



CITY OF
**PALO
ALTO**

Planning & Transportation Commission Action Agenda: November 30, 2022

Council Chambers & Virtual
6:00 PM

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6 **Call to Order / Roll Call**

7 6:00 pm

8 Chair Lauing: Let us know when we're ready.

9
10 Ms. Veronica Dao, Administrative Associate: We're ready.

11
12 Chair Lauing: Are we live?

13
14 Ms. Dao: Yes, yes.

15
16 Vice-Chair Summa: Yeah, it's on.

17
18 Chair Lauing: Okay, fine. Alright, I'd like to call to order the Planning and Transportation
19 Commission regular meeting agenda of November 30, 22 [note - 2022] and would you please
20 call the roll?

21
22 Ms. Dao: Yes, Chair Lauing?

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1

2 Chair Lauing: Present.

3

4 Ms. Dao: Vice-Chair Summa?

5

6 Vice-Chair Summa: Present.

7

8 Ms. Dao: Commissioner Chang?

9

10 Commissioner Chang: Present.

11

12 Ms. Dao: Commissioner Hechtman?

13

14 Commissioner Hechtman: Present.

15

16 Ms. Dao: Commissioner Reckdahl is absent. Commissioner Roohparvar?

17

18 Commissioner Roohparvar: Present.

19

20 Ms. Dao: Commissioner Templeton?

-
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Commissioner Templeton: Present.

Ms. Dao: We have a quorum.

Chair Lauing: Thank you and now we'll talk about oral... I mean we'll talk about call in communications, please.

Ms. Amy French, Chief Planning Official: Good evening, pursuant to AB-361 this meeting will be held with the option to attend by teleconference or in person. Members of the public may provide live public comment by submitting a speaker card prior to the start of public comment on that item. Speakers may address items that are not on the Agenda during the oral communications portion of the meeting. Spoken comments via a computer or a smart phone will be accepted through the Zoom App. To address the Commission, go to zoom.us/join meeting ID is 916 4155 9499. When you wish to speak, click on raise hand. To offer comments using a regular phone call 1-669-900-6833 and enter the Meeting ID 916 4155 9499. When you wish to speak on an item hit star (*) 9 on your phone so we know that you wish to speak.

Chair Lauing: Thank you.

Oral Communications

The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

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1 Chair Lauing: Now is the time on our Agenda when we do oral communications at which point
2 any member of the public can speak on an Agenda item, not on the Agenda. So, I don't see any
3 in Chambers. Are there any online?

4

5 Ms. Veronica Dao, Administrative Assistant: I do not see any raised hands online.

6

7 Chair Lauing: Okay.

8

9 **Agenda Changes, Additions and Deletions**

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

11 Chair Lauing: Are there any Agenda changes, additions or deletions?

12

13 Ms. Amy French, Chief Planning Official: No changes.

14

15 Chair Lauing: No changes, so let's go do the City official Director's report.

16 **City Official Reports**

17 1. Directors Report, Meeting Schedule and Assignments

18 Amy French, Chief Planning Official: Good evening, Amy French, Chief Planning Official. We had
19 a recent event which was at Council with the Planning and Transportation Commission. And you
20 were all where there so you know what I'm talking about. The Housing Element has been
21 reviewed and will be sent to the Housing and Community Development Department.

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We have coming up for Council other items that the Planning and Transportation Commission has reviewed. One of them on December 5th is 1700 Embarcadero, otherwise known as Mercedes. There is a study session on that night as well about the Stanford Community Plan of interest. Then on the 12th of December, another item the Planning Commission reviewed which is 575 Los Trancos, that was Site and Design Review that came by the Board. We also have ADU Ordinance and we are just bringing forward just the State legislation items for that. Not the rest of the items and for reasons that I'm not going to go into right now but so that we can make sure we catch those before January 1st. And then on the 19th of December, the Council is going to be looking at the ADU Quarterly Report, so those of you who are following our ADU supply in the City. And then, of course, our next Planning Commission meeting is going to be on the 14th and we have just one item which is the Zoning Ordinance changes for electrification equipment and that concludes my report.

Chair Lauing: Okay, any questions of Staff? Commissioner Reckdahl has joined us here in Chambers, please note for the minutes.

