is easy to see when you look at this site why the Commission would feel
29 that way and why the project applicants would be interested in pursuing a mixed use project with
30 a hotel component and residential on this site. This site is actually quite interesting in terms of
31 the amount of frontage that fronts El Camino. It is one of the last parcels of this size along this
32 portion of El Camino Real that would have the capacity for this kind of project to begin with.
33 The neighborhood itself, which is adjacent, including a few of those homes adjacent to the actual
34 project site are scattered with a very eclectic mix of homes and size of homes, but there are along
35 this edge of the project strong reasons to think about buildings that begin to respond to the size
36 and scale of the adjacent neighborhood. The frontage along El Camino with the new
37 development that has occurred across the street and down the street gives reason to think about
38 what the frontage of a project like this on this site could become and how it could fall in the El
39 Camino Guidelines fill in the gap in the tooth a little bit along this portion of the street.
40

41 These are just a few images of the context which all of you are familiar with. It is comprised of
42 some underperforming assets both visually and otherwise. When you drive by it begins to
43 scream out for something quite nice to happen on this site. Images of what has happened along
44 El Camino Real begin to talk about a direction and a strategy for use and for massing that points
45 us in a particular direction that we are talking about tonight.
46

1 So with that being said I wanted to give you just a quick little history of how we started to where
2 we ended up tonight. I think it will help bracket the problems that we faced for you a little more
3 clearly so that you maybe in the context of the history of the project you can understand a little
4 more specifically how we arrived where we arrived. This is a diagram that pursuant to the April
5 2007 Commission meeting that talked about the aggregation of these parcels that basically
6 creates a saleable, marketable project that is based on the zoning overlays on the site. It would
7 allow for, in the aggregated view of the CS, RM-15, and R-1 land uses here, a residential
8 development that would be more stacked flat in nature. We can talk more specifically about this
9 a little later on, about this blended view of FAR and density. Just to give you a sense, we are
10 talking about when you go through and do that calculation a little over 90,000 square feet of
11 allowable residential dwelling square footage pursuant to the zoning guidelines, and as little as
12 19,871 square feet of standalone commercial retail. It begins to beg the question of whether or
13 not this is actually the best way to approach the site even though the zoning might support a view
14 of the world like this. We took the attitude that that was not the highest and best use of the site
15 even though it might have been a possible permutation. One of our earlier schemes that we put
16 out there in the world for discussion with both the City and the neighbors was a hotel frontage as
17 we talked about here along El Camino and something that was akin to the previous slide in the
18 kind of stacked flat development that we can put on the backside of the parcel. All this is
19 accessing a large subterranean structure to provide the adequate number of parking spaces to
20 support the residential and the hotel, about 150 guest suites in the hotel and about 80 residential
21 units in total on the site.

22
23 There were several things that came out of this which was this was maybe not the best direction
24 for the project either, as we had sort of considered the last one. We got lots of opinions on all
25 sides about what made the most sense here and this was likely not the direction that was going to
26 get the most support across a wide audience. So in thinking about that we essentially established
27 kind of a code of ethics for ourselves about how to move the project forward. They are kind of
28 are summed up in these bullet points. Wanting very much to do something that is pursuant to
29 both the spirit and the technical analysis of what the City would like to have happen on this site
30 in terms of a mixed use project. Not work behind the scenes to create this project but really
31 engage both the City and the neighbors to find a place where we could all agree was a use for the
32 site that was its highest and best. Creating a more lower density housing solution that helped
33 bridge the gap between El Camino Real and the adjacent neighborhood, public benefits of an
34 easement of a public bicycle path, which helped connect Monroe back to Cesano Court, to divert
35 pedestrian traffic through that amenity in the site instead of driving everything out to El Camino.
36 Putting more parking than what is required because one of the knocks on residential development
37 in an infill sense is there is never enough parking. Then trying to provide a project that provides
38 a little more parking than is required to help ameliorate some of those concerns. Whatever
39 traffic concerns were elicited from a traffic analysis we would try to address in the design of the
40 site. Then also create a project that was beneficial for the City financially that established a good
41 set of impact fees and ongoing revenue.

42
43 So with that said, this is the proposed site design. You can see El Camino Real here. You can
44 see Monroe here. The site is effectively split in two by Ryan Lane, which is a private street,
45 which is 26 feet wide that has allowable guest parking to service the residential development.
46 Access to the hotel is from El Camino, the porte-cochere is accessed from that drive. Access to

1 Ryan Lane to access the residential units from a vehicular standpoint is from Monroe. The idea
2 is that at this knuckle between circulation patterns we are going to suggest and work with the
3 City both the Fire Department and Public Works to come up with a strategy that prohibits hotel
4 access and residential access from occurring past this point. So the site circulation that services
5 both of those uses are kept more exclusive for those uses, which will help in turn keep traffic in
6 the neighborhood to a minimum as it relates to the hotel.

7
8 There are 26 freestanding and attached townhome units that are about 2,000 square feet, four
9 bedrooms, three and one-half bath. They are separated by a series of motor courts to access side-
10 by-side parking so there is no tandem parking included in the design of the units. So there is a
11 sufficient depth in the garage that you can park two cars and have enough room for storage and
12 stuff. So you don't have things sitting outside or cars sitting on the street and thereby increasing
13 the amount of traffic that is parked on the street. There are nice, intended to be very landscaped
14 and pleasant, entries between the units themselves to create a very strong sense of front door.

15
16 One of the key features of the whole site design is trying to keep as many of the existing trees as
17 possible but definitely this large oak in the middle of the site, which has become a very clear
18 organizing feature for the design of the hotel. It is paramount in the design of this courtyard
19 space, which services the hotel units themselves.

20
21 Just drilling down a little more specifically in this next slide about the edge between the existing
22 neighborhood and our residential product here is our ten-foot bike path that connects out to this
23 existing easement at the end of Cesano Court. The area shaded in red here is land literally given
24 over to the adjunct R-1 neighbors by the project applicant to create a very, I am going to call it,
25 defensible space between new development and existing development that keeps the taller
26 buildings sort of away from the site as much as possible creating an amenity that is both
27 beneficial for the existing neighborhood and the existing neighbors, but also certainly for the
28 future residents of the proposed townhomes.

29
30 In aggregate the amount of square footage in this easement and this dedicated parcel is pretty
31 close to 20,000 square feet. That is a lot of area to give up. It is done so in a spirit of
32 cooperation with the neighborhood itself to try to create something that works for all of us.

33
34 Just a quick note about the revenues. There is reoccurring annual revenue that we estimate based
35 on hotel occupancy and so forth to the City that is a little over \$2.0 million at this point in our
36 estimate. A detailed look at the impact fees for this project is also significant as well. This is a
37 project that is a pretty good deal for the applicant. It is a pretty good deal for the City certainly
38 in terms of revenue we feel.

39
40 One key thing to point out here is that there are no new trips generated in the traffic analysis for
41 this project. In fact, there are actually slightly fewer trips generated. So there is no impact fee
42 here per se but the project applicant is prepared to contribute a sum of money to help mitigate
43 any traffic concerns, or some traffic concerns I should say, that the neighborhood has about
44 potential impacts on their neighborhood from this development, and is contributing a tidy sum of
45 money to see that through.

1 The traffic calming measures themselves are probably maybe a little more illustrated on this slide
2 here, which is a series of speed tables, which help control the speed along Monroe. Essentially
3 what we are trying to do is keep people from wanting to cut-through the neighborhood that might
4 be coming or going from this site. There is an idea about the bicycle striping along this street.
5 There is a series of speed tables, as I pointed out, through the neighborhood to help mitigate this.
6 There is an additional calming measure at this fairly wide radius to create a little bit of a sharper
7 turn to keep traffic slowing as it comes onto Monroe. It is interesting to note, I think again, that
8 this is something that we are proposing to help try to do and help be a part of, in spite of the fact
9 that the traffic studies proved out that this generates no impact in terms of traffic, but it is
10 certainly a perceived issue. We definitely want to be a partner in helping make everyone feel
11 good about this.

12
13 So that is a quick tour through the project. I am sure you have many questions as we certainly
14 found out today. Certainly happy to answer them in sum total or in any piece of you would like.
15 So feel free to ask us when we are done. Thank you very much.

16
17 Chair Garber: Thank you. We have two cards and a few more coming, four cards from the
18 public. Doug Franke followed by Linnea Wickstrom. You will have three minutes.

19
20 Mr. Doug Franke, Palo Alto: Good evening City Council Members. I am the property owner at
21 116 Monroe Drive directly behind the Palo Alto Bowl parcel. When this project began my
22 family offered donations of ten feet width of the whole yard totally about 2,000 square feet of the
23 City of Palo Alto in order to join the existing bike path from Los Alto to Palo Alto. We did this
24 out of concern for Palo Alto and Mountain View's children who have been using El Camino to
25 get to school in Los Altos. All of Monroe Park neighborhood children go to Los Altos schools.
26 We are also donating about 250 square feet to the new developer to accommodate an historic oak
27 tree that would otherwise be in jeopardy of the new development up in that right top corner.

28
29 Palo Alto Bowl has had use of 54 percent of our land and title for overflow parking for the past
30 21-plus years. Now that the land reverts to us we will be adopting responsibility of seven 100 or
31 so foot tall trees over the square feet of the land in our backyard. We ask the City Council
32 tonight to direct Public Works and the City Attorney to grant us periodic access to those 54
33 percent of our R-1 property, which will be landlocked by the path and the new development.
34 Without access to this land via the City access the bike path at Cesano Court, which is the City's
35 little easement between Cesano Court and the curvature of that bike path, this property is
36 essentially land-locking us unless we can get through there with possible maintenance equipment
37 for these trees.

38
39 We just found out today from Mr. Nortz and the City Attorney that they would not grant access
40 across there and we are asking for period access so we can get equipment back there and help
41 cherry pick the trees or clean them up. This is a crucial deciding factor to our signing over the
42 bike path to the City of Palo Alto. We need to be able to access our property on occasion and not
43 at peak hours.

44

1 Again, we kindly ask Council to direct Public Works and the City Attorney to allow us periodic
2 passage to our land via Cesano Court and the City easement that already exists at that juncture.
3 Thank you.

4
5 Chair Garber: Thank you. Linnea Wickstrom followed by Anne Harrington.

6
7 Ms. Linnea Wickstrom, Palo Alto: Good evening. I live on Monroe Drive and am the President
8 of the Monroe Park Association and I will represent the neighborhood as best I can in my
9 commentary, although a number of other neighbors will also give their own input.

10
11 As the developer pointed out we have seen a lot of change in the development prospects. We
12 have met on a few occasions with City Staff and the developer has held several neighborhood
13 meetings. It appears with this plan that the City will get the revenue it needs and some housing
14 stock for ABAG. The developer partners will get the revenue they need, and the neighborhood I
15 think has a reasonably planned development given our location abutting El Camino in a CS zone.

16
17 Since the first Planning and Transportation Commission meeting the neighborhood has had three
18 main concerns, the safe routes to school because we attend Los Altos schools, housing density,
19 and traffic. The developer has worked extensively with two neighbors to implement the bicycle-
20 pedestrian path. Details of the design and visibility have yet to be worked out given all the
21 fencing along the private yards in the development. I have also talked to the developer about
22 extending the sidewalk all the way down to the Monroe corner for continuity and to continue that
23 path.

24
25 For housing density the developer has reduced that a lot from the early plans. I just want to
26 comment that although the Negative Declaration identifies no impact given the population of all
27 of Palo Alto adding 26 housing units is an increase of around 26 percent to the 95 or so Palo Alto
28 residences in the neighborhood whose routine travel paths use the 100 and 400 blocks of Monroe
29 and Miller to get to and from El Camino and San Antonio. So to us within our neighborhood
30 that is a fairly large impact.

31
32 On traffic, though the hotel will not access Monroe traffic concerns still cause a majority of
33 respondents in the neighborhood though not all to oppose the access to the housing from Monroe
34 particularly given the patterns to the Los Altos and Mountain View-Los Altos high schools and
35 the routes to the freeways. The developer has, and they note, made major contributions towards
36 meeting our traffic concerns. They have paid for an enlarged study that included the traffic
37 internal to the neighborhood, worked with City Staff to secure acknowledgement of traffic
38 calming requirements, and put up a good deal of money.

39
40 I asked the Planning and Transportation Commission and the City Staff to immediately work
41 with the neighborhood to complete planning the internal traffic calming measures for which we
42 qualify based on the Fehr & Peers study and Palo Alto's criteria, and commit to putting those
43 measures in place in the next few months. We already qualify. We don't have to have the
44 development.

1 Plan and budget for measures in front of the hotel at the intersection of Monroe and El Camino
2 and in the CS zone of Monroe to increase safety at that intersection, safety measures that will be
3 made more necessary by the new development. The 26 new four bedroom houses with families
4 going to Los Altos schools, which means out Monroe and up El Camino, left onto El Camino.
5

6 Third, based on current LOS F AM peak conditions, additional density in the neighborhood, and
7 projections for 20 to 40 percent increase in El Camino traffic, U-turns necessary to access the
8 hotel and to leave the hotel to go south commit to working with Caltrans on making egress from
9 the Monroe Park neighborhood onto El Camino possible for us and the 26 percent of new
10 residents. Thank you and sorry for going over time.
11

12 Chair Garber: Thank you. Ms. Wickstrom, you have a question from one of the Commissioners.
13 Commissioner Keller.
14

15 Commissioner Keller: Thank you very much. I have a question for you about whether or not the
16 bicycle-pedestrian path from Monroe to Cesano Court eliminates or does not eliminate your
17 earlier request for a traffic light at Monroe and El Camino. How is that affected by it?
18

19 Ms. Wickstrom: The two are necessarily related. The bicycle and pedestrian path is a safe route
20 to school for all those kids who bicycle and walk. The intersection of El Camino and Monroe is
21 increasingly dangerous and impossible for car traffic. So all those parents who are driving their
22 kids to school, all those parents who may be going out to San Antonio to go north, or Arastradero
23 to go north, and anybody commuting to San Antonio to go out to 280 needs to use that
24 intersection to turn left. We have vast numbers of U-turners, and the traffic signalization may be
25 off, so the two are two different kinds of traffic. So no, it doesn't eliminate our need for further
26 management of the El Camino-Monroe intersection for car traffic.
27

28 Commissioner Keller: Okay, let me just take this quick opportunity to – have you thought about
29 whether or not having a traffic light at that intersection would increase cut-through traffic
30 through the neighborhood?
31

32 Ms. Wickstrom: Yes, that is one of the reasons we have been – within our neighborhood we
33 have thought about – Ms. Herole of Fehr & Peers suggested that maybe Caltrans could do sharks
34 teeth and a 'keep clear' to at least keep people from blocking the box. We have also – consensus
35 in the neighborhood would be no U-turns at that intersection would help because if you put a
36 traffic signal there it may have the unintended consequence of causing people to go left.
37

38 Commissioner Keller: Thank you.
39

40 Chair Garber: Thank you. Anne Harrington followed by Deirdre Cromme.
41

42 Ms. Anne Harrington, Palo Alto: Good evening. I would like to first thank the development
43 partnership for the level of communication they provided to the neighbors and also to their
44 rapidity to reacting to current problems in the neighborhood. For Cesano Court it is solved
45 looking at the project going forward. We have been focused mainly on the impact of the bicycle-

1 pedestrian path coming through and for this portion of the review looking at what we can do to
2 make that safe for everybody, the people that live there and the people that are using it.

3
4 Starting with the bike path itself we want to make sure there is visibility into the bike path and
5 that it is well lit. That the entrances at both ends are safe, providing visibility to people entering
6 and leaving. The developers assure us that there will be lighting and appropriate fencing, and I
7 understand that will come forth at the ARB in the design before the ARB meeting.

8
9 We are concerned about the visibility into the bike path. It is over 400 feet long and we just
10 want to make sure children and other people using it are visible, that that doesn't become a
11 tunnel. We want to keep it safe.

12
13 Moving out from the bike path itself as cyclists and pedestrians come around the condo they will
14 encounter two driveways exiting from the underground garage. We have been having
15 discussions about how to make that safe both for the people exiting the garage and for the
16 cyclists coming by. We have talked about adding mirrors to the condo and also some kind of
17 light signal when the garage door opens to signal pedestrians and cyclists that there will be traffic
18 exiting. Those cars will be leaving on commute at the same time the students will be going by
19 and exiting into the morning sun. Another way to increase the safety in that area would be to
20 reduce the number of LOS drivers we get who think they are finding a shortcut. To look at
21 improving and increasing the signage, the 'no through street' signage.

22
23 Finally, the El Camino, Los Altos, Cesano intersection is renowned for red light running.
24 Although I understand the conventions of traffic studies say there will be no increase from the
25 current utilization in reality there will be. So we would like to have some look into how to make
26 that intersection safer. Thank you.

27
28 Chair Garber: Thank you. Deirdre Cromme followed by our last speaker, Susan MacDermid

29
30 Ms. Deirdre Cromme, Palo Alto: Hello Commission Members. Once again in theory this plan
31 sounds really good but because I happen to live in the neighborhood I know there are some flaws
32 in the logic that has been used in the traffic study. So I want to comment on those and really it is
33 a follow up to what Linnea was talking about.

34
35 First of all I want to talk about the premise that preventing access from the motel to Ryan Lane
36 will encourage motel guests and employees to enter and exit the project from El Camino Real not
37 to travel through Monroe Drive neighborhood. That is flawed reasoning. People who are
38 coming from that motel and who want to go on San Antonio to access 101 are most definitely
39 going to turn the corner on Monroe and drive right through our neighborhood. The reason this is
40 a concern is that the main exit point from our neighborhood is on that very nexus of where Ryan
41 Lane intersects Monroe Drive. Putting Ryan Lane as an egress onto Monroe Drive is going to
42 put the whole system out of whack. Right now we can barely get ourselves from Monroe onto El
43 Camino and so we are going to have this tipping point once we have people from the motel
44 turning onto Monroe and people on Ryan Lane trying to get off of Monroe. There is just going
45 to be a huge traffic jam right at that little nexus of Ryan Lane and Monroe, which is only 100
46 feet or so from El Camino. So we are going to have people from the motel coming through our

1 neighborhood. We are also going to have people coming down Ryan Lane trying to get out onto
2 Monroe to turn left. Those people who want to go to take their kids to school in the morning
3 have to make a left hand turn onto Monroe. I don't know how as people are turning onto
4 Monroe we are going to allow people from Ryan Lane to get onto Monroe at the same time. I
5 hope you can visualize this. I know it is a little bit confusing when I am talking. So I think Ryan
6 Lane egress onto Monroe is a mistake. I don't think it is going to work. It is too narrow of an
7 area to put an egress for 26 2,000 square foot homes where many of them will have three cars
8 leaving. It is also across the street from Union Bank, which is impacted by traffic.

9
10 So I think also in the traffic study there is inadequate analysis of the El Camino-Monroe
11 intersection, which is one of the Monroe Park residents primary traffic concerns. In the PM this
12 intersection goes from a class D to a class F intersection by 2015. That is in Table ES-1. There
13 is no discussion about this. Also, in the AM I think there is no analysis on the project's
14 increased delays at this intersection, which are already at class F.

15
16 One other statement. We are bordered by two class-F intersection by our neighborhood that is
17 the intersections of San Antonio and El Camino and Arastradero if it is not class F yet it is on its
18 way to being. So it is a highly impacted area. Thank you.

19
20 Chair Garber: Thank you. Our final speaker, Susan MacDermid.

21
22 Ms. Susan MacDermid, Palo Alto: I ask to go back to the traffic study, if it is possible. If you
23 could take a look at this I am a resident of Cesano Court. I am closest to the project site. If you
24 could look at El Camino Real and Cesano court I would like to petition that there is additional or
25 larger signage on El Camino Real to indicate there is no egress from Cesano Court. We have a
26 huge amount of traffic that comes in and turns around.

27
28 Second, I would like to ask the Planning and Transportation Commission to take a look at the
29 bike path that comes out behind the project site right where the cul-de-sac ends, which is where
30 my home is. There is a sidewalk that continues down Cesano Court and abruptly ends right in
31 front of Anne's house. There is no sidewalk out to El Camino Real. There is no room for a
32 sidewalk out to El Camino Real as this street is now situated. So that part of in front of Anne's
33 house, which is the seventh home on the street, is right across from the parking garage. The kids
34 are either going to have to cross that road as people are coming out of that parking garage and
35 then somehow get onto that sidewalk and get out onto El Camino Real. So we do ask that you
36 look at this traffic situation and look at the bike path and find a safe path for the kids right out to
37 El Camino Real and don't leave them dead-ended partway down Cesano Court.

