



# Planning & Transportation Commission Action Agenda: March 27, 2019

Council Chambers  
250 Hamilton Avenue  
6:00 PM

## Call to Order / Roll Call

Chair Riggs: I'd like to call us to order. Welcome to the March 27<sup>th</sup> meeting of the Planning and Transportation Commission. Would you like to do a roll call?

## Oral Communications

The public may speak to any item not on the agenda. Three (3) minutes per speaker.<sup>1,2</sup>

Chair Riggs: Alright so we have a busy evening tonight. Before we get started do we have any oral communications for things that are not on the agenda this evening? And I have one speaker card for that. I have two speak cards for that. If you would like to speak about anything that's not on the agenda this evening. So, first Mr. Buchanan and if you'd just give a second, 3-18 minutes.

Mr. Neilson Buchanan: Thank you. I'd like to talk about another Palo Alto process that's not discussed as much and that's the difference between setting priorities and having the resources to carry out those priorities. And I've been at this game of talking to City Council and Planning Commission for about 7 or 8-years and one consistent thing that causes disappointment is that

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1 priorities can be set but there are no resources and no Staff to carry them out. And I think that's  
2 going to come up more and more during the next year or so.

3

4 I'm going to illustrate about 2-years ago in March the Planning Department was able to hire a  
5 first-class transportation guy by the name of Philip. Philip came 2-years ago in March, he lasted  
6 one year and he was gone. He barely got his oar in; he was just superb as far as I'm concerned.  
7 Not too very long ago we lost Josh and we're in a heavy crush of trying to replace Josh with a  
8 transportation... Chief Transportation Officer. I don't know the most current status of that  
9 replacement but it's going to take a while. And no matter what replacement it is, it's going to  
10 take quite a while for the Chief Transportation Officer to get to Palo Alto, begin to learn the  
11 ropes, begin to hire up Staff to carry out the priority. So, our hope is as you're going forward  
12 and particularly as the budgets are coming forward with things that you care about from the  
13 Planning Commission. That when the budget process is wrapped up at the Finance Committee,  
14 we're all going to take a breath and say all of the things we are aspiring for, the things that  
15 we've set priorities for, we're going to have to go back and ask the hard question. In reality,  
16 what is the capability of the Staff, of the administration departments to carry those out?  
17 Whether it's from utilities or transportation or traffic, parking, and the whole lot. I am really  
18 concerned there's just such a growing gap between our expectations, the priorities, and the  
19 resources that are set aside. That's my number one ambition this year with a small set of things  
20 working through the Finance Committee. I've given up on talking to Committees like Planning

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1 Commission and priorities. I've decided to follow the money, see the budget wrapped up, and  
2 frankly ask is there money set aside for X, Y, and Z? Yes, no, maybe, or don't know. Stay tuned,  
3 thank you.

4

5 Chair Riggs: Thank you, Mr. Buchanan. I'm probably going to stumble through this name so is it  
6 Ms. Vrhel?

7

8 Ms. Rita Vrhel: Rita Vrhel.

9

10 Chair Riggs: Thank you.

11

12 Ms. Vrhel: Good evening. So, I... the Clerk gave you each a poster or a handout and as a  
13 founding member of Save Palo Alto Groundwater, we and the City of Palo Alto Public Works  
14 Department are going to be presenting on April 24<sup>th</sup>. Doctor Christina Hill who is a leader in  
15 planning for sea level rise, she's going to be speaking at 7:00 to 8:30 at the El Palo Alto Room at  
16 the Mitchell Park Community Center. Doors are going to open at 6:30. It's a free event, we  
17 appreciate registration so we can have enough food for all.

18

19 The City Council this year declared that climate change is one of their main priorities. And most  
20 people do not realize that as we do have sea level rise, we are also going to have concurrent

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1 ground level... groundwater level rise and this is known at inland flooding. So, we're going to be  
2 hit by two things and as the sea level intrudes into the groundwater, we are also going to have  
3 some water intrusion which is going to effect Cities like East Palo Alto who get the majority of  
4 their water from wells.

5  
6 Now I will be sending you this article which is Bay Nature Three, 25 addition and it talks about  
7 sea level rise and concurrent groundwater level flooding and it features Dr. Christina Hill who is  
8 going to be the speaker at the 4/24 event. So, I'm hoping that all of you will be able to attend.  
9 Thank you very much.

10  
11 Chair Riggs: Thank you, Ms. Vrhel. Any other items that aren't listed on the agenda? Ok, seeing  
12 none.

13 **Agenda Changes, Additions, and Deletions**

14 The Chair or Commission majority may modify the agenda order to improve meeting management.  
15

16 Chair Riggs: Do we have any additions, changes to the agenda, deletions from Staff?

17

18 Mr. Jonathan Lait, Director of Planning: [unintelligible -off mic]

19

20 Chair Riggs: Ok.

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1 **City Official Reports**

2 1. Assistant Directors Report, Meeting Schedule and Assignments

3

4 Chair Riggs: So, are we going to do the Director’s report first or are we going to pull that too?

5 Do we have a Director’s report, Jonathan?

6

7 Mr. Jonathan Lait, Director of Planning: I just have a couple of quick announcements. We can  
8 get those out of the way. The City Council is going to host or have a public hearing on a couple  
9 items that were recently presented to the Planning and Transportation Commission. One of  
10 them has to do... this is on April 1<sup>st</sup> and Yolanda, maybe you can help me with the... which  
11 Commissioners the representative for April to the City Council? We have the Grandfathered  
12 Use Ordinance that the Planning Commission had considered and there’s 3200 El Camino Real  
13 which was the Parmani Hotel. The Planning Commission considered a text amendment to  
14 remove the special setback along Hanson Way. Staff has... I’ll send a link to those reports to the  
15 Commission and you’ll find that we forward the Planning Commission’s recommendation on  
16 3200 El Camino which had a special condition about the use of the property related to the Zone  
17 Change. And on the grandfathered uses we clearly articulated the Planning and Transportation  
18 Commission’s perspective on that issue. Staff continues to have some reservations about not  
19 including a waiver and that’s been articulated in the Staff report and the recommendation to  
20 City Council. So, well make sure that we get you a copy of that so you have that information.

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1 Lastly, I wanted to note that there's a meeting actually taking place concurrent to this one at  
2 the El Palo Alto Room at Mitchell Park. This is at the Community Center and this is the  
3 continuing ongoing discussion about connecting Palo Alto and grade separation. And tonight's  
4 meeting is specifically about the Churchill Crossing, so that's taking place and I think it's  
5 scheduled to end around 8 o'clock tonight. Just FYI so that concludes the report, thank you.

6

### 7 **Study Session**

8 Public Comment is Permitted. Five (5) minutes per speaker.<sup>1,3</sup>

9

### 10 **Action Items**

11 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.

12 All others: Five (5) minutes per speaker.<sup>1,3</sup>

13

- 14 2. The Planning and Transportation Commission Will Make a Recommendation to the  
15 City Council Regarding the Evaluation and Prioritization of New Residential Parking  
16 (RPP) Program Petitions for Old Palo Alto, Green Acres, and Charleston Gardens

17

18 Chair Riggs: Ok so with that I think that we're ready for our first item which is the study session

19 **[note- action item]** item and I believe that we have one Commissioner that may want to say

20 something or do we have any conflicts as a part of this? Maybe we just go down the line as part

21 of the first item which is with regard to new residential parking programs; specifically, Old Palo

22 Alto, Green Acres, and Charleston Gardens. So, Chair... Commissioner Lauing.

23

24 Commissioner Lauing: None.

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1 Chair Riggs: Commissioner Roohparvar.

2

3 Commissioner Roohparvar: Can you skip me?

4

5 Chair Riggs: Sure. Commissioner Alcheck [**note- Vice Chair Alcheck**]? No.

6

7 Commissioner Templeton: No conflicts.

8

9 Chair Riggs: Commissioner Summa.

10

11 Commissioner Summa: I did speak with one member of the public and there's nothing... it  
12 wasn't in the Staff report so.

13

14 Chair Riggs: Commissioner Waldfogel.

15

16 Commissioner Waldfogel: Yeah, I have a conflict, I'm within 500-feet of one of the districts  
17 under consideration so I'll step out for this agenda item.

18

19 Commissioner Roohparvar: (**off mic**) I may have a conflict [**unintelligible**].

20

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1 Chair Riggs: Ok so you (interrupted)

2

3 Commissioner Roohparvar: I may have a conflict.

4

5 Chair Riggs: Ok so would you like to recuse yourself for this item?

6

7 Commissioner Roohparvar: Yes, please, yes.

8

9 Mr. Jonathan Lait, Director of Planning: So, Chair do you want to just give us a minute on that?

10

11 Chair Riggs: Ok why don't we... we'd like to confirm with... ok.

12

13 Commissioner Roohparvar: So, I'm going to announce again, I think I might live close to or

14 within Charleston Garden so I'm going to recuse myself.

15

16 Chair Riggs: What did he tell you?

17

18 Commissioner Roohparvar: [unintelligible – off mic]

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1 Chair Riggs: It's fine, ok so we'll come get you. Alright, any other... so I have no conflicts and I  
2 have had discussion with a couple members of the public about this and I know that it is an  
3 item that a lot of people have an interest in. So, what we're going to do is we're going to hear  
4 from Staff and you will have... we have a number of members of the public that want to provide  
5 some comments about this. You will have that opportunity and I'll remind you that we just  
6 need you to speak with a clear of heart and clear voice, full heart, and we're going to try to be  
7 respectful of everyone that's in the room. So, with that let's turn it over to Staff, I think we have  
8 a presentation and then we'll hear from the public.

9

10 Mr. Lait: Great, thank you Chair. So, I want to introduce Sylvia Star-Lack who is the  
11 Transportation Planning Manager, she'll give the presentation. She is joined by Wayne Tanda, a  
12 consultant working with the City and Wayne, MRG is the consulting firm?

13

14 Mr. Wayne Tanda: Right.

15

16 Mr. Lait: So, Wayne has been joining us to fill in for some of the vacancies that you heard  
17 mentioned during the oral comments. Just to remind the Commission, this procedure is set  
18 forth in the Municipal Code, I'm sure we'll still be able to get to it. There's... this is a pretty  
19 narrow review for the Commission at this point in terms of prioritization about the two-parking  
20 district... the parking permit districts that are being presented to you. There's a whole other

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1 piece of this about the implementation and how these things would come together and this is  
2 not specifically a conversation about policy setting for RPPs and how we might approach this  
3 from a City-wide perspective. So, again, and I think Sylvia will get to this, this is really about  
4 prioritization for the two or three districts that are presented. So, Sylvia? Thank you.

5

6 Ms. Sylvia Star-Lack, Transportation Program Manager: Thanks, Jon. Good evening  
7 Commissioners and the public, thanks for coming out tonight. Our sole parking Staff person is  
8 unable to be here tonight so I'm filling in for him. I'll give the presentation and afterward  
9 Wayne and I can answer your questions.

10

11 This item is to evaluate and prioritize the neighborhoods that have petitioned for new  
12 Residential Preferential Parking Programs. RPP Programs are one method for managing parking  
13 in a neighborhood. Our Municipal Code lays out three ways to initiate an RPP district, Council  
14 initiation, and annexation into an existing district, and resident initiation. Tonight, we're  
15 considering the petitions submitted to the City by residents. I'll go over the process for petition,  
16 initiated zones, discuss the factors to include in your decision and summarize the petitions  
17 we've received and finally finish up with next steps. The action asked of you today per the  
18 Municipal Code is to recommend to Council a prioritized list of the petitions submitted for a  
19 new RPP Program.

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1 RPP Programs have benefits and drawbacks. They can help improve quality of life, increase  
2 parking availability, and may reduce traffic and congestion caused by drivers who are looking  
3 for scarce parking. Some drawbacks of our RPP Program include the fact that all cars parked  
4 long term on the street would need permits, including residents' vehicles. In addition, RPP  
5 Programs limit the public use of public rights of way and as practiced in Palo Alto since 2009  
6 there is no uniform RPP Program. Each of the five RPP zones is unique and that adds an  
7 administrative burden for Staff.

8

9 Our Transportation Element lists the following policy and programs regarding parking impacts  
10 on residential areas. Policy T-5.11 states that the City should work to protect residential areas  
11 from parking impacts of nearby businesses and uses, recognizing that that fully addressing  
12 some existing intrusions may take time. Program T5.11.1 states that the City should coordinate  
13 with neighborhood groups and local businesses and other stakeholders to evaluate the need for  
14 a Residential Parking Permit Program in areas without existing programs.

15

16 Our Municipal Code for RPP Programs aligns with those Transportation Element policies and  
17 the process to petition for an RPP district is as followed in our Municipal Code. Residents will  
18 self-organize and submit a petition. The PTC evaluates, makes a recommendation to Council,  
19 Council considers the recommendation and direct Staff to begin work based on available  
20 resources. Staff then begins a community outreach and stakeholder process that includes data

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1 collection during the school year if applicable. Staff then brings a proposed RPP district and  
2 draft resolution to PTC and then that goes to Council for a public hearing to review a proposed  
3 resolution for a new district.

4  
5 The Municipal Code spells out the factors that the PTC should consider when prioritizing RPP  
6 petitions. These are the severity of the non-residential parking impact, the demonstrated level  
7 of neighborhood support, and the Staff resources needed to process requests. Regarding the  
8 first two criteria of severity and neighborhood support, PTC can use the Staff report, this  
9 presentation, correspondence sent to the PTC, and your knowledge of these neighborhoods. As  
10 noted in the Staff currently there are not adequate Staff resources but the Council will be asked  
11 to make a determination about Staffing for parking during the upcoming budget process.

12  
13 And ultimately the Council will have to make the following findings in order to establish an RPP  
14 Zone and these are the things that will be investigated by Staff once the priority list has been  
15 established. Essentially Staff will need to document that there is a significant non-residential  
16 parking intrusion on a regular frequent basis that creates a disruption of neighborhood life and  
17 that alternative parking strategies are not feasible or practical.

18  
19 Your job tonight is to set the priority list so that Council can direct Staff to begin working to  
20 document the extent of the parking problem and craft an RPP Zone to manage it. Whether or

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1 not a neighborhood should be annexed to an existing zone or should be set up as a stand along  
2 RPP Program will be determined as part of the community stakeholder and outreach process.  
3  
4 The three petitions for review tonight are Old Palo Alto, Green Acres, and Charleston Gardens.  
5 Here's the map of the Old Palo Alto area proposed... as proposed by the petitioners. This area is  
6 east of the California Avenue Caltrain station and currently has no on-street parking restrictions  
7 except for no parking allowed on Alma Street and some 2-hour parking restrictions at Bowden  
8 Park where a number of the perpendicular spots on High have been converted to 2-hour  
9 parking. Parking overflow occurs primarily on weekdays. Residents cite safety concerns for  
10 families unable to park near Bowden Park through the new parking restriction at the  
11 perpendicular parking area has eased some of this concern. Pedestrian safety in the area while  
12 commuters are looking for parking has also been cited by residents. Photos of this area taken  
13 this past Monday morning in the 11:00 am hour show curbside parking utilization near the  
14 California Avenue tunnel which is used to access the Caltrain station and the adjacent business  
15 district. The PTC and Council will need to consider many things in the process of implementing  
16 and RPP program and I'll highlight four items for Old Palo Alto. A resident only program may  
17 move commuters to other adjacent streets creating a hot scotch effect for non-resident  
18 parking. Second and third, they're related, this is a small area for a standalone district in terms  
19 of administrative burden and cost. And because of this, the area's proximity to... because of this  
20 and the area's proximity to another RPP Zone, there's a possibility that this area could be

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1 annexed into the Evergreen Park-Mayfield RPP Program. Finally, the 50 space so perpendicular  
2 parking at Bowden Park that I mentioned early would need to be folded into any RPP Zone  
3 established here.

4  
5 Here's a map of the second area submitted by petitioners in the Green Acres Neighborhood.

6 This area is adjacent to Arastradero Road and Gunn High School. The streets proposed for  
7 inclusion are Georgia Avenue, Hubbartt Avenue, and Donald Drive. Wilmar Drive is not  
8 proposed for inclusion. There's the bicycle and pedestrian Spur Trail that links Georgia Avenue  
9 to a path to Gunn High School and this Spur Trails acts as a back door to Gunn High School. Due  
10 to student overflow parking on Georgia and adjacent streets, in 2004 the City Council adopted a  
11 parking restriction on the 600 block of Georgia Avenue, the 4100 block of Donald and 4100  
12 block of Hubbartt which is essentially the area that was shown on the map but a little bit less.  
13 The restriction prohibits parking from 9:00 am to 10:00 am on school days. The parking rule was  
14 instituted before the City introduced RPPs specifically to College Terrance in 2009 and well  
15 before the City-wide RPP Ordinance in 2014. For the past 15-years this restriction has been in  
16 place and residences today cite frustration with the need to move their cars parked on street in  
17 order to avoid parking tickets between 9:00 and 10:00 am. These photos show Georgia Avenue  
18 that were taken this Monday morning in the 10:00 am hour which is just during or just after the  
19 parking restriction occurs. Things to note about this area include the fact that it is also a small  
20 area for an RPP district. The existing parking prohibition provides both parking relief and

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1 citation frustration for residents and enforcement by PAPD has caused student parking to  
2 decrease. A large number of Gunn High School students' bike and walk to school using the Spur  
3 Trail. Taking into account all the access points to Gunn, over 900 students now bike to the high  
4 school representing over 45 percent of the student body.

5

6 The third petition received came from Charleston Gardens. Specifically, this petition was  
7 concerned about the unrestricted angled parking structure along the 800 blocks of San Antonio  
8 Road between Charleston and Fabian Way. The petition did not meet the minimum  
9 requirements for RPP prioritization because the initiator was not a resident and the parking  
10 congestion is in a commercial zone. The petition was signed by eight tenants of one building.  
11 Staff are investigating the area for code compliance and will work with the businesses to find  
12 solutions to the parking issue. Just to be complete we also show photos of the parking strip.

13

14 So now that we've reviewed the petitions, only two remain to be prioritized; Old Palo Alto and  
15 Green Acres. As a reminder, the Muni [note – Municipal] Code states that PTC should consider  
16 the severity of the non-residential parking impact, the demonstrated level of neighborhood  
17 support and the Staff resources needed to process requests and your priority list will be  
18 referred to the City Council. Once the Council directs Staff to work on the priority  
19 neighborhood, Staff will commence community outreach and stakeholder process that also  
20 includes data collection, parking occupancy, and a mail survey of residents who could be

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1 included in the new zone. The Municipal Code specifies that a new or expanded RPP Zone  
2 should be recommended to the PTC and Council in September for final adoption. In fact, this  
3 process could take longer than what is specified in the code due to Staff's ability to contract for  
4 parking occupancy studies within the school year or due to the availability of stakeholders to  
5 meet to work out a program. For example, it may be difficult to convene folks for meetings  
6 during the summer months. In addition, the Council budget process may alter this schedule.  
7 And finally, transportation Staff are actively planning to bring to Council in May a review of the  
8 City's Parking Program approach of which RPP is an element. At this meeting, Staff will engage  
9 the Council in a broader discussion of the RPP Program with suggestions for improvement and  
10 efficiencies. Thank you for your attention. Wayne and I are available to answer your questions.

11

12 Chair Riggs: Right so any questions from the Commission before we go to the public hearing?

13 Alright, so Commissioner Summa.

14

15 Commissioner Summa: Just a couple question for Staff. What time do the kids get... what time  
16 does Gunn High School start in the morning?

17

18 Ms. Star-Lack: 8:30 (interrupted)

19

20 Commissioner Summa: 8:30.

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Ms. Star-Lack: Or right around 8:30, yeah, they moved to a later start.

Commissioner Summa: Ok and so you said that the person... the individual that initiated the San Antonio one was not a resident in the area.

Ms. Star-Lack: Correct.

Commissioner Summa: Do you... that... is it a business person in the area or?

Ms. Star-Lack: Yes. The code states that RPP Programs are for residential areas and the petition-initiated zones have to be initiated by residents in a residential area.

Commissioner Summa: Ok but it was not a resident?

Ms. Star-Lack: It was not a resident. The address that was put down was not a resident.

Commissioner Summa: Thank you very much.

Chair Riggs: Ok, Commissioner Templeton and then Commissioner Lauing.

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Commissioner Templeton: Hi, thank you for this presentation. Just to follow up on Commissioner Summa’s question, is there another avenue that you’ve suggested for the business owner to resolve their issue?

Ms. Star-Lack: Yes, as I stated in the presentation Staff is working to identify the source of the parking incursion. I guess you could say why is that parking area always parked up and we are looking into code compliance issues with some of the businesses nearby.

Commissioner Templeton: So, they have a resolution path just not through the residential program.

Ms. Star-Lack: Correct, correct.

Commissioner Templeton: Ok great and then my question about the Old Palo Alto area was around the Caltrain complaints. The residents asserted that Caltrain is responsible for a lot of this. Have we... has anyone in the City Staff reached out to Caltrain to maybe negotiate to make that lot free so that people can park there?

Ms. Star-Lack: No, we haven’t done that.

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Commissioner Templeton: Is that... ok, well it's something to think about. Ok, thank you.

Ms. Star-Lack: Thanks.

Chair Riggs: Commissioner Lauing.

Commissioner Lauing: Just a couple quick ones. You're definitely under Staffed so it's very appropriate that you mention that. I take it that the point is you'd like to Staff up and if you can't then it's just going to take longer. Not that our prioritization will go away or that we shouldn't approve those. Jonathan left just at the right time so you (interrupted)

Ms. Star-Lack: Right, that's how I understand it but (interrupted)

Mr. Tanda: I apologize, Commissioner, could you restate your question again.

Commissioner Lauing: Basically, you definitely have a – there's definitely a shortage but I take it that the idea is just it's going to get pushed out if you don't get more Staff but it's not going to change the prioritization once Council decides on. Is that correct?

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1 Mr. Tanda: That's exactly correct.

2

3 Commissioner Lauing: Ok, fine.

4

5 Chair Riggs: Ok, let's just make sure that we keep these... ok. Any other questions?

6 Commissioner Alcheck [**note- Vice-Chair Alcheck**], do you have any questions? Oh,

7 Commissioner Lauing, you still... sorry [**unintelligible**].

8

9 Commissioner Lauing: One quick one, on the Packet where you describe on Page 8, the  
10 following received the petitions of Director review. These are the steps that we have to go  
11 through and if some reason PTC does not prioritize this, I understand that well, that  
12 recommendation as such will still go to Council. But at what point can the public from one of  
13 those districts come back and reapply? Is there any limitation like they have to wait a year  
14 before they can come back or just get more data or what?

15

16 Mr. Tanda: Commissioner if the PTC takes a position to not prioritize either one, we would  
17 report that to the City Council and I'm sure that they would take appropriate action. But I  
18 believe they really do you want you to make a recommendation to them.

19

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1 Commissioner Lauing: Right, my question was slightly different. It was sort of it we said you  
2 know you don't have this and you don't have that so we really can't prioritize it now. Could the  
3 same neighborhood come back in a month? There's no limitation that they can't come back for  
4 a year or anything by statute, right?

5  
6 Ms. Star-Lack: Oh, so ok I understand your question now. So, the Muni Code [note - municipal]  
7 allows for prioritization to happen once a year in March basically. So that's the... once this  
8 March is... once this meeting is over then if people were to submit a petition in May, for  
9 example, they would have to wait until this meeting occurs next March.

10

11 Commissioner Lauing: Ok good then that answers an important clarification. That's all.

12

13 Chair Riggs: Ok, I have a quick question as well and then we'll go to the public hearing.  
14 Transportation Manager Star-Lack, can you go to Slide 21. I just want to ask a question about  
15 your timeline. Am I correct in understanding the Muni [note - municipal] Code in that August...  
16 July/August may or may not be within the academic year and may or may not be eligible for  
17 data collection? Am I... so I just... I'm seeing data collection there but I... is that... could it be  
18 possible that's overstating the time we would do data collection?

19

- 
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1 Ms. Star-Lack: Well it depends on... so the Muni [note- municipal] Code allows for data  
2 collection to occur during the school year if that... if the school calendar applies to the parking  
3 problem that is happening. So, we would (interrupted)

4  
5 Chair Riggs: Ok so is the Muni Code [note- municipal] that vague that one of these sites may be  
6 impacted my schools and the other may not because I mean I think I would have an opinion  
7 about that but?

8  
9 Ms. Star-Lack: It would be my preference to do the data collection during the school year  
10 because that's when you see the worst of the parking so yeah.

11  
12 Chair Riggs: Right, so theoretically that could be data collection might be more appropriate in  
13 September or October. Ok. I just want to make that question clear too. Alright, other  
14 questions? Ok, we'll go to our hearing; we'll have time to talk about this more. So, as we open  
15 the hearing, I just want to remind people that speakers are limited to 3-minutes. You can  
16 combine so you need a minimum of five speakers. You can combine four 15-minutes if you'd  
17 like to do that. We would respect our time to do so but we want to hear from all of you so feel  
18 free. If anyone else has a card for this item feel free to get it in right now. With that said, seeing  
19 no other cards coming in, we will start with... and I'm not exactly sure that I'm going to need  
20 this but its Buecneler, Mr. Buecneler. Is that correct? Alright.

- 
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1

2 Mr. Kurt Buecneler: Good evening, my name is Kurt Buecneler, I live at 2200 Emerson, and in  
3 the area... I'm here to show support for the RPP in Old Palo Alto. As a 25-year resident, I can  
4 assure you I'm a relative newbie to the neighborhood but there's enough data certainly to  
5 know that in the last 2 to 3-years the problem has gotten quite severe. So, it's become a pain,  
6 to put it bluntly. So, I think there two huge cases that I've observed, one is the daily parkers  
7 where three cars come in front of our house at 8 o'clock and they leave at 8 o'clock at night or  
8 7 o'clock at night or we just completed the fourth I know in our immediate one block  
9 neighborhood of cars staying. We just got a car towed yesterday that had been there 12-days  
10 so I think the car... the [unintelligible] case is maybe they go to... take the train to SFO. I  
11 certainly don't know what the use case is but that becomes a real problem and I've been that  
12 four times.

13

14 The concerns that I have certainly one, late parkers come in, they can't find a place in our  
15 neighborhood and they'll park in often and partly in front of our driveway. So certainly, we have  
16 an accident problem which is an issue. We certainly could call enforcement but we've pondered  
17 that and say, not that's not the way we want to use our precious enforcement resources so we  
18 tolerate it which... and we leave a note saying please don't park in front of our driveway. Two  
19 we see these extended parkings either... when they're parked all day, even if they leave at  
20 night, towing doesn't happen or street sweeping doesn't happen during the night. So, I've seen

- 
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1 piles as deep as 12-inches deep on the corner of California and Emerson and now you say A)  
2 either they are going to rot and become a slipping problem for pedestrians. Slipping problem  
3 for the homeowners, slipping problem for the City or they made a sewer there and it's going to  
4 wash in there, plug the sewer, that's going to cause a flood potentially or certainly a costly  
5 event for the City to clear that sewer.

6

7 So, the last concern around safety is for my kids. They're... ones in Pally, drives home and with  
8 the increased crime that's... you know street crime in Palo Alto they can't park near their homes  
9 so they are walking at night several blocks. And I... all things being equal, you know it's all free  
10 parking but by the same token, I care about my kids. So, we'd very much like to see that they  
11 could actually come home at night from Pally and park in front of their own house. Not that it's  
12 a right for them, it certainly is a convenience and safety issue. So, I think in summary the train  
13 issue has become very real. I think it also is simply transferring a maximum convenience and  
14 minimal cost for the Caltrain person to other people but we're the ones that have to bare that  
15 inconvenience for our own selves. So, it really is just a net zero sum game and we're just  
16 transferring one problem... person's problem to another person who's invested in Palo Alto. So,  
17 thank you very much.

18

19 Chair Riggs: Thank you, Mr. Buecneler. So now I have Mr. Robell and Mr. Robell will be speaking  
20 for a number of speakers and if I could just see a show of hands in terms who Mr. Robell who

- 
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1 you are speaking for. I have Mr. Herman? If you could just raise your hand when I call your  
2 name. I just need to make sure we're here because... Mr. Herman? Thank you. Mr. Diamond?  
3 Ms. Diamond? Thank you. Ms. Robell? Thank you, Ms. Robell. Mr. Robell... Sarah Robell?

4

5 Mr. Chris Robell: Oh, that's my daughter, she [unintelligible].

6

7 Chair Riggs: She couldn't make it? Ok. Mr. Stein?

8

9 Mr. Elliot Stein: (off mic from the audience) I'm here but we're not related [unintelligible].

10

11 Chair Riggs: Ok so I have (interrupted)

12

13 Mr. Robell: There's five.

14

15 Chair Riggs: Ok so I had your (interrupted)

16

17 [note-many people started speaking at one time]

18

19 Chair Riggs: Card grouped so... ok, so I do have five so that's fine. We're good to go so 15-  
20 minutes.

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1  
2 Mr. Robell: Thank you, thank you, Commissioners, my name again is Chris Robell, and I'm the  
3 designated speaker for this group of five. Our neighborhood is self-organized and it requesting  
4 obviously that you prioritize our neighborhood for the residential parking permit. We don't  
5 really want to call it an RPP because we are open to annexing and so whatever the fastest way  
6 that we can implement this to give us some parking relief would be great. It's a section of Old  
7 Palo Alto as outlined in... as Sylvia outlined and we really are seeing more and more spillover  
8 and parking intrusion from Caltrain commuters into a less extent the business... the workers  
9 from California Avenue Business District. It is clear that Caltrain riders prefer to park for free in  
10 our neighborhood versus pay \$5.50 a day in a Caltrain lot. If you were to go to the Caltrain lot  
11 any given weekday you would see that it was utilized less than 25 percent. And number one  
12 and number two why does a Caltrain rider park in our neighborhood and this is... please don't  
13 share this but for the risk of giving anybody ideas. It's a lot more convenient to park in our  
14 neighborhoods because you just go right down Oregon Express Way, turn right on High Street  
15 and 20-feet later you're in a spot and it's right by the tunnel. You walk into the tunnel and  
16 you're right at the Caltrain station, the boarding place. So, it's free and it's convenient and  
17 that's not... and then on top of that, of course, you have the Evergreen-Mayfield District  
18 where... to the extent they were parking there before, right? They were allowed to park there  
19 before when that was established in 2017. Now that has pushed into our neighborhood and so

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1 all those people that were parking there now park over here, over in our neighborhood. So  
2 that's the predicament we're faced with.

3

4 I think unlike other... the other RPP proposals we have no existing parking restrictions. We are  
5 faced with maximum loading all day from 7:00 am to 7:00 pm. It's not just during school hours,  
6 it's not summers off, it's every single day from 7:00 am to 7:00 pm. And one of the emails... I  
7 apologize for a prolific set of emails I sent you the last few days but one of them was a pretty  
8 insightful report that was sent to the PTC or shared with the PTC that I believe Josh Mello and  
9 City Staff put together from January 2017. That contained a Parking Utilization Study showing  
10 that our area of Palo Alto, parts... it didn't have all of it, the area that we're talking about but  
11 actually the less busy part of our area that we're requesting... had designated with yellow and  
12 red lines indicating all of it, over 50 percent parking utilization and in some cases 85 percent on  
13 High Street. And so, keep in mind that that Parking Utilization Study was done in May of 2016,  
14 so almost 3-years ago, and since then there's been a commercial development obviously and  
15 secondly there's been an RPP implemented. So, all that, it doesn't take a triple-digit IQ person  
16 to figure out that ok, what's happened since... in the past 3-years since the implementation of  
17 the RPP. It's probably all red and double red and thanks god cars can't park on top of each  
18 other.

19

- 
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1 So, I think George sent you pictures, Georgie Herman, the other day, and I believe Sylvia  
2 showed you some pictures as well. I did want to clarify on Page 12 of the pictures she sent, it  
3 looks like there's an open spot, it's actually not open. That's a red curbed area with a fire  
4 hydrant so I wanted to make... so there are no open spots in our neighborhood.