Commissioner Hechtman: And Chair, I note that Commissioner Roohparvar is on video although her camera is currently turned off.

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1 Chair Lauing: Yeah, she voted present when she was called.

2

3 Commissioner Hechtman: I missed that.

4

5 Ms. French: Oh, and I should announce as well that Rafael Rius from the Office of
6 Transportation is available online to give a presentation regarding those matters.

7

8 Chair Lauing: Okay Rafael, why don't you go ahead?

9

10 Mr. Rafael Rius, Senior Transportation Engineer: Not really a presentation but just to give an
11 update on the Charleston/Arastradero project. Unfortunately, we've been waiting for materials
12 to sort of kind of finalize this traffic signal improvements at three of our intersections; Wilkie,
13 Lewis, and Fabian. Unfortunately, it seems like the materials are being delayed further and
14 what we anticipated for November is likely going to be pushed too early in the new year for
15 that intersection.

16

17 I believe we are looking for... to move forward with improvements at El Camino shortly. We're
18 just trying to get the permits lined up with CalTrans for that one.

19

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1 One other update I had, it was brought up a couple meetings back by one of the Commissioners
2 about Assembly Bill 2264; which is an Assembly Bill that passed that's requiring that State-
3 owned and operated intersections, traffic signals, start implementing what's called a leading
4 pedestrian interval when the intersections are modified and maintained. And so, there wasn't
5 really a clear discussion on it in the past but just wanted to update that this Assembly Bill really
6 only affects State-owned and operated intersections but just as a note, we are using this
7 leading pedestrian interval at a good number of our intersections. Not all of them but most
8 notably out downtown signals that have pedestrian heads and also signals that are near or
9 along school routes. So, we are... we have been using it... them for about 3 or 4 years now so.
10 That's the only update we have. We'll have Staff available for some of the Agenda items also I
11 believe and that's it for me.

12

13 Chair Lauing: Commissioners, any questions for transportation representative? Commissioner
14 Templeton.

15

16 Commissioner Templeton: Thank you, Chair. Thank you for the update, Mr. Rius. I was the one
17 that asked about that and just to confirm so you said that we're using the pedestrian lead
18 interval on El Camino on areas that are routes to school.

19

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1 Ms. Rius: So, CalTrans is running it currently, you know I don't know if its all the intersection
2 yet, but I know they're going up and down the Bay Area trying to implement it. But I want to
3 say back in early summer I had inquired with CalTrans and they had been running it on nine of
4 the signalized crossings. We don't have a City-wide policy to run it but we are running it at any
5 intersections near schools or along school routes and high pedestrian areas like our downtown
6 area. We have it... you may notice it where the walk signal comes on and about three to five
7 seconds later the light turns green.

8
9 Commissioner Templeton: It's definitely not happening at Los Robles at El Camino and that's
10 definitely a State crossing. So, if there's anything that we can do as Commissioners or you can
11 do as the Staff to encourage them. Especially on ones that are routes to school, that's a major
12 crossing for Fletcher and Gunn.

13
14 Mr. Rius: Okay, we'll definitely put in a request to implement it. I... yeah, I don't have the list
15 right in front of me for the CalTrans locations and but okay, I'll (interrupted)

16
17 Commissioner Templeton: That's okay, I don't expect you to have them all memorized, we've
18 got a lot of crossings but yeah, that's one where we've seen some incidents as well. So, that
19 pedestrian timing would be great, thank you so much.

20

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1 Ms. Rius: Sure.

2

3 Chair Lauing: Any other questions for Rafael? Yeah, Commissioner Reckdahl.

4

5 Commissioner Reckdahl: Yeah, I had a question about the Wilkie Way bike bridge. I saw that
6 you're having a test there on two different non-slip surfaces. One that's painted and one that's
7 plastic. Have we used those surfaces before?

8

9 Mr. Rius: I am not familiar with, I'll have to reach out to our Public Works Department and find
10 out more about the tests that they're doing. Apologize, I'm not familiar with this effort.

11

12 Commissioner Reckdahl: Okay because about 10 years ago they had some non-slip plastic on
13 there. It worked fairly well but it broke after about 6 months, it started breaking and they finally
14 went in and removed it all.