38
39 Also, any mediation that you can do to the traffic that comes in that doesn't actually have a
40 destination and has irritated drivers turning around and speeding back out of our cul-de-sac.

41
42 Two more points. On the Franke request for the easement it is as you can see right next to my
43 home and I am absolutely fine with it. Trying to be a good neighbor.

44
45 Finally, I think it is a reasonable development I think there are just a couple of traffic related
46 issues that we can improve. Thank you.

1
2 Chair Garber: Thank you. Does the Staff and/or applicant have any comments related to the
3 issues that were raised by the public before we move on?
4

5 Mr. Larkin: The applicant is entitled to three minutes.
6

7 Mr. Zirkle: I don't think we have anything to say in response to the questions.
8

9 Chair Garber: Okay. Staff.
10

11 Ms. French: I thought I would mention the one comment about traffic passing from the hotel
12 down Ryan there has been a suggestion that bollards be placed in what is shown as the kind of
13 hatched area. I think the Fire Department suggested that. That is something that could help with
14 that by using bollards discouraging traffic to cut through.
15

16 Chair Garber: All right. I have lights from Commissioners Tuma and Holman. Commissioner
17 Tuma.
18

19 Vice-Chair Tuma: The first question relates to one of the requests or comments from the public.
20 This is for the City Attorney. Did you want to make any comment or have any discussion on the
21 City's position with respect to the requested easement for taking care of the trees?
22

23 Mr. Larkin: The City doesn't have an easement that would allow traffic from Cesano Court onto
24 the bike path so we can't grant what we don't have.
25

26 Vice-Chair Tuma: Okay. Have you had an opportunity to, and maybe this more non-legal Staff,
27 think about how that could be achieved? I think it is a fairly reasonable request. If there are
28 trees that they are going to need to maintain they are going to need to have access to it. How can
29 we accomplish that?
30

31 Mr. Nortz: I have been working with the Public Works Department regarding this issue. They
32 have suggested that an access gate could be provided without creating any additional easement. I
33 think their concern is allowing maintenance vehicles access to the public path easement because
34 of potential damage that could occur from maintenance vehicles traveling on that easement. I
35 think they are willing to accommodate some sort of access for maintenance it just depends on to
36 what extent at this point. So that is kind of where we are at and Public Works is still kind of
37 further reviewing the request.
38

39 Vice-Chair Tuma: Okay, thank you. I question that I had, and I see several of the other
40 Commissioners had in the questions that were submitted. It deals with the blended FAR
41 calculations. I have seen them in the packet and I understand kind of mathematically how they
42 were arrived at. Can you Staff talk about other situations in which they have been used and
43 whether there is any controlling statute or code provisions on how blended FAR is calculated?
44

45 Mr. Curtis Williams, Interim Director: Good evening. Yes. There is not a specific code
46 provision about how to deal with this situation. We have interpreted the code in a couple of

1 specific instances particularly Arbor Real and the Summer Hill Redwood Gate project near the
2 Elk's. Those both had multiple zoning categories, which have different standards. They were
3 both master developments so basically one development crossed the boundaries and it would be
4 kind of nonsensical to try to draw a line exactly where those boundaries of the zone district was
5 and then have completely different appearing and standard base criteria for what was essentially
6 trying to be the same product in a cohesive project.

7
8 So in both of those instances we essentially calculated what was required under each zoning and
9 the amount of area that each of those zoning categories covered, and then accumulated that total
10 FAR and then had the homes built under that but across so that there was some consistency of
11 the development.

12
13 The bottom line was that we wanted to assure that the transitions that were in the zoning were
14 maintained so that when we got to issues like setback and daylight plane adjacent to an R-1 area
15 for instance or anything at the perimeter of the boundary that we were maintaining those
16 standards so that we did have the appropriate separation from the next property and so that
17 overall the site did transition as per the zoning.

18
19 So in this particular case we have the R-1 homes to the rear, we have the hotel, we have the
20 portion at the back that is partly CS zoning which typically translates to like an RM-30 zoning
21 for residential if there is mixed use in there, and then RM-15 and a little sliver of R-1 which is
22 kind of insignificant as far as the calculations go. So it is really the RM-15 and RM-30 portion.
23 So to get a cohesive development we sort of averaged those out and apply it consistently across
24 the board to the development but then make sure that the setbacks and transition right at the
25 property line are consistent with the RM-15, which is what the zoning is back there.

26
27 So that is fundamentally the way it was done on those other two projects as well.

28
29 Vice-Chair Tuma: Okay, great. One more question for now and then I will pass on. The
30 transition between the residential and the hotel I have some concern there about the traffic flows
31 and how do you make it accessible for fire and safety but not just have employees and the like
32 going through there. Does the City of Palo Alto, I know other communities have either universal
33 codes or universal keys for access to removable barriers, do we have those types of mechanisms?
34 It seems like a somewhat obvious solution here.

35
36 Mr. Williams: I am not sure of the specifics of it but yes we have mechanisms whereby
37 emergency access personnel can have those codes and nobody else does. So they are able to use
38 that access way.

39
40 Mr. Nortz: In addition to that I can think of one particular example. The alleyway across the
41 street between the Old Pro and the Development Center at 285 Hamilton there are removable or
42 lockable bollards there that allow access to maintenance vehicles, I believe specifically sanitation
43 vehicles.

44
45 Chair Garber: They also exist in College Terrace on some of those streets.

1 Vice-Chair Tuma: Okay, great. That's it for now.
2
3 Chair Garber: Commissioner Holman and then we will go to Lippert and I am going to interrupt
4 before we go to Commissioner Keller, excuse me.
5
6 Commissioner Holman: We are going to keep the public hearing open so we can ask questions
7 of the public.
8
9 There were a lot of questions asked and it is very hard to sit here and digest them on the spot so
10 if Staff could go through those and also I know that I asked three of four other questions that are
11 not in this list. So if we could just go through those.
12
13 Also I would appreciate Staff's response to these. Some of them should be I would think ready
14 knowledge, maybe not all of them but some of them.
15
16 Mr. Williams: I am going to turn it over and let Amy do kind of a summary of questions that
17 came up in multiple places. To go through every one of the 38 questions I think would be very
18 time consuming. So if we have missed something follow up and ask us that please.
19
20 Commissioner Holman: Then might I suggest at some point in this procedure that we take five
21 minutes or seven minutes and allow Commissioners and members of the public to read these.
22
23 Chair Garber: Commissioners?
24
25 Commissioner Holman: I was suggesting that Staff go through what they can now in summary.
26
27 Chair Garber: Do Commissioners care to take five minutes to read through this document then?
28 We will do that. The public is welcome to sit here and watch us do that for five minutes.
29 Commissioners, let us end our reading. Commissioner Holman, would you like to continue your
30 questions?
31
32 Commissioner Holman: My understanding is the City Arborist is here for a limited time so I will
33 direct questions first to City Arborist. Mr. Dockter? One question is along Monroe do we know
34 if there is any plan to underground utilities?
35
36 Mr. Dave Dockter, Planning Arborist: I was not able to ascertain whether the utilities were
37 going to be under-grounded. Currently they are overhead, the 12kbr overhead over the oak trees.
38 So I don't know if the Staff Planner had found that out from Utilities Department or not so I
39 can't answer that.
40
41 Commissioner Holman: From a planning standpoint I would presume this would be the time to
42 do it while we have an application for a significant project here, if there is a plan to do so.
43
44 Mr. Dockter: It would relate to the ongoing maintenance of the oak trees and the redwood trees
45 that are associated with the project. They are currently being pruned to keep clear from the
46 power lines.

1
2 Commissioner Holman: There are a number of trees that are being retained along there as well
3 as a number of trees that are being removed.

4
5 Mr. Dockter: Yes.

6
7 Commissioner Holman: I would like the City Arborist response to the application. This is both
8 a Planning Staff question and an Arborist question. The preference to make best utilization of
9 the trees that are along the Monroe street, the sidewalk, would it be feasible to put the sidewalk
10 inboard of the trees that exist on Monroe and the new trees that are on Monroe? One is would it
11 be feasible and the other is what would be the better user experience relative to the trees?
12

13 Mr. Dockter: It would be feasible either way. Feasibility on not the street side would be how
14 much room there would need to be between the trees and the buildings. Where the buildings are
15 located and the footprint it is almost an applicant question. A sidewalk could be built on either
16 side of the oak trees with equal protection for the trees. It could be fill without impacting like
17 cutting the roots on either side. So I think it is more of a building placement proximity question.
18

19 Commissioner Holman: Being a tree person, relative to the user experience what would be the
20 better user experience, inboard of the street or at the street for the sidewalk?
21

22 Mr. Dockter: There is typically in pedestrian and transportation fields to separate the driving and
23 the vehicles from the walking experience trees are often used to separate the two. So in one
24 sense a sidewalk on the other side of the trees would be safer for people walking along the
25 sidewalk if trees became a buffer or barrier between moving cars and the sidewalk walking
26 experience.
27

28 Commissioner Holman: Thank you for that. Also the development that surrounds the large
29 heritage tree, is that tree adequately protected from your perspective, according to the plans as
30 they are developed to this point in time, in terms of encroachments and such?
31

32 Mr. Dockter: At this point in time with the application there are a couple of dynamics occurring
33 relating to the tree. One is the footprint of the building and the groundwork and protection for
34 the roots are relatively protective for the tree. We believe that survival of the tree is reasonably
35 committed in good shape as far as the groundwork.
36

37 There is a provision in the mitigation measures, it is Mitigation Measure D-2, and it is
38 questioning the solar access to the tree. As we know it is a mature coast live oak that has been
39 growing with full sun for quite a long time, its whole life actually. This mitigation measure
40 assesses the solar access that probably will be needed for the tree and putting a tall building and
41 literally shading the tree could be a substantial detriment if not carefully looked at. So this
42 mitigation measure asks for a solar study to be assessed and done for the tree. If a significant
43 amount of shading is deemed to be an issue for the tree then this mitigation measure asks for
44 some alternative massing or alternative designs be put forth just for the Architectural Review
45 Board and the Planning Staff to look at. It is not mandating that it has to be changed but it does
46 ask for some alternatives to be looked at to assess whether it would be something that the tree

1 could tolerate or not. If not then it could potentially be a known foreseeable declining impact to
2 the tree. So it is yet to be determined fully but I believe it is 80 to 90 percent there as far as
3 protection for the tree.

4
5 Commissioner Holman: Thank you for that. Just one last question is without sitting down and
6 adding things up how many protected trees are being preserved, how many removed, and how
7 many of those are in good condition? Kind of a summary of the tree retention, removal, and the
8 ones being transplanted too, is there a summary of those numbers?

9
10 Mr. Dockter: Yes it is on page 12. There are 16 protected trees. Of those there are two trees
11 that are recommended for relocation. The project proposes to remove two redwoods that Staff
12 has asked be retained and the rear pedestrian path be located around those two redwoods. So in
13 total at risk are four protected trees. We are asking that two of those be relocated and literally be
14 move and that two be retained. If so, then the Mitigated Negative Declaration would declare that
15 there would be no significant impact. Removing the trees would end up being something that
16 would need to be reevaluated. So currently the way Staff recommendations are for the four trees
17 is that the project would be mitigated with the relocation of two trees and the retention of two
18 redwoods. Is that clear, Commissioner?

19
20 Commissioner Holman: It is thank you for that. Just one last. It appears that the street trees
21 along El Camino are all being replaced. Is that correct?

22
23 Mr. Dockter: That is still to be determined yet. I spoke with Mr. Krebs, the Managing Arborist
24 in Public Works, today and he mentioned that they do not necessarily need to be replaced one to
25 one. Public Works wants to see proper spacing of new street trees progressing and marching
26 along El Camino Real. So whether there are going to be nine new trees or one to one that is still
27 yet to be determined before the Architectural Review Board review would occur.

28
29 Commissioner Holman: Thank you so much.

30
31 Mr. Dockter: You are welcome.

32
33 Commissioner Holman: I'll cede to other Commissioners if they questions for the Arborist.

34
35 Mr. Nortz: I would also like to add that a solar study was provided after the Mitigated Negative
36 Declaration was prepared. We are currently reviewing it and it is going to be part of the ARB
37 review process. We are planning on doing a site visit with our Arborist and their Arborist
38 following this meeting and prior to the ARB.

39
40 Commissioner Holman: So this body if it is going to make a determination about the Mitigated
41 Negative Declaration, how can we do that without knowing what the results are of the solar
42 study?

43
44 Mr. Williams: The Mitigated Negative Declaration already includes the mitigation measure. If
45 it is not satisfactory they need to redesign to provide adequate light.

1 Chair Garber: All right. Commissioner Keller and then Lippert.
2
3 Commissioner Keller: Thank you. I understand with respect to my question number one that the
4 drawings page A0.01 reflect on the left hand side the calculations by the applicant of the
5 proposed blended FAR and height. I am wondering if Staff verified those calculations or if they
6 accepted those without redoing the calculations and ensuring they are correct.
7
8 Mr. Nortz: I did review them based on the numbers they provided and they were correct.
9
10 Commissioner Keller: With respect to the R-1 property, which is the little sliver in the upper left
11 hand corner of the drawing, I notice that up there in the Palo Alto Bowl site plan that is on the
12 screen which is the thing that was given at places that there seems to be a wavy or curvy line at
13 the top where the bike path is. It appears that the reason it is kind of curvy is because some of
14 the land for the R-1 area has been ceded to the adjacent R-1 property. I am wondering if that
15 land that is no longer part of that R-1 rectangular strip is counted as part of the FAR or not.
16
17 Mr. Nortz: I don't believe they are counting any FAR towards that portion. I don't know why it
18 is shown to be shown wavy the way that it is on the plans. It might be better if the applicant
19 address that question more specifically.
20
21 Commissioner Keller: In your FAR calculations you don't know whether or not the site area
22 under which the FAR is calculated includes or doesn't include how much of that R-1 section is
23 included. Is that correct?
24
25 Mr. Jonathan Chao, Steinberg Architects: Excuse me Commissioner it does not include that.
26 The FAR calculation does not include the land ceded over to the existing R-1 neighbor.
27
28 Commissioner Keller: So you identify R-1 and RM-15 but you don't identify how much is R-1
29 and how much is RM-15?
30
31 Mr. Chao: We do identify on sheet A0.01.
32
33 Commissioner Keller: It says RM-1 and RM-15 but it doesn't separate how much is R-1 and
34 how much is RM-15 as far as I can tell.
35
36 Mr. Chao: If you look at sheet A0.01 the diagram on the upper half of the sheet there are three
37 stacked site plans that show a CS residential, RM-15, and R-1 residential. At the very top of the
38 page there is an R-1 and it shows the site area as 3,498 square feet.
39
40 Commissioner Keller: Let's see. What I see here on the top is that it says site area equals 3,498
41 square feet, correct?
42
43 Mr. Chao: That is the one.
44
45 Commissioner Keller: So that 3,498 square feet that is a rectangular portion?
46

1 Mr. Chao: That is not the rectangular portion.

2
3 Commissioner Keller: It is labeled as being a rectangular portion so I am a little confused.

4
5 Mr. Chao: I apologize for that. This sheet is diagrammatic. From doing the area calculations
6 that 3,498 represents the wavy portion. It does not include the land given over to the neighbors.

7
8 Commissioner Keller: Okay, thank you. We did not get the issue of question two, which is the
9 version of Attachment B, which includes the zoning areas adjacent to this. In general we request
10 that when you give the equivalent of Attachment B that it has all the zoning districts on the map.
11 It is a little hard for us to do that analysis without knowing what the adjacent zoning is and we
12 were not given that. My understanding is that the area that is further away from El Camino to
13 the logical top of this diagram is all R-1, is that correct? And that to the right are various kinds
14 of PCs and other higher density RM. There is a comment in the reply that you made to the
15 Commission with respect to the idea – I will get to that in a moment.

16
17 You did provide a usable version of B-2. This is the issue of number four, my question, which is
18 that there was a statement made by Staff to the effect that because this site is adjacent to a PC
19 zone, high density residential that the 150 foot perimeter does not apply. But I would assume
20 that a 150-foot perimeter applies to R-1 and adjacency to high density residential does not trump
21 the R-1 150 foot perimeter. Am I confused there? Could you elaborate on that?

22
23 Mr. Williams: You mean the R-1 to the rear where those residences are?

24
25 Commissioner Keller: Yes, the R-1 to the rear where the residences are I presume surrounding
26 that R-1 would be a 150-foot perimeter of a maximum height limit of 35 feet. Am I correct
27 there?

28
29 Mr. Williams: It is 200 feet to the hotel.

30
31 Commissioner Keller: Thank you. That information should be provided. Usually we see a
32 diagram showing the 150 foot so that we can actually see that there is 150 feet around there and
33 there is. The explanation that was provided to us didn't explain that in a proper way. Thank
34 you.

35
36 There was a comment made by a member of the public which echoes my question number six
37 about whether hotel traffic that is destined for San Antonio Road would prefer to go through the
38 neighborhood rather than making a U-turn after crossing a bunch of lanes of traffic to make the
39 U-turn on Dinah's Court to head towards San Antonio. Is there any comment from Staff about
40 that analysis by the public that retraced mine?

41
42 Mr. Nortz: I am going to refer to our Transportation Staff member, Rafael Rius, to answer that
43 specific question.

44
45 Commissioner Keller: Thank you. It is good to see you again.

1 Chair Garber: Excuse me I am afraid you can't unless you are directly called upon by one of the
2 Commissioners. Please.

3
4 Mr. Rafael Rius, Traffic Engineer, Transportation Division: There may be some traffic,
5 probably more of the employees of the hotel. In terms of the analysis they were not included.
6 They were assumed to use El Camino to San Antonio. When we start making assumptions about
7 a certain amount of traffic cutting through that would probably need to be applied also to the
8 existing uses, which would come out to a net reduction. So we do feel that it would be minimal
9 or Fehr & Peers that did the traffic study felt that way and I concur with that.

10
11 Commissioner Keller: With respect to the comment that was made about the increased
12 congestion on Monroe because of the 26 housing units, do you have a response to that?

13
14 Mr. Rius: There is a method of measuring how much traffic and whether or not it would cause
15 an impact. Based on the studies that were done a certain percentage was applied to the number
16 of vehicles destined towards San Antonio or 101 and the actual number fell well below the
17 threshold to trigger a significant impact. Even if they did really extremely conservative
18 estimates of residential traffic cutting through the neighborhood it still would not trigger it.

19
20 Commissioner Keller: Thank you. I think that Linnea Wickstrom of the neighborhood
21 association has a comment to make. Can I ask you to give your comment?

22
23 Ms. Wickstrom: Just to answer your question about why would somebody cut through the
24 neighborhood you can cut through the neighborhood. I do it all the time to go to San Antonio in
25 about 60 to 70 seconds max to California street and San Antonio. To do that coming out of the
26 hotel in 100 feet or so you have to go across three lanes of traffic to get to a left turn lane, make a
27 U-turn at Monroe, then you have the Los Altos Avenue light, the Del Medio light, San Antonio
28 and El Camino LOS F intersection, turn left onto San Antonio. You have then the Lafayette
29 light and the California light. So it all takes a lot longer to go out on San Antonio and to go out
30 Charleston is way out of your way. So just in brief.

31
32 Commissioner Keller: Or people would make a U-turn if they didn't want to make an
33 unprotected left at – if they could not make it across that many lanes of traffic quickly to make
34 the left at Monroe presumably they would make the left and Dinah's Court where there is a
35 protected left turn.

36
37 Ms. Wickstrom: Right but it far easier to just zip through the neighborhood.

38
39 Commissioner Keller: Thank you. Do you have any comments about that, Mr. Rius?

40
41 Mr. Rius: As I mentioned, there is a possibility that employees that are familiar with the local
42 streets might do it as Linnea mentioned during the peak periods when it is congested. During the
43 off-peak I would probably estimate that traveling on El Camino would be a lot shorter than it is
44 during the peak hours.