5

6 And so, like I said we self-organize, we've had multiple neighborhood meetings, we had Mayor  
7 Filseth at my house, 50 people over a couple of meetings, and everybody understands these  
8 impacts. And some of the feedback that I'm going to give, Kurt already talked about some of  
9 them but we have the safety risks by the California Avenue tunnel, the confluence of students  
10 biking and walking from Green and Pally both directions and the hurried Caltrain workers...  
11 excuse me commuters trying to quickly get and they are not focused on looking out for  
12 anybody. They're trying to get a spot in these perpendicular spots by Bowden Park or the  
13 surrounding streets and there's been accidents, right? There's been I understand one serious  
14 and I believe many close calls that happen on a regular basis so that's a safety issue. On top of  
15 that we have a quality of life issue which is pretty well understood, I think. You know Kurt  
16 mentioned that we have... almost everybody has a narrow one car driveway. If you have a  
17 secondary car you want to put it on a spot on the street. I realize that these streets are not the  
18 property of owners and we share them but it would be nice to be able to park within close  
19 proximity to one's home. And personally, I just bought my house last year and I thought long  
20 and hard about buying it. It was on the market for a few weeks because of all the traffic I will

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1 say that and my parents live at Channing House. My mom is here and my dads not here but  
2 they want to park... she sent you an email so they can't even park near my house. They can get  
3 with placards... they can park closer to a retail spot than they can in front of my own house and  
4 they want to visit me during the day and not at night. She doesn't... I'm surprised... it's almost  
5 bedtime.

6  
7 Anyway, so many... I've had personally a couple of calls to the police. Somebody blocking my  
8 spot, blocking my driveway, I can't get in my driveway and I've also called one because there's  
9 been... and I know Kurt had somebody, somebody parks with a towing or excuse me, with a... I  
10 see them with a suitcase and they're going underneath and using it at free long-term parking  
11 for the airport. And I don't blame them because there's no restrictions and why not? It saves  
12 money but that's not something I don't think we want.

13  
14 Children can't play ball in the streets; some people have cited that. The street sweeping issue  
15 was mentioned so people have put their own signs up saying don't park on Tuesdays,  
16 handmade signs because otherwise, you won't get your street cleaned. And I just over think the  
17 aesthetics and the character of the neighborhood is very different than it is just a few blocks  
18 over and I don't think... I know Sylvia mentioned that this might push out to another  
19 neighborhood which normally is true. When you have an RPP it transfers the problems to  
20 someone else. I don't think it would, I don't have data on that but because you're talking about

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1 Caltrain commuters at some point they're not going to park 5-blocks away. They are going to  
2 park a 5-minute walk away but at some point, they're Uber or do something else I believe or  
3 maybe I might take transit to the train. That's a hypothesis, I don't have data to support that  
4 but that's my belief. Ok, so it's... those are the impacts that we talked about.

5

6 I think it's important we talk about the some of the data and I don't know if you all read the  
7 signature. I had a couple emails on the number of signatures and I'm happy to be... if anybody  
8 from Staff thinks I am in the wrong of these I was transparent. I gave you these as soon as I  
9 calculated them but we have... the Staff report listed that we have 26 signatures and as of right  
10 now and it honestly keeps increasing each day, I just got a signature today. There are now 57  
11 households, right? If there's two people from one house, they don't count, it counts as one; 57  
12 households that have signed. There were two pages from the Staff report that I believe were  
13 missing. I know they were missing that was sent to you and that was included in our August  
14 2018 petition and that would have brought the number to 44 but we have since picked up an  
15 additional 13 signatures so we have 57. We have six people who are not interested right now in  
16 doing the permit program and we have 24 homes that we were not able to contact; vacant  
17 homes or what have you, despite multiple attempts. So, doing the math on all that it comes out  
18 to 90 percent support in our neighborhood, just over 90 percent, a 72 percent participation rate  
19 so we've been able to reach everybody. A good chunk but not everybody, 72 percent and you  
20 compare that with the Evergreen Park-Mayfield RPP that was shared when it was being

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1 evaluated in January 2017 and that was 68 percent support versus ours 90 and 20 percent  
2 participation versus our 72. So, I think we've got that criteria of stakeholder neighborhood  
3 support down cold.

4  
5 The second issue that I want to clarify is that we have been asking this for a long time. This is  
6 not... it's true that our... the second petition came forth to the City in August of 2018 but that's  
7 the second one. There was a first one and we revised it based on feedback to expand the  
8 number of streets and why don't you consider annexing and I have emails from Josh Mello that  
9 in May 24, 2018, saying consider annexing. So, we are totally open to all those ideas, the point  
10 is we've been doing this a long time and it's been years. I think George and Lloyd were both  
11 involved; 2016- 2017. So, it's... and it's getting worse.

12  
13 And the last clarification I want to also just make and it's in this presentation also for some  
14 reason. It says on Page 13, "resident only program may move commuter vehicles to other  
15 adjacent streets." This is not... we're not... we are actually flexible on that too. So, we have said  
16 all along we're open to business permits. We realize the public streets don't belong to us and  
17 there's a lot of people who say we're crazy for doing this outside of our neighborhood. We  
18 shouldn't insist on it, even Council Members but I will tell you we are open because we want to  
19 flexible and we just want relief as soon as possible; the most expedient way. If you want to  
20 annex us, great. You want to have... we already... our petition says 20 business permits, great.

- 
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1 You know not great but we'll take them. We just don't want it to be a commercial parking lot  
2 like it is now and I... so please note that that's the case. That we are being... trying to be super  
3 flexible and the... I think the problem is self-evident, I think it's understood, it's serious, it's  
4 getting worse for all of the reasons that I mentioned, it's all day long 7:00 am to 7:00 pm.

5  
6 And we're really asking on the annexing side I hope it doesn't take... now I'm going to kind of  
7 say this in a respectful way but I really want you to know this. This is not rocket science, I'm  
8 sorry, but we're talking about... if we annex, we're... and it supposed to be a streamlined  
9 process and that's what we were told. It will streamline it so we're talking about Evergreen-  
10 Mayfield has Zones A through G and we're talking about adding H. We're talking about adding a  
11 zone to an existing. There's not a new whole website for it, it's not a new RPP, and we just...  
12 we're just tacked on to that and we don't... we're not... it doesn't need... the parking analysis  
13 was done. I think I mentioned this, yeah, the loading analysis was done in 2016 and we can... if  
14 we just get added to H I think that... and the signs up it... bottom line I'm asking for  
15 prioritization. And also, not waiting for some grandiose, revamped, Citywide plan that's going  
16 to solve the problems that's going to take 2-years. My parents are in their 70s and 80s, I'd like  
17 them to be able to park in my house before they die. So that's... I'm voicing a lot of frustration,  
18 honestly its kind of, to me, it's unreasonable for it to take this long and it should be an  
19 embarrassment for the City for it to go for something as simple as this to go for a year. So, I'm  
20 asking for the prioritization and the allocations of resources. Multiple residents have

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1 volunteered resources, whatever you want, tell me what you want, I'm fulltime, free, whatever,  
2 money, tell us what you want to make this happen. Putting up signs in a couple blocks shouldn't  
3 be a big deal. I'm sorry to vent on that but I wanted to underscore that and I know that  
4 there's... well, I'll leave it at that.

5

6 So, I think we can talk and chew gum at the same time and acknowledge this is the basic City  
7 service; a right to be able to park somewhere near your house. Does anybody else want to add  
8 anything? Let me just ask, how many people are from Old Palo Alto supporting this petition? So,  
9 we've got... I mean this is... these are people that are busy and you've got twice or three times  
10 as many as Commissioners all wanting this done so please make this happen. Thank you so  
11 much.

12

13 Chair Riggs: Thank you, Mr. Robell. Mr. Stein.

14

15 Mr. Elliot Stein: Thank you Mr. Chairmen and Mr. Chairmen and members of the Commission,  
16 I'm Elliot Stein, I am a resident of Palo Alto for some 34-years, and I live on Georgia Avenue.  
17 That's in the Green Acre's area so in your Packages where you saw the map of Georgia Avenue  
18 and you saw what's referred to as a Spur that connects Georgia Avenue to Gunn. What that is,  
19 is basically a lot across the street from me and one door over that connects Georgia Avenue to  
20 the playing fields of Gunn High School. It leads right to the tennis courts specially and it's where

- 
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1 there is a significant flow of bodies, student bodies, every morning, and every afternoon. Many  
2 parks in our neighborhood and walk into school. Many rides their bicycles and use our street  
3 and that path and many, many are dropped off by their parents at that location.

4

5 Now what I wanted to do is I think first of all to tell you that I do greatly appreciate the work  
6 that you're doing to preserve and enhance the livability of our City. For 3 ½-decades this has  
7 been a great City for me, for my family to live in and it's not often... in fact, there's never been  
8 an occasion when I come either the Planning Commission or City Council to make a request like  
9 this. But on the subject of parking on Georgia Avenue, number one I submitted a letter to the  
10 Commission about a week ago which hopefully you received in your Packets. I was asked to do  
11 that to outline why perspective on this. What I'd like to do right now is basically summarize just  
12 a couple points and I know I only have 3-minutes within which to do that. It's actually helpful  
13 sitting here for the last half hour because a lot of information was shared, including by you  
14 Sylvia, and this Package that caused me to scratch a lot of things out on my notes and write a  
15 few new things. There's only so much I can get to but I would like to point something out to  
16 you. If you look at the Package, the slides that Sylvia presented, and look at Page 8. My  
17 understanding is that after you prioritize here and make a recommendation to the Council to  
18 take the next step one of the things that the ordinance says is that certain findings have to be  
19 made. I will state right here that based on my 34-years of familiarity with this situation in  
20 Greenacres and on Georgia Avenue all of these four very clearly stated criteria about the need

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1 for non-residential vehicles to be substantially interfering with the use of the street. The  
2 reference to the interference occurring at regular and frequent intervals; yes, yes, to these two.  
3 That non-resident vehicles parked in the area create traffic congestion, noise, other disruption,  
4 and disrupt neighborhood life; yes again. And finally, other alternative parking strategies are  
5 not feasible or particle. So, I'm stating to you that my particular area does meet all of these  
6 criteria and unlike the presentation you just heard about the area near the Cal. Avenue train  
7 station where the streets are full of cars from 7:00 to 7:00, we have a different situation. I'll  
8 sum up quickly here. Our situation and I'm afraid it's a little bit misleadingly represented in the  
9 photographs that you have in your Package on Slide Number 12. I do think Sylvia characterized...  
10 actually, it's not 12 (interrupted)

11

12 Chair Riggs: Mr. Stein, I need you to wrap up, ok? We got to respect the rest of the speakers.

13

14 Mr. Stein: Sure, if you look at 15 it shows no cars on the street. I believe she did say this picture  
15 but I want to be sure you interrupted it this way. This picture was taken right after that no  
16 parking from 9:00 to 10:00 am expired. So, that's why there are no cars in the streets, no  
17 students there but also no one like me who's a resident of the street who is prohibited from  
18 parking in front of our house in the morning. So, I hope you will give serious consideration to  
19 including Green Acres in your high priorities. Thank you.

20

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1 Chair Riggs: Thank you, Mr. Stein. We're going to go with Ms. Vrhel again.

2

3 Ms. Rita Vrhel: Thank you. I just wanted to say congratulation to Chris Robell because that was  
4 a fantastic presentation that really highlighted the need for more parking. You know their  
5 situation is only going to get worse. You have Caltrain going through revision and their ridership  
6 is supposed to increase so when that happens there are going to be more people that don't  
7 want to pay the \$5.25 per parking per day. The thing is that you have to realize that with the  
8 new garage over on Sherman and also the Public Safety Building construction, all of those  
9 parking spots were taken. So, it would be reasonable to assume that not only are Caltrain  
10 people riders parking over there but possibly people that were parking in the previously  
11 provided Sherman Avenue lot are then also then seeking the closest parking lot which may be  
12 actually on the other side of the railroad track.

13

14 I think since Staff is shorthanded this really does once again emphasize the need to consider a  
15 Business Tax. You know I've sat at City Council meetings for so long and also some PTC  
16 meetings but probably not enough where apartments are under parked. Everybody only has a  
17 half of a car or businesses are under parked and after years and years and years of under  
18 parking everybody but the residential neighborhoods we are now seeing the consequences of  
19 all those cars, including commuters, jamming the neighborhoods. And my god, what do the  
20 residents have to do? This is an amazing process, that residents who are supporting 75 percent

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1 of the City's cost have to round up all their neighbors, have to present it and get all the data  
2 together, and then beg, literally beg that the Staff, who they are supporting and paying for, do  
3 their job. I just think it's really probably a disgrace and so I hope that you prioritize their request  
4 and get this going. Thank you.

5

6 Chair Riggs: Thank you, Ms. Vrhel. Mr. Johnson. Mr. Johnson? Alright, seeing none, last call? Mr.  
7 Alloy or Alloy.

8

9 Mr. Mark Alloy: Hi, good evening, my name is Mark Alloy, and I'm here to speak on in support  
10 of the Green Acre's RPP Program. My wife and I have lived here since 1994 and in present we  
11 have four adults living at our house. You know we face a common problem of many parents in  
12 Palo Alto of having older kids wanting to live in the area but can't afford it so they live with us.  
13 And all of these people in the house have cars so we have four cars, sometimes five if we have  
14 kids visiting us but we only have a two-car driveway. So right now, we don't park our cars in  
15 front of our own house. If there's a chance that we can't move them by 9:00 am the next  
16 morning we found out the hard way having to pay hundreds of dollars of parking tickets in the  
17 last 15-years not to take a chance that we can't move our cars by 9:00 am. When we come  
18 home in the evening, even though the street in front of our house may be completely empty,  
19 we park two-blocks away on Wilmar. It could be raining, sometimes we have things to carry like  
20 groceries or packages, but we still park two-blocks away. I find this situation is just illogical that

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1 we can't park in front of our own house because of this 9:00 to 10:00 am restriction. I know the  
2 neighbors on Wilmar are bothered by it because I've received comments from some of them  
3 when they see me parking my cars there. So, with that said I would fully support and give  
4 priority to the Green Acres Restricted Parking Program. Thank you.

5

6 Chair Riggs: Thank you, Mr. Alloy, I really appreciate your brevity and thank you for those  
7 comments. Mr. Hirsch.

8

9 Mr. Joe Hirsch: Thank you, excuse me for a minute here, the first thing I have to say is I can't  
10 help you with your prioritization. All I can do is describe the problems we have and I have and  
11 others have in the Green Acres area. And I think first we need to characterize this as Green  
12 Acres 2 as opposed to Green Acres 1 across the street, don't get the other people concerned.

13

14 I'm glad to see that the Staff report suggests that study and outreach is needed and that  
15 hopefully, that will include, as Chairmen Riggs suggested, data collection when school is in  
16 process. The picture of Georgia Avenue, I can tell you I have never seen and I've lived on  
17 Georgia for 45-years. I've never seen the street empty. I come back in the morning around 8:45  
18 to 9 o'clock and cars are parked there. Notwithstanding the 9 am to 10 am no parking  
19 restriction.

20

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1 10-years ago after the 9:00am-10:00 am no parking restriction was instituted, nine of us  
2 requested that four signs regarding that be removed from in front of our homes. We still prefer  
3 to keep it that way. We understand that students and other people can park there and we're  
4 comfortable with it, it's a public street. That way we don't get tickets, our guests don't get  
5 tickets, our neighbors don't get tickets as happened before. So, to the extent that anything is  
6 done, we'd like to have it left alone for this little segment right at the corner of Georgia when it  
7 makes a bend going toward Hubbartt.

8  
9 A question that has been raised by my wife, what happens with gardeners, housekeepers and  
10 other guests who come to the house during the RPP Program if it is instituted? They won't... we  
11 can give them one placard as they come if we happen to be there. If we're not there are, they  
12 liable to be ticketed even though they are providing services? Our housekeeper is there once a  
13 week for 5 ½-hours, how is that handled? Can the RPP Program end at a certain time like 3  
14 o'clock? Our problem is with Gunn students, not with commercial property. There's no  
15 commercial around so if it can end at 3 then people who come after that say for a dinner party  
16 in the evening. If we had six other people for a dinner party weren't worried about that, maybe  
17 they would get ticketed which wouldn't be right. If my wife has five other lady friends over for  
18 lunch where do we park those cars during the RPP Program? I think those are the issue that  
19 needs to be discussed and resolved in the outreach so that people in our area will know they  
20 are getting into if they have an RPP Program.

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Final point is that Gunn High School construction is ongoing and presumably with end next month. They have had a staging area that's taken at 20 to 25 if not more parking spaces. Data collection has to be done after that construction is over and those spaces have been released.

One final comment, very fast, Bowman construction across the street, the workers there are also parking on Georgia and Hubbartt. So, data collection needs to take into consideration that that construction will end hopefully soon and those people won't be there taking up spaces.

Thank you.

Chair Riggs: Thank you for your insights, Mr. Hirsch. Could we have Ms. Nammar and I apologize about mispronouncing Ms. Nammar and then Ms. Bricker if you could be ready to speak after that?

Ms. Jeneen Nammar: Hi, thank you for this opportunity, my name is Jeneen Nammar but that was very close. I live in the Gunn zone as well and I think that the pictures that you have are taken after the 9:00 to 10:00... what time of day was it?

[Note- Staff member]: 10:00.

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1 Ms. Nammar: It was 10:00 am and if you look down Georgia it will be cleared of the non-  
2 residents, the teen parkers that try to come into the neighborhood. If you had turned around  
3 and looked the other way going up Georgia you would see a different picture where there's a  
4 lot of teen parkers.

5  
6 I submitted the petition and I am a resident in the zone. I submitted the petition because I  
7 cannot park in front of my own home. I leave for work at 9:15, I've gotten two tickets and I find  
8 it egregiously objectionable. I need to be able to park in front of my own home just with our  
9 personal circumstances and I'm going to have a college student who will need a vehicle as well.

10 When I collected the signatures, I said to my neighbors we could have parking stickers. Pally  
11 already has parking stickers, we're equal to them, and they were like yeah, I want to be able to  
12 park in front of my home. There are many ludicrous stories about what it's like to live in the  
13 zone and not be able to park 9:00 to 10:00 am on school mornings for an entire school year. I  
14 mean we've had neighbors widening their driveways with pavers. We have a really funny story,  
15 in the fall some nice neighbor put a letter in every single one of our mailboxes saying they were  
16 having a family gathering, there would be a lot of cars, please don't call the police. So, I'm sure  
17 none of us did but our goal is to be able to park in front of our home. I personally didn't want to  
18 try to dismantle the zone which is an option because I'm sure that the teen parkers will park in  
19 mass in the neighborhood again. Use it as an extra parking lot and there's 1,900 students at  
20 Gunn just like Pally. There's a lot of teen drivers that try to show up at the last minute so that's

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1 why I wasn't trying to dismantle the zone but on the other hand I am sure that my neighbors  
2 are not prepared for us to have some sort of parking restriction that is even worse than 9:00 to  
3 10:00 in the morning. And we're open to solutions that are easy to implement, non-invasive. It  
4 doesn't have to be a sticker.

5  
6 I'm really unclear about why you can't just have an excel PDF that a parking attendant can look  
7 at in their cell phone to figure out who's a resident and not a resident? There's got to be easy  
8 technologies to implement. So, when I submitted this petition, we wanted to be able to park in  
9 front of our homes from 9:00 to 10:00 am but we're not prepared for an all-day parking  
10 restriction. We just have teen parkers in mass descending upon the neighborhood. I know that  
11 street looked empty but again to reiterate, we have... the parking zone has been there 15-years.  
12 That's why it was empty but if you turn the other direction where's there no parking zone. It is  
13 like all teen parkers, massed there. Thank you for your time. Thank you very much.

14  
15 Chair Riggs: Thank you, Ms. Nammar. Ms. Bricker and then Ms. Thompson if you could make  
16 yourself ready as well.

17  
18 Ms. Karin Bricker: My name is Karin Bricker and I live at 683 Georgia Avenue and I thank you for  
19 your time. And I realize this is a complicated situation because there are unintended  
20 consequences for every solution and that's what we... and I see the Staff nodding yes... because

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1 that's what we face. So, what we want to be able to do is have an overnight guest occasionally  
2 and not have to go oh we need to wake everybody up to move. If we have some construction  
3 being done our home and the construction workers need to park their truck in our driveway  
4 and we have to park on the street, we don't want to be ticketed at that point. So, we... so the  
5 idea of an all-day parking restriction is a problem if it's limited to just residents.

6  
7 The other thing we noted and now that I'm retired is, we take walks and I see that the 9:00 to  
8 10:00 when it's fairly empty on Georgia now but then we walk onto Wilmar and it's solid. Solid  
9 cars and the kids then... if we go out about noon, they're all driving their cars over to Georgia.  
10 So that's what happening, they are working around it. I mean years they use to park and get  
11 tickets but now they are moving their cars. But I would like to be able to have people visit and  
12 meetings and have people park in front of the house so thank you for your time.

13  
14 Chair Riggs: Thank you very much, Ms. Bricker. Next, we have Jean Thompson. Ms. Thompson  
15 are you here? Yeah if you could (interrupted)

16  
17 Ms. Jean Thompson: [unintelligible – spoke from the audience off mic]

18  
19 Chair Riggs: Oh, thank you, Ms. Thompson. I really appreciate you respecting our time like that.  
20 Thank you, it means a lot and I see some other people that may have comment cards. If you

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1 have a comment card for this item, Item Number Two, make sure you get it in. We'll make sure  
2 we give everyone a chance. I have a Mr. Heermance and after Mr. Heermance I have Mr.  
3 Robinson.

4

5 Mr. Richard Heermance: Good evening Commissioners. I am here to support everything Chris  
6 Robell said. We live right across the street from Chris and we've lived in the Old Palo Alto  
7 neighborhood since 1981 so we've seen quite a change in that time. When we first moved in  
8 you could certainly park on the street. There were a few cars there but there were some cars  
9 there as needed and it really increased dramatically to the point where it's at today when the  
10 Evergreen RPP was approved. It basically moved it from their neighborhood to ours and you  
11 just... as it's been said you just cannot park there during the day. There's a perfect example  
12 there today, I had two cars parked in my driveway and unfortunately one behind was having an  
13 issue. So, we managed to solve the issue but I figured I wanted to come here tonight so I had to  
14 have a car that would work so I wanted to take it out and put it on the street. Well, that's easier  
15 said than done. I ended up having to go down to Romana which isn't that far but it's a block and  
16 a half away and that's where the car is now. So, I was respecting everybody by parking both  
17 cars in the driveway, I wanted to move it to the street, impossible.

18

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1 So, I've also run into people, as a matter of fact, I've spoken to them and they've moved  
2 someplace else but where they are just leaving the car and going to pick up Caltrain to go to the  
3 airport and stay someplace for a week. We've seen that over the years many times.

4  
5 The last thing that I wanted to talk about was the inability of the contracted services that clean  
6 the streets on Tuesday. When we first moved in there were signs, fixed signs in the parking strip  
7 that said don't park here on Tuesday from 8:00 to 10:00. That's the day we clean the street and  
8 for some unknown reason to us these signs were taken out. So that was ok when there weren't  
9 many cars there. Now it's totally blocked and it's a joke. They go down the middle of the street.  
10 They just cannot clean the street.

11  
12 The last thing that I want to bring up is if we're going to have... if we're going to get our RPP  
13 which I hope we do and you prioritize us, we can... you can have one sign just like in Mayor  
14 Filseth's neighborhood. You have one sign that says it's an RPP, you can park here for 2-hours  
15 and also on Tuesdays or whatever it happens to be don't park here at all because it's a street  
16 cleaning day. So, I just encourage you to prioritize our petition because it's definitely needed  
17 and it's... you know we can tolerate things but it's becoming intolerable. It's like we don't really  
18 own property there which we have for a long time so thank you for your attention.

19

20 Chair Riggs: Thank you so much Mr. Heermance. So, Mr. Robinson and then Mr. Kim.

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Mr. Matt Robinson: Thank you for the time, I'll try and be very brief. I'd like to highlight two aspects to the Old Palo Alto parking issue which you have now heard quite a bit about. One is safety. I'm a 13-year resident at 171 Washington, I'm also a business owner at 3225 Ash on the other side of Alma Street. I see this problem from both sides. Practical implication of the parking issue in the Old Palo Alto neighborhood are twofold. One I've instructed my kids not to ride their bikes in the street at any time anymore. There's been too many close calls. My first letter to City Council was 3-years ago on this topic. We've been working with Chris and others for a long time now.

The second is urgency. The practical implication is people are taking things into their own hands. There are signs going up, there's traffic cones going out, there's people like me instructing their kids not to ride their bikes or shoot hoops in the street anymore. The neighborhood has changed, yes, it's a pain not to be able to park there, that's a big problem. The safety issue is of utmost importance to me as a parent of two 11-year old boys who are trying to get to school and so I would encourage you and the Commission to treat this with urgency, not just from a prioritization perspective but also from an action perspective. Thank you.

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1 Chair Riggs: Thank you very much, Mr. Robinson. We hear those comments loud and clear. Mr.  
2 Kim.

3

4 Mr. Young Kim: (off mic) Chris Robell (interrupted)

5

6 Chair Riggs: Thank you, Mr. Kim, thank you. Ms. Shepard.

7

8 Ms. Elizabeth Shepard: Hi, Elizabeth Shepard, I'm here as a resident of Old Palo Alto near  
9 Bowden Park and I'll speak briefly. Chris Robell and others have spoken well on behalf of our  
10 neighborhood. I'll just mention I've lived in Palo Alto since 1990, I was a renter here for 20-  
11 years in two different homes and I was so happy in 2010 when I was finally able to buy a house.  
12 I've loved the Old Palo Alto neighborhood; I still love it but the quality of life has really changed  
13 in the last 2 to 3-years. Starting around 2016 we started seeing an influx of day parkers and that  
14 increased significantly in the spring of 2017 when the RPPs went into effect at Mayfield and  
15 Evergreen Park. So, I'm concerned about safety of children and bicyclists that are going up and  
16 down the streets. I'm concerned about privacy. I feel a little bit less safe in my own home now, I  
17 don't want to open up the curtains, why? Because there's so many people always parking on  
18 the street. I'm concerned about not being able to park in front of my sidewalk or going up to my  
19 house when I need to unload things that are heavy and also have people coming in and out of  
20 my house sometimes during the week. So, I'd ask that you please prioritize Old Palo Alto and

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1 also consider that we're currently the only neighborhood within easy walking distance of  
2 California Avenue that has free parking. So, just in for the sake of fairness, it would be helpful to  
3 also implement some type of payment program or parking restriction for our neighborhood.  
4 Thank you for your consideration.

5

6 Chair Riggs: Thank you, Ms. Shepard and I'm going to call Mr. Johnson. If Mr. Johnson is in the  
7 room, we... ok, those are all the cards I have. If no other... seeing no other hands and no other  
8 cards I'm going to close the public hearing. Ok, the public hearing is closed so back to the  
9 Commission. I think I'd like to structure things and focus us a little bit and I think what I'd like to  
10 do is I want to remind the Commission that to focus on process and priorities. And for the  
11 benefit of the audience, I want to... I'd like us to... we hear your frustration, we hear the  
12 urgency, the need for enforcement, the safety concerns, the details that you're articulating,  
13 those are not in our purview to discuss tonight. We're going to talk about policy and process  
14 and so bear with us. Those are within our purview this evening so I'd like for us to focus our  
15 comments, not on those very tangible and specific things the audience brought up but, on the  
16 policy, we heard at dialog and on the process by which the Staff would go about if there is  
17 insight with regard to that policy. And I think some of the public members talked about some of  
18 the things they would like to think about but so let's talk about policy, process, and priorities.  
19 So, with that said I want to start with Commissioner Summa and we'll go down the line. If you  
20 could just say what you're thinking with regard to the policy process and priorities.

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Commissioner Summa: [unintelligible- off mic]

Chair Riggs: Well, so your question was do we want to talk about all three areas? That's fine but keep in mind that one area hasn't met the policy threshold being the Charleston Meadow... yeah, feel free to talk about all three... Commissioner Summa, if you'd like to talk about all three that's fine.

Commissioner Summa: Ok I just wasn't sure how you were doing it so thank you to Staff and thank you for all of you who came out tonight. I think it's clear that the Old Palo Alto neighborhood needs to be addressed and in a timely fashion. As to the details they'll be worked out later but that would be my priority.

It seems to me that the Gunn situation might be better solved by a different solution than a full RPP that restricts parking and also opens up parking to commercial parkers. I don't... there aren't any commercial parkers really that would park there. Maybe there would be spillover from schools but that seems sort of unnecessary and it seems like there might be a simple solution that would allow for any residences to not be ticketed during the 9:00 to 10:00 time. I wonder if the start time is early enough for that program, at 9:00, given that the students... that school starts at 8:30. It just might be more effective, something to think about.

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It does not seem to me as if the third area on San Antonio, it's a little confusing to me what's going on there based on Staff's presentation but it's not clear that that meets the standards we would have for addressing it. And if there's specific... I don't even understand from the Staff presentation what the problem is with the parking there and who's it's a problem for. So, I would need a lot more information to really comment effectively on that situation so.

Chair Riggs: That's great, Commissioner Summa, thank you so much. Commissioner Templeton.

Commissioner Templeton: Thank you all for coming out here tonight and sharing the experience you had with the RPP and the other restrictions on parking in both of these neighborhoods.

Regarding Green Acres, I find it unacceptable that people are being ticketed and having their activities restricted in front of their own house so I urge the Staff to find a way to address this as soon as possible outside the RPP process. I agree with Commissioner Summa that there may be another way.

I also find it unacceptable that the Old Palo Alto area is being drowned in parking that as a side effect of RPP in nearby neighborhood so I definitely see a need for us to address that. One of

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1 the speakers mentioned some interim mitigations that might be possible outside the RPP  
2 process or if they could be fast-tracked to join in the Evergreen RPP. That might provide them  
3 some relief faster so I would definitely want to... I would like to prioritize both of these to be  
4 addressed. I would love to see a fast track solution for Old Palo Alto and I would love to see  
5 some mitigations around the ticketing of neighbors in their own neighborhood in Green Acres.

6

7 Chair Riggs: Thank you, Commissioner Templeton. Commissioner Alcheck or Vice-Chair Alcheck,  
8 excuse me.

9

10 Vice-Chair Alcheck: Ok, thank you all for joining us tonight. I'll start at the end and then make  
11 my way back. I would support a recommendation that the RPP process begins for the Old Palo  
12 Alto petition tonight. I would base that on the Policy T5.11 which is sort of explicitly instructs us  
13 to protect. I'm not making a motion, I'm just (interrupted)

14

15 Chair Riggs: May we put up Slide 5, please?

16

17 Vice-Chair Alcheck: Yeah, which instructs us to protect residential areas from parking impacts  
18 of nearby businesses. I would suggest that the Green Acres petition has a different nuance. I  
19 would not describe the Gunn High School utilization, student utilization of that parking area as  
20 falling within the same category of a business. So, I wouldn't recommend that we start an RPP

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1 process for Green Acres and I don't think Charleston Gardens as demonstrated by the report  
2 even rises to the level of consideration. And so, my recommendation to Council would begin  
3 the RPP process for Old Palo Alto, do not begin a process for Green Acres, and don't spend any  
4 further Staff time on Green Acres or I mean Charleston Gardens, excuse me.

5

6 I want to just address a few other comments. I think that the pace of addressing resident needs  
7 can be very difficult to endure. I don't disagree that parking permits is not rocket science. I  
8 don't think rocket science is rocket science, to be honest. I think if you study it then it's not that  
9 complicated but I will suggest that we really struggle to create programs that don't cause  
10 ancillary and negative impacts. And our Palo Alto process I designed to at least hear all the  
11 potential individuals who may find a problem with whatever plan we come up with and for that  
12 reason, it will... there will be a process and it will take time.

13

14 And to Staff, I would just say a few comments which is I am not... I was... tonight is the first time  
15 I think I've been presented on the situation in Green Acres. I don't think that ever came before  
16 the Commission. That might have been... that to 9 to 10 o'clock program might have been  
17 instituted at the Staff level. That... knowing the little that I know seems like a terrible program. I  
18 feel like if you create a parking program that immediately penalizes the residents then it's not  
19 really working. Likewise, the notion that we would create a program that suggested people not  
20 park during a street sweeper day, I can imagine a number of Palo Alto residents who would

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1 much rather prefer to sweep their own gutter than have to move their car from 8:00 to 10:00 in  
2 the morning on a given day. So, I actually like the flexibility we have with respect to the street  
3 sweeping program but to me, I think if the Green Acres program was initiated without Council  
4 oversight and Commission involvement...