15

16 Mr. Rius: Yeah, I remember, I mean probably 13 -14 years ago there was I think rubber mats on
17 them and I think they feel apart. So, I'm not sure, okay but I'll note that down and try to follow
18 up for the next meeting.

19

20 Commissioner Reckdahl: Okay, thank you.

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Chair Lauing: Okay, thanks for those Staff reports, so we're going to move onto our first official item. A study session on the review of 2022 State legislation related to land use and housing.

Study Session

Public Comment is Permitted. Three (3) minutes per speaker.^{1,3}

2. Study Session to Review 2022 State Legislative Related to Land Use and Housing

Chair Lauing: Who's going to lead that from the Staff? Okay.

Ms. Amy French, Chief Planning Official: Give me a moment, I'm uploading my presentation. So, good evening, a number of us have been attending sessions on the latest, the 2022 State legislation, that was adopted and goes into effect in the coming year. Some earlier than others or sooner than others. Is there something (interrupted)

[note – unknown speaker:] [unintelligible – spoke off mic]

Ms. French: Oh, good evening, Chief Planning Official Amy French. A number of Staff have attended sessions regarding the State legislation. Good? Can you hear me? Okay and so we just wanted to present some of the key bills. You have in your Staff Report kind of a more exhausted list than we'll really cover tonight but. So, of course, here's all the... these are really fun, these diagrams that get produced every year. And then slowly some of those go into barely visible

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1 and then the others come forward in blue. And so, you see these are all the housing and zoning
2 laws that passed in 2022 and are not before us, so I gave a bulleted list here.

3
4 We have SB 9 that passed in 2021 and or rather it was 20... well, I think it was 2020 but
5 anyways, we came... oh, it was 2021 and we came forward to the Council. We didn't have time
6 to bring that forward to the Planning and Transportation Commission due to the January 1st
7 effectiveness date and so, we passed an interim ordinance. That was last year and then early
8 this year. And then so what we do plan to do is come back to the ARB and Planning Commission
9 in this coming year with a permanent ordinance so that will give opportunities for comment.

10
11 A couple of... this is going in the order that was in the Staff Report. A couple of these AB 2011
12 and SB 6 are going to become effective in July, so we have a little bit of time there to adjust and
13 modify our Codes as needed. So, we'll be talking further about that one.

14
15 We have AB 2097 and AB 2244 and this... these become effective January 2023 so we'll talk a
16 little bit about that one and then, of course, ADU legislation which the Planning and
17 Transportation Commission already dealt with in the September 28th action to recommend our
18 latest ordinance. I'm not going to read all of these but there're quite a few on the list here.

19

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1 So, this is the one that becomes effective July 1st of 2023 and Wicks/Caballero. These were
2 competing or similar bills after something similar and both passed and now there's law that
3 incorporates these pieces. This fast-tracks housing development, this talks about affordability
4 for apartments, this also talks about union labor, so we can come back to any of these.

5

6 The one that we are also wrestling with because that does become effective in January, AB
7 2097. And this prohibits local agencies from requiring parking for residential and commercial
8 developments within ½ mile of major transit stop unless certain conditions are met. So, this is a
9 big one and we're still kind of teasing this out and wrestling it down looking at maps of transit
10 stops and you'll hear more about that. Some of the... these... this is from one of the sessions I
11 attended that talked about what are the action items. So, we might want to update our Codes
12 to eliminate minimum car park... parking requirements within a ½ mile of major transit stops.
13 So, in Palo Alto, obviously, we have the two train stops and then we have El Camino and some
14 bus stops along there that count as major transit stops. And then another action is considering
15 doing a study about how not meeting local parking standards could have a substantially
16 negative impact. So, that's something to consider and contend with.

17

18 Already talked about the ADU legislation. We dealt with that. There's other ADU aspects here
19 that did not require Zoning Code updates. So, really it's about ADU Permit processing and some
20 other things here about permitting.

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2 Then we have our Density Bonus legislation and so there's quite a bit here. And so, we're...
3 that's a... deep.

4

5 We have the streamlining law that basically clarifies SB 35 regarding permitting and
6 affordability. So, there's some things about what we are required to do with explain to a project
7 proponent which Objective Standards conflict the project that they're submitting.