1 Commissioner Keller: So I take it that your answer, if I can paraphrase, is that employees would
2 know about it. Guests wouldn't know about it and therefore they wouldn't use it, or at least they
3 wouldn't figure it out, and the hotel would presumably tell people the routes to get to various
4 places.

5
6 Mr. Rius: I would assume that they would instruct them the simplest route and not through the
7 neighborhood. What I mentioned about the analysis is if we were going to make assumptions
8 about the project traffic using the neighborhood traffic from the existing use would be subject to
9 similar assumptions.

10
11 Commissioner Keller: Is it also fair to say that if there was some number of cars going that way
12 that the thresholds of the tire rules basically are sufficiently high that it is hard to get past that?

13
14 Mr. Rius: That is correct, yes.

15
16 Commissioner Keller: Thank you. I think I will close for now and come back later on the one
17 question, which is the blended height limitation. I can understand the rationale for a blended
18 FAR. I can see that there is some argument that can be made for a blended FAR. I really can't
19 see an argument that can be made for a blended height limitation. It sort of reminds me of the
20 story about this rat which was surrounded by nine cats and it was really worried, but on the
21 average it was nine-tenths cat and one-tenth rat and therefore it wasn't nearly as afraid. That is
22 the problem with averages there. So could you explain how you could have uneven heights and
23 have that be blended when you actually have a higher thing in RM-15 that would be otherwise
24 allowed.

25
26 Chair Garber: Please don't feel obligated to use the animal analogy.

27
28 Mr. Williams: Don't worry. I understand the concern there. We had much the same concern
29 but I think that overall again in looking at trying to develop a cohesive plan that to have this RM-
30 15 boundary be at 30 feet versus 31 feet 11 inches, which is what is proposed, and then kick up
31 to something higher in the area of CS around did not seem to be again a very coherent type of a
32 design patter. However, if the Commission is not comfortable with that I think the alternatives
33 are either say 30 feet or one other thing we discussed is at least that row along the back property
34 line there as a transition, the first row of houses, being at RM-15 height so that you do have that
35 immediate adjacency. I think if you are going to do that please listen to the applicant as far as
36 what the constraints are on doing that. The thought was if you are looking for development that
37 seems to be pieced together as a consistent whole having that height similarity, not necessarily
38 uniformity but similarity, the maximum of 31 feet, 11 inches is an appropriate interpretation.

39
40 Commissioner Keller: I think that the interesting thing here is that in some sense we are setting a
41 precedent about blended FAR. It seems to me that this more properly is a Variance for that
42 additional height in the RM-15 zone, for an additional one foot, 11 inches. With the strange
43 configuration of sort of overlays of this project being on multiple parcels, which have different
44 zoning, that that might be a justification for a Variance. I would be more comfortable with the
45 idea of considering a Variance for this than trying to create a blended height rule that could make
46 new law and be cited as precedent for some other project. Thank you.

1
2 Chair Garber: Would the Attorney like to address the question of precedent?
3
4 Mr. Larkin: I don't know if there necessarily is a question. There is precedence for doing this.
5
6 Chair Garber: Does such an action create a precedent and would the Commission and/or the City
7 be required to address it as such if it were passed in that way?
8
9 Mr. Larkin: I don't know. I think we have done it before so if it does create a precedence then
10 we have created it.
11
12 Chair Garber: Commissioner Keller.
13
14 Commissioner Keller: Mr. Attorney.
15
16 Mr. Larkin: We may not have done the height before we will have to look at that.
17
18 Commissioner Keller: Yes, you said we have done it before. Do you have any reason to believe
19 that we have actually done it for height?
20
21 Mr. Larkin: We are looking at that. I have reason to think we did but I am not sure if it actually
22 got approved in that way.
23
24 Commissioner Keller: Thank you.
25
26 Chair Garber: To what degree is the Commission or any City body held to these sorts of actions
27 as precedence? My understanding, and I am asking the question, is that short of there being
28 some actual law there is no precedent.
29
30 Mr. Larkin: That is correct. The rule is to treat similarly situated properties similarly. So to the
31 extent that there is a similarly situated property that comes along we would probably apply the
32 same rules.
33
34 Chair Garber: That would be a choice at that point as opposed to a rule.
35
36 Mr. Larkin: Yes, and I think the better option would be to take the experience from this project
37 and create a hard and fast rule so that we know what to do in the future, and so there isn't a
38 question about whether we are creating something.
39
40 Chair Garber: Should we decide to.
41
42 Mr. Larkin: That is right.
43
44 Chair Garber: Commissioner Keller.
45

1 Commissioner Keller: To look at this, you are suggesting that the City is under an obligation to
2 look at similarly situated properties similarly. If we were to allow this for this project and a
3 subsequent project were to similarly have a multiply zoned property for which they requested a
4 blended height rule and we refused it, would they have a potential tort on their hands in terms of
5 an abuse of discretion?
6

7 Mr. Larkin: I think at point we would recommend if there was a desire to do it or not to do it to
8 go forward with an ordinance that would clarify the situation. It is an unusual situation in that
9 you had mentioned it is three parcels. It is not three parcels it is one parcel with three kinds of
10 zoning on it, and that is an unusual situation. It is not unique, we have had others, but it is
11 unusual so the better practice if the Commission is concerned about creating a precedent or not
12 creating precedent is to clarify this through the Zoning Ordinance.
13

14 Commissioner Keller: So would it be reasonable to avoid saying there is precedent to use a
15 Variance approach if that is justifiable instead?
16

17 Mr. Larkin: Well, again a Variance is the same thing because if you are going to create a
18 Variance based on findings that you have one parcel with three types of zoning on it and another
19 project comes forward as another parcel with three types of zoning you have due process
20 considerations, and there may be rationale for creating different findings but you are going to
21 have to look at your prior findings and you are going to want to have some consistency.
22

23 Commissioner Keller: The difference is that the nature of Variances can be explicitly appealed
24 while situations of discretion with respect to blended FAR have no explicit basis in zoning law.
25 Therefore it is not clear that there is a mechanism for appealing such a decision.
26

27 The other issue is that with respect to Variance the findings are made explicit while with respect
28 to this there are no explicit findings it is in fact in some sense not even rising to the level that
29 would be in the Record of Land Use Action, as far as I can tell. Therefore essentially it is buried
30 within the process and not called out and that is problematic to me.
31

32 Mr. Larkin: I am not saying that a Variance isn't something that is possible. I am just
33 addressing the question about a Variance can set a precedent as well.
34

35 Chair Garber: Commissioners, I will remind you that our City Arborist needs to leave in a little
36 less than 30 minutes so if anybody has other questions let me pass the floor to Commissioner
37 Lippert.
38

39 Commissioner Lippert: I would like to begin by saying that I am well aware of the cut-through
40 traffic issue through Monroe Park. As an avid cyclist I come down Wilkie Way, cross Adobe
41 Creek, and do take Monroe Drive to cut across and make a left hand turn and cut through Los
42 Altos to get to Foothill Expressway. So I am quite aware of the traffic issues there. I also bank
43 at the corner there so I am familiar with going through that neighborhood.
44

1 I would like to begin my line of questioning with regard to the streets or driveways that are
2 proposed here. Is Ryan Lane proposed to be either a street or street easement, or simply a
3 driveway with a name?
4

5 Mr. Williams: I believe it is a private street easement. So it is a private street with an easement
6 over it for access.
7

8 Commissioner Lippert: So it is for public access.
9

10 Mr. Williams: That is my understanding and the applicant may correct that but there is not a
11 gate at the front of it. There is a gate at the other side connecting to the hotel.
12

13 Commissioner Lippert: The City Council and the Commission has been wrangling with trying to
14 reinforce street patterns and to not have private streets running through developments. We were
15 actually trying to I guess in some way liberate those and make them more public friendly.
16 Where do we stand with those policy discussions?
17

18 Mr. Williams: We have not come back to you with anything specifically. As you know, there is
19 an initiative proposed that is out for signatures at this point to try to define public street widths or
20 private street widths and circumstances. That is certainly an issue that is before you with this.
21 Our sense was that this was sort of so internalized and that we did want to have this separation,
22 not allow this connection, between the hotel and the residential traffic that this was an
23 appropriate location for a private street and for not looking at it as a public throughway.
24

25 Commissioner Lippert: But as far as the street pattern, I am not even talking about whether they
26 are public or private. The street pattern itself isn't very conducive to the Monroe Park pattern.
27

28 Mr. Williams: No, but this is just the corner and the back of it doesn't connect to any other
29 streets. So you just basically have what you internally are connecting at the corner to El Camino
30 and Monroe Drive.
31

32 Commissioner Lippert: Okay. What is being proposed here would be a tufted area that would
33 separate I guess what we are looking at as the hotel access to the driveway to the underground
34 parking as well as the residences there. So there is no real connection through there except by
35 way of pedestrian.
36

37 Ms. French: And emergency vehicles. If there are bollards there they can remove those and go
38 through.
39

40 Commissioner Lippert: Did Staff or the applicant look at the possibility of just serpentine
41 through the site? Just making it real arduous to cut through and begin to use a serpentine to limit
42 the way people can get through the site rather than actual physical barriers?
43

44 Mr. Nortz: We did not explore that possibility. The applicant might want to also address that
45 question.
46

1 Commissioner Lippert: I guess I can ask the architect from Steinberg Group. Can you approach
2 the mike? Thanks. Did you look at all at using a serpentine perhaps to go through the site in
3 terms of to begin to limit access but yet making it a little bit better in terms of circulation?
4

5 Chair Garber: Meaning to reduce the desire to get through the site quickly and directly.
6

7 Commissioner Lippert: Correct.
8

9 Mr. Chao: To specifically answer your question no we didn't look at a serpentine pattern
10 through the site. As we talked with the neighbors and kind of interrogated the programmatic
11 relationships between the housing and the hotel itself it made more sense to us to completely
12 bifurcate those circulation patterns from each other. So you are not allowing the site itself to be
13 a conduit for egress from the hotel to cut through our site to get through the Monroe
14 neighborhood. So it was just literally the 26 residential units that would have a level of
15 familiarity with the neighborhood that would make a choice to one direction or another but it
16 wouldn't be the 167 hotel units that would be somehow or another enabled to go through the site.
17 So bifurcating them was the most sensible way for us in terms of controlling that access.
18

19 Commissioner Lippert: If you would allow me for a moment, I am just going to refer to the three
20 fingers that you have there as left, center, and right. if you were to take the center finger that you
21 have there and the houses that you have to the left of it, the A and B configurations, the Cs and
22 Ds in the middle, and the As and Bs towards the hotel, if you were to take those and make those
23 into a grouping of two more duplexes there. In other words, combine them so that you had
24 double duplexes on that street there. You could take the street that is in the center and link it
25 with the street that is on the left making a U, completing a serpentine through there.
26

27 Mr. Chao: Just so I understand your question, you are talking about this.
28

29 Commissioner Lippert: Actually I would do it with the center and the left one, is what I am
30 talking about.
31

32 Mr. Chao: So this one and this one.
33

34 Commissioner Lippert: Right.
35

36 Mr. Chao: So you are saying coming through the site and then coming out that way? So you are
37 saying eliminating the egress and ingress from Monroe all together?
38

39 Commissioner Lippert: Sort of. I am not saying eliminate that one. What I am saying is, if you
40 would allow me, come up through the center from hotel, come up from El Camino, make a left
41 and turn, come up the center, and then come down and then out onto Monroe. What might
42 happen is more residents would take El Camino Real rather than entering or existing off of
43 Monroe. I am also thinking it would also begin to clean up some of the issues with regard to
44 access to the bike path and making the bike path connection through the site a little friendlier or
45 easier, and making it more pedestrian as well as bicycle friendly there. Cutting down traffic, if

1 you are meandering through a site you are less inclined to meander through the site, you would
2 take the quickest route, which would be El Camino Real.

3
4 Chair Garber: Just so I am understanding here, you are not suggesting that although they might
5 actually do that, your real suggestion here is in terms of the utilization of the site to find a way to
6 make the egress and entrance to and from the site less direct.

7
8 Commissioner Lippert: Correct. Then also making it a little bit more of the street pattern of the
9 Monroe Park neighborhood. If you look at Monroe Park it is really meandering streets with dead
10 ends and cul-de-sacs and lots of twists. It would also allow for that centerpiece of Ryan Lane
11 also to be landscaped a little bit more creating more of a center for that development.

12
13 Chair Garber: Okay.

14
15 Mr. Chao: That is not a scheme that we have looked at, no.

16
17 Commissioner Lippert: Okay. Then I guess with regard to the access to the R-1 properties off of
18 those fingers. I know that the City Attorney mentioned that it is possible to have some sort of
19 gated, well you mentioned it.

20
21 Mr. Nortz: I mentioned it specifically for either of the two R-1 properties located along the
22 northeastern edge. I believe it is 114 and 116 Monroe specifically the issue was brought up for
23 116 Monroe Drive more or less creating a gate for access for maintenance purposes.

24
25 Chair Garber: Just so I understand. Your recommendation was to allow the one landowner to
26 get to the triangular piece of property that had been cordoned off by the bicycle and walkway in
27 the back as opposed to allowing access between the motor courts, if I am reading this correcting
28 and those private properties.

29
30 Mr. Nortz: That is correct. It was actually Public Works who we worked with directly and that
31 was their recommendation.

32
33 Chair Garber: Commissioner Lippert you are asking the question about specifically allowing
34 access between those private properties and the motor courts.

35
36 Commissioner Lippert: Correct. I have seen precedent for that specifically a lot of the
37 residences in Barron Park along the Gunn High School property line. Their driveways are
38 actually used for Fire Department access to the back of the Gunn site. So there is precedent for
39 that where there has been an access easement placed on the driveway itself. These are
40 driveways. So in that case we could have something like that where there would be an access
41 easement for the R-1 property owners to access the rear of their properties. Is that a possibility?

42
43 Mr. Nortz: So if I understand you correctly, then the vehicles would be traveling down the bike
44 path?

1 Commissioner Lippert: No, they would be traveling down the motor court, the right finger, and
2 the center finger, to gain access to the R-1 property and they would have to traverse the bike path
3 of course but traversing a bike path is not the same thing as access and sitting and driving on a
4 bike path.

5
6 Mr. Williams: A couple of thoughts. One is I think that kind of thing might be available for an
7 emergency access type situation to the rear of those homes. I think those homes already have
8 access from a public road in the front. We don't typically allow multiple accesses to lots. There
9 are lots that have alleys or something so occasionally that is the case but just to provide it for
10 these two lots is creating essentially in some respects a public road for two or three properties
11 there through what are essentially private driveways. So for anything other than emergency
12 access I am not sure that would be really desirable.

13
14 The second thing is the idea of the serpentine I think that is a good concept but I think the site is
15 too small to do that. I think if you try to do that with Ryan Lane basically that you get into sort
16 of 90-degree turns and for fire trucks and other large vehicles it would be problematic. You
17 would be basically cutting up the whole continuity or contiguity of the residential with this main
18 street that comes through. Not to mention opening up the possibility for the hotel guests to be
19 going in and out on Monroe too. While I understand that wouldn't be easy, it would be there and
20 I think that has been one of the neighborhood's main concerns through this whole process, that
21 there not be access even if it is made to be difficult access for the hotel guests and employees to
22 be getting out on Monroe.

23
24 Commissioner Lippert: There are two issues here. The first one is the access that I really want
25 to talk about. What I am suggesting here, there are residential properties all along the motor
26 courts there and that really is an access only for, and the neighbors in the R-1 properties have
27 asked for access so that they can go and maintain their trees. So that would be the only reason
28 for them to be using that. It would not be a driveway access.

29
30 What I am thinking of is that in going through this since you already have traffic going back
31 through the motor courts there is no reason why some sort of use easement could not be placed
32 on the motor court access for the benefit of the R-1 residents.

33
34 Chair Garber: Forgive me for interrupting, and correct me if I am wrong City Attorney, but we
35 are dealing with two private parcels here and I suspect that if the owners of the R-1 lots had
36 some interest in this they could approach the owners of this property and work out some sort of
37 agreement. Short of us getting involved directly to demand an easement or something of that
38 sort, can we actually even do that? We are not connecting two public ways.

39
40 Mr. Larkin: I don't think there is any nexus for us to require that. I think that is something that
41 could be discussed between the two property owners.

42
43 Chair Garber: Am I misunderstanding something?

44
45 Commissioner Lippert: Two of the public speakers that we had initially were requesting that.
46

1 Mr. Larkin: That is right. There were two public speakers requesting it and it is an interesting
2 option but I think that is not something we can condition the project on.
3
4 Chair Garber: Because they are two private property owners.
5
6 Mr. Larkin: Yes, they are two private property owners and there is no nexus to this development
7 that has to do with the maintenance on the private property.
8
9 Commissioner Holman: Chair Garber?
10
11 Chair Garber: Actually, if Commissioner Lippert will allow me, Commissioner Keller had.....
12
13 Commissioner Holman: I didn't mean to interrupt but understanding that what the City Attorney
14 is saying is that we can't require the applicant to do that, however, to satisfy Commissioner
15 Lippert's concerns and address the public's concerns we could ask the applicant if they would
16 agree to entertain such discussions. I think that might satisfy Commissioner Lippert's situation.
17 Might it?
18
19 Chair Garber: One moment. I assume you are with the applicant would you identify yourself,
20 please?
21
22 Mr. Ryan Leong, Applicant: We would be happy to entertain that discussion with our neighbors.
23 It is not an issue. I think the issue that needs to be addressed by the City is whether or not as part
24 of the bike path easement they will allow access over that. Obviously we can control the motor
25 court but since that is going to go to the City the City has to decide whether or not access can be
26 granted over the pedestrian easement.
27
28 Chair Garber: Commissioner Holman.
29
30 Commissioner Holman: So just for clarification, since the applicant has responded in like
31 manner or in the manner they just did, so we could condition any approval such that because they
32 have agreed to it.
33
34 Mr. Larkin: No, you still can't condition approval of the project on that. They have agreed to it
35 but you can't condition approval or denial of the project on them reaching an agreement with the
36 private property owner. Just because they have agreed to talk to the other property owner
37 doesn't mean they are going to reach agreement and we can't require them to reach agreement.
38
39 Commissioner Holman: Understood, but.....
40
41 Chair Garber: Commissioner Lippert and then Keller.
42
43 Commissioner Lippert: What I see here is a collision of a variety of things. Number one is the
44 R-1 property owners that currently have a parking lot in their backyard and wanting access to
45 that area that they are now going to be using for trees. The second part of it is that we have a
46 bicycle path that goes along the perimeter of the site that is going to be used for pedestrians and

1 bicyclists and it is going to be on the R-1 property. Then we have these motor courts that do
2 traverse the multifamily site and dead end at the property line and the bicycle path. I am just
3 trying to figure out a way all three of them sort of work together without feeling really disjointed
4 because in our findings of Site and Design we are trying to find a way that this development
5 happens in a harmonious way. What I see are bunch of edges that come together and they don't
6 really facilitate or work together with each other. That is really what I am getting at here.

7
8 Chair Garber: Commissioner Keller.

9
10 Commissioner Keller: So I am not a lawyer and I don't even play one on TV but let me make a
11 couple of observations. The first observation is that the applicant is essentially abandoning part
12 of the easement for the R-1 properties that is currently used or available for parking for the
13 bowling alley.

14
15 The second thing is that the applicant is essentially requesting that the R-1 properties in question
16 make available an easement for bicycle and pedestrian path through their property, which they
17 do not have to do. That is not an easement that currently exists and they are making that
18 easement in favor of the City. The property owners as a condition of making that easement to
19 the City could condition that easement on access to the rear of their property. So the property
20 owners have leverage over the City and over the applicant who is trying to get this bicycle and
21 pedestrian path to happen and the City, which is obviously interested in accepting this easement
22 to do so conditionally on providing that access. So there is some sort of nexus in there.