5

6 [note – Staff Member:] [unintelligible – off mic]

7

8 Vice-Chair Alcheck: It was Council adopted but not Commission involvement? I guess what I'd  
9 like to suggest is that... and maybe this is a separate motion... that Council unwinds that  
10 decision. It just doesn't... the 9:00 to 10:00 limitation doesn't even make sense to me. And  
11 there's got to be a different system that may be easier to implement that's not a full RPP.

12

13 I also think that there could be an opportunity here to have a dialog with the school and maybe  
14 the school district. If you look at the Gunn campus, there's actually a lot of unutilized space. Are  
15 they having a parking problem on campus? How many spots do they have? I think they... maybe  
16 we can... maybe Staff can reach out to them and help them appreciate the problem. So, that if  
17 you could unwind this 9:00 to 10:00 restriction... I'm not saying that's what the residents want  
18 but I'd like us to work hard at creating a program that penalizes residents. The residents  
19 shouldn't immediately suffer some parking inconvenience simply so that they don't have to... so  
20 that they can access the parking in front of their homes or near their homes. And so, it seems

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1 almost... it's almost inconceivable that the City Council would approve this 9:00 to 10:00 block  
2 and then not also allow parking hang tags so that residents could be excluded from ticketing.

3

4 Chair Riggs: Commissioner Alcheck [note – Vice-Chair Alcheck] I'm going to ask you to respect  
5 our time.

6

7 Vice-Chair Alcheck: Yeah, no, I'm respecting the time. I don't know how to address this  
8 Charleston thing without starting a full RPP Program. Excuse me, the Green Acres thing without  
9 a full RPP Program and I think that that would be a waste of resources because it seems like a  
10 quick fix to an already approved Council program would be to give residents hanging tags. And  
11 if residents have a hanging tag then they can park from 9:00 to 10:00 in front of their home. So,  
12 I would support a second motion tonight that would recommend that the Council grant within  
13 the program that they've already created a resident exception that wouldn't incur the same  
14 RPP study and same lengthy process and so that's where I am right now.

15

16 Chair Riggs: Ok can I... I'm just going... before I come to you Chair Lauing [note – Commissioner  
17 Lauing] I just want to ask a procedural question to Staff. Would there be a scenario where we  
18 could recommend an annexation for Old Palo Alto and also ask for prioritization of Green Acres  
19 RPP? They are two separate processes that may have two separate timelines. What would that  
20 look like in terms of a path forward?

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Mr. Tanda: Chair Riggs, Members of the Commission, I'll take a crack at that. If you were to recommend that the City move and annex the Old Palo Alto into the Evergreen Park -Mayfield. That would be contrary to the policy that you had earlier mentioned that you're here to follow. The downside of doing that too is that there could be issues on the Evergreen Park-Mayfield. They may have concerns about an annexation across the road, maybe. There could be concerns actually that would be addressed of people who live within that district wanting to be in that district; I'm referring to Old Palo Alto. There could be people outside of Old Palo Alto that after hearing the program would very much like to be part of the program realizing that really what Caltrain riders are going to do is they're probably going to move a couple minutes to the north to walk to the train station. That is why we really have a policy where there's community outreach, there's an evaluation, there's the gathering of the data, there's a sharing so that really going outside of that is really not what the Council has in mind.

Chair Riggs: I understand that. I want to know what the path would be for the annexation as opposed to the RPP process.

Mr. Tanda: That would be done as part of the study that we would refer to as an RPP evaluation.

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1 Chair Riggs: So irrespectively our Muni Code [note- municipal] would suggest that the same  
2 level study and the same study would have to occur for both scenarios. Am I hearing correct? Is  
3 that correct? Does our attorney agree with that?

4  
5 Mr. Tanda: Well, yeah, not necessarily a legal point of view but from a practical point of view it  
6 would be the same. The same information would be provided to the people who had ultimately  
7 either benefit or not benefit from the program and so we'd be gathering the same information  
8 on parking and traffic and other impacts.

9  
10 Chair Riggs: Ok I'm just trying to get... is there a tactical solution? You've heard that from every  
11 Commissioner, is there a tactical as opposed to a procedural solution? And what you're telling  
12 me is no and I just want to validate that no is in fact no.

13  
14 Mr. Tanda: You do have a solution that probably is the most efficient that's being presented to  
15 you and that would prioritization and you have the option of not prioritizing either one but I  
16 don't hear that at all. Prioritizing and move it forward. (interrupted)

17  
18 Chair Riggs: I think you're telling me... no, you're saying politically efficient but I mean I think  
19 what we heard from some of the members of the public is that politically they've garnered

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1 quite a bit of support. And what I'm asking is procedurally is there a different procedure for the  
2 annexation than the RPP process?

3

4 Mr. Albert Yang, Senior Deputy Attorney: So, under the code, the difference procedurally is  
5 probably the part that we're going through right now but ultimately the Council would still  
6 need to make the same findings of need based on the same sort of evidence that would be  
7 accumulated after this meeting. So, annexation is maybe faster than this process if you go with  
8 the annexation route from the very start but ultimately its pretty similar.

9

10 Vice-Chair Alcheck: Ok I'll just conclude my time by saying that I actually don't support an  
11 annexation effort. I support an RPP process for the Old Palo Alto petition. I don't support an  
12 RPP process for Green Acres although I do think Council should expeditiously review whether or  
13 not to create a resident exception to what they've already created. They've essentially created  
14 a program and it's not working well and I think they could fix it expeditiously.

15

16 The difference with the... why I wouldn't recommend that Council just from the dais correct the  
17 issue for Old Palo Alto is because there's actually these interesting considerations that need to  
18 take place. For example, Bowden Park, what's going to happen around Bowden Park? How will  
19 residents of Palo Alto who don't live in your neighborhood and don't have a potentially a  
20 permit be able to access that park during the day for multiple hours if an RPP Program is set

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1 up? So, there are some considerations that need to take place, there's some conversations that  
2 need to happen, and I think that process should take place as we do all of our RPPs; in that  
3 open, transparent, community outreach process. That's it, that will conclude my comments  
4 there.

5

6 Chair Riggs: Commissioner Lauing.

7

8 Commissioner Lauing: Yes, you're hearing a lot of unanimities up here on trying to serve our  
9 residents. I'd like to ask on Slide 21, that community outreach stakeholder process May through  
10 August, how extensive is that in terms of the car counts things like that and who does that? Is  
11 Staff involved in that or is that all consultants?

12

13 Mr. Tanda: Yes, that would be Staff lead. It would obviously be meeting with those people who  
14 are interested, in otherwise impacted, it would be sharing information that we have. You heard  
15 actually tonight the questions that would typically come up in that process about how many  
16 permits, does it include visitors, guests, you know what are my options there? They'll probably  
17 inevitably come up with how much does it cost? What type of permits are you using; hang tags  
18 or decals? The outreach can be somewhat extensive but everybody who would be affected  
19 really needs to have all of their questions answered and it would involve Staff, which was as  
20 early pointed out, we don't really have the Staff available to do that now. You need to

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1 appreciate that almost 30 percent of City of Palo Alto is now covered with RPPs and some of  
2 them to a degree of difficulty is very high on some of those RPPs in terms of balancing things.  
3 So, I apologize for belaboring that response but it would be done City Staff, not a consultant.

4

5 Commissioner Lauing: Ok, you know the City of Palo Alto has a lot of large problems; traffic;  
6 housing. I think the big problem in the City of Palo Alto is lack of Staff in the City of Palo Alto;  
7 vacancies. It's a massive problem, we know that, so but that also isn't going to change  
8 overnight. So, I think what you're hearing from this dais is that we'd like to kind of get on with  
9 some of these things. So, for example, Chair Riggs had an idea, it didn't work, ok. What about if  
10 we said we recommend Palo Alto [note – Old Palo Alto?] do the RPP and by the way, as we're  
11 doing it, let's set them up as a pilot integrated with the one that's there because then you're  
12 testing relive data. So that they can have it today essentially while you're doing the studies and  
13 so on. That's been done before, there was a pilot put up on a roundabout on Churchill and  
14 Cowper by the Transportation Department, there was a lot of debate about it, at the end of the  
15 time this group decided that it was wrong and so it was taken down. But at least while it was  
16 happening, we had some real data as opposed to just speculation. We're in April now, we're  
17 saying the Council is not even going to get this till May but it's pretty simple. If we're just going  
18 to recommend one. And then these people don't get any relief until November? I mean  
19 [unintelligible] because there's not as much Staff we have to find efficient creative ways to try  
20 to get some other things done and this is completely with respect to what I think is the biggest

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1 problem of all these openings. So, I guess if you're ready Chair, I'm happy to make a motion on  
2 this?

3

4 Chair Riggs: Yeah, I would just like to say though there's no... only prioritize one or this is a  
5 prioritization of one verse two based on Slide 5 and Slide 8. So, if you want... if we could see  
6 Slide 5 again and this is going back to our General Plan and so I want to emphasize that these  
7 are based on some of the City values that we've established as part of our General Planning  
8 process. So, I guess I would entertain a series of motions or a motion and then we can open  
9 that for discussion.

10

11 MOTION #1

12

13 Commissioner Lauing: So, I would move that we prioritize Old Palo Alto as one in this and  
14 Green Acres as two but with the... I don't want to call it an amendment but with the request to  
15 find a way quicker without the extensive RPP study to solve that probably much more narrow  
16 problem; so that would be my motion.

17

18 Chair Riggs: Do I have a second for that motion?

19

20 SECOND

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Commissioner Summa: I'll second it.

Chair Riggs: Ok so the motion on the floor to prioritize Old Palo Alto first, Green Acres second with some type of potential for intervention. I want to go back to Staff, is there an enforcement-based intervention that is feasible or could there be some type of intermediary? That's a vague motion so is that actionable?

Mr. Tanda: Are you referring to enforcing the existing parking time limits?

Chair Riggs: Well I think what we heard from the public was a little different but I'm just asking generally could we solve what appears to be a community outcry in a neighborhood that necessarily wouldn't prioritize? We have a motion on the floor that would prioritize one neighborhood over another, both have acute issues. Can we address some of those acute issues for... well really for both but particularly for the one that may or may not be a priority?

Commissioner Lauing: Yeah can I just clarify that by speaking to the motion? I think the Old Palo Alto has been demonstrated visually in over the course of the months and years as being a serious problem justifying the study to do an RPP. Because we have to prioritize these, we make the other one second but there might a much quicker, more simple efficient workaround.

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1 So that you don't have to go through eight more months of studying the RPP with a much more  
2 efficient single solution so that's what's contained in the motion.

3

4 Chair Riggs: Ok so hold on, I think we... I asked Staff question and I think Mr.... Chair...  
5 Commissioner Lauing might want some clarification.

6

7 Mr. Tanda: Ok I think the question was can we have almost selective enforcement for those  
8 who don't live within the area to enforce the regulations and for those who do to cut them  
9 some slack. I don't know about the City of Palo Alto but in all the other jurisdictions that I've  
10 been involved in as a Director of Transportation, the answer would be no. Please... would not  
11 do that and I don't think how... see how that could be done. If I didn't answer your question  
12 because that's the way I heard it, that there be some kind of special [unintelligible]  
13 enforcement it's a... I guess the best term would be that's problematic.

14

15 Commissioner Lauing: That's not it at all.

16

17 Commissioner Templeton: Ok, can I try?

18

19 [many Commissioners started speaking at once]

20

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1 Commissioner Lauing: I mean that's just not it at all. What we're saying is if we have to  
2 prioritize these as one and two, one to me is terribly obvious and we should get on with it. The  
3 second one I think has a simpler solution that won't take seven months to do an RPP study  
4 when we probably don't need an RPP but has to figure out the proper way to do that.

5

6 Chair Riggs: Alright so I want us to be... we have a couple other comments. I want us to be really  
7 disciplined in this discussion because we're talking about something that is peripheral to the  
8 agenda. Now with your add on of the motion that is specifically not our purpose. We are to  
9 prioritize these two things so these additional solutions we're talking about, that you've  
10 embedded into your motion, they are... they may or may not be actionable and they are not  
11 apart of what we've been tasked with tonight. So, I want to make that clear but so I have  
12 Commissioner Summa and then Commissioner Alcheck or Vice-Chair Alcheck.

13

14 Commissioner Summa: Yeah just wanting to speak to my second. I do think that Old Palo Alto  
15 has clearly demonstrated a problem for years now so they should be number one. I do think  
16 that... I do think it behooves us to suggest that there might be an easier solution for what's  
17 going on in Green Acres and actually, not everyone spoke in favor of the RPP role out there.  
18 And at the risk of bothering... irritating the Chair, I think you could actually give everybody in  
19 that area who wanted a residential sticker... a residential... anybody who felt they were being  
20 impacted by the school parking and just let them have a sticker. The police are apparently going

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1 out already and enforcing the 9:00 to 10:00 so it doesn't seem to add any cost to the City;  
2 virtually the cost of a sticker. So, I just wanted to add that and I did... I also wanted to say that I  
3 do think there... that Commissioner Lauing meant some sort of pilot to get a quicker solution in  
4 Old Palo Alto. And I think that might be good because you could get some real information  
5 including how far the creep might be and who was going to be impacted by having the program  
6 in those seven blocks. So, I just wanted to lend some support to that creative suggestion.

7

8 Chair Riggs: Commissioner Alcheck [note- Vice-Chair Alcheck] and I will challenge my  
9 Commissioners, we... I do want to take a vote on this motion on the floor but if you have any  
10 dialog in terms of the process. We heard a lot from the community about process, I think that  
11 would be a good time to add any thoughts you had for Staff in terms of specific aspects of the  
12 process that they should pay attention too in terms of pursuing the RPP.

13

14 Vice-Chair Alcheck: Ok so I'll make these comments in the hopes that they might lead to a  
15 slight adjustment of the motion. This is not the motion I would have made. I think we should  
16 recommend that the RPP process begins in Old Palo Alto. I think we should recognize that we  
17 created this RPP process simply because the demand for RPP has become extreme and if we...  
18 we've barely gone through the process we've created a few times. So, if we're already fast-  
19 tracking... we need to create consistency because we're going to see more and more of these  
20 applications and I think it's not unreasonable for the City to create a timeline that... for

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1 anything to happen less than a year in the City. And I know you've begun working on this before  
2 tonight but for this recommendation to lead to a potential permit program that might begin in  
3 November does not... or October does not seem like a significant period of time. So, I think we  
4 should be cautious about tossing into the bin this system that we've only just essentially create.

5  
6 I also think that we're being a little bit naive in suggesting a pilot program because we're talking  
7 about signage that needs to get made and enforcing a process that has to be made and it's not  
8 that simple. We've been through this process in other neighborhoods and it takes significant  
9 time and resources allocation. I think that if Staff doesn't speak to that then they should  
10 because it's an unrealistic suggest to assume it would take... that this could be done faster.

11  
12 And I also think that with respect to Green Acres you have a program, there is a parking  
13 restricted program. Maybe it's not an RPP but a program was put in place by Council and I'm  
14 curious to at least hear Staff's thoughts. Do you think it would be unreasonable if or do you  
15 think it would be somehow outside of the normal order of business if Council immediately  
16 amended that at the next meeting that they have? It seems to me that they have the authority  
17 to do that and I'm guessing that they didn't anticipate the pain that's being experienced by the  
18 program they've put in place. So, for Green Acres, it seems like they need to amend what's  
19 already there as opposed to begin a new RPP which is why I think we should have a separate  
20 motion recommending that Council consider amending it and including some sort of hang tag

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1 process. Similar to what you have in Crescent Park, for example, the overnight parking ban is a  
2 2-hour parking ban. I don't know if you would call it an RPP but from 2:00 to 5:00 in the  
3 morning you can't park in Crescent Park anywhere except if you have a hang tag. So, that exact  
4 same program could be implemented in Green Acres which is to say if you have this hang tag  
5 then you can park in front of your house from 9:00 to 10:00. So, it seems entirely possible that  
6 Council could make that adjustment to the existing program.

7

8 I don't know that I heard tonight that this group wants to be annexed and so piloting an annex...  
9 and I also understood that maybe there are concerns that by including this other... what are we  
10 calling that? This other community that has its own concerns, that that might raise issues for  
11 that... we may be broadening the entire number of people who may want to comment on an  
12 annexation. So, I think we can make this simpler, I doubt Council will expedite this and say go  
13 ahead put some signs up, let's pilot it until November. It's just (interrupted)

14

15 Chair Riggs: I think there's a point of clarification on the motion because I didn't understand  
16 Commissioner Lauing's motion. Commissioner Lauing, I took it as a simple prioritization in that  
17 you are ideating on the pilot process. Is that correct?

18

19 Commissioner Lauing: Exactly. The essence of the motion doesn't disagree with that  
20 Commissioner Alcheck [note – Vice-Chair Alcheck] just said. It's just a motion to move forward

- 
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1 on priority one. The Chair said we had to act on priority two so I said we'll include that but if we  
2 can look at more efficient ways, which is what he just said, then that would be a way to get  
3 around it faster.

4

5 Chair Riggs: Ok so a motion on the floor. I have Commissioner Templeton would like to make  
6 some comments.

7

8 Commissioner Templeton: Could you clarify what the program was that Commissioner Alcheck  
9 or Vice-Chair Alcheck just referred to in Crescent Park?

10

11 Ms. Star-Lack: So, I'm not normally the parking person but there is a no overnight parking  
12 restriction in Crescent Park that (interrupted)

13

14 Commissioner Templeton: Do you know what the turnaround time was on that?

15

16 Ms. Star-Lack: I don't.

17

18 Commissioner Templeton: It was rather quick, yeah. The reason I ask is just to make sure that  
19 we're communicating clearly to Staff that we want to see quick solutions, interim mitigations,  
20 and we do... I think many of us... all of us here want to see you have the time to do the studies

- 
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1 that you need to do for a long-term program as well. So, with that, I support the prioritization  
2 of Old Palo Alto one and Green Acres two with the caveat that I would love to see some kind of  
3 community meeting with Staff to brainstorm solutions as soon as possible for Green Acres.  
4 Thank you.

5

6 VOTE

7

8 Chair Riggs: Do I have any other comments from my fellow Commissioners? So, I have a couple  
9 additional comments on the process. I think we heard from the public that there... this should  
10 be conducted in the school year as we heard from you and I think that was... that should be a  
11 part of the process. We did hear concerns about spillover and think that needs to be apart of  
12 the analysis in terms of the appropriate walk or bike [unintelligible] from Cal Ave. It sounds like  
13 in particularly Old Palo Alto that there's an openness to Business Permits and that's a really  
14 creative approach and I think that we should look at a creative alternative for pricing that might  
15 benefit this in terms of the benefits district. It potentially could go for more community assets  
16 in this area and I think that's all the comments I have in terms of process. Any other comments  
17 in terms of the process from Commissioners? Ok, so I'd like to call a vote. All in favor? Any  
18 opposed? Motion carries 5-0 with two abstaining.

19

- 
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1 MOTION PASSED 5(Lauing, Alcheck, Riggs, Templeton, Summa)-0-2(Roohparvar and Waldfogel  
2 recused)

3

4 Chair Riggs: Thank you all for being here.

5

6 Vice-Chair Alcheck: I'd like to make a second motion.

7

8 Chair Riggs: Ok yeah so Commissioner Alcheck [note -Vice-Chair Alcheck].

9

10 MOTION #2

11

12 Vice-Chair Alcheck: Yeah so, I would also move that we recommend that Council address what  
13 appears to be a mistake with the 1-hour parking restriction in Green Acres and direct Staff to  
14 replicate the Crescent Park parking restriction exclusion with a hang tag permit that residents  
15 could purchase. I would make that recommendation that Council consider that at the next... at  
16 this... when they review this item, I would recommend that they consider it when they review  
17 this item. Regardless of whether or not they want to start an RPP because it doesn't seem like  
18 addressing that issue would necessarily undermine an RPP process if they deemed that that  
19 was also a good idea.

20

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1 Commissioner Summa: I'll second.

2

3 Chair Riggs: Ok wait, wait, so I would like the motion to be repeated in two sentences.

4

5 MOTION #2 RESTATED

6

7 Vice-Chair Alcheck: Where you place a period is really subjective. I would recommend that  
8 Council approve an exception to the parking restriction in Green Acres for Green Acres  
9 residents. That is similar to the hang tag exception that is currently in place at Crescent Park to  
10 accommodate the pain regardless of whether or not they decide to implement an RPP process  
11 for the interim.

12

13 Chair Riggs: And second?

14

15 SECOND

16

17 Commissioner Templeton: I'd like to second that.

18

19 Mr. Tanda: Mr. Chair?

20

- 
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1 Chair Riggs: Ok, yes sir?

2

3 Mr. Tanda: Yes, I think it's a very creative idea but I'd like to ask the City Attorney if we can  
4 even consider a motion like that since it's not duly noted in the report that is public.

5

6 Chair Riggs: I believe we can make a recommendation that Council considers it. That's within  
7 our purview.

8

9 Mr. Yang: Yeah, I think it's within the scope of this discussion. Thanks.

10

11 Chair Riggs: Motion on the floor, do we have any discussion on the motion?

12

13 Commissioner Lauing: Just a question, so is your intent Commissioner Alcheck [note- Vice-Chair  
14 Alcheck] to basically move this directly to Council for consideration as opposed to have Staff  
15 consider it? Is that the primary intent?

16

17 Vice-Chair Alcheck: I'm suggesting that at whatever meeting this item is heard at, that  
18 following weekday, that following... however soon the resident could purchase a hang tag pass  
19 that would exempt them from that restriction. So, that whoever's citing these cars can stop  
20 should take place so yeah, I'm suggesting that just as they, I assume, initiated this program

- 
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1 from the dais outside of an RPP process they can amend this item from the dais without an RPP  
2 process.

3

4 Chair Riggs: I think I'm seeing Staff squirm because they don't know how they're going to do  
5 this. [unintelligible](interrupted)

6

7 Vice-Chair Alcheck: Look, all I'm suggesting is that the Staff report includes this  
8 recommendation and then when Council reviews it may be the community members will say  
9 we really like that recommendation that the Commission gave you. Can you please address this  
10 regardless whether you start an RPP process and the Council can make that determination on  
11 the spot? It's not complicated. The Staff does not need to create the program, they can just  
12 allow the Council to review the concept and decided whether or not they want to direct Staff to  
13 do it.

14

15 Chair Riggs: Alright Commissioner Alcheck, Commissioner Summa has a comment.

16

17 FRIENDLY AMENDMENT #1

18

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1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 Commissioner Summa: I think it's a little prescriptive to tell Staff when they should present it to  
2 Council. I think we should leave that open. Staff has already told us, we know how short Staffed  
3 they are so I think if you just take that prescriptive timing off, the motion is improved.

4

5 Vice-Chair Alcheck: The only prescription was that it be with this item. So, when they review an  
6 RPP for the area then they should review this [unintelligible](interrupted)

7

8 Chair Riggs: Alright Commissioner Alcheck [note-Vice-Chair Alcheck] the motions on the floor,  
9 we have a second, if there's no other discussion from the rest of the Commissioners I think we  
10 should... oh, Commissioner Templeton, do you have another comment?

11

12 Commissioner Templeton: I just have a quick question, does it need... it does need to go to  
13 Council to make any changes to that program?

14

15 Mr. Tanda: Yes. In fact, what you're saying I think is that one or more of these requests be  
16 exempted from the existing City Council policy on how you'd evaluate and ultimately approve  
17 an RPP.

18

19 Vice-Chair Alcheck: What I'm suggesting is that Council initiated a parking program, a parking  
20 restriction program, and they also are the sole entity in this community that can amend it. And I

- 
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1 don't think that we should go through an entire RPP process simply to correct this one mistake  
2 in the current parking program. So that's all I'm suggesting. Actually, all I'm suggesting is that  
3 they consider it, that we think they ought to consider fixing this 9:00 to 10:00 citation issue.

4

5 Chair Riggs: Commissioner Templeton.

6

7 Commissioner Templeton: I think we should... I'm in favor of making the amendment that  
8 Commissioner Summa suggested. I don't know if it was formalized as an amendment but to  
9 take the time restriction out of the motion and just include this with the recommendation.

10

11 FRIENDLY AMENDMENT #1 FAILED

12

13 Vice-Chair Alcheck: I guess I'm not clear, I don't have a time restriction. All I'm suggesting is if  
14 when they hear out other motion that we made tonight about prioritizing RPPs, that's the same  
15 time they should hear this one. I'm not suggesting at the next meeting; I mean at the next time  
16 they see this stuff they should also hear this recommendation. It's pretty simple.

17

18 Chair Riggs: So, I guess I'm going to take Chair's prerogative, we need to vote on this item. I'm  
19 strongly... I'm not supportive of this. I think it conflates to the prioritization. Clearly, this dialog  
20 will be embedded in this... in our dialog. A second priority is a second priority. We have limited

- 
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1 Staff resources. This is extremely hard to action... this is not actionable for Staff so I think it's a  
2 great and admirable suggestion but it's really beyond what our scope is but (interrupted)

3

4 Vice-Chair Alcheck: (off mic) Can I respond to that real quick?

5

6 Chair Riggs: Happily.

7

8 Vice-Chair Alcheck: Right here's what I'm suggesting. When you create an RPP Program you  
9 need signage, you need to determine your hours, you need to determine how much you're  
10 going to charge for permits that exempt people, you have to figure out enforcement. There is a  
11 parking program in place already in this Gunn High School perimeter that is being enforced,  
12 that has a citation amount, and people know it. The signs are there so it's already in place and I  
13 can tell you from prior experience that they resolved the Crescent Park situation virtually  
14 completely informally in conjunction with the City Manager and then-Mayor Scharff's review.  
15 So, to me the notion that we couldn't create some accommodation for residents so that they're  
16 not literally ticketed for using the very space that the City was attempting to help them use  
17 seems crazy. So, I'm not being prescriptive, I'm not trying to be insulting, I just think that the  
18 Council could address this issue. And in a full-blown RPP Program, not even as a second priority,  
19 seems... maybe Council will find that irrelevant but they can still solve this citation issue today  
20 or when they hear this item. That's all I'm suggesting.

- 
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Chair Riggs: Any other comments? Ok, call the question. All in favor? All opposed? Motion doesn't carry; 2-3-0

MOTION #2 FAILED 2(Alcheck, Templeton)-3(Lauing, Riggs, Summa)-2 (Roohparvar and Waldfogel recused)

Chair Riggs: Any other comments on this item?

Mr. Hirsch: Just for the record (interrupted)

Chair Riggs: Yeah, a quick comment. I'm sorry the public hearing is closed if you'd like to comment on another item (interrupted)

Mr. Hirsch: I have one bit of information that may respond to Commissioner Alcheck's [note-Vice-Chair Alcheck]

Chair Riggs: I'm sorry sir the hearing is closed so if you want to talk offline you can.

Mr. ??: Ok.

- 
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Chair Riggs: Thanks Mr. Hirsch, appreciate it. Commissioner Summa.

Commissioner Summa: I'm very sympathetic with solving the problem in Green Acres as quickly as possible and I don't think the answer is a full RPP. And I think the way the Newell Bridge problem and Crescent Park parking problem is the residents went and spoke to Council and Council fixed it overnight. And I think that's maybe a better process here, is for the residents to go to Council.

Chair Riggs: Thank you, any other comments?

Mr. Yang: Yeah, just for the record who... which Commissioner seconded the first motion? Great thank you.

Chair Riggs: Ok that concludes this item.

Commissioner Summa: [unintelligible – off mic]

- 
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1 Chair Riggs: I think that concludes this item. I think we're going to... can we take about a 10-  
2 minute break? Alright, so we're going to take about a 10-minute break before we take up Item  
3 Number Three which is a quasi-judicial hearing of 1700 and 1730 Embarcadero Road.

4  
5 [the Commission took a 10-minute break]

6  
7 **Commission Action:**

8 3. PUBLIC HEARING / QUASI-JUDICIAL. 1700 & 1730 Embarcadero Road [18PLN-00186]:  
9 Recommendation on Applicant's Request for Approval of 1) Zoning Amendment to  
10 Change the Zoning of the Site From CS(D) and PC to CS(D)(AD) and 2) Site and Design  
11 Review and a Design Enhancement Exception to Allow the Demolition of an Existing  
12 18,000 Square Foot Vacant Restaurant Building and a 15,700 Square Foot Audi  
13 Service Building and the Construction of a Two-Story 84,900 Square Foot Automobile  
14 Dealership That Combines two Brands (Mercedes/Audi). Environmental Assessment:  
15 An Initial Study/Mitigated Negative Declaration was Circulated for Public Comment  
16 From March 15, 2019 to April 22, 2019. Zoning Districts: CS(D) & PC-4846. For More  
17 Information Contact the Project Planner Sheldon S. Affordable housing Sing at  
18 sahsing@m-group.us  
19

20 Chair Riggs: It's 8:19 and we're going to be cognizant of time so thank you all for being here. If  
21 you're still talking, we need to continue our meeting so you're... we've got a great place to sit  
22 right out here out front.

23  
24 Alright, so we're... our third item of the evening is a quasi-judicial item at 1700 and 1730  
25 Embarcadero Road. A recommendation on an applicant's request for approval of the Zoning  
26 Amendment to change the zoning site form CS(D) to PC and PC (2) to CS(D)(AD), and a Site and

- 
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1 Design Review, and Design Enhancement Exception to allow for the demolition of the current  
2 1,800-square foot building and vacant restaurant building. As well a 1,500-square foot Audi  
3 service building and construction of a two-story 84,000-square foot automobile dealership. The  
4 Mitigated Negative Declaration was circulated for public comment and it was available from  
5 March until April... March 15<sup>th</sup> until April 22<sup>nd</sup>. Is that a typo?

6

7 Mr. Jonathan Lait, Director of Planning: Maybe.

8

9 Chair Riggs: And I think before we have public comment, we have a presentation from Staff.

10

11 Mr. Lait: Maybe even before that if want to... because it's quasi-judicial if you want to just go  
12 down the line and see if there's (interrupted)

13

14 Chair Riggs: Ok, do you want to do that first?

15

16 Mr. Lait: Sure.

17

18 Chair Riggs: Ok so let's... given that I started on the left this last time I'll start on the right. Oh,  
19 no I did start on the right last... I can't remember. So, let's start with Commissioner Waldfogel.

20

- 
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1 Commissioner Waldfogel: No conflict and no communication with any of the parties.

2

3 Commissioner Summa: No communication.

4

5 Commissioner Templeton: Nothing to declare, no communication, no conflict.

6

7 Chair Riggs: Vice-Chair Alcheck?

8

9 Vice-Chair Alcheck: No disclosure.

10

11 Commissioner Roohparvar: No disclosure.

12

13 Commissioner Lauing: No disclosures.

14

15 Chair Riggs: And no disclosures for me either.

16

17 Mr. Lait: Great, thanks Chair. We'll have Sheldon Ah Sing our contract planner who's been  
18 managing this project present a report.

19

- 
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1 Mr. Sheldon Ah Sing: Yes, thank you and good evening Commissioners. So, to start it off with a  
2 site context, give you familiar with the area. The project does include two separate parcels as  
3 something to think about, it's not just one parcel. They are not planning on merging the parcels  
4 so two parcels will remain separate. We'll have two separate buildings. Subject parcels are  
5 located within the Baylands Master Plan area and actually within the private Baylands area. This  
6 outie site, which is 1730 Embarcadero site, actually is adjacent to the Baylands Reserve Area  
7 and is most visible from the Renzel Trail. In the areas characterized by low-intensity type of  
8 buildings with large setbacks. To be of note that these are two parcels that would be CS zoned.  
9 The Honda dealership next door is PS zoned so that would also be a commercially zoned  
10 property but the others in the area and would be and remain manufacturing office type of  
11 buildings. It is near 101 but also you can't see the property from 101 and it is also within the  
12 vicinity of the airport.