8

9 Then we have a couple of Housing Element laws and the no-net-loss we're familiar with,
10 emergency shelters and so we are of course our getting our Housing Element adopted. We have
11 the Annual Progress Reports. We've already been doing that so we're good. We're going to be
12 submitting those and I just grabbed from the presentation Monday about where we are with
13 our Housing Element; which is we're going to be submitting that in December and you know,
14 we're processing the comments received on that, received by December 7th. So, we're in that
15 process now and we're planning to submit that before we all leave for the next holiday. And
16 then the HCD will have 90 days to review our initial draft.

17

18 There's some other housing aspects, fair housing legislation. So, it talks about local tenant
19 preferences and some website posting requirements. And then the post-entitlement legislation
20 which talks about permitting. You know, not delaying projects in the Building Permit process.

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2 And there's a couple other ones that we didn't really go into in their report at any level of
3 depth. That is the... what I've talked about and I think Caio may have something to add or ready
4 for questions if those of you who are ably minded have interest in that.

5

6 Chair Lauing: I thought it might just be helpful to go one by one and see if Commissioners have
7 particular questions on wording etc. in which case our attorney can chime in as well. Does that
8 make sense to everyone?

9

10 So, I'm not sure we need to do SB 9 but we can. Does anybody have any questions on that?
11 That's a little bit older but. Okay and then the second one, which comes into effect on July 1, 23
12 [note – 2023], which is AB 2011 and SB 6. I had some wording questions on that but someone
13 else can go ahead. I didn't really understand the language when you're saying "as long as
14 developers utilize stricter labor standards or stricter affordability". Obviously, we're not looking
15 at the bill so it's not all defined in there in good attorney kind of fashion but what are they
16 getting at there? Stricter than what and how is it measured?

17

18 Mr. Caio Arellano, Assistant City Attorney: So, can everybody hear me alright?

19

20 Chair Lauing: Yeah, closer is even better, thanks.

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2 Mr. Arellano: Caio Arellano, assistant City attorney, so in terms of the stricter labor standards.

3 The requirements are payment of prevailing wage and depending on the size of the project. The

4 developer must use contractors who employ construction craft employees or subcontractors

5 for at least 1,000 hours to participate in apprenticeship programs and make specified

6 healthcare contributions. So, that's sort of the summary of the language. In sort of real-world

7 what that typically means is the use of union labor for the construction of these projects. In my

8 real-world experience, prevailing wages is not very much of an issue here in the Bay Area just

9 because of the nature of the cost of living and what contractors have to pay their laborers to

10 staff jobs. But the additional requirements around participating in these apprenticeship

11 programs, healthcare contributions, those sorts of benefit-related requirements are typically a

12 way to ensure the labor used on these projects is union labor.

13

14 Chair Lauing: Okay, follow-ups? Commissioner Templeton.

15

16 Commissioner Templeton: This is not of the specific bill but about the graphic and a resource.

17 So, I don't know if other people, I guess I'm the only one with my computer here, but I'm

18 pulling up this resource as we talk about it. The graphic came from Alfred Twu. Do you guys

19 know Alfred? He's a planning and transportation kind of activist up in Berkley and he does these

20 illustrations and is really good resource. So, if you want to look that up, it's on... you can just

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1 Google Alfred Twu and housing bills and it has a little bit more details and explanation. So, I'm
2 really glad you included it. It's a great resource and just wanted to shout out to Alfred.

3

4 Chair Lauing: Any other comments on this item? Commissioner Reckdahl.

5

6 Commissioner Reckdahl: Yeah, in the previous slide, can you go back there? Yeah, there we go.

7 Okay, there are two things, one was the strip malls. Is that any mall or is it... is there any
8 conditions on that?

9

10 Ms. French: They have to be ubiquitous, that's clear, but I don't think... I'm not prepared
11 (interrupted)

12

13 Commissioner Reckdahl: So, for example, would it be Town & Country or it would be... what is...

14 I guess what is a strip mall?

15

16 Ms. French: That doesn't feel very ubiquitous does it? I mean Town & Country seems very
17 special. I would think strip malls might be more like you pull in, there's a parking lot, and there's
18 a number of one-story buildings with a bunch of tenants in there with parking in the front. I'm
19 guessing but you know, guessing right now is not (interrupted)

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1 Commissioner Reckdahl: Okay.