23
24 Thirdly, from a Site and Design point of view independent from the legal issues there is the
25 consideration that a curvy bike path is not a safe condition from my humble perspective.
26 Therefore several things have to happen. Either that bike and pedestrian path needs to be
27 straightened so that there is a complete and full sightline from Monroe so that any student
28 bicycling to elementary or middle school can see all the way through to where the curve is
29 towards Cesano Court, so they can tell if there are any people lurking in there. The curvy lane
30 provides a clear and present danger to doing that. So that is one of the considerations. The other
31 part of that consideration is that providing bike and pedestrian access to this easement from the
32 three motor courts would provide benefit by allowing the people living in the motor courts who
33 also attend school at the same place as the rest of Monroe Drive does, they would want access to
34 the bike and pedestrian path in addition. Furthermore, it provides an escape in the event of an
35 unsafe condition on that bike and pedestrian path to escape the bike and pedestrian path and go
36 back to the residences. So there are multiple reasons for considering this interchange both legal
37 and reasonable from a Site and Design and public safety issue. I believe Mr. Baer has a
38 comment.

39
40 Chair Garber: Let me recognize you in one moment. Let me just make sure the Commissioners
41 understand that if I am reading the plan correctly there actually are gates but they are not from
42 the motor courts they are from the walkways onto the bike lane. Mr. Baer and then
43 Commissioner Lippert.

44
45 Mr. Jim Baer, Applicant: The applicant would like to cooperate in any way to create what is a
46 good outcome. Let me run through what is a good outcome. The bicycle path has no nexus that

1 could require that to be created. It has been an enormous positive effort by the applicant with the
2 two R-1 neighbors in having a very positive mutual outcome of what is now a fenced off, terrible
3 asphalt area that is a large portion of the backyard of the two southeastern R-1 properties to have
4 them cooperate in creating the bicycle path and to get them back property that is better used by
5 them than under the current easement. So there has been terrific cooperation in making that
6 happen.

7
8 The one issue addressed that is a challenge is how to get maintenance, one neighbor has
9 requested that, from the Cesano Court path into the Franke property. It has these challenges that
10 the Planning Staff has already identified. Public Works has a standard street opening
11 encroachment permit process that requires a definition of the time period for the use, the vehicle
12 access, and insurance from the party entering. So there is a way to create a safe access off of
13 what will be a public pathway connecting all the way through to Cesano Court. The challenge
14 with creating it as a direct path is it requires both the Cesano Court Condominium Association
15 and the commercial property, the Rose property as you move next, so it is not just a matter of
16 getting the condominium association to say we like it in a new location better than in the current
17 location that requires a third party. We do have the legal problem of there are not nexuses to
18 compel any of the parties to do this.

19
20 I want to get you where you want to be. The purpose is to be helpful. One is the applicant
21 would like to say if there is not a way to get access with Public Works through that path then
22 subject only to the kind of limitations that safety and preservation of trees would impose that we
23 would cooperate in creating access for tree maintenance to the neighbor. Commissioner Keller
24 hits it exactly on the head. We have multiple private agreements going on that are not
25 consummated yet. So that privately that can take place with a statement by the applicant saying
26 we are really going to make this happen if Public Works can't get them access.

27
28 The straightening out we can't control. Planning Staff and the R-1 neighbors with whom we are
29 interacting can't control that outcome. The safety issues are part of what will have to happen for
30 that pathway. I guess to make it easy something is happening that couldn't be compelled by the
31 City in any redevelopment of this property and something highly cooperative has been taking
32 place between the R-1 neighbors and it is not done yet. So the opportunity to create a successful
33 outcome for the tree maintenance if it can't be done off the public right-of-way you hear the
34 applicant saying we are willing to do that. However, Staff and the City Attorney need to identify
35 this on the record and at the same time saying we can't impose a bike path, we can't impose
36 gates onto a bike path, therefore we can't condition the project on those but these things are in
37 the works and part of the applicant. I hope that clarifies the intention.

38
39 Chair Garber: Thank you. Commissioner Lippert and then Keller.

40
41 Commissioner Lippert: I don't mean to be the speck in the ointment here. If some sort of access
42 off the right motor court can be accommodated by the applicant in the way of an easement for
43 the R-1 property owner I think it would be a better solution than trying to get access to that R-1
44 property off of Cesano Court. I will leave it at that.

1 For a moment I just want to go back to the serpentine road and what Acting Director Williams
2 said. I don't believe the fire access is diminished any further because you still have fire engines
3 that can get through and make the necessary turns either way. Fire engines would get through
4 because we have the right amount of road. It is just whether that is a better configuration in
5 terms of trying to reinforce the street pattern. I will just leave that at that for now.
6

7 What I do want to talk about is the blended zones that we have on this one parcel. Where I see it
8 happening is and what is important are the edges of the property and what happens abutting
9 adjacent properties. What happens internal to the site is really inconsequential. It doesn't really
10 make a difference. Along Monroe street you don't have any adjacent or abutting properties so
11 along there it doesn't really make a difference. Along El Camino Real you don't have any
12 adjacent or abutting properties. The only place where the blended rate does make a difference is
13 along the back of the property line, the R-1, and the adjacent property, which is multifamily to
14 the right. In those cases you are not increasing the noncompliance so I don't see it as being
15 necessarily an issue.
16

17 Chair Garber: Thank you. Commissioner Rosati, Holman, and then Keller.
18

19 Commissioner Rosati: Thank you. I have a few questions. One has to do with the employees
20 that will be working in the hotel. I just wanted to note to the Planner that it mentions in the
21 report that there are 172 parking spots for 167 units but I would imagine that some spots would
22 be required for the employees. So I just wanted to make a note of that. I don't know the number
23 of employees the hotel may require at any time.
24

25 Mr. Nortz: The information regarding employees was not provided it was just relevant to the
26 units. The applicant may have additional information.
27

28 Commissioner Rosati: I would just suggest that you get that information and consider it in your
29 review.
30

31 Mr. Nortz: Sure.
32

33 Commissioner Rosati: I think it is a little bit misleading to say we only need 167 parking spots
34 and this plan is proposing 172, therefore exceeding the requirement when the piece for the
35 employees is missing.
36

37 The other question I have has to do with the private streets. There is a note in there about private
38 streets. The question is if while this project is being reviewed the parallel process that is defining
39 some guidelines on private streets is implemented and adopted what is the impact on this
40 project? Can we go back and or somehow condition this to the adoption of the new guidelines
41 that we may be working on on a separate track?
42

43 Mr. Larkin: Are you talking about something the City is considering or are you talking about the
44 initiative measure?
45

1 Commissioner Rosati: As mentioned in the report, we are looking at private streets and we have
2 had an ongoing discussion of defining possibly a specific ordinance for it.

3
4 Mr. Larkin: I don't think you can apply an ordinance that may or may not be adopted in the
5 future to this project. I think that at the time that ordinance is adopted it could have an impact on
6 the project if the developer doesn't have vested rights. That is something the Commission would
7 want to make a recommendation one way or the other and the Council is going to adopt the
8 policy one way or the other.

9
10 The initiative is a little different because in the case of the initiative the Council and the
11 Commission don't get to decide whether or not to apply it to projects in the pipeline that is
12 defined in the initiative.

13
14 Chair Garber: Forgive me for interrupting. That initiative should the Commission decide to
15 pursue it would be a separate action from the action that is before us right now, correct?

16
17 Mr. Larkin: Yes, if the Commission were to pursue new guidelines that would be additional
18 action. The initiative is going to follow its own course.

19
20 Chair Garber: Planning Director.

21
22 Mr. Williams: I just wanted to also add that in Don's first part of the answer about if the City
23 develops new policies or ordinances it is within our sort of jurisdiction to determine who those
24 apply to and how as far as projects that come through. It has generally been the practice of the
25 City not to apply those to projects that have received, in fact generally not projects in the pipeline
26 too, but at least that have received some level of approval, discretionary project approval,
27 already.

28
29 Commissioner Rosati: Thank you for clarifying. A third question has to do with revenue
30 projections. Have those been validated by City Staff?

31
32 Mr. Nortz: When it was originally in for preliminary ARB back last June they were validated. I
33 do believe the rates change annually so I would have to go back and check those numbers, but it
34 would be incremental to the rate adjustment.

35
36 Mr. Williams: I think you are talking about the TOT that went from ten percent to 12 percent at
37 one point but that has been some time now. We have looked at this and I think they are on the
38 conservative side. I think that the assumptions as far as room rates and occupancy and that were
39 pretty conservative in making that and it is unlikely to be less than that if it is the full
40 compliment of 167 rooms.

41
42 Commissioner Rosati: Is part of the process also to look at the incremental cost that a
43 development like this has on the City, like City services?

44
45 Mr. Williams: That is not part of your purview to do that but the Council always has a resource
46 impact section and we will have a brief, but some study of the cost as well as the revenue. Then

1 we will also be looking at the increased property tax as well for the residential portion as part of
2 that, and the service impacts associated with the project.

3
4 Commissioner Rosati: This is fairly objectively out of the purview of the conversation but many
5 people are asking the question and I would like to know what the answer is. Has a project been
6 looked at to relocate Palo Alto Bowl or replace it in the city somewhere with an equivalent type
7 of entertainment amenity for the city?
8

9 Mr. Williams: There is not at this point any specific effort devoted to that or certainly not a
10 proposed relocation.

11
12 Commissioner Rosati: Any site that may be identified for something similar?
13

14 Mr. Williams: No, we have not done that.
15

16 Commissioner Rosati: Thank you.
17

18 Chair Garber: For Commissioner Rosati's benefit, remind me of the parking calculation is based
19 on the number of units in the hotel and that is what gives us the quantity that is required.
20 Commissioner Holman.
21

22 Commissioner Holman: I am reminded that as a part of the SOFA Plan I jokingly tried to zone
23 Channing and High for picnic tables but that wasn't taken seriously either.
24

25 So question for City Attorney and Director. I have a lot of thoughts and comments about the
26 proposal both positive and not. I know there is a great deal of effort going into this. At the root
27 of it though is how legal is it? Director started out by saying we don't have a process that allows
28 blending of FAR, heights, and such. The applicant provides two examples where this was done
29 before Arbor Real and Summer Hill at the Elk's site. Commission didn't review those so I
30 certainly had no awareness that that was happening. So I am challenged by any legality of what
31 is being proposed.
32

33 Mr. Larkin: I am confident about the legality of the blended FAR because you are dealing with a
34 project that doesn't have an FAR per area, it is an FAR per parcel and the only way to calculate
35 that is by blending. I think that the same logic applies to the blended height FAR. I don't know
36 that it is as clear in my head as the blended FAR but I think the same logic applies.
37

38 Commissioner Holman: So clarify for me once again, these are separate parcels.
39

40 Mr. Larkin: No, no there is one parcel with three different types of zoning on it. That is why
41 with the blended FAR it is very difficult to say you can have some FAR in this nebulous corner
42 of the parcel, and some FAR in this corner of the parcel, because there is just one parcel.
43

44 Commissioner Holman: The Staff Report identifies it as four parcels.
45

1 Mr. Williams: I think there are four parcels. They are not coterminous with the zoning districts
2 though that are here. So that RM-15 is part of the same parcel that the CS where the Palo Alto
3 Bowl is located. Then where the Motel 6 is all CS but it is actually two parcels and a little R-1
4 sliver at the back. So there is not an RM-15 parcel and a CS parcel and an R-1 parcel. Well,
5 there is an R-1 parcel but that is not being built on. The dilemma is that it is all in these different
6 shapes and different zonings. So our take was that you could blend this as long as you are still
7 making the transition and the perimeter as Commissioner Lippert was saying was effectively
8 meeting the zoning at the perimeter there. As I understand that is being done as far as the
9 setbacks go. Again, I think you might argue the height at that point might be an issue because
10 technically it is one foot and 11 inches over right at that point closest to the perimeter property
11 line.

12
13 Chair Garber: Would it help for the applicant to give some clarification on the parcels?
14

15 Mr. Larkin: I think we figured it out. I was confused because one of the parcels has the two
16 types of zoning on it. And it will be one parcel once it is merged with multiple zoning.
17

18 Chair Garber: Commissioner Lippert you had a follow up and then we will continue.
19

20 Commissioner Lippert: I guess the point that I am trying to make is what is important here is not
21 what happens internally to the site it is what happens at the perimeter of the site. While
22 Commissioner Keller is absolutely correct that in the blending it doesn't fall precisely where
23 those parcels are what they are actually proposing makes for a better proposal and development
24 even though it doesn't follow the law, it follows the spirit of what the rules are. So it puts the
25 height and the density towards the front of the site, towards El Camino Real, and puts the lesser
26 height towards the R-1 properties, and it also puts density tighter against the multifamily that is
27 to the right. So from the letter yes it doesn't comply. From in fact a Site and Design point of
28 view it makes a hell of a lot of sense.
29

30 Chair Garber: Commissioner Holman were you done?
31

32 Commissioner Holman: No. I am going to try this a little different way and maybe it can be
33 described a little different in response. There are lot lines. There are parcels, correct? So that is
34 where I am still stuck and not exactly tracking what is being stated as far as it is okay to do the
35 blended rates. The other question I have relative to that is if those lot lines exist, the
36 development, it is real hard to tell, but it looks like there are structures crossing lot lines. So that
37 is troubling too. So I need a little bit different explanation or stated a different way to help me
38 understand how this is legal.
39

40 Mr. Larkin: Well, the lot lines will have to be removed so there won't be buildings crossing lot
41 lines. I was mistaken. I didn't get a set of the plans so I wasn't aware of where the existing
42 parcelization was but what I said is still correct in that the different zones don't correlate to those
43 existing lot lines. So the larger of the lots has CS and RM-15 on the same lot and because they
44 are not going to be creating individual parcels, it will be one parcel with different zones, and the
45 only way to calculate FAR is to do a blended rate. If you have one parcel with different zoning it
46 is hard to figure out what FAR you apply to what portion of the lot.

1
2 Commissioner Holman: I am sorry I am being really dense on this but if you are saying for
3 instance let's just talk about the Palo Alto Bowl site. It is not just two zones though it is two
4 parcels.
5
6 Mr. Larkin: It is but those two zones don't correlate to those two parcels.
7
8 Commissioner Holman: How can that be?
9
10 Mr. Williams: The Palo Alto Bowl site is one parcel. It has two zones on it.
11
12 Commissioner Holman: So the Staff Report is incorrect when it says there are four parcels.
13
14 Mr. Williams: No, there are three parcels on the Motel 6 site, two of them are zoned CS and one
15 of them is zoned R-1.
16
17 Commissioner Holman: In the Staff Report there was a map and one of my comments was it
18 looked like the map in the Staff Report was incorrect. If I look at the plot map in the set plan it
19 drawn differently than what is in the Staff Report. That was one of my questions that was not
20 included in what is at places.
21
22 Ms. French: So you are talking about Attachment B of the Staff Report that shows heavy lines?
23
24 Commissioner Holman: I believe that is it.
25
26 Ms. French: It is showing three parcels associated with the hotel area and then one parcel
27 associated with Palo Alto Bowl so it is a total of four parcels.
28
29 Commissioner Holman: Which appears to be different than what is in the plan sets, which
30 indicate that there are four parcels. It is different than what is on Attachment B.
31
32 Mr. Nortz: I think the confusion is if you are referring to sheet A0.01 the applicant describes the
33 existing parcel zoning differently. He is showing it broken out as four parcels however the CS
34 and RM-15 portions, which appear to be two parcels are actually one. That is the Palo Alto
35 Bowl site and it is all CS and RM-15 zoning. It is split 77 and 23 percent. The adjacent Motel 6
36 site that is zoned CS they are including the small parcel directly behind it that is also zoned CS
37 that runs up against the R-1 parcel.
38
39 Chair Garber: Would you please put the City's GIS map that has the parcels on there on the
40 overhead?
41
42 Commissioner Lippert: If Chair might allow me while they are setting up?
43
44 Chair Garber: Commissioner Lippert.
45

1 Commissioner Lippert: The applicant here intends to remove all the property lines, which is
2 ministerial to do a combination of lots like that doesn't come before us.

3
4 Commissioner Holman: Nor is it suggested in the Staff Report that that's going to happen.

5
6 Chair Garber: Can you walk us through the parcels there? As you are trying to get the pointer to
7 work, I am assuming that as a condition of this recommendation to the Commission that Staff is
8 recommending that the applicant, and the applicant appears to be complying with the
9 recommendation, to put all these four lots together.

10
11 Mr. Larkin: In order for the project to proceed they will need to merge the four lots.

12
13 Chair Garber: Planning Director.

14
15 Mr. Williams: We can certainly require that as a condition as well. So this is the Palo Alto Bowl
16 site. Single-family residences to the rear. This is the Motel 6 site. So the existing Palo Alto
17 Bowl site is one parcel, the RM-15 portion of this parcel is divided about two-thirds to three-
18 quarters of the way back that part is RM-15 but it is not a separate parcel. So you are right, it
19 was incorrectly shown on that plan page because that plan page did say parcel on it. Then the
20 Motel 6 site has one, two, three parcels. These two parcels are both zoned CS but they are
21 separate parcels. This last one here is zoned R-1.

22
23 Commissioner Holman: That provides much better clarification. Thank you. I have other
24 questions but if there is anything else related to this.

25
26 Chair Garber: Actually, why don't you go ahead because we are going to try and get through
27 everyone's comments here?

28
29 Commissioner Holman: Okay. Comments or questions? I still have questions.

30
31 Chair Garber: You can do questions and then we can do comments with a motion later.

32
33 Commissioner Holman: Okay. The common open space for the multifamily. I had asked a
34 question about that being tucked up by the hotel separated by a street and by a stand of trees.
35 What is the likelihood of the multifamily homes using that?

36
37 Mr. Nortz: It is hard for Staff to say since we are not the ones that proposed that area. I think
38 the applicant is probably best suited to answer that question.

39
40 Commissioner Holman: I would hope Staff would have an opinion about the likelihood of that
41 but if not, I will move onto the next one.

42
43 Ms. French: I might add to that that if this gets to the ARB that is the venue where the details of
44 landscaping and play equipment might happen there and get into that grain of use and design.

1 Commissioner Holman: I think that would be really important to Site and Design, the
2 approximate location of that common open space with the multifamily residential.

3
4 The new housing along Monroe, no being an architect looking at these is a bit hard for me to tell
5 if those front on Monroe or side on Monroe. It is a little bit hard to tell. It is A0.07.

6
7 Chair Garber: Should we be asking the applicant?

8
9 Mr. Chao: Yes they do front on Monroe Avenue.

10
11 Commissioner Holman: So that takes me to a question having to do with Attachment G that was
12 provided to us later. I think it said that the front setback of 20 feet was not applicable. The
13 applicant response indicated that the rear of the site is the part of the site that abuts the path. So
14 why is it or how is it determined that the rear of the site abuts the path and not the front of the
15 site be along Monroe so we have a 20 foot setback?

16
17 Ms. French: Again, the plan is to merge all of these parcels so we are thinking of this as one
18 parcel. The narrowest part of the – basically El Camino Real is the front.

19
20 Chair Garber: Will the houses have El Camino addresses?

21
22 Mr. Nortz: That is yet to be determined.

23
24 Commissioner Holman: There is a practical function of these as well. So I don't know if the
25 City has latitude for that. The narrowing of the Monroe, two or three things about that. Who
26 owns the street, Monroe where it is proposed to be narrowed, who owns the street?

27
28 Ms. French: That is City right-of-way.

29
30 Commissioner Holman: So what it would appear to me is if the sidewalk was being proposed for
31 inboard, because the sidewalks are required as part of development, is that correct?

32
33 Mr. Nortz: I don't know if they are required for part of the development. They have been
34 proposed with the development.

35
36 Commissioner Holman: I think they are required and if Staff could confirm that would help.

37
38 Ms. French: It would be good design practice as part of a Site and Design project to propose
39 way finding for pedestrians. So I think they proposed it know that we would ask that to be good
40 design. There is nothing that says you must put a sidewalk in.

41
42 Commissioner Holman: So it would appear then that the way this is being proposed, my
43 preference would be that the sidewalk be inboard of the trees per previous discussion and
44 questioning of City Arborist. What appears to me now is that City land is being ceded to an
45 applicant who is using that land to provide sidewalk and I had understood, maybe incorrectly,
46 that sidewalks were required as a part of development. So that is one piece of it.