13  
14 As articulated earlier our projects request some of those would be under the purview of this  
15 Commission. That would be the Zoning Amendment for the two parcels as well as a Site and  
16 Design Review that would also include a stop with the ARB and we're planning on going there  
17 next week with this project. And then you have the Design Enhancement Exception, that is with  
18 the ARB and the City Council. That includes exceptions to the build to lines setback that comes  
19 along with the CS District as well as the parking lot tree shading requirement.

20

- 
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1 So, this is the site plan of the project. We do want to highlight the 8-foot easement, that's a big  
2 constraint for the site. It is actually for the PG&E overhead powerlines as well as the City does  
3 have underground storm drain easement there. So, that really dictates the placement of the  
4 building on that site. That site currently has a former restaurant that would be demolished and,  
5 in its place, would have the Mercedes Bends Dealership; that would be Phase One. The second  
6 phase would be to retain the existing Audi showroom which is a relatively new building and  
7 demolish the service building behind it and have a new service building in its places along with  
8 the detached carwash.

9

10 So, the ARB did ask the applicants to look at orienting the showroom so it's not along  
11 Embarcadero but taking advantage of that set back along East Bayshore. The applicant did look  
12 at that throughout their design. And their primary customers would be coming from  
13 Embarcadero and the frontage for the other two dealerships there also take their frontage off  
14 of Embarcadero. So, there's... it makes more sense for the dealer and their site operations to  
15 orient their building towards Embarcadero rather than Bayshore.

16

17 So, these are some of the project perspectives for the project and the two buildings. When we  
18 went to the ARB previously, they had mentioned to provide a pallet that was more consistent  
19 with the Baylands. So, you have much more muted colors, khakis, and a little bit of white in

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1 there. They also have to retain some of the brandings for the dealership so that's why you have  
2 some of the darker colors to a limited extent.

3  
4 So, one of the things that we've been discussing with the applicant is the rear of the project as  
5 that is most adjacent to the Baylands. Recently they did add some flow through planters that  
6 are attached to the rear façade of the building. We're thinking, Staff's perspective, that it would  
7 be better to add more vegetation there. We've provided some examples of that so we do have  
8 a Condition of Approval to enhance that elevation and we'll see how that goes as we work  
9 through the process.

10  
11 This is a table that describes the floor area and the Floor Area Ratio. Dealerships have a base of  
12 .4:1 Floor Area Ratio and a bonus of .2:1 for the showroom space. This describes how the  
13 project meets that. In the Staff report, we did mention the project did have some updated  
14 plans to reflect the true floor area and those are depicted in these plans that we're showing  
15 here. The purple area is the dealership square footage and then pink or in this case it looks like  
16 a light purple actually is the showroom space. So, the project does include an automated  
17 vehicle stacking system where they are in the floors and so this place is kind of akin to say  
18 you're in a Costco where you have high pile storage. You're only going to count really that first  
19 floor and above it, the volume space would just have merchandise or in this case cars kind of  
20 stacked in the machine. So, the benefits of this system is that you don't have a large parking lot

- 
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1 around a building. And so, given the sensitivity of the area in the Baylands probably the tradeoff  
2 there is to have everything kind of more internalized with respect to having cars out in parking  
3 lot having it internalized in the building. And this is the floor area for the Audi, again that... the  
4 Audi showroom would remain and then beyond that would be a new building that would  
5 include more of the service components for the project.

6

7 So, something for you guys to consider is a Site and Design Review and the Findings and to  
8 ensure that the construction, operation use, and manner will be orderly. To ensure desirability  
9 of the investment, ensure the sound principle of environmental design, ensure that these are in  
10 accordance with the City's Comprehensive Plan. Along with that you'll be also making a  
11 recommendation of the zone change and that the pros of the amendment is in the public's  
12 interest. So, by adding the AD Combining District allows for a dealership operation to apply the  
13 unique development standards that are provided for dealerships and the change to CS from the  
14 PC Zoning provides that consistency in the area.

15

16 So, the key issues here we have aesthetics and compatibility, consistency with the Baylands and  
17 also the Mitigated Negative Declaration. As I mentioned before the project will include an  
18 integrated sale, service, inventory, customer parking. And I mentioned the AD Combine District  
19 allows for that extra floor room space for the showroom and the building is horizontal in nature  
20 and use and design and it includes muted colors consistent with the Baylands Master Plan. And

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1 some of those same principles apply with the consistency with the Master Plan with the  
2 condition that there be lighting addressed for any spillover and also having a condition  
3 regarding the re-elevation [note – sounds like] of the buildings, having more vegetation.

4  
5 And right now, we have the environmental document in circulation. If you have any questions  
6 on that we do have the environmental consultant here as well as the traffic consultant for that  
7 document. Some of the potential impacts are the impacts to biological resources, cultural  
8 resources, geologic and soils, as well as noise and transportation. And the document is being  
9 circulated through April 22<sup>nd</sup> so we haven't received any comments, particularly on that  
10 document just yet.

11  
12 We have however received some comments from the public on just the project itself regarding  
13 the car wash. It's adjacency with the building next and so we do have these cross sections here  
14 that show the relationship there, the distance. There are mitigation measures regarding the  
15 noise so when the project does get built, we would be able to address that. Stormwater and  
16 that has been addressed in the plans recently. FAR, as I mentioned, we did address those in the  
17 updated plans and there was a comment about the fence between the two properties and that  
18 was cleared up as well.

19

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1 So next steps is to complete the circulation of the environmental document, respond to any  
2 comments that we have, we're going to the ARB next week, they will recommend on the  
3 architectural review and DEE, and then after that will be a City Council meeting which we are  
4 targeting the end of June. So, with that, we recommend that the City Council adoption of the  
5 Mitigated Negative Declaration, approval of the Zoning Amendment and Site and Design  
6 Review for the project subject to conditions. I'd be happy to answer any questions you may  
7 have, thank you.

8

9 Chair Riggs: Thank you very much. Any questions from my Commissioners? Commissioner  
10 Templeton.

11

12 Commissioner Templeton: Hi, thank you for your presentation. Regarding the environmental  
13 item on the list, I notice that your design has a lot of large plate glass windows and I've worked  
14 in some buildings in Palo Alto with those. And we had a lot of stunned birds and things like that  
15 and worse. Given the location on the Baylands with all the birds that are migrating through that  
16 space, does part of your design have any mitigation for dealing with the plate glass and the  
17 birds?

18

19 Mr. Ah Sing: So, the architect has included on the plans the bird safe glazing.

20

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1 Commissioner Templeton: Excellent, that's wonderful, and then the other question that I had  
2 was about the bike path, it's going to cause the removal of some trees. Do you want to say  
3 anything more about that or like why did you feel that was the right trade-off?

4  
5 Mr. Ah Sing: Let me bring that back to just the site plans and see what's happening there. That  
6 was a suggestion from City Staff to include the bike path as an essential connection. In that  
7 area, there's a lot of people that use bicycles.

8  
9 Commissioner Templeton: I get the bike path, yeah.

10  
11 Mr. Ah Sing: And so, in doing so the trees are along that East Bayshore. The street trees are  
12 actually located on the property and there's a conflict with (interrupted)

13  
14 Mr. Lait: Yeah if I can just interrupt? So, I think Commissioner that's exactly why we're  
15 presenting it to you, the Commission, for consideration. There's clearly a tradeoff (interrupted)

16  
17 Commissioner Templeton: Oh ok.

18  
19 Mr. Lait: And we're... we've worked with the transportation office and the applicant to see if a  
20 bike path could be accommodated here. We think it achieves the objectives of the Bike/Ped

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1 Plan but we recognize that there's the removal of I think 11 trees; mature trees. That clearly  
2 will have an impact on that sort of local environment so we're asking the Commission to help us  
3 to solve that.

4

5 Commissioner Templeton: Excellent, well I'm really excited about the bike path idea but was  
6 wondering if it... if you were able to have an alternative design that didn't remove the trees?

7

8 Mr. Ah Sing: Yeah, I mean we looked at various options. One was going through the parking lot  
9 and just for security reasons, I think the applicant didn't want to do that. But there's... on the  
10 street there wasn't any room to do anything different and the limitations that PG&E has, they  
11 only allow vegetation to be at a limit of 15-feet so you can't get really good canopy in that area.

12

13 Commissioner Templeton: I see, ok that's great, thank you for that information and then the  
14 final question I had was about the proposal you had for the roundabout. Is that something we  
15 will be discussing as well? I didn't see it in the presentation so?

16

17 Mr. Ah Sing: Yeah, I mean that's one of the mitigations for the project's accumulative impacts,  
18 long terms impacts but the projects obligations would be to pay the City's Traffic Impact Fee.

19

20 Commissioner Templeton: Ah ok.

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Mr. Ah Sing: And that would be their... that would be their fair share contribution to that. They have a near term improvements that they have to do but that's just striping and that's detailed in the document.

Commissioner Templeton: Ok.

Chair Riggs: And I'll remind Commissioners, we do have a presentation from the applicant as well so if you (interrupted)

Commissioner Templeton: Ok, thanks.

Mr. Lait: Yeah, I'm not sure (interrupted)

Commissioner Templeton: I didn't realize that.

Mr. Lait: I don't think there's any formal presentation. I think the applicant is here to answer any questions that you have but you do have members of the public (interrupted)

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1 Chair Riggs: Ok so any other comments and then we need to open up a public hearing. Ok, I  
2 have a question actually, the... was a separate ingress and egress or not using the  
3 ingress/egress on Bayshore explored as part of the Circulation Study?

4

5 Mr. Ah Sing: Yeah so, you're speaking to the one driveway that's off of Bayshore?

6

7 Chair Riggs: That's correct.

8

9 Mr. Ah Sing: And what was your question, I'm sorry?

10

11 Chair Riggs: Was it... was not having that ingress or egress explored? That's a... that's probably  
12 the most congested thoroughfare in and around this intersection. Was that... removing that  
13 ingress and egress from the site explored?

14

15 Mr. Ah Sing: Yeah, I think we'd have to have the applicant and as well as we could have our  
16 traffic consultant look at that but (interrupted)

17

18 Chair Riggs: Ok that'd be great.

19

20 Mr. Ah Sing: Perhaps (interrupted)

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Chair Riggs: We can talk... we can hear from them then. Any other questions?

Commissioner Waldfogel: One question.

Chair Riggs: Commissioner Waldfogel.

Commissioner Waldfogel: Just a quick question, could you just spend a minute describing the history of the zoning on this parcel?

Ms. Jodie Gerhardt, Manager of Current Planning: Yes, so thank you, Jodie Gerhardt, Manager of Current Planning. So, we do... this site had been Ming's Restaurant for many, many years. That goes back to the late '60s and when... before Ming's when in the property was zoned LM with a D Overlay. And so then in the late 60's it was rezoned to Planned Community and that was to allow the restaurant and it's been that until current. And now it's being requested to change to CS with the AD Overlay and the D Site and Design Overlay as well.

Commissioner Waldfogel: (off mic) What's the current zoning?

Chair Riggs: Commissioner Waldfogel, could you use your mic, please.

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Commissioner Waldfogel: No, just a point of clarification, isn't the Ming's parcel CS today?

Mr. Ah Sing: Yeah, the Ming's is already designated CS because of the prior hotel proposal that was there.

Commissioner Waldfogel: [unintelligible – off mic]

Chair Riggs: Seeing no other lights I'd like to open the public hearing and I want to give the applicant, Mr. Hutson, a chance to speak or any of his representatives.

Mr. Lyle Hutson: Good evening Commissioners, my name is Lyle Hutson, I represent the project as the project architect. We're here tonight as a process that we've been going through in this City to bring upon this new dealership. The Audi is already existing, the proposed Mercedes dealership would be a new facility, and the struggle has been to integrate this into the community and into an area where we have a huge easement that we've been dealt with. And our solution has been pretty innovative in that we are keeping... if you look at this, this doesn't look like most dealership with the sea of cars out in front. And we're keeping 100 percent of our inventory inside the building in a car delivery system and storage system for new vehicles and so I just wanted to highlight that. We did have a short movie if maybe Sheldon you could

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1 play that because I think it's important to understand how the internals of this building work  
2 and how it's related to the outside of the facility and the circulation on site. This is real quick as  
3 it relates to the parking system. So, vehicles would be offloaded on site not out in the street.  
4 They'd be tagged, they'd be put into the system inside the showroom, they'd be logged in,  
5 they'd be scanned for their tag making sure that no one was in the space, that space would  
6 then close up and deliver that car to its parking space. And we've... the numbers have been a  
7 little bit different, back and forth, but we have some 300 to 400 cars stacked inside; 300 cars  
8 inside. When a salesman wants to retrieve a vehicle he'll go to the kiosk... he or she will go to  
9 the kiosk, identify a vehicle, select which model, select which options, it will match up with a  
10 vehicle if it's in inventory, that car will be selected, and it will then be retrieved by the system  
11 and delivered to the same bay that you saw the cars get delivered into if their being input into  
12 the system. These... all of these slots are going to be... have EV charge capability as we move  
13 forward so that's also integrated into this proposal. That these vehicles be able to be EV  
14 charged as well while they're sitting waiting for to be purchased. So anyway, I wanted  
15 everybody to see that real quickly so that it kind of gives a little bit of an insight of how this  
16 system works along with the building. And I can certainly answer any questions as it relates to  
17 the building and process. So, with that thank, you very much, appreciate it.

18

19 Chair Riggs: I think there are a couple questions from the Commissioners. Commissioner  
20 Alcheck [**note-Vice-Chair Alcheck**].

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Vice-Chair Alcheck: Yeah, I'm just curious, is this a first of kind facility?

Mr. Hutson: Yes, it is. There are... this system... this type of system is used quite extensively in residential applications but never that we're aware of any retail environment; a retail sales environment.

Vice-Chair Alcheck: So, first dealership in the states or maybe even abroad.

Mr. Hutson: That's absolutely true.

Vice-Chair Alcheck: Wow.

Mr. Hutson: Now you've seen the car stacking... Carvana maybe systems that are displaying vehicles and have a few of them but this is a true retail environment where it's utilized within the facility both for offloading the cars and storing the new inventory. Not to mention the fact that it's going to help keep car off of the... from the outside and the elements. They stay clean, they stay dry, they stay as nice as we can keep them until they are ready to be delivered.

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1 Chair Riggs: Any other questions from Commissioners for the applicant or the applicant's  
2 consultant?

3

4 Commissioner Waldfogel: [unintelligible – off mic]

5

6 Chair Riggs: We can, yeah. Alright, thank you, Mr. Hutson. So, without further ado, I'll call on  
7 the public and as before speak clearly and loudly and we look forward to hearing from you.  
8 You'll have 3-minutes and we'll start with Mr. Stone and I'm going to... next up we will have...  
9 and I'm... it's very hard to read this, is Ms. Suzanne Keehn, is this correct?

10

11 Ms. Suzanne Keehn: [from the audience – off mic] Keehn, [unintelligible].

12

13 Chair Riggs: Keehn, ok so if you could be ready after Mr. Stone.

14

15 Mr. Greer Stone: Good evening, my name is Greer Stone, I want to thank you for the  
16 opportunity of being able to speak to you tonight. I first want to take note that a rezoning is a  
17 purely discretionary action and fully within the purview of this Commission's responsibility. You  
18 have control in order to propose conditions on this proposed project and to bring it within the  
19 spirit and letter of the Baylands Master Plan. The Baylands Master Plan includes an all-inclusive  
20 list of zoning districts in the Baylands. Service Commercial, CS, is not among those listed. CS

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1 Zoning is the City's more permissive commercial zone found along El Camino Real and San  
2 Antonio Road. Palo Alto most intense commercial and developed areas. It was not intended for  
3 or appropriate in the Baylands and it does not exist except for this one parcel. 1700 East  
4 Bayshore was zoned CS to accommodate a hotel project that was not perused to competition.  
5 The CS designation is a remnant of that unfortunate action. In that case, the CS Zoning was  
6 applied to allow for a 2.0 FAR hotel. FAR which are exceeds the FAR of other parcels found in  
7 the Baylands. CS in this location is spot zoning. Spot zoning is generally considered to be the  
8 antithesis of land use planning. Courts have held that spot zoning includes situations which a  
9 single parcel receives greater rights than those around it. Courts have further held that  
10 determine whether spot zoning has taken place a court must apply a two-part analysis. First,  
11 whether spot zoning actually occurred and then second whether the spot zoning serves the  
12 public interest. Public interest is considered things like amenities as public parks, a school, etc.  
13 so unless they plan to give every Palo Altan a free Mercedes or an Audi, I don't see how this  
14 really serves the public interest. So why go into this much detail at this time? Because there are  
15 still issue with the CS Zoning as spot zoning allows great development than any other zoning in  
16 the area. What is this Commission to do? Ideally, recommend that the zoning be changed to  
17 ROLM(E) which also allows automobile services just as CS does and which is consistent with the  
18 zoning in the area other than a few PC parcels. Is the zoning designation that's been approved  
19 for the ordinance development over time and appropriate to the Baylands? At a minimum  
20 please do not recommend expansion of the CS Zoning to yet another parcel thus exacerbating

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1 the spot zoning expansion of a commercial zoning district intend for El Camino and San Antonio  
2 Road, not the Baylands. Such an action could be compared to increasing a nonconformity.  
3 Thank you so much for your time.

4

5 Chair Riggs: Thank you, Mr. Stone. Ms. Keehn and then Mr. Holzmer.

6

7 Ms. Keehn: Yes, I too don't feel like there should be any change in zoning. I think the Baylands is  
8 a beautiful resource for our City and that anything that disturbs it like these lights. Maybe now  
9 they have safety glasses... glass on them but it will still disturb migratory birds and be lighting  
10 up the Baylands at night so it does change the whole tenor of that area. I think this spot zoning  
11 is really, really wrong and I feel that the Baylands themselves should take priority here. So, I  
12 really urge you not to change the zoning and to keep the Baylands intact and safe. It's very  
13 important for all of us to keep the livability in this City that we still have. Thank you.

14

15 Chair Riggs: Thank you, Ms. Keehn. Mr. Holzmer and then Ms. Vrhel.

16

17 Mr. Terry Holzmer: Good Evening Commissioners. I encourage you tonight to not make any  
18 changes at all to the zoning at 1700 or 1730 Embarcadero. Even though the Staff report does  
19 mention that 1700 Bayshore is within the City's Baylands Master Plan I believe the report  
20 neglects seriously and does not mention that the site is identified as a gateway, an important

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1 gateway, to the Baylands. That designation to myself and more Palo Altans is extremely  
2 important. As the City code on the site says... on the Site and Design Review states it is critical  
3 that any development planned in an environmental or ecological area be compatible with those  
4 areas. This building does not. I would encourage the Commission to review and follow the site  
5 assessment and Design Guidelines that were established in the Palo Alto Baylands Native  
6 Preserve... Nature Preserve that were developed in 2005. And those are intended to be used  
7 when designing or reviewing projects located on any part of the Baylands, including projects  
8 that are on privately held land as this is. In all honesty, this project which is truly massive and  
9 out of place in this area of Palo Alto in one of our most important ecological areas. One would  
10 be... putting this building there would be truly obscene and show that we aren't conserved  
11 about protecting our environment. And we should be more concerned about protecting the  
12 Baylands, especially on that side of the freeway on 101. Thank you.

13

14 Chair Riggs: Ms. Vrhel and then Mr. Ross.

15

16 Ms. Rita Vrhel: Some of the previous speakers have already said some of the things that I was  
17 going to say. You know I would encourage all of you to go out to the Baylands at night and see  
18 as you drive down Embarcadero Road exactly how bright it is now with all the lights. The Audi  
19 building which appears to be the only reference in this report to nearby structures is an  
20 adnominally. It is not... it's an exception, it is not the rule of what is out there. Most of what is

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1 out there are kind of brown, low buildings that are set back and are truly respectful  
2 of this area's wildness and unique landscape. This building will be brighter than the current  
3 Audi building which is way too bright and you know it reminds me of do you remember when  
4 the City Manager Jim Keene suggested that the City could make a million dollars a year by  
5 having a jumbotron TV screen on the right side of 101. And everybody was absolutely shocked  
6 and that idea went... was shot down very quickly. So, this is kind of like the jumbotron on the  
7 left side of the freeway. It's not appropriate. If you go up to... by Redwood City, you can see a  
8 Mercedes building up there that is a lot of glass and is quite attractive but it's not appropriate  
9 for the Baylands. Please do not make zoning exception to make it so that you could build as  
10 much as you can out there. Please do not see the Audi as what should be in the Baylands and  
11 please don't expand any building that you put in there. The building should not be rezoned as  
12 far as you can build right up to the... to the... was it the site limit or something like that. There...  
13 this should be a very attractive building, not a lot of glass, not a lot of lights. If they can do it  
14 and not be rezoned and not ask for exceptions that's fine but this is the Baylands and you know  
15 what, it's a very busy intersection also. Thank you very much.

16

17 Chair Riggs: Thank you, Ms. Vrhel. Mr. Ross and then Mr. Kumagai.

18

19 Mr. Ross: Good evening. The Staff report before you tonight is incomplete on both the land use  
20 analysis basis and environmentally. On a land use analysis basis if you're going to justify the

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1 consistency of the zoning you can't cherry pick elements of the Comprehensive Plan; land use  
2 and design. You have to also look at things like conservation which incorporates the Baylands  
3 provisions concerning conservation that aren't analyzed in terms of General Plan consistency. I  
4 would also respectfully suggest that the Mitigated Negative Declaration is insufficient as a  
5 matter of law. A responsible agency for this project contrary to what's represented in the Staff  
6 report is the Santa Clara County Land Use... excuse me Airport Land Use Commission.  
7 Specifically, it should be analyzed with respect to, on a land use basis and an environmental  
8 basis, their report dated November 16<sup>th</sup>, 2016. This area, the project site, is within the flight  
9 path for both runway 31 and runway 13. It's within the height limitation area, all the parcel. The  
10 point is they have jurisdiction as a matter of law. It should have been referred to them for their  
11 comment. Is the environmental analysis adequate in either the land use or the conservation or  
12 the public safety area? It isn't even identified with respect to public safety. That has to be cured  
13 before this project could go forward.

14

15 I would also question then the accuracy of the project description in the initial study. I don't  
16 think that the Floor Area Ratios are accurate. Period. There aren't plans here as there should be  
17 for this public hearing to verify that fact. Without an adequate project description, you don't  
18 have an adequate initial study, you don't have an adequate environmental analysis. So, both on  
19 a General Plan consistency basis you can't cherry pick the elements with which this project is to

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1 be consistent in a non-environmental basis. You need to have more information before you  
2 make a decision. Thanks.

3

4 Chair Riggs: Thank you, Mr. Ross. Wayne Kuma... am I pronouncing your name...Kumagai?

5

6 Mr. Wayne Kumagai: Kumagai, that's right.

7

8 Chair Riggs: Yeah, thank you.

9

10 Mr. Kumagai: Thank you.

11

12 Chair Riggs: And Mr. Hu after Mr. Kumagai. Thank you so much.

13

14 Mr. Kumagai: Yeah, hi I'm Wayne Kumagai, I'm a commercial real estate broker with Newmark  
15 Commercial, formally Cornish and Carry, and I sold the building next door to the site 2479 East  
16 Bayshore to the current owner about a year and a half ago. And everyone else here so far is  
17 contesting the zoning and environmental concerns of the site which is vitally important. But my  
18 concern is for my client and the potential devaluation of his building because of the proposed  
19 plan and the... really the zero-setback adjacent to their property could really affect the value.  
20 The car wash as you see up there on the top... bottom right of the site would back up very close

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1 to the property line. Well actually on the property line so there's a huge concern about the  
2 noise and potential smell for the tenants in 2479. All the tenants in the building are professional  
3 accountants, attorneys, software developers, so that could present an impact and the  
4 desirability of renting the space in the building.

5  
6 And also, we have concerns about the aesthetics from the rear of the building and just being an  
7 eyesore when you look out from the second floor of our building. And I'm not sure how much  
8 they're putting into the aesthetics of the back of the building compares to the front of the  
9 building.

10  
11 Additionally, we saw the video of the delivery system and I'm not sure how they're going to  
12 service the cars. If that's going to be the same type of system and just the potential again noise  
13 that could be carried through to the adjacent lot. So, those are our concerns and thank you for  
14 your time. Bye.

15  
16 Chair Riggs: Thank you, Mr. Hu, or sorry, thank you, Mr. Kumagai. Mr. Hu and then Mr. Borock.

17  
18 Mr. Eric Hu: Good evening, I'm Eric Hu and I represent the owner of the building next door. And  
19 actually, Mr. Kumagai mentioned some of the concerns we have, one of which is again the car  
20 wash. We're concerned that the noise and also potential pollution and wastewater coming out

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1 from the car wash. Many of our tenants [unintelligible]... many of them are attorneys and also  
2 start-up companies and some of them are not that easy to work with and they have a lot of  
3 questions for us. And if we do not manage the property well and they would just... we're  
4 concerned there could be potential lawsuits would come out if we a car wash so close to the  
5 building.

6  
7 And another thing we have a concern for is the height of the building because it's a lot taller  
8 than our building and we're concerned about the privacy and also the blocking the sunlight for  
9 our building.

10  
11 And also, currently, I think based on our evaluation is that the parking lot is also a lot higher  
12 than our parking lot and we have a concern about the drainage and water coming out to our  
13 side. So, I think these are all pretty much all of the concerns we have and thank you. Thank you  
14 for your time.

15  
16 Chair Riggs: Thank you, Mr. Hu. Herb Borock and then Jeff Levinsky and if there are any other  
17 cards please get them in now.

18  
19 Mr. Herb Borock: Chair Riggs and Commissioners I urge you to continue this public hearing 4-  
20 weeks until your meeting of April 24 which would be after the close of the comment period on

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1 the Initial Study and Mitigated Negative Declaration. Closing the public hearing this evening or  
2 taking an action this evening would be [unintelligible] abuse of discretion and a violation of the  
3 California Environmental Quality Act. It would also be a violation of the Ralph M. Brown Act, the  
4 state's open meeting act. Tonight, you are being asked to make a recommendation after a  
5 public hearing but if the public hasn't had an adequate opportunity that's provided by the  
6 public comment period to review the Initial Study and Negative Declaration and to review the  
7 project and its plans, you really can't have a real public hearing. That's why you should continue  
8 this meeting until April 24<sup>th</sup>.

9  
10 In addition, whenever a legislative body has an item on its agenda and is taking action on it, the  
11 public needs and is entitled and it's required to have available copies of the same documents  
12 that you have. There are no plans available for anyone to look at who walks into this meeting.  
13 There is no copy of the Initial Study and Mitigated Negative Declaration available for anyone  
14 who walks into this meeting to look at. That's a violation of both the California Environmental  
15 Quality Act and the Ralph M. Brown Act. For all of those reasons, I urge you to continue the  
16 public hearing until April 24<sup>th</sup> or a later date. Thank you.

17  
18 Chair Riggs: Thank you, Mr. Borock. Mr. Levinsky and that's the last comment card I have.

19

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1 Mr. Levinsky: Ok I have a handout for the Commissioners so someone could help me with that,  
2 that would be great. I wanted to talk tonight about how big this building is going to be. I asked  
3 at the ARB hearing last year that the public be given and the Commissions be given information  
4 on how big this building is relative to those nearby it. That wasn't provided to you in any of the  
5 documentation so I and David Bubenik went ahead and put this together using information  
6 from the City and such documents as we could. And what this shows you is the relative size of  
7 these buildings and you can see that the proposed Audi/Mercedes building is about three times  
8 the size of the neighboring buildings that it's adjacent too. Just to be clear I normalized this; the  
9 parcels aren't all quite the same size so I normalized this. So that's what you're looking at is as if  
10 everybody were on the same Audi/Mercedes combined parcel so I have adjusted for that. It  
11 says in the Staff report that the new building would be the largest... would not be the largest in  
12 the vicinity and that the office building to the south is larger. I have no idea how the Staff  
13 determined that. I've looked at every possible way I can think of; I looked at the floor area; I  
14 look at the gross square footage; I looked at the height; I looked at the footprint of the building  
15 and finally as this graph shows you, the volume of the building in cubic feet. And in all these  
16 different measures the proposed building would be larger than the buildings around it. So, I  
17 don't think you were given accurate information about that.

18

19 A few years ago, a smaller project came to the Council, it was just for the Mercedes site and the  
20 Council turned it down as being too large and out of scale for the Baylands. And in that case a

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1 question came up, how do these things get so large? How is it can it be that these things are  
2 subject to the same rules and yet they become so large? The answer is that these auto  
3 dealerships buildings they mushroom in size because they get all kinds of special things. They  
4 get to have an extra floor area for the showroom, they get to have high ceilings, 43-foot height  
5 in this case, but one of the things that magically about this building is they're not even counting  
6 all of their floor area. And I've brought this here to demonstrate, this is kind of hard to hold it  
7 up and show it but basically the second floor... there's a second floor part of the stacker and  
8 you actually saw it in the fly through and it's not being counted as floor area at all as far as I can  
9 tell and I've had discussions with City Staff about that as well. That makes this project... the  
10 numbers you were given for the floor area for this project accurate. The project actually  
11 exceeds its legal floor area and cannot be approved as is so I ask you to go... delve into that and  
12 ask about why not all of the stacker areas is being counted as floor area.

13

14 Let's see, finally... I know I'm going to run out of time but for decades our City planners have  
15 kept giant buildings like this out of the Baylands. There's no reason tonight to change a decade  
16 old practice. Thank you.

17

18 Chair Riggs: Alright thank you. Mr. Hutson, would you like to have a chance for rebuttal?

19

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1 Mr. Hutson: Good evening Commissioners again. The comments here tonight are certainly... we  
2 can start with the glass and the Baylands. Certainly, the glass we've included bird strike glass in  
3 all of the glass facades on this. Lower levels and upper levels and it matches what's actually at  
4 the Audi building next door. So very respectful of that and wanting to make sure that we've  
5 spent a lot of time and a lot of effort on being a good neighbor to the Baylands and being a  
6 good neighbor to neighboring buildings. The Baylands we took what the ARB said to heart  
7 about colors, materials, and finishes. This is a four-sided building; we're treating all the sides as  
8 they're just as important as the front and that includes finishes as well as landscape with the  
9 flow through planters and even more landscape in addition to the trees all along the property  
10 line neighboring the building.

11

12 The walkway and the path is a combined path and I think that's something that we did a trade-  
13 off with the City. We were requested to give a part of our parcel to a combined pedestrian and  
14 bike pathway which we did and that necessitated removing some trees. I would be happy to go  
15 back to the original concept where we left all the trees in but did not accommodate any bike  
16 path or pedestrian path.

17

18 To address the adjacent neighbor, we are true north to the neighbor so there wouldn't be any  
19 sun shading issues as it relates to our neighbor to the south of the office building. There is a  
20 graphic I think that we had shown earlier as far as the distance from the building... the

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1 neighbors building and the car wash. We're... the car wash that's there is not on the property  
2 line, it's very close and we've met with Staff to talk about mitigation measures for that. Now we  
3 have a requirement not to exceed a decidable rating at the property line and we will comply  
4 with that 100 percent... that's... and we have some measures. To mitigate that depends on just  
5 exactly which ones we had to do to make sure we're not combining noise or providing noise  
6 greater than the 70 decibels as required by the City code. Additionally, with the neighbor there  
7 was a mention about wastewater, this is full reclaimed water. We can't have water running on  
8 the site or anywhere else. This is 100 percent recycled water for these car washes. That's pretty  
9 standard these days so there wouldn't be any water runoff from this car wash outside to the  
10 neighbor's building.

11

12 The comment based on the height of the building itself and the parking lot. We're required by  
13 FEMA to have our building increased in height for the flood plane for our finished floor  
14 elevation. That's a FEMA requirement so yes, we did increase the height of the floor... the  
15 building approximately 4-feet I think above what's existing now but that's a FEMA requirement.  
16 That keeps us above the flood plain and that is why we have a little higher building and  
17 ultimately have to get our pedestrians and our cars into the building.