1
2 The other piece of it is does Staff agree or not, or does Staff have enough information to know if
3 narrowing of the street at those points would provide traffic calming?
4

5 Mr. Nortz: As far as the traffic calming issue I believe that question was referred to our
6 Transportation Staff. I believe Rafael Rius does have an answer to that question as far as acting
7 as a traffic calming measure.
8

9 Mr. Rius: Currently there is on street parking. So when there are no cars currently parked and
10 with the new curb it would provide some calming effect but it might be sort of negated when you
11 are comparing it to when cars are currently parked there and it has already been narrowed down.
12

13 Commissioner Holman: Okay, thank you. The hotel, as I understood the Staff Report and look
14 at the drawings, it appears that there is no entrance to the hotel building itself from El Camino.
15 Do I read that correctly?
16

17 Mr. Nortz: That is correct.
18

19 Commissioner Holman: Okay. How does Staff reckon that that satisfies the El Camino Design
20 Guidelines or not?
21

22 Ms. French: The Guidelines are just that, guidelines. We do our review of projects and balance
23 these things. We look at safety. We look at El Camino Guidelines. We look at existing
24 conditions such as the oak tree. So in the case of some of the El Camino Real Guidelines are met
25 as far as providing substantial building frontage along El Camino that is one of the guidelines.
26 Tree planting, we want to see trees at 25 to 33 feet spacing along El Camino. So it is a balancing
27 of looking at the different guidelines. Does it meet every single guideline? Well, maybe not
28 having an entry is not meeting one of the guidelines but is not a zoning code. We are doing a
29 balancing of zoning code and guidelines.
30

31 Chair Garber: Commissioner Holman, one of the Commissioners had wanted to ask the City
32 Arborist a question and I know we have been keeping it here and then we can get back to you.
33

34 Commissioner Holman: Please. I had no idea.
35

36 Chair Garber: Commissioner Keller.
37

38 Commissioner Keller: This is going back to the earlier issue that I had brought up in terms of
39 potentially straightening the bike path. I was referring to straightening the bike path from
40 Monroe straight across to where the S-curve is to Cesano. I was not proposing to adjust the
41 portion from Cesano. So there would be only one S-curve instead of a bunch of ones. If we
42 were to continue the bike path straight across in a straight path to the right side of the property
43 where it curved over to go to Cesano would that change or impinge on any existing trees to the
44 best of your knowledge, Mr. Dockter?
45

1 Mr. Dockter: No, I do not believe it would impinge on the existing. These are relocated and
2 new locations pretty much where the red dot will be approaching. Right in there.

3
4 Chair Garber: He is talking about from that point to Monroe.

5
6 Commissioner Keller: From part of the S-curve to Monroe making that portion straight. That is
7 what I am talking about. I am not talking about changing the S-curve.

8
9 Mr. Dockter: There are existing trees through there that would dictate how the path goes, yes.

10
11 Commissioner Keller: So if you started at the Monroe portion and went straight across through
12 there so the top edge was even all the way what impact would that have on trees? It looks like at
13 least on the next two parcels there is no issue, or is there an issue?

14
15 Mr. Dockter: That is correct. There is relatively no issue from here towards Cesano. These
16 trees are fixed in here and that would dictate where the path could go. We will be revisiting that
17 in detail with the applicant and the site arborist and myself included. But the trees are a pretty
18 fixed entity. We would need to look at the width of the path and how straight it could or could
19 not be.

20
21 Commissioner Keller: Right, okay. There are some issues in the parcel that is on the part of
22 Monroe that we see but on the two inward parcels that go to Monroe where it makes the curve,
23 on those two parcels it could continue straight without being an issue, with the potential that it
24 would take more land from those two parcels to make it straight. Is that correct?

25
26 Mr. Dockter: That would be correct. A straight is relative how it cuts across to Cesano, yes.
27 There is very little restriction that exists on the two parcels here.

28
29 Commissioner Keller: Then at the end it would necessarily have to curve to get to Cesano but at
30 least a larger portion of it would have visibility to Monroe so people before they entered that
31 street could be aware of the safety of that bike lane by making that portion straighter. Is that a
32 reasonable assessment?

33
34 Mr. Dockter: To Cesano.

35
36 Commissioner Keller: In other words, somebody entering from Monroe would have sufficient
37 sightlines 80 percent of the way across to be able to see whether that bike lane was safe without
38 anybody lurking in there if that bike lane was straightened out as opposed to hugging the
39 property line as much as possible, which is what it does now.

40
41 Mr. Dockter: We would have to look at that with Transportation.

42
43 Chair Garber: I have two follow up questions here. Planning Director.

44
45 Mr. Williams: I was just going to note that I don't think that is a question for Mr. Dockter as far
46 as the sight visibility. I think our traffic engineer has looked at the issue of this alignment, the

1 potential to do some things to modify it, and has tried to keep it as much straight and accessible
2 and visible as possible within the constraints of number one the trees, number two the property
3 owner's desire. I go back to some extent to what Mr. Baer said before. There is a very delicate
4 negotiation process between the applicant and those neighbors to align this pathway and
5 concerns particularly about how much of the neighbors' land -- they are getting a major benefit
6 in getting this easement area back as part of their parcels. But on the other hand they don't want
7 to have that pathway then starting to take up a large chunk of what they just got back. So to the
8 extent that the pathway stays closer to the property line that is better for them. One of them at
9 least has asked, and I don't know if he made a statement here tonight or not, but to try to actually
10 bring that all the way to the corner at the property line and do kind of a 90 degree or to get the
11 Cesano connection relocated. Those are not -- this is all a very delicate balance.

12
13 Chair Garber: Is it not the case that the entire bike path is not on this parcel? Those are all on
14 the private properties?

15
16 Mr. Williams: That is right.

17
18 Chair Garber: So again the nexus here is not on those things. What they are doing is sharing
19 agreements that they have come to with us not that we have any true impact on them unless there
20 is something that truly has a nexus on the project.

21
22 Mr. Williams: That is correct, although we certainly want to have a functional bike path or we
23 are not going to accept it. At this point we feel like it is a functional and safe path.

24
25 Chair Garber: Commissioner Tuma and then Lippert.

26
27 Vice-Chair Tuma: You just covered what I was going to talk about.

28
29 Chair Garber: Commissioner Lippert.

30
31 Commissioner Lippert: I don't want us to get mired down with the details of the bike path.
32 Riding on Wilkie Way and coming off of Wilkie onto Adobe Creek and then off onto Monroe
33 Drive is far curvier and much less in the way of sightlines. As a cyclist I broke my collarbone on
34 straight, clear Saratoga-Sunnyvale Road where I had clean lines of sight and yet managed to hit
35 an obstacle. What is important here is that where you reach Monroe Drive is it is gated. So as a
36 bicyclist approaches Monroe Drive they don't come whipping around off of the bike path onto
37 Monroe Drive. The same thing doesn't happen where a bicyclist like myself comes along
38 Monroe Drive and decides to cut through the bike path and goes whipping through there either.
39 There are controls that are placed there that actually require that a cyclist slow down. So I don't
40 see it as being an issue.

41
42 Chair Garber: Commissioner Keller.

43
44 Commissioner Keller: I am not as much worried about the speed of the bicyclists although I
45 certainly think that is a concern that some may have. I am concerned about the safety of young
46 children going to elementary school traversing this path that there might be people lurking there

1 trying to cause nefarious actions. That is what I am more concerned with at this particular
2 location. My question for Mr. Dockter was that if the bike path is straightened out it wouldn't
3 have any impact on the trees of the two inward parcels of the bike path but it could have impacts
4 on the originating bike path at the Monroe entrance. That answers my question, thank you.

5
6 Chair Garber: Commissioner Holman back to you.

7
8 Mr. Larkin: While you are getting your place I can clarify on the sidewalks. The code says that
9 sidewalks shall be installed to locations, grades, and widths approved by the City Engineer. I
10 take it to mean that sidewalks are required but I also know that we have exemptions for
11 sidewalks in certain parts of town like Barron Park where there are no sidewalks in certain
12 neighborhoods. This is one of the areas that generally do not have sidewalks.

13
14 Commissioner Holman: Sheet A0.07 again. Would Staff care to comment on the transitional
15 aspect of the new housing to the existing housing that is shown in the middle drawing on that
16 page?

17
18 Ms. French: The question was the transition between the single family R-1 and the new homes?

19
20 Commissioner Holman: Yes, according to the drawings.

21
22 Ms. French: Right. There is quite a bit of distance between the two and then there are trees. So
23 those provide buffer as far as the design is concerned. That is going to be again an ARB focus
24 that we will be looking to them to put forth the design of the buildings.

25
26 Commissioner Holman: I am looking at consideration of the scale of those buildings introduced
27 to that degree into a neighborhood that is R-1. So I am wondering if....

28
29 Ms. French: The height particularly?

30
31 Commissioner Holman: Yes, and the massing.

32
33 Mr. Nortz: Well, I did look at those three particular parcels in terms of their square footage and
34 they were all well over 2,000 square feet. The one that borders Monroe Drive on the corner was
35 close to 3,000 square feet.

36
37 Commissioner Holman: Are you talking about the new ones or the existing ones?

38
39 Mr. Nortz: I am talking about the existing ones. In the proposed ones particularly the ones that
40 border the rear of the property along the easement are proposed as all unit A and unit B units and
41 they range in size from I believe about 2,000 square feet to 2,100 square feet. So in terms of
42 massing they are smaller than what the neighboring R-1 properties along Monroe.

43
44 Commissioner Holman: I would disagree with that. In terms of FAR they are smaller, in terms
45 of stacking they have a very different impression. You can stack up FAR a bunch of different
46 ways. I don't mean to be contrarian about it but you understand what I am saying.

1
2 Mr. Nortz: I do and I actually was trying to research the height of those neighboring R-1
3 properties and was unable to get to that before tonight's meeting. However, I do think that is a
4 relevant talking point that should be discussed especially during the ARB review.
5

6 Commissioner Holman: That goes to the point I was making too about what is considered the
7 front or even if they are not the front setbacks that that those be consistent with the neighborhood
8 pattern, similar to what we would do in Individual Review, although there is a street that
9 separates but still.
10

11 Mr. Williams: Again, I guess Staff's take on this was this is not part of the single-family
12 neighborhood this is a transition between the single-family neighborhood and the hotel. It is
13 zoned in a transitional way as RM-15. So you are going to get that kind of gradation and that
14 appears especially as Amy says with the distance between the properties, the structures, to us to
15 be an appropriate transitional scale and height.
16

17 Commissioner Holman: Okay. I think the only other question I had probably is that the hotel
18 entry. This Commission has spoken many times about neighborhoods that turn their backs on
19 the streets and become essentially gated communities. That to me is more or less what this one –
20 there are a lot of good things about this project and I have not stated those yet. There are a
21 number of good things about it too. The concern I have is that this project is totally oriented
22 internally. So was there any consideration of having a circular entryway? I understand how you
23 wouldn't want to have hotel guest drop off on El Camino but was there any consideration of
24 having a circular for instance entryway that goes into the property off El Camino that would
25 provide a presence to the street?
26

27 Mr. Nortz: That is something I believe the applicant should address. It was not brought up in
28 any of our preliminary meetings whether it was the Development Review Committee or the
29 preliminary ARB. That issue was not addressed. I don't know if the applicant addressed that
30 outside of those meetings or not.
31

32 Mr. Williams: I think the applicant probably should speak to the previous iterations of the plan
33 because there were some previous iterations of the plan that did open up the hotel more towards
34 the street and residential. I think you could sort of see it more from the residential. I don't think
35 it was ever up at the street but it was more like sort of an L of residential on one side and the L of
36 the hotel on another corner. I don't know that we have those plans here but there were earlier
37 versions that were different and there were difficulties with all of those.
38

39 Commissioner Holman: I think the applicant put those up early on.
40

41 Mr. Zirkle: Do you want me to address it?
42

43 Commissioner Holman: Yes, please.
44

45 Mr. Zirkle: This is one version of that idea of trying to put some idea about lobby and arrival
46 closer to El Camino. So I certainly understand the spirit of the question. I think for us the

1 overriding factor was kind of the pragmatics of arrival considering the speed that you are
2 traveling along El Camino, the propensity for multiple cars arriving at the hotel at the same time.
3 What seemed sensible and maybe a little safer was to inboard a little bit, not a lot, granted we
4 were showing the previous scheme out here on the corner but moving this in gives a little bit of a
5 buffer to slow down, have enough time to pull in and turn around and drop off. I am not aware
6 there is any other hotel along El Camino that is of this sort of scale and flavor that has a porte-
7 cochere or arrival of any kind off of El Camino that is of sort of a functional pull up, drop off,
8 front door experience. My sense is that the reason is the case for exactly what we are talking
9 about here, just trying to keep El Camino safe, keep hotel drop off safe by pulling it inside.

10
11 Commissioner Holman: My point here, and I am not going to belabor it, but my point here is
12 that again there is no interaction with street of this building. I went up and down El Camino
13 early this morning and I looked at parts of El Camino that are older development not every single
14 block of it but I looked at fair stretches of El Camino that is older development. I have to say
15 that a lot of the older development does a much better job than our “New Urbanist El Camino
16 Design Guidelines” of being interactive with the street. It is quite a disappointment. So if this
17 project at its size turns its back on the street we are going to have a lot of dead space there that I
18 think the public is going to ask how that happened again. The hotel has chosen to make all of the
19 spaces inside and uses inside private to the hotel users. So there is no opportunity at this point
20 for and no kinds of entrances into the hotel for public use. I am challenged greatly by that.

21
22 Chair Garber: Is that it?

23
24 Mr. Zirkle: One thing I just wanted to point out and I appreciate your concern.

25
26 Chair Garber: Let me just interrupt. Zariah, did you get that Mr. Zirkle was the speaker for both
27 of these moments? Continue.

28
29 Mr. Zirkle: While it is true that we have sort of flip-flopped the arrival, and the porte-cochere,
30 and the entry the hotel is a pretty specific programmatic function. It is basically rooms that
31 stack. It is not like a mixed use project where you could align that with retail or something like
32 that. So what we have tried to do is really investigate the nature and quality of this entire façade
33 as you see it on the oblique, as you travel down the street and as you arrive into the project, and
34 functionally we have positioned the meeting rooms which are kind of the most public space that
35 you have in a hotel to position itself and have a relation and visibility to the street. It is sort of
36 the best you can do with moving the porte-cochere for necessary reasons off El Camino to make
37 the hotel as interactive programmatically as you can on El Camino.

38
39 Commissioner Holman: I am not the architect but in my lay opinion and just viewing other
40 developments consider the former Hyatt Rickey’s project for instance, there was a hotel
41 configured very differently. There was a hotel there. They also had a strip of retail that
42 addressed the street. If you go further up El Camino from these you have a series of hotels and
43 motels going all the way up to University Avenue that address the street in one fashion or
44 another either as entries to the hotel or some kind of life on the street and then the entrance to the
45 hotel or motel is set off the street. So I am not convinced that there is not a better way to address
46 the public, address the street, and create a lively interaction with the street with this building.

1
2 Chair Garber: Thank you. Just before we get to Commissioner Keller one question. Although
3 this is not a PC is it appropriate for us to consider a TDM requirement? I guess they have
4 offered one but we can condition that in any way that we like to address a number of the issues
5 regarding bike access, and safety, and parking, etc., yes?
6

7 Mr. Larkin: Yes because there would be a nexus to the hotel and the residential.
8

9 Chair Garber: Okay, thank you. Commissioner Keller and then let's take a few minute break
10 and then we will return with hopefully a motion for us to discuss.
11

12 Commissioner Keller: Thank you. First let me correct the record with respect to although the –
13 if you think of the residential as sort of like an E-shape in terms of Ryan Court and the motor
14 courts. The motor courts are 26 feet wide but according to what I see as the map Ryan Court
15 itself is 24 feet wide as the spine of the E. I see the applicant nodding with respect to that. There
16 was a mention earlier that it was 26 feet but I just want to correct the record on that.
17

18 So let me make a broad observation first and then drill down a little bit. The broad observation is
19 that we do have this situation of four parcels with three different kinds of zoning being merged
20 into one parcel with multiple uses on it. So the question of how you deal with a multi-zoned
21 parcel, particularly a multi-zoned parcel with multiple uses on it is an interesting challenge. I
22 actually applaud the developer and the applicant and architect and Mr. Baer in trying to puzzle
23 out this issue and very cleverly come up with something that pretty much maximizes what can be
24 put on the parcel. I think it has an extremely clever way of doing this. I have never ever on this
25 dais seen a situation where the actual amount of FAR being built exactly equals the amount of
26 FAR being allowed. I have never seen that ever happen before. So I am quite impressed. My
27 hat comes off to you.
28

29 I think the issue is in terms of this notion of blended zoning if you will. I think that some
30 principles do make sense. From my point of view I can see an argument can be made for
31 blended FAR. I can see an argument being made for that because otherwise it is hard to make a
32 unified kind of design in here. So when you are blending the parcels making some sort of idea of
33 blended FAR does make some sense to the extent that you are not overweighting some portion
34 that would have a lower density with some portion that would have a higher density. After all,
35 the nature of the zoning is to provide some degree of buffering. So to the extent that you
36 overweight a lower density zone with FAR from a higher density zone that would tend to be an
37 issue from this blending. So take into account this idea of the buffering nature and that the
38 project itself has some sort of buffering, the zoning applied in terms of the R-1 and RM-15 are
39 intended to have some kind of buffering, I think that sort of gives the spirit of what we are trying
40 to accomplish. So blending the FAR I think makes some sense except with respect to paying
41 attention to the density of the lower zoned areas.
42

43 Blending heights does not make any sense at all. It is sort of like saying that let's suppose you
44 have a zoned area that is R-1 next to a zoned area that is GM, if that ever existed hypothetically.
45 One had a 30 foot height limit and the other one had a 50 foot height limit the idea of being able
46 to put a much higher height just because of the average doesn't make any sense to me.

1
2 The idea that makes sense to me is that you really want 30 feet where the 30 feet belongs and if
3 you want to go up to 50 feet where the 50 feet belongs if that were allowed that would make
4 sense. In this case it is 30 and 35. There may be reasonable findings for the foot and 11 inches
5 in terms of Variance for that. I think it makes sense to try to think about whether a Variance
6 would give you that height. There are a lot of unique features in this parcel that might provide
7 the conditions necessary to provide a Variance but I am really quite concerned about the
8 precedent we are making about this blended height. Blended height is not something that I can
9 support. If this project has a blended height as an explanation for the FAR particularly without it
10 being called out in anything in terms of the Record of Land Use Action I am going to have to
11 vote against it for that reason alone. I do not like the precedent on that even though the project
12 has a lot of merits. I think it has to be done from my perspective in terms of a Variance if that is
13 allowable.

14
15 The next issue is in terms of boundary. I agree with Commissioner Lippert that essentially the
16 project is internal and it makes some sort of internal sense. The setbacks and all those make
17 sense with respect to the perimeter of the project. Now essentially we have two kinds of uses
18 that are separate from each other. We have the hotel use, which essentially faces El Camino
19 even though you can't get into it from El Camino, but essentially it hugs El Camino. Therefore,
20 for the hotel use the kinds of setbacks and such for the hotel use make sense with respect to El
21 Camino and with respect to the Monroe corner. Those setbacks make a lot of sense and I think
22 that those have been analyzed. Obviously the setbacks are met with respect to the adjacent
23 properties opposite this from Monroe because there is a big driveway in between. So that is not
24 an issue.

25
26 But with respect to the residential portion of this for Monroe and the adjacent R-1s and adjacent
27 multifamily residential to the logical south those in some sense have to meet their own kind of
28 thing. So in some sense those are not fronted on El Camino they front on Monroe. Therefore the
29 front setback that should apply for that portion is the setback from Monroe. What makes sense
30 to me about the front setback from Monroe is that is what those relate to. The housing does not
31 relate to El Camino. The housing relates to the rest of the housing on Monroe and it should have
32 a relationship with the rest of the housing on Monroe by having a front setback that is
33 appropriate to Monroe for that portion.

34
35 Similarly in some sense you have a side setback with respect to the residential property for the
36 R-1s and you have the rear setback with respect to the residential portion with respect to the
37 multifamily residential to the logical south. That kind of makes sense to me and I would like to
38 see that from an exterior point of view and that analysis done. I think that that's what this project
39 is doing and it makes sense. I am going to call on you, Mr. Baer, later but let me just finish this
40 issue.

41
42 So I think that in some sense this issue of blended FAR may have some justification. Blended
43 heights is a travesty that we should not allow. In terms of perimeters I think that there is some
44 justification for that but you have to interpret it in a reasonable manner and I don't think we are
45 interpreting it here in a reasonable manner. I think Mr. Baer would like to respond so I will
46 allow you to do that.

1
2 Mr. Baer: Yes, thank you for the opportunity. We did not do a good job in clarifying for Staff.
3 The front yard is Monroe. We did treat the residential project as Monroe being the front yard
4 and no building is placed on the R-1. In the CS zone district for mixed use projects the
5 setback...

6
7 Chair Garber: Are you looking for the new chart in the back that was provided to us tonight?
8

9 Mr. Baer: There is table that has the site development regulations. The front yard in a CS zone
10 is zero to ten feet and whatever is necessary to create an eight to 12 foot distance from face of
11 curb. Then in the answer to the questions we had stated that the bike path is either a rear yard or
12 an interior side yard. They can't be street side. Those are ten feet, which we satisfy. These not
13 only fact to Monroe they have stoops and porches facing Monroe. I am really sorry the time was
14 spent on that with our misdirecting. We didn't identify that.
15

16 Chair Garber: To clarify, as far as the legal description, if you will, Monroe would be a side
17 yard. However, what you are telling us is that you are treating Monroe as a front yard and using
18 front yard setbacks even though it is a side yard legally.
19

20 Mr. Baer: I am going to go one-step different. I think the narrower length is your front yard so
21 Monroe is your front yard under any definition of yard in the Zoning Ordinance. That is why we
22 presumed that that was the front yard. Even if we were to say we have a commercial
23 development that is entirely CS and contained within CS with the hotel portion and the
24 residential, if you took the residential and said where is the logical front yard or where is the
25 definitional narrow front yard that is the front yard.
26

27 Chair Garber: Okay. Then the other piece I just want to clarify because I was trying to confirm
28 it here, there is no building on portion of the site that is zoned R-1.
29

30 Mr. Baer: And in terms of the continuity of the neighbors. If we were not doing the blended
31 height the Monroe home nearest to the R-1 facing Monroe would be 35 feet not 31 feet, 11
32 inches. So even in that transition this benefits the Monroe frontage. That is not to denigrate the
33 importance of blended height being a different issue.
34

35 Chair Garber: Just again to be clear here, your proposed height for the housing that occurs in the
36 RM-15 site is 31 feet, 11 inches, which is less than the RM height that is otherwise required of
37 33 foot, six inches. I was looking at your chart here.
38

39 Ms. French: The 33 foot, six inches was what the applicant had arrived at as the blended height.
40

41 Mr. Baer: Thirty feet would be the height limit strictly for RM-15. The benefit of blending isn't
42 just an urban layout that is livable. We have to look to what is livable for the people who live
43 there after we look that there are no impacts on the R-1 neighbors. Understand that from
44 speakers tonight. Then we have to look at do you want to live in this community or not and we
45 think the blending makes a lot of sense. I am sorry I should only be answering questions but
46 thank you for the opportunity.

1
2 Chair Garber: Commissioner Keller.
3
4 Commissioner Keller: I think that there is from a design point of view there is some merit to
5 having the project be 31 feet, 11 inches. We have seen a lot of projects come by here for which
6 the Variances say there have been justifications along the line of this is a unique parcel with
7 unique zoning. I have been hard pressed to find that being the case. I think this project has a lot
8 more justification for making that claim than a lot of the ones I have seen here. Therefore I think
9 the findings for the Variance for the height on the RM-15 portion may be justifiable and may be
10 met. That might be a better way of doing it rather than a precedent.
11
12 Let me continue on. I believe that there was a proposal to narrow I believe it was Miller at Del
13 Medio, is that correct?
14
15 Mr. Nortz: Del Medio.
16
17 Commissioner Keller: Is that located in the City of Palo Alto or the City of Mountain View?
18
19 Ms. French: That is in Mountain View.
20
21 Commissioner Keller: Am I correct that there was a drawing shown that basically had that
22 narrowing? Was it only on Monroe not on Miller? I may have read the diagram wrong. Can
23 you put that up? Not the zoning map the traffic calming measures. There is a parking restriction
24 and something over there at E and C, which are at Miller and Del Medio. So I did see something
25 correct. So I believe Linnea Wickstrom has a comment. Would you approach the microphone,
26 please?
27
28 Ms. Wickstrom: These are part of the calming recommendations that came out of the Fehr &
29 Peers study. Those purple lines that you see around the corner on the south side and the other
30 side are proposed red curb because of the very low visibility on that corner. Also, there are three
31 redwood trees on that corner and if one came out we would have a lot better visibility. But there
32 are a number of traffic mitigations that we would like to discuss with the City as alternatives for
33 that corner but no narrowing.
34
35 Commissioner Keller: No narrowing but those red curbs or removal of trees would have to be
36 negotiated with the City of Mountain View.
37
38 Ms. Wickstrom: No, that is Palo Alto on that side.
39
40 Commissioner Keller: That side of Del Medio and Miller is in Palo Alto?
41
42 Ms. Wickstrom: Yes.
43
44 Commissioner Keller: The border is so confusing around here.
45

1 Chair Garber: Just the same this is outside of what we need to be or can be talking about here.
2 They may be recommendations but there is nothing unless the attorney tells me otherwise we
3 can't condition anything over there.
4

5 Mr. Larkin: No, there is no nexus to this project for that.
6

7 Commissioner Keller: Are these proposals as part of what is being funded or is that basically the
8 City gets some money and can do whatever it wants with that money?
9

10 Mr. Larkin: The funding is a voluntary contribution by the applicant it has nothing to do with
11 the project proposal.
12

13 Commissioner Keller: Okay, thank you. The next issue is in some sense perhaps the most
14 serious issue from my perspective of whether this map plan works. If you go to the map that this
15 diagram A.0.01 what we essentially have here is not a parcel map but a zoning map and a land
16 use map. The three diagrams in the middle are essentially zoning diagrams indicating how the
17 residential portion is divided up into the three zones for CS, RM-15, and R-1. If you look at the
18 diagram in the lower left it sort of is labeled hotel and also the one above it that says blended
19 residential, essentially the residential portion which is in the upper right hand corner of A0.01
20 has kind of a panhandle that goes along the side of the hotel. So that piece of land is considered
21 land area that is used in order to calculate the FAR of the residential portion. When you go to
22 the next page, A0.02, it looks like that piece of land is in fact used as the parking for the hotel.
23 So I am confused as to how you can use the parking space for the hotel and count it towards the
24 land area that is used to calculate the FAR of the residential portion. So perhaps somebody could
25 enlighten me on how you can count hotel parking as housing land for FAR.
26

27 Mr. Williams: The applicant may wish to add to this because there was some discussion some
28 time ago and I may not recall all of it. What Staff directed that the applicant needed to do was to
29 show the hotel area that comprised the 2.0 FAR calculation. So they drew this line around so
30 that the hotel square footage at 2.0 floor area ratio for it, and in doing that the way it was done it
31 excluded that area of it. Now they could include that and could theoretically increase the size of
32 the hotel. But they didn't want to increase the size of the hotel. So we counted that as
33 residential. I understand that is a little awkward but I think if the Commission is uncomfortable
34 with that I think the result would be that the residential portion would have to be reduced further.
35 I think they have worked very closely with the neighborhood and with us to try to get the
36 residential as Jason said down, while the FAR may be less than half the density that would be
37 allowed on this site. So that is how we go to that point. It is largely an artificial exercise of kind
38 of how do you divide up this property into what is the hotel portion that meets the 2.0 FAR and
39 what is the portion that the residential calculations are based on. That worked for us moving
40 forward with this and I think that is a consideration for the Commission if you are not
41 comfortable with that to look at it a different way but we were comfortable with that.
42

43 Commissioner Keller: I just have some concern about that because essentially it is sort of
44 gerrymandering property if I can coin a phrase.
45

1 Commissioner Lippert: If I could persuade my colleague, if this was two separate parcels the
2 City allows for offsite parking agreements. So as long as the hotel site does comply with the
3 parking you could rent out FAR to another property for parking purposes. So in this case, the
4 residential zone makes it parking and it is renting out the balance of its space to the hotel.
5

6 Commissioner Keller: While that may be the case if it were actually two separate parcels interior
7 setbacks would apply and the hotel might not meet the interior setback necessary for the
8 appropriate parcel.
9

10 Commissioner Lippert: Parking is permitted within the setback.
11

12 Commissioner Keller: My understanding is that the line pretty much hugs the hotel. Does the
13 underground garage protrude outside the boundary of the hotel portion?
14

15 Mr. Williams: I believe so. I believe it is under the street.
16

17 Chair Garber: Would the applicant like to address the question?
18

19 Mr. Baer: Yes, and there was an earlier question where Director Williams said, does the
20 applicant want to respond? Thank you for identifying this has been a cleverly managed mixed
21 use process to create a balancing of FAR. We have worked really hard.
22

23 The reasoning for the entry is that it is a necessary fire and shared access in order to get into the
24 residences. So the allocation was not coincidental that whatever was necessary to get to that
25 FAR for the housing but to the justification and sensibility of it was that a portion of that would
26 be necessary were we doing other than a condominium plan. If we were defining that as legally
27 separate for the residences it is consistent with what Commissioner Lippert is saying is there is
28 both justification because of a portion of that is absolutely necessary to be able to build the
29 residential project for fire ingress and egress.
30

31 There is another theme here that we think you will recognize and kind of what my letter said. It
32 really is okay to distinguish a project that has been incredibly sensitive to density and impacts to
33 the neighbors as you hear from the neighbors today who were complimentary of the way the
34 applicant, not me representing the applicant, but how the applicant has approached the neighbors
35 to create a low density, low impactful project, creating very positive outcomes for the R-1
36 neighbors, and to create what really is the only revenue opportunity for the City on the board.
37 This is a delicate balancing and we understand that by identifying boy, this has been cleverly
38 managed we still think that that allows you to make the findings that this was cleverly managed
39 for a very good outcome on behalf of the City and on behalf of the neighbors. We can't
40 camouflage that. We have managed to that end, but we think it is a worthy one and hope you
41 and the Council Members will also.
42

43 Chair Garber: Commissioner Keller, how are we doing?
44

1 Commissioner Keller: Thank you. I think that the issue that I had asked on question 11 with
2 respect to providing bollards or something that prevents access through there except for
3 emergency vehicles has already been answered I believe.
4

5 So let me say that I think that on the whole this is a very clever project that tries to satisfy a
6 multi-constrained problem that is quite difficult to do. I do think it is a clever solution to the
7 problem. I think that part of the reason that we kept the RM-15 zoning in there is to provide
8 some sort of buffering in terms of the rear. I think that to a larger extent that is done. I
9 understand your issue with respect to the FAR. I am amazed at how you were able to do that. I
10 think that Commissioner Lippert certainly seems to be very sympathetic to your point of view. I
11 am wondering with respect to the issue of the problem of blended height if we were to suggest
12 that this be done as a Variance with findings for a Variance so that it would be made explicit and
13 not be handled in the future at the Staff level in which nobody would see it, but that it be explicit
14 and that everybody would be aware of it. On some other projects that didn't require Site and
15 Design or whatever we might not even know about it and then this blending could become a
16 precedent and I think that is a bad idea. I think it really should be a Variance. What is the best
17 way of handling the need for having a Variance on there?
18

19 Mr. Larkin: I don't think you have to approve the blended height as part of the Site and Design
20 in which case it would be up to the applicant to come up with another way to do it either through
21 one of the exception process. I don't think you can condition that a Variance has to go to a
22 hearing at the Planning Commission because our rules allow for Staff to approve a Variance and
23 then if it is appealed it will go to the Planning Commission.
24

25 Commissioner Keller: I am not suggesting that a Variance has to go to the Planning
26 Commission. I realize that not all Variances do but when you have a Variance you have notice
27 to the public of such a condition occurring. When you have blended FAR you have no notice to
28 the public of any unusual process occurring. So I am wondering if we were to move this forward
29 and I also don't like the idea of Design Exceptions being granted at the ARB for this kind of
30 thing. I think this is actually a Variance. So the question is how do we say that we want to
31 condition approval on this project with either the removal of the condition where the RM-15
32 portion is above 30 feet or the application by the applicant of a Variance for exceeding that, how
33 would we do that?
34

35 Mr. Williams: Well, I think you could probably have a condition that essentially says that either
36 they meet the height limit at 30 feet, as Donald was saying you could basically just say that.
37 Then if they wanted more than that they would have to within that RM-15 area come in with a
38 Variance. That would be their – you don't have to say how they do that.
39

40 The way they could do that could either be as part of Site and Design or as a subsequent action.
41 So if you approved it with a condition then they could come in separately with that Variance
42 with the potential to have it appealed. You would see the Variance if it is appealed and wouldn't
43 see it if it wasn't. That is certainly the Commission's prerogative to have that kind of condition
44 or just basically say the height in the RM-15 area has to be 30 feet high and can't exceed 30 feet
45 and let the process take care of itself otherwise.
46

1 I think you were also making a point about future projects that don't undergo necessarily
2 Commission review and that. Was that what you were looking towards how you sort of address
3 that?
4

5 Commissioner Keller: Exactly.
6

7 Mr. Williams: I think that is more probably at this point a direction. Certainly if you take that
8 action we were just talking about and don't allow this to proceed then that is direction right there.
9 If you did and you had that concern and just provided us a direction we would certainly take that
10 direction and if it was a project that wasn't coming through that full process then we would not
11 use the blended height.
12

13 Commissioner Keller: Well, in particular the issue of using a Variance process allows
14 appropriate notice because more people are aware of that happening through a Variance process
15 than happening through this blended height, which is highly unusual. The findings may be met
16 because of the blending to be able to accomplish what you want but it gives the public notice.
17 The nature of the zones is to provide the appropriate stair stepping of massing. I think that it
18 allows you to accomplish the goals and yet provide appropriate notice to the public.
19

20 Chair Garber: I think your point is made. Did the applicant have a thought on this topic? Then
21 Commissioner Tuma had a follow up.
22

23 Mr. Baer: Knowing that you were hoping for a break nearer to nine and maybe this something
24 that the Director of Planning and City Attorney this would be a question.
25

26 Chair Garber: I think we are going to plow ahead here and see if we can get this done.
27

28 Mr. Baer: Would it satisfy the Commission's concern about findings and notice to the public if
29 the Council hearing were noticed that at that agenda would be both the Site and Design review
30 and a Variance and that we went through the 600-foot notification? Does that work or not work?
31

32 Mr. Larkin: I think the preference would be to follow the Variance process, which is a
33 Director's level hearing to begin with and then if there is an appeal that appeal would go
34 forward.
35

36 Ms. French: It is a hearing by request only. So it is a Staff level. It could be advertised in
37 conjunction with an Architectural Review Board notice.
38

39 Chair Garber: Hold your thought for a moment. Commissioner Tuma.
40

41 Vice-Chair Tuma: Let me try something here. From what I am hearing and my sense from
42 Commissioners there is not a lot of heartburn about the height in this particular project. It is
43 more a concern about precedent value and that the height difference that is being asked for here
44 probably makes sense particularly given the buffer and the bike path and all the rest of that.
45

1 Mr. City Attorney, could we move this project forward and then also request that Staff look at
2 whether we should amend our ordinances to deal with blending of both FAR and height and
3 come back to us with one of the possible outcomes being that we have a policy that doesn't allow
4 blending of height. That could be one possible outcome of that discussion but that we come back
5 on an ordinance. So this possibly would allow us to move this project forward, wouldn't
6 introduce the delay of a Variance process, but at the same time address the issue of the potential
7 precedence value by examining this in a full-blown hearing and discussion as to whether we
8 should have this type of mechanism available or not. Again, one of the outcomes may be it is
9 not appropriate going forward and if someone has this kind of situation they need to come in and
10 ask for a Variance.

11
12 Mr. Larkin: I think yes. The short answer is yes. You have the discretion at this point to move
13 the project forward. I think that you also have the discretion to pass an ordinance that would
14 preclude blended height in the future.

15
16 Chair Garber: Planning Director.

17
18 Mr. Williams: I would just like to add to that if the Commission does that I would take that as
19 direction, and this is primarily because of a workload issue and not knowing how soon that
20 would get back to you, is that we would take that as direction not to use that on other projects
21 until and unless we get back to the Commission and have that discussion.

22
23 Vice-Chair Tuma: I suspect that would be the intent of Commission.

24
25 Chair Garber: Commissioners, I know you all want to take a break. I think we are very close
26 here and with your permission I would like to plow ahead on this issue. Commissioner Lippert
27 quickly.

28
29 Commissioner Lippert: I was going to take a stab at a different approach, which is we already
30 have the tools. The Variance process I don't support and part of the reason is that it requires
31 findings for unreasonable hardship and I don't see unreasonable hardship here. What I do find
32 however is that it does fall into the purview of the Architectural Review Board and the DEE
33 process, Design Enhancement Exception. That is something that we already have. It is well
34 within the realm or scope of the ARB to review to it, and then we are not setting any precedents
35 it just falls within the course. In some ways DEEs and Variances are somewhat synonymous in
36 terms of what it is and the process that it takes and it would not hold up the applicant.

37
38 Chair Garber: Commissioner Tuma, a motion?

39
40 Vice-Chair Tuma: First, I do have a couple of quick additional questions and then I am prepared
41 to make a motion. The first question has to do with the extended stay ordinance. What was the
42 amount of extended stay that someone could have and still meet the ordinance?

43
44 Mr. Williams: None.

45
46 Vice-Chair Tuma: None?

1
2 Mr. Williams: Unless a development agreement was prepared, reviewed by the Commission,
3 approved by the Council, which accommodated some compensation for the lost revenue. At this
4 point the applicant has not prepared that but certainly in the future if that were their intent they
5 could come forward with a proposed development agreement to address that.
6

7 Vice-Chair Tuma: Okay, because the applicant does anticipate something in the neighborhood
8 of eight percent of the stays here being longer than 30 days. So there is no current development
9 agreement that has been proposed?
10

11 Mr. Williams: No, and we have advised the applicant they would need to come forward with
12 that.
13

14 Vice-Chair Tuma: Okay. Another question for Staff. If the developer wanted to how many
15 houses could they put on this property? What is the maximum number?
16

17 Mr. Nortz: Fifty-six.
18

19 Vice-Chair Tuma: Fifty-six, okay. A question for the developer. My understanding is that you
20 were going to be asking for one condo unit for the hotel. Is that the intent? So there is no intent
21 here to have any condos within the hotel, is that correct?
22

23 Mr. Baer: No condominiums within the hotel.
24

25 Vice-Chair Tuma: Okay, very good. So with that.
26

27 Chair Garber: Let me interrupt and just give the applicant a moment to respond to anything
28 before we close the public hearing. Is there any desire for the applicant to take three minutes? I
29 am seeing a no over there. We will close the public hearing. Commissioner Tuma.
30

31 **MOTION**

32
33 Vice-Chair Tuma: I would like to make a motion that the Planning and Transportation
34 Commission recommend that City Council adopt a Mitigated Negative Declaration and approve
35 the application for Site and Design Review based on the findings and draft conditions of
36 approval in the Record of Land Use attached as Attachment A to this evening's Staff Report, and
37 additionally that the approval be conditioned on the following two items. One is that the four
38 lots be merged. The second is that appropriate TDM measures be required.
39

40 **SECOND**

41
42 Commissioner Lippert: Second.
43

44 Chair Garber: The motion was made by Commissioner Tuma and seconded by Commissioner
45 Lippert. Would the maker like to address their motion?
46

1 Vice-Chair Tuma: I would. In my mind this is one of those projects that is in part a byproduct
2 of a lot of work that many people at the City have done over time. Two things in particular, one
3 is we amended the zoning code awhile back to allow for bonus 2.0 FAR for hotels and this
4 project goes a long way towards meeting the vision, the intent, and what we proposed and passed
5 in terms of density for hotels for the city. Additionally, we rezoned this property with the hope
6 that we would get a project very similar to what we have gotten. So we find ourselves in a
7 position where we encouraged certain things through policies, planning, and lo and behold we
8 got just what we asked for. So to me that is kind of a very good starting point. It doesn't mean
9 that we don't have to address other issues, and I think the discussion this evening has done a
10 great job in terms of uncovering those issues, but I think it is time to move this project forward.