18

19 And the final comments regarding the FAR area is that this... we are counting the floor area that  
20 we use as floor. We... the exhaustive time with Staff was spent on making sure that we're

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1 meeting the requirements and meeting the guidelines for our Floor Area Ratios. We do have an  
2 interesting and innovative way of storing our vehicles on site. I think it was mentioned earlier,  
3 they talked about like a Costco or a warehouse. That's essentially what we're doing is that we  
4 have an aisle that's automated and no people are inside and those vehicles are stacked. There's  
5 probably 5 ½-feet and sometimes 7-feet depending upon the vehicle. It's not floor area, it's not  
6 counted, it's not people, it's not habitable, and we are not counting the full height and the full  
7 volume of the storage system. We are absolutely responded to the Floor Area Ratios. So, with  
8 that, if I... I'd be happy to answer any other questions or refer it to Staff.

9

10 Chair Riggs: Was there another comment that [unintelligible]?

11

12 Mr. Austin Hunt: (off mic- spoke from the audience) [unintelligible] address stormwater  
13 [unintelligible]?

14

15 Mr. Hutson: Oh sure, that's fine.

16

17 Mr. Hunt: Hi, my name is Austin Hunt, I'm the civil engineer on the project. There was a concern  
18 brought about stormwater and I wanted to address that really briefly. Our design ensures that  
19 no stormwater runs from the site in an unmitigated fashion. And in fact, all of the water that

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1 falls on the site is treated and is in compliance with C3 and a third-party reviewer as required by  
2 the City of Palo Alto who has approved our C3 design and that was submitted with our Package.

3

4 Chair Riggs: Thank you. Will you be around if there are a question for just a little bit or?

5

6 Mr. Hunt: Yes, I will be here for the next 7-minutes.

7

8 Chair Riggs: Ok alright I... so I'm going to close up the hearing (interrupted)

9

10 Mr. Hunt: I have an 11 o'clock flight.

11

12 Chair Riggs: But maybe we can just... before we go into any kind of dialog if we could just... if  
13 there are any questions for the applicants after the presents? So, I'm going to close the hearing  
14 and if we just go down... let's actually start with (interrupted)

15

16 Vice-Chair Alcheck: Wait wait wait if you close the hearing they can't speak.

17

18 Chair Riggs: Yes, they can, they're the applicant, the applicant can answer questions.

19

20 Vice-Chair Alcheck: Oh ok, sorry.

- 
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Chair Riggs: So, I'm... any questions for the applicant or the applicant's (interrupted)

Commissioner Waldfogel: [unintelligible – off mic]

Chair Riggs: So, Commissioner Waldfogel? We'll just go down the line because I know they have some limitations in terms of their ability to be here.

Commissioner Waldfogel: (off mic) Just one.

[note -many people started speaking off mic as once]

[note- male speaker]: (speaking from the audience off mic) [unintelligible] I'll be here, we're fine, we're ok.

Commissioner Waldfogel: (off mic) Well if I can ask... [unintelligible – off mic]

Chair Riggs: Ok any civil questions? That's probably a better way to treat it.

[note-many people started talking at once off mic]

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Chair Riggs: Commissioner Summa.

Commissioner Summa: (off mic) No, not for the civil engineer.

Commissioner Templeton: (off mic) Not for the civil engineer.

Vice-Chair Alcheck: (off mic) You can go early.

Chair Riggs: Ok wait wait wait so we heard a little bit about C3, can you just describe what C3 is because I... just for the audience's sake. I think it's important to just air that out.

Mr. Hunt: Sure. Santa Clara Valley regulates stormwater quality and C3 is essentially the treatment of the quality of the water of all rainwater that falls on the site. In this case, we actually have an innovative solution for the way that we're treating the water because of the overhead easement that PG&E has imposed on the site. We're not allowed to have your traditional flow-through planters that are landscaping. They have to be able to park their trucks on top of them so we actually proposed flow-through planters that have traffic rated grades that be driven over. We have specific plantings that are proposed in those planters that have been signed off by the landscape architect and also by the third part C3 reviewer. On-site we

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1 have mostly flow-through planters, we also have some lined by retention basins. The flow-  
2 through planters that are on podium are not meant to treat the entire volume. In fact, they  
3 only treat a small volume and then we designed a pipe to convey the 100-year flow to  
4 downstream treatment. So, it's essentially a treatment train which is also recommended in the  
5 design guidelines for C3. I can answer any other questions on infrastructure.

6

7 Chair Riggs: No, that's great, it's an illustration of a study session we had earlier in 2018. So, I  
8 actually just want to... it was important for us to listen back to and reiterate back to the public  
9 so thank you. Alright so with that said I think we're ready for some dialog and I've gone to my  
10 right a couple times so I want to start over here with Commissioner Lauing.

11

12 Commissioner Lauing: Should we do these individually, like zoning first and then Site and Design  
13 and then environmental assessment? Just so we're (interrupted)

14

15 Chair Riggs: Oh actually... well (interrupted)

16

17 Commissioner Lauing: Sort of on target.

18

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1 Chair Riggs: Well, actually we need to have a touch base really fast. Per our bylaws, we need to  
2 just touch base that everyone is fine proceeding past 9:00 pm? So, I'm just going to ask for a  
3 motion of acclimation that we're ok to proceed... to continue proceeding?

4

5 Commissioner Lauing: Yeah but ask us again at 10:00.

6

7 Vice-Chair Alcheck: So, moved.

8

9 Chair Riggs: So, all in favor? Any opposed? Ok. So sorry, I just want... that was procedural. I  
10 forgot about that. You know Commissioner Lauing I just... I don't know if it's going to be more  
11 efficient to go one by one. This is a zoning action but I think we just better off getting it all out  
12 there one by one. I think it's going to be a little more efficient so if you just want to just put it  
13 out there that's [unintelligible](interrupted)

14

15 Commissioner Lauing: I think it's going to be harder to focus but you made a call so we'll do it  
16 that way. So, I just... I have a number of issues on a number of these points so I'll just start  
17 with... first of all, I did go back and read the June 6<sup>th</sup>, '16 Council meeting where the former plan  
18 was presented and redirected back. So, at that time there seemed to be interested in this plan.  
19 I don't know if it's been to Council, do you know if it's been back since June of '16?

20

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1 Mr. Ah Sing: No, it has not.

2

3 Commissioner Lauing: Yeah so there are three continuing Council Members from those nine  
4 that are still there so I don't know the appetite. I presume it's still active but we don't know the  
5 appetite on Council for this. Excuse me. The history of the zoning was instructive because it was  
6 an LM(D) and then it went... and part of this is PC because of the restaurant was there.

7

8 Mr. Ah Sing: Right.

9

10 Commissioner Lauing: Is that what you said?

11

12 Mr. Ah Sing: The PC is for the Audi dealership.

13

14 Commissioner Lauing: I'm sorry?

15

16 Mr. Ah Sing: The PC designation is for the Audi dealership.

17

18 Commissioner Lauing: Right but it was there originally for the restaurant is what I heard her say.

19

20 Mr. Ah Sing: That's CS.

- 
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Mr. Gerhardt: The restaurant started out as a Planned Community and then was rezoned to CS when there was the thought to change it to a hotel.

Commissioner Lauing: Yeah change it to a hotel so that's... actually, my questions, are we changing zoning just for each project that looks good at the time because now the hotel is gone and there's a car dealer there. And if that doesn't work out are we going to put in an amphitheater 2-years from now? I mean it just doesn't seem like we're taking the gestalt of the zoning here.

Mr. Lait: So, thank you, Commissioner, I think there's been a series of applications over the course of a number of years and the City is responding to the applications requests that come in. So, you have a request before you today to change the zoning and that's what's before the Commission.

Chair Riggs: So, Commissioner Lauing if you could just be... it sounds like you're airing out some questions. But also make sure that we're being clear in terms of we're working towards either recommendation of approval based on the Findings or recommendation of denial based on the findings. So, if you could just be clear about that.

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1 Commissioner Lauing: Yeah, I'm talking about the structure (interrupted)

2

3 Chair Riggs: Can we put the Findings back up on the screen if that's ok?

4

5 Commissioner Lauing: Yeah, I'm talking about our we doing zoning changes now like we did  
6 two other times just to address a single project? That's my question so that was addressed, that  
7 was addressed, thank you. And the... is the public benefit, not in a technical way, of this project  
8 revenue from the place? Is that the trade-off with some of the mitigations? I mean do you  
9 know what the projected revenue is going to be Director Lait?

10

11 Mr. Lait: Well I mean I think that the standard is more for the Zone Change. I think you're  
12 referring to the language in the Zone Change that talks about that the change in zoning is  
13 beneficial to... is in the public interest or welfare. Something along those lines and so  
14 (interrupted)

15

16 Commissioner Lauing: Correct.

17

18 Mr. Lait: As you contemplate these proposed applications, I suppose you could consider sale tax  
19 revenue as some kind of beneficial effect associated with the project.

20

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1 Commissioner Lauing: Is there any anticipation of what that is so that we could sort of gage  
2 what the public benefit would be?

3

4 Mr. Lait: So again, no, we don't have that. I don't know if the applicant has or if you received  
5 information Sheldon about the anticipated sale tax revenue which the applicant would project  
6 in terms of the proposed inventory and sales volume. But we... so I don't know that we've done  
7 any more analysis than... [unintelligible] Sheldon?

8

9 Mr. Ah Sing: Yeah, I mean we've been in conversation with the applicant. They've worked out  
10 some numbers but it would probably be best to have the applicant maybe talk about that more  
11 in detail but we haven't drilled that down totally yet.

12

13 Commissioner Lauing: What about the existing Audi dealer or the Honda dealer?

14

15 Mr. Lait: Yeah so, we don't have... if you're asking us about what kind of sales tax revenue is  
16 generated by Audi, we don't have that for you right now.

17

18 Commissioner Lauing: So, it seems that one of the things that we have to decide and Council  
19 has to decide is what is the benefit of this particular business and it seems like we don't have a  
20 financial guideline for that.

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Mr. Lait: Well so yeah, I mean what we have are the Site and Design Findings and to the extent that that hinges your decision on the Findings based on that analysis. I guess that would be... that's maybe what you're articulating.

Commissioner Lauing: Ok do you feel based on some of the public comment that we have accurate and complete information to make a decision? Some of the public comments were that the land use and environmental presentations where incomplete, airport should have been consulted, various things like that. Are you (interrupted)

Mr. Lait: I heard a number of comments about the MND that is available for public review and comment. It is not unusual for us; in fact, we deliberately schedule a public hearing for the Planning Commission during the public comment periods so that we can receive public input. This does require more public hearings before the Architectural Review Board and ultimately before the City Council. So that's consistent with our practice and we believe consistent with state law with respect to the environmental analysis and processing. I don't know that there is any... I didn't hear of any environmental flaws relative to the MND. If you heard something specific, we have our consultant here to help us with that.

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1 Commissioner Lauing: Just that it was incomplete in some way so I'm just trying to double  
2 check that.

3  
4 Mr. Lait: So, I do think there was an issue relative to floor area that came up toward the end of  
5 our... getting our Packet ready and submitting that to the Commission. We noted that in the  
6 Staff report. At the... the applicant is requesting a Zone Change and that has a very specific FAR  
7 that is... would apply to the property and so they would have to meet that standard. I  
8 understand some revised plans may have been submitted since our Packet was produced and  
9 we probably still need to go over that a little bit more carefully as this continues to progress to  
10 the Architectural Review Board. I'll note that in the Zoning Code for the procedural  
11 requirements for Site and Design Review, conceptual plans are adequate for the Commission's  
12 consideration of the project. And so, in that concept or in that vein I believe that you do have  
13 enough information in terms of being able to evaluate the project relative to the Findings. And  
14 that as we continue to advance this project to the ARB and ultimately to the City Council, we'll  
15 have to fine tune the numbers to make sure that we've got all that stuff dialed in.

16  
17 Commissioner Lauing: Ok there was a place in here, two places, where you said one of the  
18 goals was to get all of these parcels sort of consistent. And I wasn't clear why that was a  
19 necessary objective because there's already inconsistency there but the Audi dealer is  
20 flourishing so.

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Mr. Ah Sing: I think the idea is that the PC designation would go away and you would have two adjacent parcels with the same zoning designation. It was a time to kind of clean that up.

Commissioner Lauing: I guess I just don't know why it has to be consistent and is there any concern about giving up PC? Obviously not if it's just for this building but.

Mr. Ah Sing: I mean the PC designation is for really project specific. Each PC has their own ordinance and development standards so in this case, it didn't make any sense to keep it.

Commissioner Lauing: Right so this project doesn't need it or doesn't fit it so that's why we want to take it away, I think. So, the... why was this CS chosen? Just because it's there? I mean there was a suggestion that that's the most permissive and the ROLM might be better. Can somebody opine on that for us?

Mr. Lait: So, I... what we have is an applicant request and we're processing it. I think that there's historically there may have been a more consistent pattern of zoning in this area but I think as you just noted in your previous question the different properties have overtime changed in zoning. The height is probably the bigger issue relative to the ROLM and the proposed zoning

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1 distinction where ones limited to 35-feet. The other one is... has a... what is it, 50-foot height  
2 limitation?

3

4 Going back further to your initial comment about the earlier project, 2016 project, my  
5 recollection was that that building was about 50-feet, 49 and change, and one of the comments  
6 that we heard from the City Council was that, an interest in lowering it. And I don't have the  
7 precise number but I think it was in the range of 40 to 42-feet or something like that. There was  
8 an interest in reducing the height of that prior Fletcher Jones applications to that height. And I  
9 think this applicant has reviewed the administrative record relative to that prior application and  
10 is making an attempt to be responsive to the Council's earlier comments. And like you say, the  
11 Council Members themselves have changed over time and so different policy perspectives may  
12 exist but I think that's what's the attempt here. And clearly, the ROLM Zoning Standard would  
13 not meet the height that's being contemplated here, though the zoning... the FAR is similar I  
14 believe. A .4 with an AD Overlay for showrooms getting another .2 FAR so.

15

16 Commissioner Lauing: You said the ROLM isn't being contemplated because of the necessary  
17 height limits?

18

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1 Mr. Lait: Well so again I can't speak for the applicant as to why they didn't make that request  
2 for ROLM but I can tell you that based on the development standards there's a height  
3 restriction of 35-feet in that zone and the proposed zone is not that.

4  
5 Commissioner Lauing: Ok. I'm not going to go over all of the stuff because I want colleagues to  
6 jump in here. When we get over to some of the mitigations, the thing I want to particularly note  
7 was the traffic. So, the idea is... I don't know how fast I can find that but the idea is that there  
8 would be short term and then a longer-term solution and the short-term solution has been  
9 done right away. I don't know how much that costs but that seems to barely make an  
10 improvement on the congestion and the vehicle LOS. And you need the long term one to get it  
11 up I think it is from an F to an E or F to a D something like that. And what's the cost and timeline  
12 on doing that one?

13  
14 Mr. Ah Sing: I'm sorry the long term is that what you're (interrupted)

15  
16 Commissioner Lauing: Yes.

17  
18 Mr. Ah Sing: So, the... that is part of the City's Transportation Impact Fee and that needs to be  
19 updated. So, the applicant would be... their obligation would be to pay that fee and that's their  
20 fair of the contribution and that would serve as mitigation for that impact.

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Commissioner Lauing: I get that but in the long term I'm saying it's going to still be congested even if they do the short term one. It's going to be massively congested. It was either Director Lait or Josh that once told me that that intersection is the worst intersection in the City in terms of congestion.

Mr. Lait: Yeah, I don't know that that would be me (interrupted)

Commissioner Lauing: I think it was Josh actually.

Mr. Lait: But I've heard that it's fairly congested along with some other ones that have been noted in the City (interrupted)

Commissioner Lauing: Right.

Mr. Lait: But I think Sheldon's answer is the same. When we do an environmental analysis, we... an impact is identified. This intersection is listed at I believe is an F and so what we do is we look for opportunities to make it improved.

Commissioner Lauing: Correct.

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Mr. Lait: And so, it's in the vein that we've identified an engineering solution to improve it even modestly so. It doesn't change the LOS category but there is a... I believe it's the cumulative impact where the applicant through contribution of its Traffic Impact Fee would provide its fair share toward a future intersection improvement. And that's... when we develop these mitigation measures, they need to be reasonable and tied to the project's impacts. I mean... ok.

Commissioner Lauing: I fully understand that one, I was asking about the second one and the reason is because the long term one is the one that starts to fix the problem.

Mr. Lait: Yes.

Commissioner Lauing: Until that thing happens, we really haven't fixed the problem.

Mr. Lait: Well, right and so what (interrupted)

Commissioner Lauing: And we've added traffic, particularly at rush hour, for people that are dropping off and picking up their cars.

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1 Mr. Lait: Yeah, so one last point to that is and I may need some help from my colleagues here  
2 but I think that the intersection improvement that is anticipated is... I don't know if either is  
3 present or is planned to be added to a list of projects that the City is seeking to advance  
4 throughout the City. And so, it's a function of prioritization and so by identifying this project,  
5 this intersection improvement which is something the City has intended to do, it just hasn't  
6 gone to Council yet but will within the next month or two. By identifying this... and again  
7 independent of this project, by identifying this improvement for this intersection we're able to  
8 associate an appropriate Impact Fee that would be assessed to this property.

9

10 Commissioner Lauing: 10-years? 8-years?

11

12 Mr. Lait: I don't know because the Council has not prioritized it yet so I can't answer that  
13 question.

14

15 Commissioner Lauing: Ok. It just seems like that's a major implement to this entire project.  
16 Minor point but relative to giving up trees for bikes, I think there are other ways that bikes can  
17 get through there without taking down trees and it's not that hard to get around there anyway.

18

19 Chair Riggs: Commissioner Lauing are you near the end of your dialog?

20

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1 Commissioner Lauing: That would actually be Lauing.

2

3 Chair Riggs: I said (interrupted)

4

5 Commissioner Lauing: I think he said Alcheck but yeah.

6

7 Chair Riggs: As for [unintelligible] (interrupted)

8

9 Commissioner Lauing: Yes, I'm racing through all three parts. I think that speaker Mr. Stone is  
10 absolutely correct. That intersection is supposed to be the gateway to the Baylands and  
11 overtimes, years, it's supposed to be enhanced. So, instead, we're going to... with this project,  
12 we're going to have a big Mercedes sign as opposed to the Baylands so I'm not sure that they  
13 can go any farther in the design. I'm not being critical of the design but if it goes forward,  
14 certainly making the signs smaller and not lit and that issue about trying to enforce lower  
15 lighting on the building most of the time I think is problematic but should definitely be done.  
16 So, I'll stop there, thank you.

17

18 Chair Riggs: Thank you and if we could just try to use discretion about sticking with our inability  
19 or ability to make the Findings based on what's in our Staff report I would be very appreciative.  
20 So, Commissioner Roohparvar.

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Commissioner Roohparvar: I'm still going to continue mulling this over. I'm going to pass and I'll

[unintelligible -crosstalk] (interrupted)

Chair Riggs: Ok Commissioner Alcheck or Vice-Chair Alcheck.

Vice-Chair Alcheck: Ok I'm going to start with zoning because it seems like the first Lego. So, I believe that the proposed amendment to the zoning is completely in the interest of the public. It's a CS Zone currently and the... if I could draw everyone's attention to Packet Page 46. CS, Service Commercial is intended to create maintained areas accommodating City-wide and regional services that may be inappropriate for neighborhood or pedestrian-oriented shopping areas in which generally require automotive access for customer convenience. Servicing of vehicles, equipment and loading or unloading parking of commercial service vehicles. So, everything about the zone seems sort of opted and appropriate for this area in our City, particularly a dealership. I think the fact that we're adding on the designation of D for this combining district also appropriate. It makes sense to do that because all of that basically establishes that this is an area that we have to be a little more sensitive too. So fully appropriate to add that designation to this particular parcel and then finally AD District, the Automobile Dealership Combining District designation, is and was created for the sole purpose of having greater clarity should somebody wish to develop an automobile dealership in our City.

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1 So, it would make no sense if we didn't also include that combining district and its particular  
2 code requirements. So, I think that those designations are... the Findings can be made and I  
3 support the Zone Change. I also support the Zone Change for the adjacent parcel which is  
4 currently zoned PC and if I heard you correctly and I read this right. That PC designation was  
5 given in the '60s, is that right?

6

7 Ms. Gerhardt: No, sorry the 1960s PC was on the Ming's site.

8

9 Vice-Chair Alcheck: Oh, the 1960s PC was on the Ming's site which was then turned to CS and  
10 when did the Audi dealership get a PC designation?

11

12 Mr. Ah Sing: That was in the early '70s and it was updated just several years ago.

13

14 Vice-Chair Alcheck: Alright so the '70s so I'll just highlight (interrupted)

15

16 Mr. Ah Sing: Pretty close.

17

18 Vice-Chair Alcheck: For a minute that the PC Zone was a highly problematic zoning designation  
19 when I first joined this Commission and we grappled with it. And almost immediately after the  
20 Planning Commission grappled with it at the time the City Council abandoned it completely

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1 because it was essentially impossible to put into effect. So, the notion that we have a parcel  
2 operating as an automobile dealership that is... as an applicant that is seeking a zoning  
3 designation that would essentially bring them in line with a much more specific and appropriate  
4 zoning designation makes perfect sense. If we could eliminate all the PC Zones and I shouldn't  
5 say that but the PC Zone has created a lot of tension in our community because of its really  
6 mixed results. So, I think it makes sense that you're essentially assigning a zone that the current  
7 use is in line with assuming that you're comfortable with the current use which I assume the  
8 City is.

9

10 Ok, alright, I'll move onto Site and Design Review. I can make the Findings for Site and Design  
11 Review as well. I think that the... we can ensure that the construction operation of the use is in  
12 a manner that will be orderly and harmonious and compatible with the existing or potential  
13 uses or adjoining or nearby sites. I think it's really important for example that we have this  
14 combining district, this D designation. In order to determine whether or not someone satisfies  
15 the combining district whether they are... whether the project is environmentally ecologically  
16 appropriate for the area we have to have a process. So, I think the Finding can be made and  
17 what I would suggest is that we may add a few conditions to the Site and Design Review to  
18 enhance the harmonious existence with the nearby Baylands site. I would encourage  
19 Commissioners who feel like maybe there needs to be a little bit more sensitivity here to make  
20 a suggestion we condition the Site and Design Review on that. I'll give you an example of one

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1 condition that I'd like to suggest we adopt which would be about lighting. I think we should  
2 encourage... I don't want to do it from the dais but I think Staff should develop a lighting  
3 condition that limits maybe... I really don't want to do this from the dais but I think you  
4 understand what I'm trying to say. I think we need to have some specific condition that sets  
5 forth the light output at exactly specific times of day.

6

7 Mr. Ah Sing: If I can actually Condition Number Six on Page 3... on 59 excuses me deals with  
8 your point. The owner does indeed shall ensure that light does not spill over the property lines  
9 (interrupted)

10

11 Vice-Chair Alcheck: Yeah, no I'm familiar (interrupted)

12

13 Mr. Ah Sing: In those hours.

14

15 Vice-Chair Alcheck: Yeah no I'm familiar with that. I'm suggesting that maybe we want to make  
16 it a little bit more specific. Maybe 10:00 pm actually isn't appropriate and I would like to see  
17 maybe a Staff suggestion that is more sensitive to the area. And to be perfectly honest I think it  
18 would be a little inappropriate if the lighting condition was more... well, I don't know about if  
19 it's inappropriate but I guess I would love to know what the condition is out there at 7:00 and  
20 8:00 pm among the neighboring properties and then trying to bring it into conformance. That's

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1 a little hard because maybe the neighboring properties aren't subject to the same limitations  
2 but I guess more information would be helpful to understand whether we can limit the... that  
3 light output. If the hours of the dealership for example, like many dealerships, is still 6:00 pm or  
4 7:00 pm or 5:00 pm on the service side and 7:00 pm on the sales side maybe they can have the  
5 lights turn off after they close. I just... this site is... we had someone at one point mention the  
6 dealership off the 101 which I think is another Mercedes dealership which is a dealership but  
7 also in some ways like a billboard. This site is not really facing like a 101 so I think there's a  
8 reasonable suggestion that we could limit the light output further than this particular condition.

9  
10 Ok, I'll move on, Number Two, the desirability of investment or conduct of the business or  
11 authorize occupation in the same or adjacent areas. Again, I think this is an appropriate location  
12 to have a dealership considering the two that are next door and I think one of the things that  
13 came up during Commissioner Lauing's comment was this idea of revenues. And I am  
14 concerned with the approach we're we value... I mean for sure this is likely to produce stronger  
15 revenues than are currently produced at our now closed Ming Restaurant for the City's Sales  
16 Tax Revenues. I'm sure that this is probably among one of the higher revenues producing uses  
17 in our City but I also want to suggest that it's tricky when you start to look into the revenue  
18 because the success of this particular sit as a dealership depends in large part on the owner and  
19 his business acumen. We don't typically say to a retail establishment you know we'd like to see

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1 how much money you're going to create as a condition of whether or not we think the use is  
2 acceptable.

3

4 So, and then I'll move on, ensure sound principles and environmental design. I actually think  
5 that there are elements of this that are particularly green friendly that I want to highlight. I  
6 drive by the Toyota dealership every day on San Antonio and I'm always astonished how many  
7 times I find somebody pressure washing vehicles that are outside. That may not be compliant  
8 with the C3 drainage approvals but this is interesting. I've never seen this stacking solution. It  
9 seems like one of the most common things a dealer does it wash the cars on a weekly basis and  
10 I imagine that there's some element of sort of environmentally friendly operation that is the  
11 result of this. I think that the... something should be said about the fact that their... that this is a  
12 shell but it's also a parking structure to some extent and so your... there's a tradeoff here.  
13 Instead of a very large parking structure with parking lights and such, they've essentially in  
14 housed the operation. And it does provide probably some environmental benefit to water use  
15 and driving the cars through the carwash so I guess emissions.

16

17 Finally, I think this is in accord with the Comprehensive Plan and I think one of the keys here is  
18 that I don't know that this site currently rises to the distinction of blighted but it is an  
19 unfortunate empty lot. And I am excited that there is an intent to invest money to revitalize and

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1 create a use there that might be a lot more productive than the current parking lot that it  
2 serves as.

3

4 Ok and then I'll suggest finally that I think that we should also... I agree that we should  
5 recommend to the City Council the adoption of the Mitigated Negative Declaration as well.

6

7 Chair Riggs: Thank you, Commissioner Alcheck [**note -Vice-Chair Alcheck**]. Let's try to be  
8 disciplined folks. Commissioner Templeton.

9

10 Commissioner Templeton: I'll try not to take that personally.

11

12 Chair Riggs: No, no, it's 9:40 and we still have another item that we really need to get through  
13 so let's just try to be disciplined. I'm... it's not chastising anyone it just that it is going to be a  
14 long evening otherwise.

15

16 Commissioner Templeton: Alright well thank you. I do have a question that Commissioner  
17 Summa brought up about the Baylands Plan and that the zones that were... that the applicant is  
18 seeking weren't listed in that plan. Is that correct?

19

20 Ms. Gerhardt: I'll look for you, I just had it up a minute ago.

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Commissioner Templeton: Oh, ok and to parallel this in the interest in time could our counsel tell us that if it's not in that plan what implications that has on our decision?

Mr. Yang: I'll also need a minute to look at the plan to answer that.

Commissioner Templeton: Excellent, alright. While you're looking that up, I also wanted to express my concerns about the lighting situation. Birds are very sensitive to light and as much of the wildlife in the Baylands will be affected by that. I understand there are other properties nearby that may have lighting but I want to make sure that we are more sensitive and we don't just have a stock answer for lighting but as Commissioner Alcheck [note -Vice-Chair Alcheck] said that we had something that was specifically appropriate for the Baylands. Do we have a reason to believe that the lighting proposal has been customized for the Baylands?

Mr. Lait: So, while they're looking up the data, I don't know that it's been customized other than the dimming effect or the ability to dim the lights and have that shut off at a certain time. I'm hearing from the Commission maybe we need to go a little bit further and understand what is the existing environment at near sundown or some hour or two past that. I certainly welcome any specific recommendations that you have but in the absence of that, we'll take this information and see if there's a need to impose some stricter low-level lighting or even to the

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1 extent that we're turning off the signs... illuminated signs if that's as far as the Commission even  
2 wants to go on that. So, we're happy to be responsive and we certainly do have a project that is  
3 consistent with the area. Inclusion of the Baylands or not it ought to fit in with the surrounding  
4 environment.

5

6 Commissioner Templeton: And thank you and in your report, you mention that there was going  
7 to be some mitigation if birds were found to be nesting on the properties. Do we know if  
8 migratory birds are currently nesting on the properties and by currently, I mean in the last  
9 recent years not at this moment today?

10

11 Mr. Ah Sing: Yeah, I don't think that survey has been conducted but typically that's done prior  
12 to any type of disturbance on the site.

13

14 Mr. Lait: Yeah, we don't have a... it's unlikely that we have any historical data about that but at  
15 the time of construction... I mean we, the City, right?

16

17 Commissioner Templeton: Yeah, I bet Audubon Society might be able to (interrupted)

18

19 Mr. Lait: They might.

20

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1 Commissioner Templeton: Provide that. I have heard that from other properties.

2

3 Mr. Lait: The area where we get involved in that is at the time of demolition because we  
4 wouldn't want to have nesting birds... disturb nesting birds at that time right?

5

6 Commissioner Templeton: Yeah, I think it's also important to understand the role that that site  
7 is playing because of the change in nature of... by rezoning, it would be changing the nature of  
8 the use of the property from the restaurant or the prospected hotel to the auto dealership. And  
9 those all have different uses and may affect birds differently so we just need to think about that  
10 because it is so close to the Baylands. I'm just... I hope that my line of questioning is conveying  
11 the support for the Baylands and finding a way that you can plug in harmoniously as we are  
12 meant to find but I'm not hearing the answers yet.

13

14 Mr. Lait: So, let me suggest that maybe there are two responses to your question, one is from  
15 an environmental standpoint. We're trying to address the impact of a redevelopment of this  
16 site to the environment and in this particular... and since we're talking about nesting birds,  
17 right? And so, the typically conduct when you are concerned about that when one of the  
18 agencies is concerned about that, is to ensure that survey analysis is done before the site is  
19 disturbed. That's one level of analysis and so if... because we don't have that now we have this  
20 mitigation measure that says that shalt do this. So that's one from a CEQA standpoint, that's

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1 one way to address it. If the Commission in its review of the Finding for a Site and Design  
2 application think that there is a... and I don't know what this is necessary but you could go  
3 beyond the environmental standard if you have concerns relative to the project in a Site and  
4 Design. Again, I don't know exactly what you're heading toward but right now what we're at is  
5 sort of the environmental standard and so if there's something else that you think would be  
6 (interrupted)

7

8 Commissioner Templeton: The environmental standard for anywhere in the City or specifically  
9 to the Baylands? I think that's where I'm driving at. So, there's a separate plan (interrupted)

10

11 Mr. Lait: We're looking at (interrupted)

12

13 Commissioner Templeton: For the Baylands, the treatment of development in the Baylands.

14

15 Mr. Lait: Right so there's a couple of areas, one... and so relative to nesting birds that's a very  
16 specific environmental issue that we're trying to mitigate through this requirement that a  
17 survey be conducted by an authorized or licensed individual to do this. So, that takes care of  
18 that issue. There are other elements of the project design that are being implemented or  
19 incorporated into the project such as the fritted glass, the bird safe glazing, we've talked about  
20 lighting, there's the landscaping that's proposed around the perimeter of the site. That is to be

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1 responsive to the Baylands native landscaping, so I mean there's elements of the project design  
2 that are responsive to the Baylands. If the Commission feels more is needed then we'd be  
3 happy to hear what that is and incorporate as appropriate.

4  
5 Commissioner Templeton: Well one of the things, for example, is our do migratory... seasonally  
6 migratory birds' nest in those 11 trees that we're going to cut down? These are... it's hard for  
7 me to, base on the lack of information that we have right now, make the Findings that we're  
8 being requested to ask. And I was curious if the information was available and having been  
9 presented or if we're not there yet?

10  
11 Mr. Lait: Ok maybe we're not there yet and now I'm understanding more clearly your specific  
12 interest on these trees that are being removed to support the bike path. And I'll look to our  
13 Staff to see if we've had any outreach to the Audubon Group, Sheldon, about this specific  
14 development?