11
12 A couple of things of note in terms of what the developer has done in this particular situation.
13 They have worked extensively with the community, with the neighborhood, and made strides
14 towards addressing issues, significant issues. We had at one point a proposal for 80 housing
15 units. We now have 26 and that seems to have gone a long way towards addressing some issues
16 here. The bike path and the connectivity along the backside is something that doesn't come
17 easily. There has been obviously a lot of discussion, a lot of negotiation, and it sounds like there
18 is still some more discussion and negotiation to make that come to pass. What we are looking at
19 is an amenity, if you will, for the city and for this project that comes with a lot of give and take.
20 I am pleased that those negotiations are not finalized because I think some of the concerns that
21 were expressed by members of the public can be addressed through those very negotiations. If
22 the developer wants to make this happen they are going to have to find a way to make the
23 landowners happy and make the landowners have access to the trees and be able to do the things
24 that they need to do. So I think that those remaining issues with respect to access can be arrived
25 at and resolved through negotiations.

26
27 In terms of the El Camino Guidelines and how this project addresses El Camino itself as Staff
28 pointed out the Guidelines are guidelines. This isn't perfect in terms of meeting those guidelines
29 but I think perhaps there are things that can be done at the ARB level in terms of addressing El
30 Camino itself, but the entrance being where the entrance is in this particular proposal makes a lot
31 of sense to me. So I think we can deal with that. ARB can deal with making it better but I just
32 don't think it is appropriate for the entrance to be right on El Camino in this particular situation
33 and these are guidelines.

34
35 Finally, I do think that we can deal with this issue, the precedent value of this issue, or the
36 concern of setting precedent with respect to height and blending through amending the Zoning
37 Ordinance in such a way that either this is a tool that exists or this isn't a tool that exists. If it is a
38 tool that exists then we can take the time to carefully define what that should look like and
39 certainly not try to decide on that issue tonight. At the same time, I think it is extremely
40 important that we move this project forward. It is a project that truly meets many of the goals,
41 visions, policies that the City and the people on this body have set out in order to make happen,
42 and I really want to see this happen tonight.

43
44 Chair Garber: Thank you. Secunder, would you like to address your participation?
45

1 Commissioner Lippert: I made enough comments this evening. I think in the spirit of trying to
2 get out of here I will just echo what my colleague said and go with that and let's vote.
3

4 Chair Garber: Commissioners? Commissioner Holman and then Keller.
5

6 Commissioner Holman: there are many things to laud about this project. The effort that the
7 applicant has put in to working with the neighbors, the path, the easement for the path just itself,
8 how much effort has gone into the calculations as Mr. Baer said, there are many calculations that
9 have gone into this and ways to try to make this work. I do appreciate that. There are like I say
10 several aspects of this I do respect and appreciate.
11

12 There are concerns that I have that don't really allow me to kind of blink and look the other way.
13 I am very concerned about looking at blended rates when there is no process for doing that. I am
14 concerned about – and some of this we are not looking at that much difference. So if we are not
15 looking at that much difference instead of just looking the other way to reduce the height of
16 buildings by one foot, 11 inches. I don't know what the impact specifically is to the units at the
17 back but I am just not comfortable going well, we will come back later and change the code so
18 that what we have done already would have been legal. Nor am I really satisfied that well, we
19 will use a DEE or a Variance because it is not good process, it is just frankly not. I am not happy
20 to be in this position. This doesn't mean I am going to have to say no on the vote but we will see
21 where we can get to going taking this forward.
22

23 The Monroe street frontages there are height requirements. There are heights that are established
24 by the proposal. I have said this many times, there is a very different impact of a flat topped let's
25 say building and a gabled roof. You can have a gabled roof at 40 feet and it would appear much
26 lower than a 30-foot or 35 foot height modern square building. That is not a preference for either
27 type it is just talking about compatibility and impact. So if we look at the first Site and Design
28 finding it says to ensure construction and operation of the uses in a manner that will be orderly,
29 harmonious, and compatible with existing and potential uses on adjoining or nearby sites. So if
30 we really want to transition from the hotel as it is on Monroe into multifamily housing into the
31 neighborhood, and we really are going into the neighborhood with this. Then we either need to
32 reduce the height of those houses or the design of those particular ones need to be altered to
33 some extent such that they are a better transition to the single-family neighborhood.
34

35 The El Camino Design Guidelines, they are design guidelines but there is also a vision for a
36 grand boulevard. This is a large project and I am happy believe me to have a hotel coming to
37 town and on El Camino. It is however a large project and there are existing businesses to the, I
38 call it, south towards San Antonio. There is a parcel across the street that could be redeveloped
39 as retail or retail and services. If we present this long block face that doesn't interact with the
40 street we have essentially lost an opportunity. How are we going to get people walking on El
41 Camino if we are turning our back to El Camino? So I would much encourage the applicant to
42 look at some way to create what could be, I am not going to try to design it, what could be a
43 grand entrance that features this tree. You can still get – that doesn't have to be the main
44 entrance but there needs to be some reconfiguring of that design such that it addresses the street.
45 There is a reason we have those guidelines and the grand vision for El Camino.
46

1 The sidewalk on the Monroe side needs to be inboard of the trees. That is a much better, much
2 safer, much more pleasant experience to walk. It will get people actually to walk there as
3 opposed to putting them right up against the cars. I am also not comfortable with a project that
4 uses public right-of-way to provide a private improvement that is required. While the Director
5 can eliminate the need for those sidewalks it is required as City Attorney clarified. So we can't
6 sit here and say it is okay to use public right-of-way for private improvement. People may be
7 okay with that design but it is not something we should be doing. Our job is to enforce the rules
8 of the City. It is one of our jobs, and to review projects. So I am not comfortable with that
9 either.

10
11 The blended rate for FAR calculations. I am a little more sympathetic to that now that I have
12 finally, only at tonight's meeting been able to discern that that's not a separate parcel at the back
13 of the Palo Alto Bowl site. That it is separate zoning but not a separate parcel. That doesn't
14 cause me as much trouble as it did and they are not developing on the R-1 parcel so I am not
15 troubled by that.

16
17 So I guess I would pose to the maker of the motion are any of my comments, conditions or
18 amendments that you would entertain as part of your motion?

19
20 Vice-Chair Tuma: I did write them down as you were going because I figured we would have
21 this conversation. The first one has to do with height and the blended height and whether or not
22 there is an issue there. I assume that the applicant wouldn't be coming to us with something they
23 know arguably exceeds what is allowed here unless this was something that was necessary to
24 make the project work. That being said, I guess I would ask you if we dealt with the height issue
25 on just the one unit on Monroe that abuts the R-1, the last unit basically, because it is the
26 transition that you were concerned about to the house that is there?

27
28 Commissioner Holman: Transition and compatibility.

29
30 Vice-Chair Tuma: Right.

31
32 Commissioner Holman: If I might interrupt for just a second. I just realized that I left one out
33 and that is the issue that Commissioner Keller brought up, which is counting the hotel property,
34 the parking for the hotel, as part of the residential FAR calculation. It seems to me and we can
35 talk about this, it seems to me that the more likely scenario there would be that that would be
36 counted as a part of the hotel parcel and that there would be an easement granted across it for fire
37 access to the residential. That seems to me that would be the more standard approach as opposed
38 to counting it as part of the residential.

39
40 Again, I am just concerned about us not following rules that are in place and where that puts us,
41 and what precedent it sets. Enough said.

42
43 Vice-Chair Tuma: Okay. I guess on this issue I don't see it as us not following the rules that are
44 in place. I see this as arriving at a creative solution to a difficult problem and I am not that
45 concerned about the precedent value.

1 Let me try to address a couple of the other ones. In terms of the sidewalks. I live in Barron Park
2 as you know and it is an area where most of the streets don't have sidewalks, some do some
3 don't. This is an area that I understand primarily doesn't have sidewalks, right? So I am not as
4 concerned about the fact they would be using part of that right-of-way for sidewalks. It is an
5 area that otherwise people just walk in the street anyway. So I think by having the sidewalk
6 there we are actually providing a better solution for pedestrians in an area where there is cut-
7 through traffic. Even one of the members of the public says she does it herself. So I think by
8 having the sidewalk there we are actually winding up with a better solution, and the fact that it
9 takes some of the right-of-way but at the same time provides a traffic calming because we are
10 going to narrow the street there anyway, to me sounds like a good idea.

11
12 Chair Garber: May I?

13
14 Vice-Chair Tuma: Yes.

15
16 Chair Garber: A way to think about that is you had said why should we be taking away public
17 right-of-way for private benefit. I think the proposition that is being offered us is that it is not for
18 private benefit but it is for public benefit. The two public benefits are one that you end up with a
19 calmer street, and two, that you end up with a safe route to school, which you don't have now.

20
21 Commissioner Holman: I don't think, at least I did not intent to use public property for private
22 benefit. It was public property for private development requirement.

23
24 Vice-Chair Tuma: Okay. Let me ask Planning Director, given the fact that there are a lot of
25 streets in this neighborhood that don't have sidewalks would we be able to require that they have
26 a sidewalk here?

27
28 Mr. Williams: Yes, it is probably Engineering's decision. When they see the Tentative Map my
29 guess is they probably would not require that. But again the sidewalk is part of the public right-
30 of-way. I am not sure I heard her last comment about private, the last word of your phrase.

31
32 Commissioner Holman: The point is that, and perhaps I am reading the plan wrong, but if the
33 sidewalk were not moved out, in other words if the street were not narrowed to accommodate the
34 sidewalk the sidewalk would then have to be on land that I don't think exists such that it would
35 not cause an impediment to the development as it is proposed. So that is the issue.

36
37 Mr. Williams: I would question whether Public Works would require that if the sidewalk had to
38 be on private property. If there were room to put it in the right-of-way then they may require it
39 but I don't think they would require it on private.

40
41 Commissioner Holman: If I might just follow up with that. I don't know where the property line
42 is so I don't know if inboard of those trees is still the public or private land.

43
44 Mr. Williams: Okay.

45

1 Ms. French: It looks private to me. We would have to have an easement across that. It is more
2 complex to have the public sidewalk on private property.

3
4 Vice-Chair Tuma: To me the reason we would potentially be narrowing the road here is for
5 traffic calming. The fact that then gives us more real estate to work with I think is a nice
6 byproduct of that process. So again I just don't have a lot of heartburn over that and I don't see
7 it as giving the developer something. I see it as actually giving the neighborhood an amenity in
8 calming the traffic and putting a sidewalk in there where there is cut-through traffic. Both of
9 those seem to make sense to me.

10
11 Again, I think the ARB can help the developer address the El Camino Guidelines through things
12 that are beyond me but it is what the ARB does, and helps make the building better address El
13 Camino. So that is where I am on those three issues.

14
15 Mr. Williams: Mr. Chair? I would add that when this goes to ARB I would like to have Jason
16 highlight for them these particular issues that came up at the Commission to be sure that they do
17 focus on the frontage of the hotel and the pedestrian issues on El Camino, the sidewalk and that
18 kind of frontage, the frontage of these homes over here on Monroe to look like the front of
19 homes, and anything else that has come up tonight that is particularly of a design concern.

20
21 Vice-Chair Tuma: Okay, that makes sense.

22
23 Chair Garber: Commissioner Holman, anything else?

24
25 Commissioner Holman: No.

26
27 Chair Garber: Commissioner Keller, Rosati, Lippert, and then myself.

28
29 Commissioner Keller: I want to reiterate my comment earlier that this is a very clever solution
30 to maximizing FAR being built on an over-constrained problem. I think it does in broad terms
31 satisfy the essentially challenge that we, the Planning Commission and City Council, gave to the
32 owners of these parcels when we rezoned it to CS knowing full well that CS had a 2.0 FAR for
33 hotels. So I think that that was certainly part of that intent and the developer certainly took
34 advantage of that and tried to create something that met more or less the spirit of that. I think
35 that our intent was met in terms of not having this be a primarily residential property, which is
36 what it could have been if we had not rezoned the RM-30 to CS. So I think that intent was met
37 as well, and basically be able to create a much more unified property.

38
39 I am also quite amazed at the forethought of creation of PC-36 to provide an easement from
40 Cesano Court to a nonexistent – who could ever think that a bike and pedestrian path would be
41 ever be created through there. It is phenomenal that there is an easement already there so this
42 could connect to it. I don't know how old PC-3036 is but certainly it long predates my being on
43 the Commission. It must have been quite a leap of faith at that time to expect that the
44 connectivity would happen and I applaud the developer and the adjacent property owners in
45 terms of realizing that vision and realizing that there is an easement on Cesano Court to make
46 this connection happen. Excuse me? That was Curtis, great. So I think that was quite a good

1 thing to make this happen. This idea of and realization of this connectivity through the bike and
2 pedestrian lane is the kind of the creative planning and process that we should be doing. I think
3 that is fantastic.

4
5 That being said, without making it a condition of the motion, I would like encourage the design
6 process here so that there be not only connectivity between the bike lane and the walking paths
7 between the houses but in fact those walking paths are too narrow to be used for bicycles. They
8 are certainly fine for walking but for bicycles it looks like the thing is fairly narrow and therefore
9 access to the pedestrian and bike path from the motor courts makes a lot of sense, particularly
10 since I would suspect that somebody living in these properties would likely have their bicycles in
11 the garage and not have them go out the front door. Therefore one would take the bicycle out of
12 the garage, go on the motor court, and want to go into the pedestrian and bike path to Cesano
13 Court, and not do that by wandering around through the back, traipsing your bicycle through the
14 house in order to get to the pedestrian path. That doesn't seem to work very well. So I would
15 still encourage that.

16
17 I am troubled by the issue of blended height. I am somewhat mollified by the clever approach of
18 Vice-Chair Tuma in terms of essentially putting the breaks on here and making notice that this a
19 Gore v. Bush where the Supreme Court said it is not a precedent for the future, which is quite
20 unusual. So that being said, I think that we will have to visit this whether we do so through a
21 process or whether when this happens it comes back to us for advice. I am not sure how it can be
22 done without agendizing it or whatever but how we deal with that. I know that our plate is rather
23 full. I am not sure which decade this will come back to us in terms of dealing with blended
24 heights so I am quite concerned with when that comes back to us. Certainly it does present a
25 conundrum.

26
27 We explicitly had the idea when we had RM-15 retained here of having a buffer between the
28 front CS and the rear R-1. To a large extent that was met by having the residential be in the rear.
29 It does provide a buffer. I think that I agree with Commissioner Holman that in some sense we
30 create zoning and we are trying to create zoning and trying to minimize the number of exceptions
31 that are created for that zoning. Unfortunately it is difficult to foresee all contingencies although
32 it would be ideal if we could think about that. We don't come across many blended zoning
33 issues so I am not clear the extent to which we would foresee, but that is an issue for the future.

34
35 With respect to the sidewalk looking at A.0.05 without moving the any of the buildings it does
36 appear that there is sufficient setback within the property of the property owner, there is setback
37 in order to put the pedestrian path inboard of the trees without having to affect the footprint. I
38 don't know if this makes sense or not but it could possibly be done. There is nothing wrong with
39 having a pedestrian sidewalk be inside the property of the parcel. So that is something that I
40 would like to see the ARB consider particularly since it appears based on the tree arrangement to
41 be quite feasible. I do understand the cleverness of solving both problems of narrowing the
42 street of Monroe Drive and putting a bicycle there. The concern I have with that is that
43 essentially having this somewhat curvy pedestrian path, in fact especially at the first curve below
44 what is labeled 6A0.06 does provide some degree of a pedestrian hazard with the pedestrian lane
45 coming out a little further. So I am concerned about the safety of that particular bulb out and
46 whether that might present a car that wants to go straight and not curve around the sidewalk. So

1 perhaps straightening that out a little bit might be a good idea in any event no matter what is
2 done to not have that abrupt transition on that sidewalk.

3
4 I am going to close with a comment on the El Camino Design Guidelines. It seems to me that
5 the El Camino Design Guidelines remind me of one of my favorite sayings. I think it is by a guy
6 named Van de Snepscheut who said that, "In theory there is no difference between theory and
7 practice but in practice there is." What is interesting to me about that is the El Camino Design
8 Guidelines are a wonderful theory but they seem to have some trouble implementing in practice.
9 We have had all kinds of applications of the El Camino Design Guidelines to such wonderful
10 places as Alma Street, which seems to be far away from El Camino but yet nonetheless it makes
11 sense to have El Camino Design Guidelines happening there.

12
13 I think that the idea of El Camino Design Guidelines seems kind of misplaced because in some
14 sense what it is saying is push everything up to the street. Now what is interesting when you
15 push things up to the street and there are these build to lines and such is that essentially you are
16 kind of pressing pedestrian space. You are sort of creating this tower against the street and the
17 pedestrians to quote a comment made some time ago by Commissioner Holman, is that they are
18 essentially pushed off the sidewalk into the adjacent street. You are essentially making this
19 canyon effect on El Camino. To me a grand boulevard is not these four story buildings on build
20 to against the street with a few trees stuck in there, building as close to the street as making that
21 pedestrian friendly. That doesn't seem to make sense. My idea of a grand boulevard is Champs-
22 Élysées in Paris where you have a grand space. You have a great big setback with trees and stuff
23 like that. Another example is Ocean Parkway in Brooklyn where I grew up. Essentially on
24 Ocean Parkway you have three lanes in each direction with some sort of minimal median and
25 then you have a wide expanse of a greenery area separating service roads, and then behind that
26 you have tall apartment buildings with setbacks in front of those where you have green space
27 broad expanse. To me that is a grand boulevard. The idea of the El Camino Design Guidelines
28 seems like a developer's dream. No setbacks just build as close as you can to the street and that
29 is good enough. So I think that in some sense the El Camino Design Guidelines are somewhat
30 misplaced as a concept. I can understand the degree to which they are being applied but it seems
31 to be problematic in general. I would certainly like to revisit that.

32
33 So I think that I am going to reluctantly vote for this proposal. The reason it is reluctantly is
34 because in some sense it is such a carefully jiggered thing that in some sense it is too careful, and
35 I think it sort of cuts as many corners that makes me somewhat uncomfortable. Thank you.

36
37 Chair Garber: Commissioner Rosati followed by Lippert.

38
39 Commissioner Rosati: Thank you. I believe that the project would be an excellent land use
40 outcome for Palo Alto. So I will support the motion. I think it is going to be an excellent
41 outcome for the neighborhood.

42
43 A couple of comments. First it struck me to see a remarkable can do attitude from all the parties
44 involved. I am pretty impressed with what is considered by some a willingness to compromise I
45 actually see it as a willingness to be pragmatic and to make a big project, a remarkable project,
46 come to life. I really appreciate how the neighbors, the applicant, the Planning Staff have

1 worked together and I find that very commendable. I wish that other projects had been and will
2 be approached the same way because we do need outcomes and we need to be able to make
3 things happen in the city.

4
5 I think that some of the complexities are really nothing more than engineering a workable
6 solution that seems to be a win-win solution in this case, where every party is pretty happy with
7 the outcome at least at the beginning. While I agree with the Staff's findings and the
8 recommendations I also agree very strongly with Commissioner Holman's wish to see the front
9 of the hotel be more integrated and more aligned with the south El Camino Real Guidelines,
10 which I do think are very meaningful. In particular I am concerned about the fact that we have
11 an opportunity as a large project like this, a big section of El Camino is being renovated if you
12 like, to bring a little piece of that vision closer to life. So I wish that the applicant in working
13 with the Planning Department and the ARB going forward applies the same level of intelligence
14 and creativity solve this little piece of challenge left. I think just by looking at the blueprint that
15 there is more that could be done. In particular I would like you to imagine children walking on
16 that sidewalk and feeling safe, and members of the neighborhood pushing strollers on that
17 sidewalk and feeling safe. How would you do that? How would you create that feeling of safety
18 in that specific block where you are now going to be building a new hotel? If you succeed with
19 that then you will have also contributed to making the frontage of El Camino a better place.

20
21 Chair Garber: Thank you. Commissioner Lippert and then myself.

22
23 Commissioner Lippert: I really didn't have anything to add. I was going to really comment on
24 Commissioner Holman's alluded to amendments and since they are not amendments there is no
25 real reason for me to comment.

26
27 Chair Garber: When the City does see the bike path I would recommend that you write yourself
28 a note to include a discussion about the safety of the path, especially the foliage such that it does
29 not create opportunities for lurkers, and that it is safely lit.