15  
16 Mr. Ah Sing: Yeah, not specifically.

17  
18 Mr. Lait: Ok so why don't we take that comment and as we continue to go through the review  
19 process try to get some specific feedback. I mean this is an area where we are seeking input  
20 from our appointed officials to guide us on this because we see that there's some, not

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1 necessarily competing, but there's... we have two policy interests and we just got to see which  
2 one sort of wins out in the end.

3  
4 Commissioner Templeton: Right, right, well I guess then just to close out my comment then I  
5 think that given the situation with how fragile our Baylands are and important they are to the  
6 City. We really have to mitigate the negative impacts and we have to be very proactive about  
7 the use of this space. I think that we have the Baylands Plan which helps guide us to that and it  
8 wasn't referenced very strongly in the report from Staff. I think that might help if it were ever  
9 represented to us again so thank you very much.

10  
11 Chair Riggs: Thank you, Commissioner Templeton. Commissioner Summa.

12  
13 Commissioner Summa: Thank you, thank you to everyone who came out and spoken and to the  
14 applicant for showing us your cool system inside the stackers. To follow up on Commissioner  
15 Templeton's question and forgive me I don't remember but did the Negative Mitigated  
16 Declaration consider the concerns to wildlife in the Baylands area which is the western flyway  
17 for migrating birds? And just behind it in the ITT site which we have added to our Baylands, we  
18 have burrowing owls who I... that I think are migratory and endangered so it's a very pertinent  
19 point so.

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1 Mr. Ah Sing: Right we do have the author of the environmental document here so if we can  
2 have Karly Kaufman speak on that issue that would be good.

3  
4 Ms. Karly Kaufman: Hi, my name is Karly Kaufman, I'm with Rincon Consultants, we're assisting  
5 the City with a preparation of the CEQA document for this project. The short answer to your  
6 question is yes. Our biological resource section of our MND is pretty robust. We look at issues  
7 ranging from lighting to the tree removal to tree disturbance, noise especially from the car  
8 wash, and potential water quality impacts that might affect nearby habitat.

9  
10 We did require two mitigation measures where we found impacts could be potentially  
11 significant to wildlife at the Baylands. Bio... mitigation measure Bio-1 deals with the light  
12 spillover issue and mitigation measure Bio-2 is about nesting bird protection.

13  
14 Chair Riggs: Did you catch that Commissioner Summa?

15  
16 Commissioner Summa: Yes, thank you. So well, lots to talk about. I'd first like to ask Staff to  
17 comment on some of the members of the public were concerned that there were materials  
18 missing from the back of the room. And I found out, many other Commissioners may have  
19 noticed is today that there's also a newer set of plans that are not up on the public website and  
20 were not given to the Planning Commission. So, I understand it may just be... it may not be

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1 significant but we don't know if we haven't seen them so could Staff comment on those sorts of  
2 related issues?

3

4 Mr. Ah Sing: Yeah so, we were working with the applicant to try to get some upgraded plans  
5 and some of those sheets were included as exhibits in the presentation that are pertinent to  
6 the floor area. So that is what... that's the information that we had that was available.

7

8 Commissioner Summa: Can you comment to the missing materials in the back of the room for  
9 the public and also the new plans aren't up on the website? A member of the public brought  
10 this up.

11

12 Mr. Lait: So, as I understand it the plans themselves did they... they didn't change... so Sheldon  
13 maybe you can answer this for me. The building form didn't change in the plans, it was just  
14 some sheets relative to how floor area was calculated, is that correct?

15

16 Mr. Ah Sing: Yes, that is correct.

17

18 Mr. Lait: So, the building plan you have in your Packet are consistent with, in terms of the  
19 placement on the lot, the height of the building, the setbacks, all of that information is in the  
20 same. And what did change again as we noted in the Staff report there was this confusion

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1 about how the applicant was presenting floor area calculations and we had a different take on  
2 how that floor area ought to be calculated. And so, once that information was brought to the  
3 applicant's attention, they responded to that by working with Sheldon to get some updated  
4 plans to reflect the floor area how we anticipated it. So that's... you this is a refinement of the  
5 project as we continue to go through the process and again, I'll reiterate what I had said earlier  
6 which is through Site and Design these are conceptual drawings. And as we get closer and  
7 closer to architectural review and City Council, we would expect to have more detailed  
8 drawings and we're going to need to double check the floor area numbers on that.

9

10 So, with respect to the other question that you had on the plans, I do believe it is our practice  
11 to include hard copies, like a public copy of the plans and the environmental document and I'm  
12 disappointed to hear that maybe that didn't happen this evening. We do have copies available  
13 here at the Staff table for members of the public that may still be interested in taking a look at  
14 the MND and we have a copy of the plans. We're happy to share those as well but it was also  
15 available online as it is all of our Packets through well the City's website and then throughout  
16 Building Eye and Acela program so we do have those information's available.

17

18 Commissioner Summa: So, I realize it's available in all those other ways but we do have a  
19 standard where we have it available at the public hearing. And I would suggest that maybe even

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1 the updated... maybe just the FAR comparison chart, it's that the only thing that changed but  
2 we don't know because we don't have it.

3

4 Mr. Lait: I... you know because I just told you that was the change.

5

6 Commissioner Summa: I know but we didn't know before and the public didn't know and we  
7 don't a comparison chart we can look at so it's troubling to me, I'm sorry.

8

9 Mr. Lait: Ok.

10

11 Commissioner Summa: And I understand that we have a practice where we start the public  
12 hearing process before the MND comment period is over but I just want to register that I'm not  
13 sure that that's the best idea. I understand why we do it, we're trying to expedite the process  
14 but you know until that period is over, I haven't had the opportunity, as my colleagues have  
15 not, to see all comments and concerns from the public. You know we get emails. I just like to... I  
16 like a superabundance of all the information and concerns I can get and that is I think what the  
17 point of the MND comment period is, to get those comments before we start making decisions.

18

19 Mr. Lait: So, I'm sorry, is that... maybe you're not asking for questions but I mean (interrupted)

20

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1 Commissioner Summa: Wait, no if you have an answer.

2

3 Mr. Lait: I mean we deliberately do it so that we can receive public comment at an open  
4 public... noticed open public hearing and you, for the Commission, we provided the  
5 environmental document I think it was 2-weeks in advance for the MND and... so that you have  
6 a forum here where you can hear from the public about any additional concerns that you may  
7 not have developed on your own. I mean so this is a very deliberate process that we believe is  
8 open and transparent and responsive to the community's interest. And I mean if we got that  
9 wrong, I'm happy to hear how we can improve on that. It's not for projects expediency, it is to  
10 solicit public input so that our consultant could respond to these comments.

11

12 Commissioner Summa: Ok. I just... I guess you could see it either way. This way people have  
13 time to comment in the comment period after the first hearing took place and a lot of issues  
14 bubbled to the surface. So, I guess one could see it either way. So... and then I wanted a  
15 clarification on how much... what the FEMA requirement is at this site in the Baylands for how  
16 many... how much higher it has to be because of the flooding?

17

18 Commissioner Waldfogel: (off mic) I did have a similar question.

19

20 Commissioner Summa: I did.

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Mr. Lait: So, I mean I don't know if we're... that would have been our civil engineer question that we could have answered.

Commissioner Summa: I thought the architect could answer it and he... I guess (interrupted)

Ms. Gerhardt: So, the flood zone it does need to be approximately 11-feet above sea level and the finish floor for the building is 11 ½-feet. Again, not my expertise but it has been reviewed by Public Works and we've been assured that it meets the standards.

Commissioner Summa: So, this building's first floor is 11 ½-feet above grade on the site? Sea level so how much higher did the building have to be to accommodate the FEMA? And I'm sorry because... oh.

Mr. Hutson: (off mic -spoke from the audience) I think it was like 3-feet (interrupted)

Mr. Lait: So maybe you could come to the microphone. I mean we can look for this information but again, just for clarification we're... it's a preliminary conceptual plan, there is a review process after Planning Entitlement where we look at these things in more detail but this is clearly a critical issue that we'd want to understand.

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Mr. Hutson: So, the finished floor is 11 ½-feet above sea level, that’s the FEMA requirement that’s based on the location and the federal requirements. That’s exactly where we are at. The existing building if you’re talking about the Ming site, floor area or I guess I’m clear on what (interrupted)

Commissioner Summa: No, I was actually... and thank you for answering. I was actually curious because you... I believe it was you when you spoke referenced it. The FEMA requirement is one of the reasons the building is so much higher. So, in some zones I know it’s 7 or 8 inches, maybe it’s 3-feet where you are there but it just didn’t seem to me like a significant contributor to the building height.

Mr. Hutson: No, the building height is actually under where the building height is for the bulk of the building is 44-feet so we’re under the 50-foot height limit as I understand it. We do have an elevator tower that goes past but we’re not exceeding any height limit and nor are we raising it high above any more than what the federal requirements are.

Commissioner Summa: And while you’re there just another quick question, are the cars on the rooftop visible above the parapet?

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1 Mr. Hutson: No.

2

3 Commissioner Summa: Ok thank you. So, let's see, so I have a lot of reservations about the  
4 Zone Change. The CS Zone is not at all consistent with the zoning in the Baylands which is  
5 typically ROLM and incidentally, I do believe they could develop an auto dealership at the site  
6 under ROLM which would have more appropriate standards for development I think compared  
7 to the buildings around it. One member of the public sent us a mechanical rendering, Mr.  
8 Bubenik which we all received today, of the... what the building would actually appear to look  
9 like in terms of it's massing and scale which is very compelling. And then another member of  
10 the public brought us a graph that showed it by volume and because of the sort of extra and  
11 different FAR you get an automobile dealership the buildings get really... can get really huge in  
12 their massing and scale compared to just their FAR count. Because the stacker doesn't count as  
13 the same way so I and really troubled by how to reconcile my mind. The size of this building,  
14 the massing, and scale compared to the building around it. It's just... it's gigantic. It is a sensitive  
15 base... as some of my colleagues have mentioned it's a sensitive location in the Baylands. It's...  
16 on Map 4 in our Comp Plan, it's called out as a major view corridor and also called out as a  
17 gateway to the Baylands. While it might be consistent with some of the goals in the Comp Plan  
18 it's also inconsistent with a lot of the goals. And it is certainly not consistent in my mind with  
19 either the Site and Design Review that we have to make or with the Baylands Special  
20 Guidelines. I just... I can't see that this is going to contribute in any good way and incidentally

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1 the minute you rezone the PC that the Audi is on, you will be creating a parcel that is out of  
2 compliance because the showroom there is 26 ½-feet in showroom and CS can only be 20-feet.  
3 So, I don't know how we reconcile making a Zone Change that creates a non-compliance that  
4 didn't exist before. The whole CS Zoning here has been a fiasco. It's... one of the reasons it's  
5 really out of place is because of its development standards compared to the typical  
6 development pattern in the Baylands. And to increase that by applying it to another site seems  
7 almost nonsensical to me. I don't disagree with the use in terms of dealership. I think it would  
8 be appropriate under the ROLM Zoning and I can't make any of the Findings for the Baylands  
9 Design Guidelines which apply to all the parcels in the Baylands including the commercial  
10 privately-owned ones. It's extremely troubling to me from the beginning and I... it's massively  
11 oversized for the site. And I think the back of the building is incredibly under designed in terms  
12 of aesthetics and it looks like a prison or something and I'm not sure that's... how well it will be  
13 screened. The FAR counting on the plans I had was just all wrong so maybe that's all been fixed  
14 but and of course, maybe it would be fixed before but I cannot make any of the Findings really  
15 for the Zone Change here. The CS Zone there was pretty much a fiasco. It was done because the  
16 owner at the time proposed a hotel which Council thought would be a good thing across from  
17 the Eye Center that's across the street, across East Bayshore and when that fell through its kind  
18 of made that CS Zoning not very relevant so (interrupted)

19

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1 Chair Riggs: So, Commissioner Summa, I just... it's past 10 o'clock so if you're about finished, I  
2 think... you said that a couple times so just try to be disciplined if you can.

3

4 Commissioner Summa: I am being disciplined, I'm just... I'm actually very surprised that this  
5 came as far as it did and I do not recommend the Zone Change.

6

7 Chair Riggs: Commissioner Waldfogel.

8

9 Commissioner Waldfogel: I think I've often said nothing good happens after 10:00 pm and here  
10 it is 10:04.

11

12 Commissioner Summa: [unintelligible – off mic]

13

14 Commissioner Waldfogel: What's that?

15

16 Commissioner Summa: We should maybe continue it.

17

18 Commissioner Waldfogel: Yeah that's possible. Let's see, we're on Page 12; projected? Yeah,  
19 great thank you, so I want to start with the Zone Change Findings. My colleagues have made a  
20 number of good points about the Zone Change and I think it's fair to say that the Ming site CS

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1 Zoning was intended for a different purpose. Auto dealer is not what was intended for this site  
2 but for better or for worse its consistent with how the parcel is zoned today. And I don't think  
3 tonight's the right time to revisit those questions but I think there are some lessons here. And  
4 one of them is that maybe third times a charm in terms of projects on this site but I'd like the  
5 Zone Change, if we approve it, to be time-limited and linked to the project under review.  
6 Because I'd hate to make the Zone Change, create a new entitlement, and then have the  
7 applicant or a successor applicant return to us next year with a worse project because we're  
8 making these predicated on a whole bunch of plans that we're looking at tonight. I... admittedly  
9 they're draft form but so one question for Staff is it possible to create any kind of linkage  
10 between the Zone Change and the project because we don't want to just... we don't want to  
11 make this Zone Change and then have a successor come in with a worse project, ask for more  
12 concessions, you know enough is enough?

13

14 Mr. Yang: No, I don't think you can link the Zone Change to a specific project but if a successor  
15 project came that you felt was not desirable then the Commission would again be asked to  
16 make recommendations on whether the Findings could be made for that project.

17

18 Commissioner Waldfogel: But would we seek... would we get Site and Design Review? I mean  
19 suppose that this applicant decided this project doesn't pencil. That the lift is too expensive or  
20 something and then comes back with (interrupted)

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Mr. Yang: So, any material change in the project would require Site and Design Review.

Commissioner Waldfogel: So, we would see it again and (interrupted)

Mr. Yang: That's correct.

Commissioner Waldfogel: We'd need to make those... we'd need to make these Findings again for another project, any project on this site?

Mr. Yang: That's correct.

Ms. Gerhardt: And that's assuming that the rezoning includes that D Overlay.

Commissioner Waldfogel: Ok so on this area, Zone Change, we're required to make a Public Interest Finding and I'll be frank. The reason why City's traditionally want auto dealers is for the revenue. I mean it's the clear public benefit. I don't want to delve into this applicant's business model but I think there's a secular question about the future of auto sales and what our view is on the future of personally owned automobiles and automotive sales models. We know that Tesla is selling factory direct, we know that many dealers sell online. And in fact, the very same

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1 day that I received this Packet, last Thursday I think, the New York Times ran a headline in the  
2 Op-Ed page that said, "Owning a car will soon be as quaint as owning a horse." It was  
3 interesting timing. I'll come back to some questions for the applicant in a second.

4  
5 Then can you go back to Page 11? I'm sorry to Slide 11? On-Site and Design Findings Item Three  
6 requires sound principles of environmental design and I see in this application a building design  
7 that's very tightly wrapped around a very specific program. You know and this specific program  
8 is selling luxury German cars. Nothing wrong with that but when I think about environmental  
9 design, I also think about the building life cycle and I'm just curious... and this is a question for  
10 the applicant... whether you have any thoughts about a second use of the building? If the  
11 headline in the New York Times turns out to be correct that owning a car will soon be as quaint  
12 as owning a horse. Then what do you... how do you contemplate this building evolving? Is the  
13 applicant still in the room?

14

15 Mr. Hutson: Yes. Again, maybe if you would repeat the question for me?

16

17 Commissioner Waldfogel: I know it's late. The question is you've... you're bringing to us a  
18 design that is very tightly wrapped around a program and the question is if that program turns  
19 out to be obsolete. If this headline in the New York Times turns out to be true, that owning a

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1 car will soon be as quaint as owning a horse. Then what are you contemplate as a second life  
2 for this building as it's designed?

3

4 Mr. Hutson: I think that's a larger question actually. You're talking about the entire industry,  
5 not just one building and you've got multiple locations and over the years it... you know most all  
6 buildings have been repurposed and reused. That's our goal when we can but as far as a  
7 secondary use for this building it's a very purpose-built building, you are absolutely correct. It is  
8 purpose built but that doesn't mean that it can't be modified or adjusted. The system that  
9 we're utilizing is an independent system. It's part of the building but yet it's also modular in its  
10 format. You know there would be multiple uses for this building, evidenced by the fact that we  
11 have 20-foot or a large... you know it's basically a 2-story building. We don't have... we're 40-  
12 feet in the air but we're a 2-story building. So, we're not going to add floors in between and not  
13 going to create a larger Floor Area Ratio than... in a subsequent use then would be utilized right  
14 now. I don't know if that answers your question but I mean, to be honest, it is a very purposeful  
15 built building and that's we were tasked to do. We weren't asked to build a spec building that  
16 could be utilized for a number of different uses later on if this doesn't work. That's not in the  
17 business model, that if this doesn't work that we'll turn it into something else. That not my  
18 client and that's not this business or this business model. And I think to the New York Times  
19 article I think in all fairness we're moving toward alternative energy options. That's what  
20 Mercedes Benz is doing; 30 percent of their vehicles by 2025 will all be electric and it will

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1 probably be even more than that. So, there's... this industry will evolve, it's not going to go  
2 away, I don't see that going away any time soon. Maybe that contradicts the New York Times  
3 article but in some format, it will still be here.

4

5 Commissioner Waldfoegel: Ok that's a fair point. Yeah and the article... just FYI the article is  
6 about ownership models, not fleet electrification so those are different axis in the evolution of  
7 the auto industry.

8

9 My take on this is that an affirmative... finding affirmatively on these Findings, interesting  
10 syntax is a referendum on our view of the future of auto sales. So that I think that a vote for the  
11 Staff recommendation is an endorsement that the private vehicle ownership model is out there  
12 for some period of time. And I think that anybody who believes that private vehicle ownership  
13 is going away should be troubled voting for a building that really has... is difficult to repurpose  
14 and it may or may not generate the revenue that we've historically seen from auto dealerships.  
15 I mean I happen to think that the future of privately-owned vehicles I fairly robust for some  
16 period of time. Probably longer than what the New York Times said but we've certainly  
17 discussed these matters extensively at the Planning Commission, at City Council. There seem to  
18 be some secular views about the future of private vehicle ownership that have been expressed  
19 in this building. And so, I would just urge my colleagues to think hard about how this fits in with  
20 their views on the future of mobility but thank you for your responses.

- 
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Mr. Hutson: I appreciate it, thank you. Anything else? Ok.

Chair Riggs: You're complete with your comments?

Commissioner Waldfogel: (off mic) I'm sorry?

Chair Riggs: No more comments?

Commissioner Waldfogel: (off mic) No more.

Chair Riggs: Ok, I have Commissioner Lauing and Commissioner Alcheck or Vice-Chair Alcheck.  
I'm sorry, m (interrupted)

Vice-Chair Alcheck: It's ok.

Chair Riggs: Commissioner Lauing.

Commissioner Lauing: I was just going to comment in the voting process so I'll wait till that.

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1 Chair Riggs: That sounds good. Commissioner Alcheck [note – Vice-Chair Alcheck].

2

3 Vice-Chair Alcheck: A couple comments and then I'll make a motion. I just want to take this  
4 opportunity to acknowledge this is a special moment for me because I feel like this has been a  
5 point of contention for me and Commissioner Waldfoegel for a long time. I feel like I've  
6 suggested that car ownership is changing dramatically and that always creates controversy  
7 here. I think that your point is extremely interesting and really the... if we adopt that as a  
8 component of our review it may complete and dramatically change the way we look at  
9 everything from parking standards to well just about anything having to with single-family  
10 home development as well. I will say this if a restaurant owner had come to us to develop a  
11 restaurant that had a thematic architecture, I think you could arguably say that the restaurant  
12 industry is one of the most difficult industries to succeed in and very few restaurants are really  
13 long lasting. I'm a little concerned with us creating a... and I guess the question is how do we  
14 grapple with the changing environment in this particular industry with an evaluation of the  
15 success of one or another business as it pertains to development and investment in our  
16 community. So that's a really complex suggestion but I think we don't knowingly approve  
17 projects that we think will fail. I think we're not yet ready to suggest that this concept isn't  
18 perfect and I think one of the issues... I mean I'm certainly not an expert in transportation but I  
19 don't think that a dealership is... I'll just throw this out there. I don't think a dealership can be  
20 exclusively a sales model. It could be a subscription model and there's no question that there's

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1 a significant number of Mercedes vehicles in our community that could be serviced by this  
2 dealership. So, I guess I'm a little hesitant to begin the dialog of evaluating... I am not as  
3 comfortable suggesting that an affirmative vote this project is an affirmation that the change  
4 that I've been suggesting is coming is not coming. So, that was convoluted but I think we can  
5 approve this project and allow an investment of the sort that this applicant is trying to make in  
6 an industry that is evolving without necessarily also making the statement that we don't believe  
7 the industry is evolving dramatically.

8  
9 So, I want to make a motion tonight.

10  
11 Chair Riggs: Please, I think we... before you make a motion, I'm going to make sure that there's  
12 no other public comment [**note – Commissioner comments?**]. So, if you... I will be happy to go  
13 back to you if there's a... to you for a motion.

14  
15 Vice-Chair Alcheck: That's fine.

16  
17 Chair Riggs: But I want to make sure there's not... I actually have a couple comments that  
18 weren't addressed.

19  
20 Commissioner Templeton: (**off mic**) My question wasn't answered [**unintelligible**].

- 
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Chair Riggs: And I think Commissioner Templeton if you have a question still this was (interrupted)

Commissioner Templeton: Were you guys able to find the answer to my question?

Mr. Yang: Yeah so just based on a quick review of the Baylands Master Plan as far as we can tell there's no prescriptive set of zone designations set out for private lands. The policy for private land is that the Site and Design Overlay apply and that Site and Design be applied as part of the process for all of those lands. The plan does describe the existing zoning in on private lands in the Baylands Master Plan.

Commissioner Templeton: And does it recommend that we are consistent in using those existing (interrupted)

Mr. Yang: It doesn't, it's just descriptive. You know it does include CS with the Automotive Overlay because that was one of the existing [unintelligible].

Commissioner Templeton: Alright thank you, I appreciate you tracking that down.

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1 Chair Riggs: So, I'd like to just ask... re-ask my question to the traffic consultant if the ingress  
2 and the egress on the west side of the lot, if removing that ingress and egress had been  
3 explored and if that improved LOS beyond the future scenario of putting in the roundabout?

4

5 Mr. Gary Black: Good evening, Gary Black with Hexagon Transportation Consultants. The brief  
6 answer is no, it was not considered.

7

8 Chair Riggs: Is there a reason why not? Is that absolutely necessary for the operation of the  
9 facility?

10

11 Mr. Black: The site as presented to us would not work without that driveway so there was not a  
12 serious study of removing that driveway.

13

14 Chair Riggs: Can you explain why? Is that because a semi would come in one side and out the  
15 other or?

16

17 Mr. Black: Well, the way the site plan was configured is that traffic would come... would enter  
18 off of Embarcadero and then would exit to the Bayshore. So... and the entire flow on the site  
19 was set up predicated on that circulation pattern.

20

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1 Chair Riggs: So, there's not two-way circulation on the site? It's all one-way circulation?

2

3 Mr. Black: There are portions that are two-way circulation but the overall scheme is a one-way  
4 plan.

5

6 Chair Riggs: So that wasn't even explored?

7

8 Mr. Black: I would say no; it was not explored.

9

10 Mr. Ah Sing: Well I think also going to the point about the loading, their loading spaces are to  
11 the rear of the buildings. And so yes, a semi-truck to get around it would be much more difficult  
12 to take the Embarcadero road and go around. It's much easier to go on East Bayshore and take  
13 that loop around the rear and then out towards Embarcadero.

14

15 Mr. Black: I could also comment that if the intent of that is to try to offload traffic away from  
16 that one intersection, you know removing that driveway I can't conceive how that would help.

17

18 Chair Riggs: I just no from... well, the volumes on Bayshore are much higher than the volumes  
19 on that segment of Embarcadero beyond Bayshore... to the east of Bayshore. So (interrupted)

20

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1 Mr. Black: Yes, so the question that we answered in our report is would that driveway work?  
2 Would you actually be able to get in and out of that driveway given the volume that's on  
3 Bayshore? And our conclusion is yes, you can get in and out of that driveway so there would be  
4 no... from our perspective there's no reason to remove the driveway. It could create some  
5 other complications (interrupted)

6

7 Chair Riggs: In peak hours?

8

9 Mr. Black: In peak hours in order to come in and out of that driveway the vehicles would need  
10 to allow cars to make turns.

11

12 Chair Riggs: Yeah, it would be yielding and that's what these existing (interrupted)

13

14 Mr. Black: It would just... it would be reliant on polite drivers but our experience has been that  
15 drivers do allow cars to make those maneuvers.

16

17 Chair Riggs: Ok, it's fine, we can... unless the applicant wants to comment. I prefer... we don't  
18 need to belabor this. It sounds like there are some challenges but I just want to (interrupted)

19

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1 Mr. Hutson: Yeah, I just wanted... you asked the question you know was that explored as a two-  
2 way and it was exhaustively explored. And no disrespect intended to the City's traffic engineer  
3 but that's not our traffic engineer so that's the City's hired traffic engineer, Hexagon. So, I can  
4 honestly attest to the fact that numerous models were looked at and from not only the  
5 application of fire and life safety vehicles getting in and out of that, the requirement for PG&E  
6 to have access to their easement, for a number of different reasons that's that way. And we do  
7 have exiting vehicles when cars are delivered from the service department. At the end of the  
8 day, they go out onto... they don't go that way. They go out onto (interrupted)

9

10 Chair Riggs: So, Mr. Hutson I'm going to be respectful of my own rules that I'm imposing on the  
11 rest of my Commissions here (interrupted)

12

13 Mr. Hutson: That's fine.

14

15 Chair Riggs: And I'm going to say that you've fully answered my question to my satisfaction so  
16 I'm going to... sorry, I'm going to shut us both up. I did have on this topic just one more... from a  
17 circulation standpoint the... I think that I would strongly favor the roundabout in this location  
18 but it sounds like that's going to be a City prioritization that's based on... that's relevant to the...  
19 to what would be the fee that would be imposed. Am I correct?

20

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1 Mr. Lait: Yeah, the City has contemplated two design solutions and we would have to do a little  
2 bit more work to see which one is applicable but yeah, that would not affect the fee collection.

3

4 Chair Riggs: Ok I guess unless there are no other comments maybe we could entertain a  
5 motion? A question Commissioner Alcheck or Vice-Chair Alcheck.

6

7 Vice-Chair Alcheck: Yeah this actually this issue wasn't addressed. I was... I am currently not  
8 intending to recommend in my motion that we encourage the inclusion of the bike path but  
9 that's based off of some assumptions I'm making so let me just ask this question. There are...  
10 there's access to the Renzel Trail like half a block down, what is it East Bayshore and then  
11 around the corner from I guess the Anderson like off Faber. Why are we entertaining this bike  
12 path especially considering the trade-off of having to cut down all these really mature trees  
13 which to some extent provides significant screening of the building from Renzel Trail? What's...  
14 why did this... why are we entertaining this idea?

15

16 Mr. Lait: So, while Staff may have a more precise explanation, I believe the reason why this was  
17 recommended or explored is because the Bicycle and Pedestrian Master Plan had identified this  
18 connection in this area up to Gang Road as a... to improve the just... access.

19

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1 Vice-Chair Alcheck: Ok just for my benefit maybe and I know you're familiar with the site, the  
2 map but there is literally one parcel over is another path to the Renzel Trail. So, we are talking  
3 about what is that 200-feet maybe?

4

5 Mr. Lait: Yes, so again we're trying... it's (interrupted)

6

7 Vice-Chair Alcheck: I know it's... I'm just saying from your perspective... I know its not your  
8 option but I'm just curious do you think that it makes sense to have another redundant  
9 connection in lieu of the trade-off?

10

11 Mr. Lait: So, I'll answer that by saying the review of this project with other City departments  
12 that promote and advance the Bike/Pedestrian Plan thought this a beneficial contribution. I  
13 think the interest... the primary interest to have the trail extend on the interior lot line sort of  
14 between or at the other end of Audi I think and go through the site. That site designing that  
15 created some challenges for the applicant in terms of site and design. And so, this was the next  
16 best option and so it's a fair question and one that we're actually posing to the Commission to  
17 consider.

18

19 Vice-Chair Alcheck: No, it seems little surprising just because the bike bridge connection is  
20 significantly closer to the current trail connection than it would be if the trail connection

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1 happened where these plans are. So, I guess my conclusion would be that that's a big tradeoff  
2 to cut down these mature trees which also provides screening.

3

4 Mr. Lait: Yeah and I would say and maybe Sheldon could correct me if I'm wrong. I think these  
5 trees are within the right of way... the utility right of way? And so even though they are over 15-  
6 feet now there's nothing that guarantees that they will stay there right because the utility  
7 easement at some point... it's PG&E, right? PG&E would... could choose to exercise the  
8 restrictions in that agreement.

9

10 Vice-Chair Alcheck: Right.

11

12 Mr. Lait: Ok.

13

14 Vice-Chair Alcheck: I see what you're saying? A bird in the hand, right? Ok. I'm prepared to  
15 make a motion.

16

17 Chair Riggs: Please make it.

18

19 [many people started talking at once off mic]

20

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1 Chair Riggs: Please I would love (interrupted)

2

3 Vice-Chair Alcheck: No, bird in the tree.

4

5 Chair Riggs: So, it's 10:26, I'd like a motion, please.

6

7 MOTION #1

8

9 Vice-Chair Alcheck: Yeah, here it goes. I'm going to make an effort to do this the right way. I'd  
10 like to move that we recommend the City Council adopt the Mitigated Negative Declaration and  
11 that we recommend adoption of the Zoned District suggested by Staff and that we recommend  
12 that the City Council approve the Record Land Use Action approving the request for Site and  
13 Design Review and the Design Enhancement Exception based on the Findings that we are  
14 required to make that I enumerated earlier tonight. And I would also suggest that we include  
15 Conditions of Approval that relate to lighting and requiring Staff to put forth a more site-  
16 specific lighting condition that is responsive to the current and potentially more sensitive light  
17 output that might be appropriate for the Baylands.

18

19 Chair Riggs: So, motion on the floor, do I have a second?

20

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1 SECOND

2

3 Commissioner Roohparvar: I'll second.

4

5 Chair Riggs: Seconded by Commissioner Roohparvar. Any discussion of the motion and the  
6 second?

7

8 Vice-Chair Alcheck: Yeah, I'll just say... I'll speak to the motion and say the following; you know  
9 we spoke a little bit about the ROLM Zone tonight. This project doesn't work in a ROLM  
10 because of the height limit in the ROLM. It is true that the site is surrounded by ROLM zoning  
11 but I would suggest that a site doesn't necessarily have to carry to the same zoning designation  
12 as the sites surrounding it. And the reason why is because when we have a code that has such  
13 specific zoning designations, we actually put ourselves in a position where we almost have to  
14 adjust our code in order to make certain developments and uses possible in areas. You know a  
15 perfect example is that in the R-1, for example, we don't have a district... a zoning designation  
16 for uses like schools, right? And so, we have... as we move forward in this process, we have to  
17 evaluate trade-offs of the different zoning designations and I think that tonight the CS is not...  
18 this zoning designation isn't problematic simply because it's in a ROLM heavy area.

19

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1 Chair Riggs: Any other comments on the motion on the floor? Ok Commissioner Lauing, then  
2 Commissioner Waldfogel. Commissioner Waldfogel, is your light on intentionally? Ok.