30
31 Regarding Commissioner Holman's concern about how we would get back to some of the issues
32 specifically regarding the blended FAR as well as blended height. I think we do actually have a
33 good example of where the Commission did take a leap of faith in creating an action and coming
34 back and sort of creating an ordinance around what at that time was an exception and could only
35 be allowed because we were looking at the PC and that was the 449-451 Addison project. We
36 recognized that we were going to make an exception that was clearly precedent setting and then
37 we came back later to turn that into an ordinance, which memorialized that if you will. So I
38 think it is not aberrant for us to do this and I would hope that this would give you some comfort
39 that we can actually tie this up in the future, hopefully in less than a decade.

40
41 Commissioner Keller and I on different projects have had differing opinions on the use of the El
42 Camino Guidelines but I think I will echo some of the other Commissioners, Rosati and Lippert
43 particularly, that this is an opportunity for the ARB to show us how good they can be in making
44 that elevation work for us both potentially in terms of its scale and how it is broken up, and
45 potentially making recommendations for use of the rooms, entrance, exits. There are some uses
46 there that could potentially allow that even if they are not used on a day-to-day basis, but

1 presumably there are some architectural ways to make that street embody the goals of what the
2 guidelines do.

3
4 This is a great use of this property that is being proposed. I with my other Commissioners would
5 like to applaud the applicant as well as Staff for putting in the hours to make this happen. As has
6 been noted it is a highly collaborative effort, which is great to see in our community. It is rarely
7 celebrated or exercised and when it does happen, thank you. It makes our job up here that much
8 easier. I would like to particularly thank the landowner for committing their resources, meaning
9 their consultants, to go forward and deal directly, honestly, and iteratively with the community. I
10 would like to thank the architect in particular for showing us the design evolution, in particular
11 the schemes that you investigated to show us the range of solutions that we went through. I think
12 that help a lot in terms of allowing the Commission to understand how it is you got to the
13 solution that you are presenting. In addition, the team sort referred to it as a code of ethics that is
14 good work. I think it goes a long way to helping the community understand how it is you are
15 going to show your success. In no small way to the two neighbors who have the property that
16 have been working closely and cooperatively with both the applicant to repurpose their
17 properties and their easements. That is above and beyond. The work that you are doing on
18 behalf of the City in that -- what more can we say than thank you for doing that.

19
20 With that Commissioner Holman and then we will vote.

21
22 Commissioner Holman: Yes, sorry to speak again but there are a couple of things I think need to
23 be addressed. I really, really, really wish I could support this however I feel duty bound to say
24 that we have to make the findings. I personally cannot make the first or second finding. Even
25 though I have made comments that could address those issues, if I vote for this it is saying that I
26 can make the findings and maybe these other things will happen. But not knowing whether they
27 will happen or not I can't have my vote saying I can make the findings because I don't know
28 what the outcome is going to be of those issues.

29
30 Just quickly about the heights. I am hoping that the height issue can be resolved because these
31 are desired heights and not necessary heights. The biggest issue here, which by the way
32 regarding 449 Addison that was a PC with findings. I think quite frankly there is justification
33 that this should have been a PC and we wouldn't be struggling with it so much. I don't think we
34 would. Zoning isn't up for compromise. Zoning is put in place to set a reasonable set of
35 expectations. Unless we can make findings for exceptions then we don't just say it is a good
36 project, a lot of effort has gone into it, so we ought to approve this. That is not how from my
37 background, my reading that is not how we need to be doing business. So I am truly not
38 comfortable with that and I think many aspects of the projects are wonderful, I wish I could, but I
39 cannot as I view my duty I cannot support it. So I will be voting no.

40
41 Chair Garber: I hear you. Let me try and encourage you to change your mind. The reasons are
42 because I believe that the findings can be met in both cases. I believe that in the one case, which
43 is I think the only argument in my head that comes close.

44
45 Commissioner Holman: Which case are you referring to?
46

1 Chair Garber: That comes close to being outside of the envelop if you will is the blended height
2 question. I feel that that is such a small detail relative to the overall project that it should not get
3 in the way of a project of this caliber which in every other way is at or below the intensity and
4 meets the uses that we have as a Commission as well as the City has asked to occur on the site.
5

6 Commissioner Holman: That is not one of the Site and Design findings, though. I was saying I
7 could not make the Site and Design findings one and two. I am uncomfortable with these other
8 issues but it is the Site and Design findings that I need to make and I cannot make one and two.
9

10 Chair Garber: The first one is the use will be constructed and operated in a manner that will be
11 orderly, harmonious, and compatible with existing or potential uses of adjoining or nearby sites.
12 So how would this project not meet those findings?
13

14 Commissioner Holman: Well, I think as previously stated I don't think it is compatible in its
15 transition into the neighborhood and I don't think it is a good transition compatible with the
16 existing use to the again I call it north, Palo Alto is not laid on a north-south grid, toward Page
17 Mill and to the small uses that are on the same block to the San Antonio side. I think having a,
18 as far as entrances are concerned as far as interaction with the street is concerned, it does
19 detriment to those projects.
20

21 Chair Garber: However, we try and zone for how we want to use things and those adjacent sites
22 would allow for the same intensities and quite nearly except for the 1.6 feet....
23

24 Commissioner Holman: Excuse me it has not to do with the intensity. It has to do with the fact
25 that it does not interface with the street. And that lack of interaction with El Camino is a
26 detriment to other uses adjacent to it, current and potential.
27

28 Chair Garber: Again, I hear you and I am not trying to argue. I am just trying to get to the base
29 of it. If that edge along El Camino were retail meaning that there would be opportunities for
30 smaller businesses to have entrances and exits directly out onto the sidewalk that would more
31 directly enliven the street. That use is not required necessarily for the zone that we have here. A
32 hotel was an allowable use. I think the applicant is absolutely right that to try and have an
33 entrance for the hotel off of El Camino is frankly a dangerous thing. You would not want to
34 have someone stopping and existing, and coming in and out of cars and buses, etc. from El
35 Camino nor would you want to necessarily have a bulb out to accommodate that. So having the
36 entrance off of El Camino makes a lot of sense and I think that is supported by any number of the
37 other hotels that exist on El Camino. I think what you would then look for are opportunities, as
38 we are hoping the ARB will do for us, to find ways to address the spirit of the El Camino
39 guidelines in that case. Does any of that make any sense?
40

41 Commissioner Holman: It does but I think we are coming at this from totally different
42 perspectives. You and I know each other quite well, and I respect very much your perspectives
43 and I think on this one we are just coming at from very different perspectives. I am not saying
44 there ought to be an entrance to the hotel at El Camino. I am saying there is possibility, again
45 not the designer and not an architect. I think there is possibility to have an off-El Camino
46 entrance to the hotel. Yes the property is zoned for hotel. There are a number of hotels that have

1 traditionally had other uses as part of a hotel that were accessible to the public. Yes, retail
2 services/retail stores are not provided in this particular project. So those kinds of aspects of a
3 hotel use could satisfy my issues, my concerns that this hotel turns it back on the street. There
4 are at least two different ways to address that and this project does not that a hotel could.
5

6 Chair Garber: I hear you.
7

8 Commissioner Lippert: If the Chair would permit me?
9

10 Chair Garber: Okay.
11

12 Commissioner Lippert: I could phrase it in a different way. There are a number of planning
13 principles that are well known that we don't often refer to. El Camino Real is a rather wide
14 boulevard and because it is a wide boulevard it does make sense to bring height and mass up to
15 the frontage there. In fact, if we were to entertain stepping the hotel back in essence what you
16 would be getting is very much the same of what currently exists where the existing Palo Alto
17 Bowl is back. That space is not filled with activity and greenery and niceties and amenities but
18 in fact it is filled with parking, and it becomes a parking lot. So the idea is that you pull the
19 building up to the frontage, you pull it up to the street so that the building itself begins to create a
20 room along El Camino Real. I don't feel like teaching or lecturing about planning principles I
21 invite my fellow Commissioners to get the necessary documentation behind the El Camino Real
22 guidelines and why we use them.
23

24 There is one aspect that I do agree with Commissioner Holman on, which I believe is within the
25 purview of the ARB that perhaps the building should be punctuated in some way, shape, or form
26 that does accentuate the California Live Oak tree.
27

28 **MOTION PASSED** (5-1-0-1, Commissioner Holman voted no, Commissioner Fineberg absent).
29

30 Chair Garber: Commissioners, let's vote. All those in favor of the motion as stated say aye.
31 (ayes) All those opposed? (nay) That motion passes with Commissioners Rosati, Keller,
32 Garber, Tuma, and Lippert voting yes, Commissioner Holman voting no, and Commissioner
33 Fineberg absent. Thank you to the applicants and Staff.
34

35 We will move to the remaining business of the evening.
36

37 Commissioners, Report on Council Actions, did we have any? I don't think we did.
38

39 **REPORTS FROM OFFICIALS/COMMITTEES.**
40

41 **COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.**
42

43 Commissioner Holman: What was the question?
44

45 Chair Garber: Report on Council Actions.
46

1 Commissioner Holman: There was one. The Council not this last Monday but a week ago
2 Monday unanimously approved the CLUP for the Palo Alto Airport.

3
4 Chair Garber: Commissioner Representation at City Council. This month is Karen Holman,
5 July is Samir Tuma.

6
7 Commission Representation, one correction here. The Annual Report to Council does not
8 include Karen Holman. It is Daniel Garber, Samir Tuma, and Author Keller. Commissioner
9 Tuma and I have been talking about that and we will gather up Commissioner Keller hopefully a
10 little later this week. Our intent is to try and bring that report to the Commission before the end
11 of our year, which would be the end of July. That would mean that we publish it at essentially
12 the same date as we published it last year.

13
14 The next meeting is June 24, 2009. On the 24th we are currently scheduled to look at the
15 Charleston Arastradero Corridor Project, a discussion surrounding the Housing Element, the
16 Zoning Ordinance Amendment for Historic Covenants/Subdivisions on the Consent Agenda,
17 which we as we learned actually already exists as a policy and procedure of the Commission.
18 We are just simply going to utilize it for the first time in many years. Commissioner Keller, you
19 had an addition.

20
21 Mr. Williams: Excuse me for a minute, did you pass the minutes?

22
23 Chair Garber: Sorry. Before you go Commissioner Keller we have Minutes to pass. We have
24 Wednesday, May 6 with Karen Holman absent and May 13 with Fabio Rosati absent.

25
26 **APPROVAL OF MINUTES**: Special Meetings of May 6 and 13, 2009

27
28 Chair Garber: May I have a motion to approve these minutes with the exception of those
29 Commissioners on those dates?

30
31 **MOTION**

32
33 Commissioner Keller: So moved with amendments given to Zariah, and a few corrections I have
34 to give her still.

35
36 Chair Garber: Thank you. Second?

37
38 **SECOND**

39
40 Commissioner Lippert: Second.

41
42 **MOTION PASSED** (6-0-0-1, Commissioner Fineberg absent; Commissioner Rosati not voting
43 on May 13 and Commissioner Holman not voting on May 6)

44
45 Chair Garber: Commissioner Lippert seconding. All in favor? (ayes) All opposed? That
46 passes unanimously with Commissioner Fineberg absent.

1
2 Commissioner Keller, you had a comment.

3
4 Commissioner Keller: Yes. Three things, quickly. One is with respect to Charleston
5 Arastradero even though that is a Report from Official we take action on that item? We will take
6 a vote?

7
8 Mr. Williams: You will have a recommendation to the Council on that item.

9
10 Commissioner Keller: Thank you. I went to the meeting the other day and I thought that was
11 one of the most impressive outreach meetings I have ever attended.

12
13 Secondly, could you tell us a little bit about what is going on at 195 Page Mill Road?

14
15 Mr. Williams: Do you mean with the application or literally what is going on on the site?

16
17 Commissioner Keller: I understand there is an application at that site which seems to have an SB
18 1818 exception of some sort. I am wondering what is different from what is being proposed now
19 from what was adjudicated in a lawsuit earlier.

20
21 Mr. Williams: Nothing other than a more extensive environmental review, which is what the
22 requirement was and the court direction was to redo the environmental review basically,
23 particularly relative to the ground water contamination issue. The project itself is virtually the
24 same project as it was before. It was approved by the Council before. At any rate, it is going
25 through. It will go to ARB probably July or August timeframe. The Mitigated Negative
26 Declaration went out. Rather than just taking that to ARB as the project went forward we ran
27 through the comment period, got comments, we are having the consultants respond to the
28 comments so that we have a very complete record and analysis of that before it goes to ARB.
29 Then we expect that it will be appealed to Council from there.

30
31 Mr. Larkin: Just to clarify something that has been said by members of the public and is out
32 there as a perception. The project approvals themselves were challenged in court but the project
33 approvals with the exception of the CEQA were all upheld by the court. So the only issue that
34 was outstanding in the original project was the CEQA and that is what is being corrected.

35
36 Mr. Williams: In fact, the SB 1818 portion of the project that was challenged was upheld in
37 court.

38
39 Commissioner Keller: Thank you. So to follow up on that a couple of things. Firstly, I thought
40 there was a request by the Commission that whenever things are let out for Neg Decs and things
41 like that that we are told about those. I don't think we were. I guess there was a public notice
42 but in some sense some sort of note to us saying that there is something being

43
44 Mr. Williams: I didn't understand that was the Commission's direction. I thought it was things
45 from other agencies where we are reviewing it. I didn't think it was every Neg Dec that we do.
46 We do Neg Decs all the time for ARB projects.

1
2 Commissioner Keller: Well, I think that might be one thing. I am not sure what our direction on
3 that is I just wanted to explore that further. The other thing is that still continues to point out our
4 interest in having some discussion on SB 1818 or Government Section and I don't remember the
5 numbers. That seems to be off of our list of Tentative Agenda items. So I am wondering will we
6 ever address SB 1818 or will that be part of the Housing Element discussion or where will it
7 come in?
8

9 Mr. Larkin: We did the study session. Are you talking about that or are you talking about an
10 ordinance?
11

12 Commissioner Keller: Well, we did a study session. We didn't create an ordinance. I think we
13 basically want to continue that process forward and it seems to have stalled. I am wondering
14 when that will come back to us so that we don't have wild card concessions, and we could
15 actually constrain that in some useful way. In some sense make sure that the first concession
16 isn't free because essentially every project would get one concession if we made the first one
17 free. So we might require something that uses up the first concession.
18

19 Mr. Williams: We have discussed and maybe we should do it with our BMR ordinance changes
20 creating an ordinance for that. So let us visit on that. It was intended to be part of the Housing
21 Element. The Housing Element is going to be awhile so we will see if we are amending the
22 BMR ordinance to reflect some of the policy changes that were made a year and a half ago then
23 maybe as part of that we can also address SB 1818 in there.
24

25 Commissioner Keller: You could be ridiculous and say that all residential properties for which
26 BMR applies can only be one foot tall and therefore in order to go to the height of 30, 35, or 50
27 feet they have to use up one of their concessions. So you could have fun like that.
28

29 Mr. Williams: I am sure that would be quite legal.
30

31 Chair Garber: Commissioner Holman.
32

33 Commissioner Holman: Mine is actually quite related not knowing you were going to raise this.
34 I always forget but some people say that SB 1818 was replaced by SB- something.
35

36 Mr. Larkin: SB 1818 is just a lot easier to remember than Government Code 65915.
37

38 Commissioner Holman: Yes, but it seems like we ought to be referring to the proper.
39

40 Mr. Larkin: We do it all the time. We talk about Prop 13 and Prop 218 but it is really
41 Constitutional Amendment 13 and it has been amended many times. It is just lingo.
42

43 Commissioner Holman: The other thing is consistent with Commissioner Keller's question mine
44 is that we talked about on a project, I forget which one, not so long ago about if parking
45 concessions were one of the concessions that could be counted as a concession, and there had not

1 been a determination. So is there a timeline on which we might look at that or there might be a
2 determination that we can review?

3
4 Mr. Larkin: I think unless they are mandated parking concessions then they are concessions. I
5 don't think there is any debate about it.

6
7 Commissioner Holman: I think what had come to us did not count the parking concession as a
8 concession. There were two others on top of that if memory serves. I wish I could remember
9 which project that was.

10
11 Mr. Williams: Parking is specifically enumerated as one of the possible concessions that
12 someone could get. Why it would not have been I don't know unless they had exhausted their
13 concessions on other things then parking becomes a Variance or something. There are situations
14 for 100 percent affordable projects where I think it doesn't even have to go through that
15 concession thing it is just like

16
17 Vice-Chair Tuma: I think the project you may be referring to there was a parking reduction
18 because of mixed use.

19
20 Commissioner Holman: Yes, but it still is a concession and I remember specifically Mr. Larkin
21 saying that yes, we have thought about that but have not made a determination yet as to whether
22 the parking concession is a concession.

23
24 Mr. Larkin: I think that might have actually been 195 Page Mill where that issue came up.

25
26 Commissioner Holman: This was much, much, much more recent. It has been years since 195
27 Page Mill came to us.

28
29 Mr. Williams: Let us know if you know the specific circumstance and which project it was.

30
31 Commissioner Holman: Kind of independent of which project it was I think it is just is a parking
32 concession an SB 1818 concession?

33
34 Mr. Larkin: If it is not a mixed use parking reduction, which is an automatic reduction, then it is
35 a concession.

36
37 Chair Garber: Commissioner Keller.

38
39 Commissioner Keller: I think that mixed use parking reductions are entirely discretionary. They
40 are not automatic. As a result of that we could count that as a concession. I believe it is in our
41 interest, because we have a mandatory ten or 15 percent ordinance, to actually try to get the
42 applicant to use up his or her concessions.

43
44 Mr. Williams: This is not on the agenda for discussion.

1 Chair Garber: We need just point out that we need to get back to it or that it is an issue or
2 something of the sort but we should not get into statements.

3
4 Commissioner Keller: Thank you. Let me just say that this thing should come back to us. I
5 believe it was one of the projects near California Avenue that was one of the PTODs.

6
7 Chair Garber: Exactly, the first one, maybe Cambridge Avenue.

8
9 Mr. Williams: Either Cambridge or the Birch Sheridan one.

10
11 Chair Garber: Okay. Planning Director.

12
13 Mr. Williams: I wanted to just remind everyone that when you have questions for us to respond
14 to at a meeting to please be sure that Zariah gets a copy of those. I know she was out for a while
15 and people got out the habit and we said to send them somewhere else. Probably the ideal
16 situation is to send it to Zariah and a copy to the Project Planner. Then you can send a copy to
17 me or to Julie or to Amy too, but in any event be absolutely sure she gets it because she is the
18 great distributor of questions. If she gets it she will get it out to the right folks. So please do
19 that. There have been a couple of cases in the recent past where questions have not made it all
20 the way to the right people, at least not in a timely manner to get responses back for you.

21
22 Secondly, I think I have mentioned to a few of you that I have prepared a little review of a
23 conference that I went to in Portland, the International Making Cities Livable Conference. I
24 didn't realize tonight was going to start at six or I would have tried to do it from six to seven.
25 You next meeting on the 24th also starts at six however, I am going to suggest and offer that we
26 will bring pizza and do five o'clock to six o'clock, which has the benefit of also allowing Staff
27 that still around to attend too. Zariah will have to find a room, see if this room or the first floor
28 conference room is available. So for any of you who are interested it was the International
29 Making Cities Livable Conference and there were a lot of interesting things about some of the
30 issues that we talked about tonight with pedestrian orientation and such.

31
32 Thirdly, just in case you don't know because it has been bouncing around on the agenda some,
33 College Terrace the JJ&F Market project is on the July 13 Council Agenda now. It has been
34 moved a couple of times. The Birch Street PTOD project is on July 6. So those are a couple of
35 things if you are interested in following those that is where they have landed and I think they are
36 going to stay there at this point. That's it.

37
38 Chair Garber: Okay, so before we adjourn we did want to make note of a sad event. That is of
39 the passing of a previous Commissioner Member, Bonnie Packer's daughter, who died early last
40 week if I am recalling correctly. Sonya Raymakers. So we would like to conclude this meeting
41 in her memory with our condolences to Bonnie and love in our heart. We are adjourned.

42
43 **NEXT MEETING:** Meeting of June 24, 2009

44
45 **ADJOURNED: 10:40 PM**