3

4 Commissioner Lauing: Sorry, was he first? He can (interrupted)

5

6 Chair Riggs: No, Commissioner Lauing go ahead.

7

8 Commissioner Lauing: Ok so you know our main charge on this Commission which might be a  
9 slight exacerbation but I don't think it is, is land use of our limited acres. One of the tools there  
10 is zoning and zoning is not supposed to be easy to change and it's not supposed to be project  
11 specific. So, what the maker of the motion just said is the reverse where we're adjusting zoning  
12 to a specific project. This project can still be done with the ROLM but not exactly the same way.  
13 I understand that point but anyway the other thing is that when we do a Zoning Change it's  
14 supposed to be a benefit to the City. Tonight, I haven't heard what it is, we're guessing that it's  
15 probably because revenue but there's no understanding there. I certainly understand and I'm  
16 not confusing the fact that we weren't asked to come up with five great options for what  
17 should go on that site. So that is not infusing my analysis here which I've spent a lot of time  
18 before this meeting taking a look at but it is different than just saying wow this is better than  
19 Ming's and by the way, there are couple other dealers there anyway. You know we're trying to  
20 optimize for the site for 50-years because that's when the building is going to go up and it's not

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1 going to be going the other direction because it's not usable for any other things. So, I think  
2 that... I don't see evidence of that benefit is, I don't see any reason why there couldn't be more  
3 consistent zoning and there for consistent massing. I'm... I don't think we can find that this is  
4 mitigated on the traffic issue alone just by the first stage because that's kind of a guess. It's  
5 going to go from an F to an E and an E is pretty bad because we're going to have a lot more  
6 traffic coming in there for pickups, for drop-offs, for test drives, etc. etc. etc. So, I can't find that  
7 this is consistent with the Master Plan for the Baylands which is part of the Comp Plan or that is  
8 can be mitigated specifically on the traffic issue. I have some more optimism on the  
9 environmental mitigation but I just don't see how we get around just exacerbating this problem  
10 in the worst intersection in the City and telling our fellow residents that that's a really good  
11 thing. So, I don't think we should be approving it as is.

12

13 Vice-Chair Alcheck: Commissioner Waldfogel, I think you're next.

14

15 Commissioner Waldfogel: Let's see, so actually these are questions for you Commissioner  
16 Alcheck [note – Vice-Chair Alcheck] relative to your motion. I think you suggested some lighting  
17 restrictions as part of the motion, something more restrictive? Did you include anything on bird  
18 protection that Commissioner Templeton mentioned?

19

20 Vice-Chair Alcheck: I did not add a specific condition.

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Commissioner Waldfogel: Well then (interrupted)

Vice-Chair Alcheck: I also understood from their... from your dialog that the survey for... that there's already a condition to conduct a survey for nesting that hasn't been completed yet. So, I just assumed that that was the condition that was appropriate.

Commissioner Waldfogel: Do you have anything to add to that?

Commissioner Templeton: Yes, the survey that's going to be done is going to be time specific and not dealing with the annual migratory. So, it will be there's not a bird in that tree right or let's wait until that bird has fledged and not dealing with the long-term patterns.

Vice-Chair Alcheck: I'm open to a suggestion of alternated condition.

Commissioner Waldfogel: [unintelligible – off mic]

Chair Riggs: Yeah, so why don't you finish Commissioner Waldfogel and then we'll (interrupted)

FRIENDLY AMENDMENT #1

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Commissioner Waldfogel: Yeah, let me just finish that because I would support if... Commissioner Templeton if you have some language you want to propose I would be support... directionally supportive. I'd also just like to check under this Site and Design Review Conditions you would support some logistics conditions because it is a difficult intersection? And I'd like to propose that whatever logistics conditions we impose are restrictive as possible so that we're not aggravating the traffic conditions at that intersection during the course of construction. So, would you support some conditions in those directions?

Vice-Chair Alcheck: You're talking for the duration of construction some sort of building (interrupted)

Commissioner Waldfogel: Well generally we can set logistic conditions so we may want to set a logistic condition that the construction not block the street during rush hours or I don't know. There may be some reasonable set of conditions that we can construct that just ensures that we don't make that intersection substantially worse than it is for the couple of years it will take to build this.

Vice-Chair Alcheck: Yeah, I'm happy to entertain that as a component of the motion.

- 
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1 Commissioner Waldfogel: Ok and then just... great so (interrupted)

2

3 Vice-Chair Alcheck: But I'll say this it might be helpful if Staff... we've been down this road  
4 before actually. It might be helpful for us to understand what conditions are typically placed by  
5 the Building Department when you have intersections like this. So that we know going into it  
6 what your limitations are so that we know how to adjust them but I'll entertain that today.

7

8 Commissioner Waldfogel: I don't think we'll get to specific language tonight but I think we can  
9 just give Staff some direction. And then I don't think this is part of your motion but I'll just  
10 speak to. I am generally not supportive of removing trees for the bike path in this... relative to  
11 your question but I don't think that's part of the motion.

12

13 Vice-Chair Alcheck: I specifically did not include that because I don't think we should do that.

14

15 Commissioner Waldfogel: [unintelligible – off mic]

16

17 Chair Riggs: Thank you, Commissioner Waldfogel for your comments. Commissioner Summa, do  
18 you mind if we just get some comments from Commissioner Templeton that were relative to  
19 that past discussion first? And then Commissioner Summa after Commissioner Templeton.

20

- 
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1 FRIENDLY AMENDMENT #2

2

3 Commissioner Templeton: Thank you. Before I propose the amendment, I just want to say that  
4 I'm a bit concerned about the scale of the proposal for the property and that is... I'm reluctant  
5 to recommend the zoning that has been requested. One of the side effects of the scale has  
6 been that we can't have both the bike path and the trees. That seems very hard for me to  
7 believe that we couldn't have both of those by scaling down the building very slightly to ensure  
8 that there was room for the required parking and the other requirements. So, I think that the  
9 tradeoff is really on the applicant to think about how we can have both of those things.

10

11 So, I've also heard some concerns from the public about the overall scale of the building  
12 compared to the surrounding buildings. And I wonder if we should be considering a different  
13 zoning recommendation based on that. That's not the amendment on the table so we'll come  
14 back to that if this motion fails. So for this motion I would like to amend it to add that we  
15 require the applicant to evaluate migratory patterns affecting the site and if the trees  
16 scheduled for removal are found to be recurring nesting sites then we ensure the installation of  
17 replacement nesting facilities until the replacement trees on the property have matured  
18 enough to be used by the birds.

19

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1 Vice-Chair Alcheck: Yeah so just really quickly are we talking about the trees for the bike path?

2 Ok.

3

4 Commissioner Templeton: Any trees on the property.

5

6 Vice-Chair Alcheck: Ok, alright I (interrupted)

7

8 Commissioner Templeton: Are you saying your proposal has no trees being cut down at all?

9

10 Vice-Chair Alcheck: My proposal does not support the removal of the trees and the introduction  
11 of a bike path but I don't think that it's harmful to include that recommendation because if the  
12 City Council determines that they do want that bike path despite this motion then as a fall back  
13 I think your request is actually within reason. We should know so I'll accept the motion.

14

15 Commissioner Templeton: Thank you.

16

17 Vice-Chair Alcheck: Ok.

18

19 Commissioner Templeton: Thank you.

20

- 
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1 Vice-Chair Alcheck: I mean I'll accept the amendment and I hope the seconder does too.

2

3 Commissioner Roohparvar: Yes.

4

5 Vice-Chair Alcheck: Just for clarification are there other trees that are... you know it doesn't  
6 matter because this applies to everything so don't worry about it.

7

8 Commissioner Waldfogel: [unintelligible – off mic]

9

10 Chair Riggs: Commissioner Templeton are you finished? Did you have anything else that you  
11 wanted to add? It sounded like there was some something else.

12

13 Commissioner Templeton: My other amendment would be to downgrade the zoning a bit but I  
14 think (interrupted)

15

16 Chair Riggs: I think that's not what's on the table right now.

17

18 Commissioner Templeton: Exactly.

19

20 Chair Riggs: Commissioner Summa.

- 
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Commissioner Summa: Yeah so, I appreciate Commissioner Templeton’s concerns about the birds. I think the proposed mitigations are pretty weak. They are based on feasibility and I think they should be more absolute than that. I think our wildlife is too precious to condition that way and I also wanted to say that zoning about use. They can have this use in ROLM which is much more appropriate in the area. Zoning is not about spot zoning, it’s about how an area, the pattern and how it fits in. So, I just don’t really understand Commissioner Alcheck’s [note -Vice-Chair Alcheck] comments in its particularly relating it to schools in R-1 which of course isn’t an allowed use in R-1. So, I just want to emphasize again the scale of this building is astonishing. Especially if one looks at the email that we got from Mr. Bubenik I think is his name where he does a rendering based on the FAR calculations and he’s technically an expert to do it I believe given his profession. It’s just not right so I just want to make that comment.

Chair Riggs: Thank you, Commissioner Summa. Are there other comments?

Commissioner Waldfogel: [unintelligible – off mic]

Chair Riggs: Commissioner Waldfogel.

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1 Commissioner Waldfoegel: I'm losing track of which button to push. Let's see, I just want to  
2 speak to support or not support of this motion. I mean I don't think this is the best possible use  
3 for this site. I think that it's a big building, it's hard to imagine a second use for the building but  
4 all that said I think it's substantially consistent with the current zoning and I'm not sure that  
5 tonight is the night that we can revise and revisit that. And more... but more importantly, I can  
6 support this because I believe it will generate a lot of revenue for the City. I think there's  
7 actually a big revenue upside for this but I would urge the City Council to dig much deeper on  
8 that question and to explore their views on the future of auto Sale Tax Revenue. We don't have  
9 any information about that tonight but I just want it on the record that, that would be the  
10 reason why I would support a building this scale on this site.

11

12 Chair Riggs: So, I'm going to take Chair propogative to echo that last comment and I would  
13 encourage Council and for the record encourage Council to really think long and hard about  
14 other legislative action that they can take to pivot how we think about revenue for the  
15 automotive industry in the future. I have a little way of... a different way of thinking about this  
16 in terms... and it's not necessarily a referendum on automotive sales but more thinking about  
17 how we continue to make revenue off of the industry of driving as behavior changes. And so,  
18 we know that the sale model may be much different in going forward and so, I think there are  
19 legislative actions that we could take that could capture more service-oriented uses in the  
20 future. And I think that's... there's a rich discussion that Council could have about that and I

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1 think that's a really important thing that Commissioner Waldfogel just brought up that could be  
2 dialogued as a part of this item and it could be dialogued as part of a much larger conversation.  
3 So, with that said any other comments and if not, I'd like to call the motion or to call the  
4 question.

5

6 Vice-Chair Alcheck: (off mic) When you call the question, we have to vote on that.

7

8 Chair Riggs: Ok well I'd like to vote so let's not call the question. If I could get a vote so motion  
9 on the floor to adopt the Negative Declaration, adopt the Zoning Change, to approve the record  
10 subject to the conditions that we dialogued and I think there were a number of them.  
11 Hopefully, Staff captured most of those? Ok (interrupted)

12

13 Mr. Lait: (off mic) All of them.

14

15 VOTE

16

17 Chair Riggs: Ok, great all of them, so it's late. Let's just do... so all in favor? All opposed? So,  
18 motion carries 4-3, no abstaining. Do you need to know who the... do you get it? Ok.

19

20 MOTION PASSED 4(Alcheck, Riggs, Roohparvar, Waldfogel) -3(Lauing, Templeton, Summa)

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Commissioner Summa: No, it was a tie, Carry voted to oppose it.

Commissioner Roohparvar: (off mic) No, it was four (interrupted)

[many people started talking at once]

Commissioner Templeton: (off mic) Asher, Asher [unintelligible].

Chair Riggs: So that concludes that item.

Mr. Lait: So, Chair I know we went through a lot of discussion about the motion before the vote. Typically, we offer the dissenting members an opportunity to express final thoughts.

Chair Riggs: Alright so comment on the dissent?

Commissioner Templeton: I'm hopeful that the applicant will appreciate the space that they are going to be developing and think about the future needs of the Bayshore and that important part of our community. I am supportive of developing this site, I voted no because I felt it was slightly out of scale with what the property would fit in with the Bayshore space. Thank you.

- 
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Chair Riggs: Any other comments on the dissent?

Commissioner Lauing: Yeah, I will. Yeah, this is the third change of zoning for three projects. That's not how I feel zoning should be done. I think there's some mitigation issue, the biggest one to which is a massive traffic jam at our worst area in the City and the other things are already in the record. Thanks.

Chair Riggs: Commissioner Summa would you have any comments?

Commissioner Summa: I don't think this will contribute in a positive way to our Baylands, I think it's inconsistent with the Master Plan, I think the zoning is inappropriate for the Baylands and the area, I would be perfectly happy with an auto dealership under ROLM which would have been more consistent, and I also think this is pretty inconsistent with our Sustainability Plans. But I won't say any more, I've said it seven times.

Chair Riggs: Thank you, Commissioner Summa. Ok, that concludes this item.

**Commission Action:**

4. PUBLIC HEARING. Planning and Transportation Commission Consideration of an Ordinance Amending Section 18.42.110 (Wireless Communication Facilities) of

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 Chapter 18.42 (Standards for Special Uses) of Title 18 (Zoning) of the Palo Alto  
2 Municipal Code (PAMC) to Update the Code to Reflect Recently Adopted FCC  
3 Regulations. This Item Was Previously Heard by the Commission on December 12,  
4 2018. CEQA: This Ordinance is Exempt from Environmental Review Under CEQ  
5 Guidelines Sections 15061(b)(3), 15303, and 15305.  
6

7 Chair Riggs: It's 10:46 and I do think that we need to... it's very important that we hear this  
8 item. I would encourage us to continue but I need to take your pulse per our bylaws. Do we  
9 have consensus in terms of continuing through Item Number Four?

10

11 Commissioner Lauing: Nope.

12

13 Commissioner Waldfogel: (off mic) What's the action that we're taking? It just to open a public  
14 hearing? Do we need to vote on anything?

15

16 Chair Riggs: Can you [unintelligible -crosstalk]

17

18 Mr. Albert Yang, Senior Deputy Attorney: We're looking a recommendation on the ordinance.

19

20 Chair Riggs: The question is what is the specific action on Item Number Four.

21

22 Mr. Yang: We're looking for a recommendation on the ordinance.

23

- 
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 MOTION #1

2

3 Commissioner Lauing: I'd like to move continuance of that to the next meeting.

4

5 Commissioner Roohparvar: Yeah, I agree.

6

7 SECOND

8

9 Vice-Chair Alcheck: Second.

10

11 Chair Riggs: Before we... ok, so we have a motion and a second. I would like to get the opinion  
12 on Staff and... both attorney and Director Lait on that action. My understanding is that there is  
13 some risk to the City if we choose to take that action.

14

15 Mr. Yang: So, this is an ordinance to update our Wireless Code. It's going parallel with an effort  
16 to develop Objective Standards and both of those are scheduled to be adopted by or  
17 considered by the City Council on April 15<sup>th</sup>. And the reason for that date is that after that date  
18 the City will not be able to apply its current Architectural Review Standards to wireless facilities.  
19 Which means if we don't have our alternative which is objective Standards in place, that we  
20 won't have any aesthetic regulation authority of these facilities.

- 
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So, the really important element of this for the City Council is to adopt regulations that are objective. This ordinance is apart of that and we'd really like it to be able to go to the Council on the same night so that they can consider it as a package. And I think the next meeting doesn't really allow for the Commission's recommendation to meaningfully inform the Council.

Chair Riggs: So... and can you clarify even if we have no aesthetics jurisdiction, this has to be heard by Planning Commission?

Mr. Yang: So, the aesthetics regulations were considered by the ARB. This ordinance is a companion piece to those regulations and the ordinance does need to be considered by the Planning Commission.

Mr. Jonathan Lait, Director of Planning: And Chair, since you asked, the part that I would add is you've looked at a similar ordinance last year. I understand the Commission struggled a bit with its recommendation. That ordinance attempted to address the timeline constraints in the FCC rule. And what we're coming back with now, based in part on the Commission's feedback but also comments from the public, is we added some more design criteria to make it more objective and provide more protections for the City.

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1 I know it's late and we need to... it's difficult to have these kinds of policy discussion late at  
2 night. I would acknowledge though that we also have a half dozen or so speakers who've  
3 endured the public hearings before this and are here to speak also on this item. And again, just  
4 to reiterate, we believe this is important to move forward so the City Council can make its  
5 policy decision.

6

7 Chair Riggs: I respect that but we can't move forward if we don't have a quorum. So, we have a  
8 motion on the floor to continue the item, we have a second, can we just take a... see if we have  
9 (interrupted)

10

11 Vice-Chair Alcheck: (off mic) I just heard [unintelligible]

12

13 Chair Riggs: Ok.

14

15 Vice-Chair Alcheck: If we... could we proceed with a quorum? If certain individuals had to leave  
16 could we proceed with a quorum?

17

18 Mr. Lait: (off mic) Yes.

19

20 Vice-Chair Alcheck: Because maybe there are four people who can remain here.

- 
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Mr. Lait: (off mic) That's right.

Vice-Chair Alcheck: I would entertain that.

Mr. Lait: So, a quorum is four people and (interrupted)

Chair Riggs: Thank you, that's great. So, if anyone needs to leave, they could. Let's... a motion on the floor and a second. All in favor of continuing our meeting and...

Commissioner Summa: (off mic) Can we take the public comment?

Vice-Chair Alcheck: [unintelligible – off mic]

Chair Riggs: We can't open the hearing... sorry, we can't... we have to choose to continue the item before we can hear... we can open the hearing for public comment. So, we have a procedural vote that we need to have to continue our meeting at this point.

Vice-Chair Alcheck: Chair, if there are four individuals that are willing to stay, do we have to vote on continuing it?

- 
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Commissioner Roohparvar: [unintelligible – off mic]

Chair Riggs: I believe by our bylaws we have to vote to continue to meet.

SECOND WITHDRAWN FROM MOTION #1

MOTION #1 DIES DUE TO THE LACK OF A SECOND

Vice-Chair Alcheck: I'll withdraw my second on that motion for the purposes of withdrawing the motion for us to at least understand this because if there are Commissioners that have to leave or can't stay but at least a quorum can stay, I don't know that we have to vote on this motion.

Chair Riggs: I believe I... Albert, can you clarify if we have to have a majority vote to continue to meet? I want to respect people. If they want to go home it's their prerogative at this point but I... based on our bylaws I believe we need to have a consensus to be able to continue. We need to have a majority to be able to continue the meeting.

Mr. Yang: So, the procedural rules that say before 9:00 pm the Commission will determine whether it will commence new items after 9:00 pm and shall determine which items they will take up. So, I think that an action by the majority of the Commission.

- 
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[note - many Commissioners started talking at once off mic]

Vice-Chair Alcheck: I'm willing to stay if there is three other Commissioners who are willing to stay for this item.

Chair Riggs: So, if I could just get an aye/nay vote on continuing... on continuing with our meeting. All in favor?

Commissioner Templeton: I'm sorry, to continue (interrupted)

Chair Riggs: To continue with our meeting.

Commissioner Summa: (off mic) Continue it to a date [unintelligible] (interrupted)

VOTE TO CONTINUE THE MEETING

Chair Riggs: No, to take our... to stay here and hear the fourth item. All in favor? All opposed? Abstentions?

- 
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1 MOTION TO CONTINUE THE MEETING PASSED 5(Riggs, Templeton, Summa, Waldfogel, Alcheck)  
2 -0-2(Templeton and Lauing abstain)

3

4 Chair Riggs: So, with that said I believe that Staff has a presentation and then we'll open the  
5 public hearing.

6

7 Mr. Yang: Thank you, Chair. I'll make this very quick. I'll even get started before it's up on the  
8 screen. So, as you may recall this item came before the Commission in December 2018. At that  
9 time Staff had proposed a very bare bones update to the ordinance to just recognize that the  
10 FCC had adopted an order changing some of the rules that the City has to comply with. At that  
11 time the Commission and several members of the public expressed concern that we were  
12 changing our ordinance to accommodate FCC rules that might themselves be changed again in  
13 the future. Either because there was litigation that would lead to them being invalidated or  
14 there was proposed legislation that would have the same result. And so, we didn't want to  
15 codify this in our local code just to have to undo it and maybe tie our hands for a period of time.

16

17 So, one of the main focuses of the additional revisions that have been made to the ordinance  
18 that's before you now is to make as many of those changes automatically revert as possible.  
19 And for those that can't be automatically reverted, to simplify that process by having the  
20 changes be accomplished through resolution as opposed to by ordinance.

- 
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So, [unintelligible]... ok so just to quickly run through the main changes, there are updates to definitions and provisions about how we process permits to make them simply reference federal law. So, that if there's a change in that federal law we won't need to come back and update our ordinance again. The ordinance also incorporates the concept of the Objective Standards, although it also anticipates that if Objective Standards are no longer necessary it still keeps a reference to our Architectural Review Findings. That's what will go in place instead. It defines a process for applicants to seek exceptions from our Objective Standards and requires them to show that the exceptions that they are requesting are mandated by federal law. It also incorporates some provisions that we [unintelligible] that many other jurisdictions or some other jurisdiction are adopting. One of those is to create a default period of 10-years for permanent validity and the other is to require applicants where feasible and to the extent permitted by law to update the facilities with smaller facilities or to place them underground as technology evolves. So that is my quick presentation and I'll be happy to answer any questions.

Chair Riggs: So first I want to acknowledge that Commissioner Roohparvar had to depart due to some... she an early morning meeting but we still have six members present for the record so that's it. Commissioner Summa, do you have a question? Ok, that was an errant light. Any other questions? Ok, with that said I'm going to open the public hearing. We would... so we'll give our

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1 speakers 3-minutes as we have all evening and our first speaker if he's still here, is Mr. Bill Ross.

2 Mr. Ross take off?

3

4 Commissioner Summa: (off mic) Yes.

5

6 Chair Riggs: Ok, Mr. Robell and then Mr. Collins.

7

8 Mr. Chris Robell: I'll do this in less than 3-minutes. So, I respectfully ask... well, first of all, I think  
9 the vast majority of residents are not supporting the proliferation of hundreds of pounds of  
10 equipment built on poles in front of people's homes. That's some unknown number that we  
11 don't even know but we know it's in the hundreds. I'm not... I think there's... it's fair to say that  
12 there are people that believe that there's a health risk with this and safety issues as well. But I  
13 really... what I really don't understand... and I know that there's been legal risks that have been  
14 sited and I understand that we want to be in compliance but I don't know that there's been a  
15 good answer to why can't we do like other leading Cities with respect to just not adopting what  
16 President Trump and his FCC Appointed Commissioner want us to do. I don't understand why  
17 we're not standing up given the majority of residents don't want this and given that it... we  
18 don't know whether it poses health risks or not. I think some people believe it does and some  
19 people don't but I believe it doesn't. And given that I don't know... I don't see the pressing need

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1 to be changing the ordinance in the way they want us too. Why can't we just leave it alone? So,  
2 I'll leave it at that but I thank you for your time.

3

4 Chair Riggs: Thank you, Mr. Robell. Mr. Collins and then MS... Dr. Downs.

5

6 Mr. Todd Collins: Hey, thank you, I'm Todd Collins, I'm a member of the Palo Alto School Board  
7 though today I'm speaking for myself. I think there are some important concerns... this is  
8 annoying. I think there are some important concerns with the proposed ordinance that I hope  
9 the PTC will take into account. This ordinance appears to be rushed and I hope that the  
10 Planning Department, which I know has many issues... he's working on them right now... on its  
11 docket, can give it more thoughtful consideration, gather more public input, and develop a  
12 more community friendly ordinance instead of ARB standards. For example, should these  
13 towers be permitted near schools? As you'll hear from this Ms. Chow many other towns like  
14 ours around the Bay Area have done significantly more to gather public input and create much  
15 more detailed and public friendly ordinance. It seems off to me that Palo Alto, which prides  
16 itself on public engagement and protection, has not. You might think perhaps our community  
17 has less interest in this topic. Well, first of all, I'm sure you'll agree that would be unusual and  
18 second, I can assure you... I was at a public meeting of the Barron Park Association, at their  
19 annual meeting two weeks ago, where over 100 people gathered on a Sunday afternoon to  
20 hear Ms. Chow give a very compelling presentation, that I urge you all to review, on a variety of

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1 risks and concerns associated with these towers. Council... City Manager Shikada and Planning  
2 Director Lait were both present and spoke and I think it was fair to say at the end that a large  
3 majority of those present, including Council Members DuBois, Tanaka, and Kou, felt that the  
4 topic deserved more discussion and public input. Especially before passing an ordinance that  
5 significantly curtails future public input as this one does.

6  
7 I and many others have always appreciated how the PTC members are not pushovers as we saw  
8 with the past item. You stick up for the community and hold the applicants and Staff to high  
9 standards. I hope you'll do so here and push the City Staff and Council to take... to further  
10 engage the public and take a more thoughtful and aggressive approach to managing these  
11 towers. Don't let the Staff jam you with last-minute ordinances at a late-night session. This one  
12 needs more work. Thank you.

13  
14 Chair Riggs: Thank you, Mr. Collins. Is Ms. Downs here? Ok, Ms. Velkoff and then Mr. Stroup.

15  
16 Ms. Victoria Velkoff: Good evening, I'm Victoria Velkoff, and I'm opposed to the deployment of  
17 this 5G wireless technology. As you may know, last month Senator Richard Blumenthal held a  
18 Senate hearing with industry leaders on 5G and when he asked them please provide the safety  
19 data on 5G they all admitted that they did not have any safety data. Now, I've spent 33-years  
20 working in the industry... pharmaceutical industry and medical device industry conducting

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1 clinical studies and you cannot get FDA approval for new devices and new medications without  
2 safety data. Having the FCC just say yes, it's safe doesn't make it so. I understand that Senator  
3 Blumenthal and Representative Eshoo sent a letter to the FCC Commissioner asking where is  
4 your safety data and he could not provide it. So, I urge you please slow down, stop the clock,  
5 and reconsider this project. Thank you.

6

7 Chair Riggs: Thank you, Ms. Velkolf. Mr. Stroup and then Mr. Hoel. Are you here Mr. Hoel? Ok.

8

9 Mr. Jeremy Stroup: Good morning, just kidding. My name is Jeremy Stroup, I'm with Vinculums  
10 Services, I'm here on behalf of Verizon Wireless today. We've provided Staff and Commission  
11 with a letter from Verizon's Legal Counsel and that letter includes an attachment with the  
12 proposed change to the City amendments. I'd like to discuss a couple of those today. First, the  
13 reason FCC order mandates administrative approval based on Objective Standards. This order  
14 mandates an administrative approval of qualifying small cells within 60-days and the City has  
15 drafted rigorous objectives aesthetics standards for small cells. If applications meet the small  
16 cell aesthetics standards then there are no further decisions that need to be made. Either the  
17 round peg fits in the round hole or it doesn't. Under the FCC order once that happens there  
18 would be no need for discretionary appeals to the City Council.

19

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1 Second, we believe all small cells should be approved under Tier 1, you can refer to the first  
2 paragraph of Attachment One. Verizon Wireless proposes that qualifying small cells fall under  
3 Tier 1 and not Tier 3 requiring small cells to approved under Tier 3 which includes discretionary  
4 use findings is a mistake. Verizon Wireless strongly believes that conditional use appeals to the  
5 City Council for small cells that already meet Objective Design Standards would overburden the  
6 City Council where they have limited authority under the federal law and will provide  
7 impossible... and will impossible to complete within the required 60 to 90-shot clock. The  
8 Planning Director we believe should be able to administratively determine that the round peg  
9 fits into the round hole or in this case, the qualifying small cells meet the objective standards.

10

11 Third, Subjective Standards should not be applied to small cells. This is a reference to the  
12 second paragraph of Attachment 1. The proposed amendments inadvertently impose new  
13 Subjective Standards on small cells. We propose deleting general standards that would require  
14 us to utilize the small [unintelligible] radio and associated equipment as measured by volume  
15 technically feasible to achieve network objective. This concept runs counter we believe to the  
16 Objective Standards developed by the Staff and the ARB.

17

18 Fourth, the City cannot dictate future or small technology. This is a reference to the third  
19 paragraph of the Attachment. The proposed position that carries reduce the size or replace the  
20 equipment underground based on new technologies during the permit term is simply

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1 unenforceable. That's because under state law each permit is valid for a minimum of 10-years  
2 and just like any permit the City cannot change the requirements of the permit during that  
3 term.

4  
5 Finally, I'd just like to ask the Commission to remember that what we're talking about here is  
6 putting telephone equipment on telephone poles that meet a rigorous aesthetics standard  
7 established by Staff and the City. And we believe excess discretion appeals would be  
8 unwarranted. Thank you.

9  
10 Chair Riggs: Thank you, Mr. Stroup. Mr. Hoel and then Ms. Chow.

11  
12 Mr. Jeff Hoel: Ok I think the FCC 18-133 is users paying local controls so I think the City has a  
13 legitimate reason to oppose it however they can. And one of the ways they can't immediately  
14 oppose it is the business about objective aesthetic noise and standards. However, the ARB is  
15 dealing with that, they met on March 15<sup>th</sup> and they didn't quite finish. So, they are going to  
16 meet again on April 4<sup>th</sup> and hopefully they'll get done in time for the April 15<sup>th</sup> decision that  
17 Council has to make otherwise it's too late. On the other hand, the rest of the ordinance, I don't  
18 understand... I'm not a lawyer but I don't understand why April 15<sup>th</sup> is the time to decide that.  
19 We have some explanation that by doing an ordinance it would be even better than if we didn't  
20 do anything but I think you should hold Staff's feet to the fire and ask them to explain that in

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1 greater detail. I know it's late but that would be an important thing to do. And I just want to  
2 mention that going forward I'd like ARB to continue to meet just to verify that Objective  
3 Standards are being met with applications. And if they seem to allow things that the City  
4 shouldn't want, to be able to recommend to Council that they change the Objective Standards  
5 to match. Thanks.

6

7 Chair Riggs: Thank you, Mr. Hoel. Ms. Chow and then Ms. Kattamuri.

8

9 Ms. Tine Chow: Can we switch the order? She's going to go first; just switch.

10

11 Chair Riggs: That's fine, Ms. Kattamuri and then Ms. Chow.

12

13 Ms. Amrutha Kattamuri: Thank you. Good evening members of Planning and Transportation  
14 Commission, I know it's almost midnight. I'm speaking on behalf of all the Palo Alto residents  
15 opposing cell towers in residential neighborhoods. And I'm here tonight to tell you about an  
16 amazing community meeting that took place in Barron Park two-weeks ago which Mr. Collins  
17 also talked about. We had at least 100 people in attendance at the Barron Park Association  
18 annual meeting with standing room only. The main topic of discussion was cell towers in  
19 residential neighborhoods and City Manager and Director of Planning were in attendance. What  
20 we talked about in particular was the impact these towers have on the quality of life in our

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1 community on aesthetics, on property values, on fire risk and in particular on health. One  
2 example, in 2018 the National Toxicology Program of the National Institute of Health reported  
3 that long term exposure to radio frequency radiation causes heart and brain cancer. Another  
4 thing to think about is the effect of radiofrequency radiation on wildlife and endangered  
5 species. Numerous studies by such institutions as NIH and the US Fish and Wildlife Services  
6 have indicated that radio frequency radiation is harmful to many different species.

7

8 I can tell you that people at this meeting were not happy with what the City has been allowing  
9 telecom companies to do to us and I can also tell you that people were appalled when they  
10 heard about the amendments to the City's Wireless Ordinance that senior City Staff are  
11 pushing. This is not what the residents of Palo Alto want. We do not want to eliminate public  
12 hearings for cell towers, we do not want to cut the ARB out of the review process for the cell  
13 tower applications, and we do not want to give the Director of Planning sole authority to decide  
14 the siting and appearance of cell towers in our community.

15

16 The City Staff claims that the City is making the changes to the Wireless Ordinance because of  
17 the FCC's recent order, this is not true and here is what we agree with. What Mayor Filseth said  
18 in his February 7<sup>th</sup>, 2019 letter to Congresswomen Enshoo in support of the legislation she's  
19 sponsoring to repeal that terrible FCC order. Mayor Filseth wrote and quote, "The deployment  
20 of cell towers must be done through the usual public process associated with local government.

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1 A process that needs no modifications from the FCC.” It is very wrong to throw out the  
2 thoughtful process by which aesthetics and other judgments are made in our City. This is  
3 especially true when it comes to considering unsightly, noisy cell towers which are known to  
4 have health effects and would be placed in close proximity to residents’ homes all over our  
5 town. Thank you.

6

7 Chair Riggs: Thank you, Ms. Kattamuri. Ms. Chow.

8

9 Ms. Chow: Hi everybody, thank you for sticking through this. My name is Tina Chow and I live in  
10 Barron Park and I’m a professor of civil and environmental engineering at UC Berkeley. Many of  
11 us residents have spent countless hours studying and commenting on the cell tower approval  
12 process in Palo Alto and we kindly ask you to consider this input very carefully. We believe we  
13 can create a better plan to protect the beauty of our City and well fair of our residents.

14

15 I sent some written comments which I will summarize. The first main point is that the ARB  
16 review process allows for critical public input and discussion. City Staff say that there’s pressure  
17 from the FCC to streamline the cell tower approval process but the FCC does not require any  
18 changes to be made to our ordinance. It just requires that we comply with the FCC shot clock  
19 etc. in our action which we can do without changing our ordinance. City Staff wants to remove  
20 the ARB, in hence removing public discussion from the process. We cannot have these decisions

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1 be made by a single person. The ARB's role is critical and important. I urge you to advise City  
2 Council to maintain the public input we currently have in our approval process.

3

4 Second, we need an updated Wireless Ordinance that actually safeguards residents. In addition  
5 to aesthetics and noise concerns, there are valid health concerns about placing cell towers so  
6 close to residents' homes. Hundreds of studies have been performed since the 1996 Telecom  
7 Act which shows adverse biological and health effects including cancer. We need the safety and  
8 well fair of residents to be the priorities of our City and reflected in our ordinances. In fact,  
9 many other Cities are acting to protect resident's interest and I'm just going to give you a few  
10 examples. Coloma, California requires undergrounding of ancillary equipment and 1,500-foot  
11 minimum spacing and setback from residences. Fairfax, California passed an urgency ordinance  
12 putting a pause on cell tower installations and requiring performance bonds, strong  
13 indemnification clauses, setbacks from residents, school, etc. and the City is pursuing a fiber  
14 network. Ripon, California in Central Valley also has a new ordinance that requires a 500-foot  
15 setback from schools and 130-feet from residences. Ripon, by the way, is having a cell tower  
16 removed from a school site after a cancer cluster that includes at least three teachers and four  
17 kids and the wireless provider is doing this willingly. So, there's zero chance they are getting  
18 sued by the telecom provider over this cell tower issue. Marin County is updating its county  
19 ordinance and it joined the lawsuits against the FCC with dozens of Cities including San Jose,  
20 New York, Los Angeles, Seattle, etc. and Marin County held a public meeting to discuss 5G in

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1 Marin. Finally, Portland, Oregon just passed a resolution by its City Council last week to ask the  
2 FCC to revise its outdated health standards.

3  
4 These are just a few examples of actions that Cities, counties, communities, and residents are  
5 taking. We can do better in Palo Alto and I urge you to make strong recommendations to City  
6 Council to protect the safety and well fair of our community. There are many residents who are  
7 willing to work on this issue to create a better solution. It's really hard to explain this all in 3-  
8 minutes so we're asking to please give us an opportunity to do more. We need a resident task  
9 force that is exclusively focusing on identifying how the Wireless Ordinance can be amended to  
10 best protect resident interest in Palo Alto. Thank you.

11  
12 Chair Riggs: Thanks, Ms. Chow. Any other comments? Alright, seeing none I'm going to close  
13 the public hearing and bring it back to the Commission. I guess I started on my left last time so  
14 I'll start on my right but maybe we get a reminder from Staff on kind of what our key objectives  
15 are with regard to this item.

16  
17 Mr. Yang: So, the Planning Commission is tasked to make a recommendation to the Council on  
18 adoption or not of the ordinance that's before you. The ordinance itself does not include any  
19 aesthetics standards like what size or what locations or how much noise these facilities should

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1 be allowed to make but Staff is open to any direction from the Commission on some of those  
2 issues as well if you'd like to comment on those.

3

4 Chair Riggs: Ok so Commissioner Waldfogel, did you want... can you start us off?

5

6 Commissioner Waldfogel: It's my turn. Ok, I'll be brief. I did browse the FCC report and Order  
7 18-132 and I do get the intent which is to accelerate deployment of 5G mobile networks and to  
8 remove local obstacles from that deployment. Just a note to Staff, I wish you'd include some  
9 pictures of 5G equipment... typical 5G equipment in the Packet. Maybe as you move this to  
10 Council you could show them what... oh, that's great, here it is. I think this is helpful. I think you  
11 should also frame this in the context that there are at least four major national mobile  
12 operators and the question what will a block look like if all those operators are rolling 5G  
13 networks on the block. Will we see this repeated four or five times or will we see some kind of  
14 [unintelligible] so that this will be consolidated? Just sort of what's our intent? I think it would  
15 be great if we could express that.

16

17 And then finally on the aesthetic standards, I think you had a discussion at the ARB about trade-  
18 offs between size and noise. My two sense on this are that I think noise is more impactful than  
19 size but I'd just like... as this moves to the Council, I'd like them to understand the trade-offs  
20 and just explore that. And I'd ask Staff, is there a way to perhaps set a standard certification by

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1 a licensed radio engineer, I think that's the term you used in the ordinance, that whatever  
2 design proposed is the least impactful in whatever the ensemble of directions that we give  
3 might be? I just wonder if there's some way that we can set up an Objective Standard.

4  
5 And then finally a question, can we regulate base stations near schools under the FCC report  
6 and order? Is that something that's within our discretion?

7  
8 Mr. Yang: So yes, we can regulate minimum distances and areas, either zones or distances  
9 around certain facilities like schools, where these facilities would or would not be allowed. My  
10 one comment on that though is that issues of health effects are very clearly outside the  
11 jurisdiction of the City. So, if we were going to enact those sorts of regulations, we would have  
12 to ground them in some sort of aesthetics or other police power authority other than health.  
13 So, we can certainly do it but we have to say because it's too ugly for the children to look at.

14  
15 Commissioner Waldfogel: Ok and have we contemplated any of those standards?

16  
17 Mr. Yang: We... you know I think if that's something... the direction that we get from the  
18 Commission we'd be very happy to include something like that.

19

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1 Commissioner Waldfogel: That's why it's so helpful to have pictures of how... of what these  
2 things look like but anyhow, thank you.

3

4 Commissioner Summa: Thank you to the members of the public who waited so long to speak  
5 and for your very thoughtful comments and emails. So, my concerns, I don't know how much  
6 our concerns as a community that we're expressed so eloquently can be addressed because the  
7 FCC is strong-arming us with this legislation. I don't quite understand why some Cities think  
8 they can make an ordinance that has much more of... that respond much more to local  
9 concerns. Are they just making an ordinance, this is a question for Staff, that expresses the local  
10 concerns but they know they'll have to comply with the FCC regulations but they want  
11 something on the books? Is that what you think is going on?

12

13 Mr. Yang: So, we looked at many, many different ordinances as we were working on this and  
14 two for example that are very similar, Mill Valley and Fairfax both prohibit or they don't allow  
15 these facilities in residential zones on their face but they also include exception provisions. Let's  
16 say if you believe that an exception from many of these regulations is required under federal  
17 law then you can apply for an exception. I think that's the big loophole there.

18

19 Commissioner Summa: Well is that a feasible approach?

20

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1 Mr. Yang: So, Staff didn't pursue that approach because in that case, you don't have the first  
2 bite at what the facility looks like. You... the carrier can come in and seek an exception and say  
3 this is what we want to put up near [note -it and you're] required by federal law to allow it  
4 because otherwise, we won't be able to have a network. And the City doesn't have any ability  
5 at the outset to say actually, we'd like it to look like this instead. And in our analysis by having  
6 Objective Standards that say you have to incorporate this into an existing street sign or you  
7 have to have these facilities be no larger than x, y, and z dimensions, they need to be shrouded  
8 and they need to be painted this color and they need to match the existing pole. We're able to  
9 say these are the types of facilities that we want to prefer and if you want an exception from  
10 that you need to tell us why those regulations can't... you can't deploy your network with those  
11 regulations. As opposed to if we just say you can't have these at all in our neighborhoods, it's  
12 very easy for them to come back and say well, you know we can't comply... we can't have a  
13 network under those conditions.

14

15 Commissioner Summa: And the April 15<sup>th</sup> deadline is when we would have to express the  
16 objective aesthetics? Is that what the April 15<sup>th</sup> deadline is?

17

18 Mr. Yang: That's correct.

19

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1 Commissioner Summa: So that's the only... we have to apply... we have to have that in place  
2 before April 15<sup>th</sup> to have any control over the aesthetics?

3

4 Mr. Yang: Yes.

5

6 Mr. Lait: [unintelligible – off mic]

7

8 Mr. Yang: Yeah so what Director Lait is clarifying is that we don't lose our ability to regulate  
9 forever. We just don't have any ability to regulate until we adopt those standards so if we don't  
10 adopt them on April 15<sup>th</sup>, we'll have no regulatory authority until we do adopt them.

11

12 Commissioner Summa: So, we could adopt them a week later (interrupted)

13

14 Mr. Yang: Yes, yes.

15

16 Commissioner Summa: Or 2-weeks later?

17

18 Mr. Yang: Yes, yes, but you know then we would have that window where if an application  
19 came in, we wouldn't have the ability to (interrupted)

20

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1 Commissioner Summa: And we have applications pending, is that right?

2

3 Mr. Yang: We do.

4

5 Commissioner Summa: And then do... I mean I understand the federally imposed restrictions on  
6 health considerations but I think the community is so concerned about this. It feels really hard  
7 to move forward when their concerns have not been met for me but I understand that Staff is  
8 trying very hard to have what little control we can have under the FCC regulations. And I was  
9 also interested in seeing, especially mockups or examples or pictures, of what the baseline units  
10 would look like but as Commissioner Waldfogel said. So, I'm really torn and I really appreciate  
11 that Staff has tried to respond to the concerns and that we're so... there's so little we can do  
12 but I am really torn about... because we will have to comply with the federal regulations  
13 regardless. And I'm really torn about having an ordinance... adding an ordinance into our books  
14 that's so poorly captures the values of the community and concerns of the community. So, I'm  
15 really in a hard place on this but I do thank Staff for working so hard.

16

17 Chair Riggs: Commissioner Templeton.

18

- 
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1 Commissioner Templeton: Thank you all who spoke tonight on both sides of this issue. Could  
2 you clarify about the poles? Are they all telephone poles that are going to be affected or only  
3 telephone poles?

4

5 Mr. Yang: So (interrupted)

6

7 Commissioner Templeton: Because you mentioned stop signs and other (interrupted)

8

9 Mr. Yang: There's a combination of mostly telephone poles and streetlight poles that are where  
10 the City is receiving the majority of its applications. And (interrupted)

11

12 Commissioner Templeton: But is it correct as our person from Verizon said that all of those are  
13 telephone poles?

14

15 Mr. Yang: No, they're not all telephone poles, some are standalone street lights.

16

17 Commissioner Templeton: Which are owned by the City?

18

- 
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1 Mr. Yang: Yes. I believe there are about 6,000 wood utility poles and about 6,000 streetlights in  
2 the City. Some of those might be a combination but those are the rough figures that we were  
3 given by our Utilities Department.

4  
5 Commissioner Templeton: And can you clarify why we wouldn't need to have the public  
6 hearings about the sites? Is that part of the FCC demand or is that (interrupted)?

7  
8 Mr. Yang: So, I guess yeah, I would like to clarify that this ordinance doesn't change anything  
9 about the number... the ability of the Director to send these things to the ARB. That's... right  
10 now it's... the ordinance reads that the Director may and the Director's discretion to send these  
11 applications either to the ARB or to the Planning Commission and that continues to be the case.  
12 The... and I think we anticipate that there are some occasions when it will be appropriate for  
13 the ARB to review and there are still appeals to the Council. As you heard the speaker from  
14 Verizon the industry does not think that those are necessary but that's something that we're  
15 preserving in our ordinance. The issue is that the FCC has given us very short time frames.  
16 They've changed those time frames that we have now, either 60 or 90-days in most cases, to go  
17 from an application completion to the full processing and (interrupted)

18  
19 Commissioner Templeton: What are the consequences of not complying with those deadlines?

20

- 
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1 Mr. Yang: So, under California laws and federal law, the combination of the two, the City would  
2 have to go to court to have a court that we deserve extra time.

3

4 Commissioner Templeton: Ok and do we do that at all currently?

5

6 Mr. Yang: We haven't, we've been able to reach agreements in most cases with the carriers for  
7 them to agree to give us extra time but if push came to shove and we didn't meet those  
8 deadlines that is the process we'd have to go through.

9

10 Commissioner Templeton: And a final question is what would we need to do to have residential  
11 setbacks in Palo Alto? So even if we didn't exclude a whole zone, for example, you said that  
12 would probably be too much but is there some way we can add residential setbacks that would  
13 be acceptable?

14

15 Mr. Yang: Sure, so if the Commission would like to specify that or would like to recommend that  
16 there be a certain distance between facilities, for example, 500 or 1,000-feet or that there be a  
17 certain distance around schools or other specified uses, we'd be open to that.

18

19 Commissioner Templeton: And that would be acceptable within the legal constraints? There's  
20 nothing stopping us from doing that?

- 
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Mr. Yang: You know there are certain limits where if we're saying it's got to be 2,000-feet between poles that's probably not feasible. And I guess one other thing to note is that the aesthetic recommendations from the ARB have generally tended towards smaller equipment that's less visible but that also requires a high density of sites. So, that's another consideration that we have to... Staff would take a look at. I guess if the recommendation from the Planning Commission was to include a minimum distance between these sites, Staff would take that and take a look and figure out what is... what makes sense given the standards that the ARB has recommended as well.

Commissioner Templeton: Alright thank you very much.

Chair Riggs: Alright, Commissioner Alcheck [note – Vice-Chair Alcheck].

Vice-Chair Alcheck: Yes, so I have a few questions about maybe additions we can make. What is the harm of adding language that or actually, let me start here. Last time we had this conversation one of the topics we talked about the lawsuit that we are I believe not a party too. Do you have any updates on that?

- 
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1 Mr. Yang: So there... I'm not aware of any meaningful change in the status of that litigation. So,  
2 the City... it's too late for the City to join into one... litigation over one of the FCC's orders. The  
3 City actually has been all along a member of collation on a different piece of litigation.

4  
5 Vice-Chair Alcheck: I would suggest that we consider adding language that would immediately  
6 revert the changes we're making in the event that that lawsuit concludes favorably for the I  
7 guess plaintiffs. I think... I want to ask a different question too. To what extent does removing  
8 the ARB's oversight sort of suggest that the ARB can't be objective? If we create Objective  
9 Standards what's the issue with the ARB still being involved?

10  
11 Mr. Yang: So, as I said earlier the ARB's role is not changing. There's no change to whether or  
12 not these applications can be sent to the ARB for review.

13  
14 Vice-Chair Alcheck: That's as a result to the new changes?

15  
16 Mr. Yang: That has never been (interrupted)

17  
18 Vice-Chair Alcheck: Has always been the case?

19  
20 Mr. Yang: That has never been Staff's proposal.

- 
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2 Vice-Chair Alcheck: Alright, I apologize then for not understanding that. Ok well, then that  
3 would be my recommendation because as I understand it that the crux of the lawsuit is  
4 essentially challenging the notion that we have to even make these changes as they're required  
5 and that there's a loss of local control as a result of this. And so, what... I don't see that there  
6 would be any harm in immediately revert... in creating in essentially a sunset on these changes  
7 if that lawsuit proves successful.

8

9 Mr. Yang: So, I would say that the ordinance is already written so that it's 75 percent of the way  
10 there. Our ordinance used to spell out the timeframes that the FCC ordered and that's what our  
11 ordinance currently does. And this ordinance before you instead proposes to reference that the  
12 City will comply with federal law. So, if the plaintiffs succeed or if legislation is passed that  
13 undoes the FCC order, our ordinance will just say well we're going to comply with federal law  
14 and that federal law has changed.

15

16 Vice-Chair Alcheck: Let me ask you a question if there was a study that demonstrated that  
17 there was a risk that we felt was valid, right? Let's say there was a... I'm not suggesting that  
18 there are current studies that do that but if there was a study that the City Council felt was  
19 conclusive on whether or not there was harm caused by any of these facilities. To what extent  
20 could the City determine unilaterally that they were unwilling to continue to tolerate this?

- 
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1 Regardless of the fact that maybe the FCC wasn't prepared to make the same finding. I mean at  
2 some point if that came about what's (interrupted)

3

4 Mr. Yang: I mean you know that is a policy choice I suppose that is always available to the City  
5 Council to weigh the risk that's involved with that and the benefits and the costs that are  
6 involved with that.

7

8 Vice-Chair Alcheck: Alright well I would suggest this (interrupted)

9

10 Chair Riggs: Maybe we just [unintelligible]

11

12 [note - Vice-Chair Alcheck and Chair Riggs started talking at the same time]

13

14 Vice-Chair Alcheck: I'll suggest that I think it would be probably negligent for us not to  
15 recommend the adoption of these changes because failure to do so puts us in a position where  
16 we have no oversight over the applications. I guess one suggestion would be, especially to the  
17 members of the public who have raised important concerns, would be that they can continue  
18 to lobby the City Council for adjustments to the ordinance that make it more restrictive in line  
19 with their concerns. But at a bare minimum, I think waiting to perfect the ordinance is a  
20 mistake because it leaves us open. That's my understanding of this and that's why I would

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1 support the recommendation in lieu of the fact that I'm uncomfortable with some of the  
2 unknowns.

3

4 Chair Riggs: Alright, Commissioner Lauing and I will entertain a motion if you want to just go  
5 there.

6

7 Commissioner Lauing: No, I just... I had a couple questions. One it seemed like an answer to  
8 Commissioner Summa's question was that the 15<sup>th</sup> is not a hard and fast date. It could be a  
9 week later or two weeks later so I just wanted to clarify that because that would give people  
10 time to go through another iteration of this for example.

11

12 Mr. Yang: So (interrupted)

13

14 Mr. Lait: (off mic) You run the risk of an application coming in, right?

15

16 Mr. Yang: Yeah, the 15<sup>th</sup> is the date on which the only aesthetics regulations that we will be  
17 able to apply are objective ones and we have (interrupted)

18

19 Commissioner Lauing: Speak up, I didn't hear that.

20

- 
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1 Mr. Yang: Sorry, the 15<sup>th</sup> is the date in which the only aesthetics regulations that we'll be able  
2 to enforce are objective regulations and if we don't have objective regulations in place on that  
3 date, we won't be able to enforce any aesthetics regulation on that date. We could adopt  
4 regulations later but until the time that we do adopt those regulations, we'll have no local  
5 control whatsoever. And I guess I would suggest this ordinance and the way we've structured  
6 the adoption of regulations to be adopted by resolution allows for them to be updated very  
7 easily.

8  
9 Commissioner Lauing: That was going to be my next question is if we pass this tonight and then  
10 we decide that on the 22<sup>nd</sup> we do want new regulations; it seems like you're saying that that's  
11 also possible.

12  
13 Mr. Yang: That's correct.

14  
15 Commissioner Lauing: So, with respect to Commissioner Alcheck's [note – Vice-Chair Alcheck]  
16 comments folks could continue to work on this. In fact, if you wanted to, you could put  
17 together a working group that they're asking for.

18  
19 Mr. Yang: That's right.

20

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1 Commissioner Lauing: And it wouldn't go 18-months like the CAC did. I have no problem with  
2 that. Yeah, just in general, even the last time this was here I'm having trouble with the urgency  
3 because it's a state law that they're sticking it to us. There's I don't know how many  
4 communities are arguing it, it's going to go on for years, in the meantime, we do have to follow  
5 FCC guidelines so it just doesn't feel like it's that's urgent to me. One other comment, what was  
6 the last action out of the ARB because there was a member of the public that wrote... let's see  
7 Ms. Jeanne Fleming, her email is dated the 21<sup>st</sup> of this month but referencing the prior ARB. It  
8 said something like thank you for deciding not to green light the Director of Planning proposals  
9 with respect to neighborhood cell towers. So that's totally out of context but I'm just trying to  
10 wonder what's ARB position on this?

11

12 Mr. Yang: So, Staff took a number of different potential design options to the ARB as designs we  
13 would specify in our standards and the ARB recommended adoption of some of them and  
14 recommended that others be stricken from the regulations.

15

16 Commissioner Lauing: Ok. That's all.

17

18 Chair Riggs: Ok, any other comments and I would if anyone wants to be bold and put something  
19 out there that would be great. Commissioner Waldfoegel.

20

- 
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1 MOTION #2

2

3 Commissioner Waldfogel: Sure, I'll make a motion. I'll move the Staff proposal and I'd like to  
4 add two things to that. I'd like to recommend establishing... recommend to the Council that  
5 they establish a working group to continue the analysis work that we've heard tonight and I'd  
6 also recommend a 1-year review after we pass this just look at what's been approved, what's  
7 out there, and figure out if we got it right.

8

9 Chair Riggs: Do I have a second?

10

11 SECOND

12

13 Vice-Chair Alcheck: Second.

14

15 Chair Riggs: Any discussion? Would you like to move to take a vote or would you like to take a  
16 vote on this? Ok, Commissioner Templeton.

17

18 Commissioner Templeton: Is it appropriate to add an amendment regarding setbacks at this  
19 point?

20

- 
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1 Chair Riggs: (off mic) You need to ask the motion maker.

2

3 Commissioner Templeton: Oh well I just want to make sure it was allowed.

4

5 Chair Riggs: It would be the time to (interrupted)

6

7 FRIENDLY AMENDMENT #1

8

9 Commissioner Templeton: Asher, could... Commissioner Waldfogel, could we add to include a  
10 500-foot setback from schools and 130-foot setback from residences?

11

12 Commissioner Waldfogel: I'd actually prefer to do that as a result of the working group  
13 recommendation but (interrupted)

14

15 [Several Commissioners started talking off mic]

16

17 Chair Riggs: So, I think the (interrupted)

18

19 Commissioner Templeton: Oh, can we then... yeah good suggestion, to add that as part of the  
20 objectives of the working group to establish the minimum distances?

- 
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Commissioner Summa: (off mic) And establish adjacency standards for (interrupted)

Commissioner Templeton: And establish adjacency standards for schools?

Commissioner Summa: (off mic) Because do you know 500 and 130 are [unintelligible]?

Chair Riggs: I think... can you just make a clear proposal for Commissioner Waldfogel so he can consider this part of his motion and then the seconder can (interrupted)

FRIENDLY AMENDMENT #1 WITHDRAWN

Commissioner Templeton: I'm going to differ this to Commissioner Summa because she has a very clear way of phrasing it.

FRIENDLY AMENDMENT #2

Commissioner Summa: I don't know about that but thank you. I was going to say establish minimum distances from residences and I think this is for base units, right?

- 
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1 Commissioner Waldfogel: Yes.

2

3 Commissioner Summa: Not antenna? And establish distance standards from schools and to  
4 keep gathering updates on info regarding health issues. Is that legal?

5

6 Commissioner Waldfogel: They can gather information but it's not something we can act on  
7 and I just want to say is I would prefer if the language was to recommend on these items rather  
8 than to establish standards.

9

10 Chair Riggs: Yeah or consider.

11

12 Commissioner Summa: That's fine if you think that's better and then even though we have a  
13 quick turn around when these applications come to us, I think we should still have a public  
14 hearing so we can establish a record of the concerns. So that might mean... that might be  
15 scheduling problems but I do think there's so much community concern that a public hearing  
16 would establish that in the record.

17

18 And then I would encourage... also, recommend that we get the highest fees we can reasonably  
19 impose for these installations.

20

- 
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1 Chair Riggs: Where those recommendations for amendments to the motion or where those  
2 just comments for the record?

3

4 Commissioner Summa: No, no, to add to the motion.

5

6 Chair Riggs: Commissioner Waldfogel?

7

8 Commissioner Waldfogel: Are fees within the scope of this ordinance?

9

10 Mr. Yang: Fees themselves are within the scope of the ordinance but (interrupted)

11

12 Commissioner Waldfogel: Well generally fees are set by City Manager for most things on our  
13 schedule, right?

14

15 Mr. Yang: The fees are adopted by City Council as part of the annual budget.

16

17 Mr. Lait: (off mic) [unintelligible] cost recovery.

18

19 Mr. Yang: But we... for our application processing, we operate on full cost recovery for these  
20 applications.

- 
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Commissioner Waldfogel: So, we already do what Commissioner Summa is recommending which is leaving the highest recoverable fee, I would assume?

Mr. Yang: Yes.

Commissioner Waldfogel: Then I would support leaving the highest the fee that's consistent with cost recovery.

Mr. Yang: Yes, and that is also in terms of annual attachment fees, ongoing fees. It's Staff's intention to make sure that we're updating those regularly to capture as much as we can.

Commissioner Waldfogel: And what's the other piece of it? I'm sorry.

Commissioner Summa: (off mic) The minimum [unintelligible].

Commissioner Waldfogel: [unintelligible – off mic]

- 
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1 Commissioner Summa: The other was to retain public hearings understanding that it will be a  
2 public... I mean it will be a difficult scheduling problem for Staff but the meetings... but I think  
3 it's important to establish public record of the community's concerns.

4

5 Commissioner Waldfogel: I'm not sure that this last... is this last one feasible?

6

7 Commissioner Templeton: (off mic) Its discretion.

8

9 Commissioner Summa: Council can decide.

10

11 Chair Riggs: That's at the Director's discretion I believe and so it's up to you to consider as a  
12 part of your motion I mean if you wanted to make that (interrupted)

13

14 Commissioner Waldfogel: Lets actually carve that out as a separate item because all the rest of  
15 these I accept but this final one I think needs a little more analysis.

16

17 Mr. Yang: Can I clarify one item of the first part of the amendment. The recommendation that  
18 someone recommend minimum distances etc. Are those... is that asking Staff to make that  
19 recommendation to the Council or is that asking a task force to be put together too  
20 (interrupted)

- 
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Commissioner Waldfogel: Taskforce.

Mr. Yang: Ok, great.

Commissioner Summa: [unintelligible – off mic]

Commissioner Waldfogel: Yeah so, I accept all of those amendments except for the one on public hearing.

Commissioner Summa: Is there a way I could state it that would make it more acceptable or do you just think it's too big of a burden?

Commissioner Waldfogel: I think it's something that probably needs some analysis and I'm just not sure this is the... I'm not sure I can do that at a quarter to midnight.

Chair Riggs: Ok so I just want to make... Commissioner Waldfogel, I was... except for that last item you're fine with the suggested additions? I want to make sure that the seconder, Commissioner Alcheck [note – Vice-Chair Alcheck] is also ok with those additions?

- 
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1 Vice-Chair Alcheck: Affirmative.

2

3 VOTE

4

5 Chair Riggs: So, is there any more dialog and if not, I'd like to take a vote? Any other questions  
6 or comments on the motion on the floor? Ok, with that said let's take a vote. All in favor? Any  
7 opposed? One abstention.

8

9 Vice-Chair Alcheck: No [unintelligible – off mic]

10

11 Chair Riggs: Alright, sorry, absence, sorry.

12

13 Commissioner Templeton: Close enough.

14

15 Chair Riggs: So, the motion carries 6-0 with one absent.

16

17 MOTION PASSED UNANIMOUSLY 6(Lauing, Alcheck, Riggs, Templeton, Summa, Waldfogel) -0-  
18 1(Roohparvar absent)

19

20 Chair Riggs: Did you want to comment Commissioner Summa?

- 
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MOTION #3

Commissioner Summa: Well I'd like to make another motion to recommend that all of these decisions regarding these devices have a public hearing so that we can establish a record of the community concerns.

Chair Riggs: Do we have a second?

Commissioner Lauing: I'm not sure I'm understanding what you're asking for.

Chair Riggs: Can you repeat the motion Commissioner Summa?

Commissioner Summa: At the present time because of the short time frame imposed by the FCC, the Director will only refer this to public hearing, ARB or PTC whatever he thinks appropriate if he thinks there's a real reason to do so. And I understand why because of time constraints but I actually think it's important that there be a public hearing of some kind of each one of these applications so that we can establish a public record of the community's concerns.

- 
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  2. The Chair may limit Oral Communications to 30 minutes for all combined speakers.
  3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Commissioner Waldfogel: (off mic) May I ask a question? Is there [unintelligible]... there will still  
2 be a public record will there not?

3

4 Mr. Yang: So, any item that comes before one of the City's Boards and Commissions  
5 (interrupted)

6

7 Commissioner Waldfogel: Well, no but these would be approved by the Director so if the  
8 Director approved an installation is there public record somewhere of all of those approvals?

9

10 Mr. Yang: Yes, yes there is. I believe those would also be reported out to the ARB periodically  
11 and I guess I should also note that before these applications... any of these applications come in  
12 we also require that there be noticing done to the surrounding community and that there be a  
13 community meeting held by the carrier. But just... I don't think that was (interrupted)

14

15 Chair Riggs: So, I think we have a motion on the floor, we need a second for that motion. Do I  
16 have a second?

17

18 MOTION #3 DIES DUE TO THE LACK OF A SECOND

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1 Chair Riggs: Alright so no second so that motion fails. Any other questions or dialog on this  
2 item? Ok, that concludes this item.

3

4 **Commission Action:** Motion made by Commissioner Waldfogel, seconded by Vice-Chair Alcheck  
5 to move the Staff report as well as recommend the Council establish a working group to  
6 continue the analysis and consider minimum distances from base units and standards from  
7 schools, continue to gather information on health issues; require one year review of the  
8 ordinance after adoption and recommend retention of the public hearing process. Motion  
9 passed 6-0 (Roohparvar absent).

10

### 11 **Approval of Minutes**

12 Public Comment is Permitted. Five (5) minutes per speaker.<sup>1,3</sup>

13

14 Chair Riggs: So really quickly I'd like to go through approval of the minutes. Is public comment  
15 permitted on this item?

16

17 Mr. Jonathan Lait, Director of Planning: (off mic) Yeah [unintelligible]

18

19 VOTE

20

21 Chair Riggs: No, we don't have any so and no public comments. All in favor in approving our  
22 minutes?

23

24 Commissioner Summa: Do we have minutes?

- 
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Commissioner Waldfogel: (off mic) There aren't any.

Chair Riggs: It's on the agenda. There were some provided via email by Yolanda. They were... anyway.

**Committee Items**

Chair Riggs: Any quick updates? Committee items? Anything else? Anything else? Anything else fellow Commissioners?

**Commissioner Questions, Comments or Announcements**

Commissioner Lauing: What is Newell Fence Variance? Is that a 5-minute item or a 3-hour item?

Chair Riggs: Oh, is this a look ahead?

Commissioner Lauing: Yeah.

Chair Riggs: So, we have another item... we're going to do out first educational item. You actually were at Copa Café when we screening this individually the other day. So, we actually

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1 have an innovator in the parking space coming in and just kind of do some information sharing  
2 with us as part of this April 10<sup>th</sup> meeting. My understanding from talking with Commissioner...  
3 Chair... Planning Director Lait as this is a very light meeting. So, 30-minutes of that will be a  
4 study session and then this Newell Road item. We hope it's an... is that the only item  
5 [unintelligible] for that meeting? Alright, is that all we had to say?

6

7 Mr. Jonathan Lait, Director of Planning: (off mic) Yeah, I don't want to give it away.

8

9 Chair Riggs: Any other questions, Commissioner Lauing?

10

11 Mr. Lait: [unintelligible – off mic]

12

13 Chair Riggs: Alright, seeing none, it's 11:50, and we are adjourned.

14 **Adjournment**

15 11:50 pm

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# Palo Alto Planning & Transportation Commission

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Vice Chair Michael Alcheck

Commissioner Ed Lauing

Chair William Riggs

Commissioner Giselle Roohparvar

Commissioner Doria Summa

Commissioner Carolyn Templeton

Commissioner Asher Waldfogel

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