2

3 Ms. French: We'll be coming... we have until July.

4

5 Commissioner Reckdahl: Okay, so we'll find out then.

6

7 Ms. French: Thank goodness.

8

9 Commissioner Reckdahl: Yeah they talk about mixed-use, is that mixed-use as in retail and
10 housing, or is it office and housing? What is the definition of mixed-use?

11

12 Ms. French: Oh, mixed-income.

13

14 Commissioner Reckdahl: Oh no, third from the bottom, right after 100 percent affordable and
15 mixed-use.

16

17 Ms. French: Market rate but affordable.

18

19 Commissioner Reckdahl: Yeah so it says affordable or mixed-use.

20

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1 Ms. French: Typically, we, in the planning business, think of mixed-use as residential with some
2 form of commercial use together as opposed to two types of residential.

3

4 Commissioner Reckdahl: Okay, so we'll find out in July.

5

6 Ms. French: Or before that, yeah.

7

8 Commissioner Reckdahl: Thanks.

9

10 Chair Lauing: Next item, any questions on that? I was intrigued by our very favorite phrase the
11 high-quality transit (interrupted)

12

13 Ms. French: Oh yeah.

14

15 Chair Lauing: That we've talked about that many times before and you make the claim here,
16 whoever wrote this, that the two train stops and the VTA are high-quality transit. So, who got
17 the wisdom to make that decision? Was that somebody sitting in the State [unintelligible]?

18

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1 Ms. French: So, we're in communication... the MTC published a map that shows circles around
2 the transit stops. We're in conversation with that group to drill down a little further and get
3 more precise knowledge of how they came up with that map.

4
5 Chair Lauing: So, we're not certain that these are high-quality transit sites, is that what you're
6 saying?

7
8 Ms. French: Well, it's a complicated formula of, you know it says here, ½ mile of major transit
9 stop and there's a government code that talks about intersecting lines. The idea of quality is
10 you can take a bus and get off and get on another bus and it's kind of an intersection.

11
12 Chair Lauing: Right.

13
14 Ms. French: Whether it's an intersection or we can count parallel routes is kind of the question
15 we're talking about with the agency that published the map. So, we're not ready to discuss this
16 until we've had more conversations but it of interest.

17
18 Chair Lauing: Okay, so it's unknown who makes the final decision that these or is it the VTA in
19 the case of the VTA?

20

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1 Ms. French: Well, the MTC is umbrella over the VTA, so the MCT's map that we are working
2 with is what we're working with but we're just in conversation to make sure that that is going
3 to stay that way or it could change.

4
5 Chair Lauing: But they're ultimately going to make the call, that's what you're saying? I mean
6 we'll have debate with them etc. but they're going to make the call?

7
8 Ms. French: I believe at a point in time when that's something that they have the authority to
9 clarify which stops are considered these stops.

10
11 Mr. Arellano: So, I can jump in here.

12
13 Ms. French: Thank you.

14
15 Mr. Arellano: The term used in the statute is public transit which is defined as a major transit
16 stop, which is further defined in the Public Resources Code, and the Public Resources Code talks
17 about a major transit stop as being defined as a high-quality transit corridor. Meaning a corridor
18 with fixed route bus service with service intervals no longer than 15 minutes during peak
19 commute hours. And so, the reason why that's a little bit hard to nail down at this point is we
20 don't what's VTA's going to do and it can modify for example the 22-522 line. And that will

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1 potentially effect what would be considered major transit stops in this case along El Camino. So,
2 those are the case on the transit side.

3

4 Chair Lauing: Okay. Commissioner Chang.

5

6 Commissioner Chang: I had a similar concern about it because seeing that the train stations are
7 both considered high quality but then... you know any... on the weekend anybody who's tried to
8 get up to San Francisco or back from San Francisco on the train on the weekend. It's once an
9 hour and so if there a... so there's a floor during rush hour every... that must be every 15
10 minutes but what about all other times of the day because otherwise, people will need cars?
11 And so, I'm wondering is there some... like who's the decision-making body, and is there any
12 advocacy that we can do? Just because having tried to figure out how my grandmother could
13 get from Point A to Point B, it was... I mean it would practically be faster to walk in some
14 situations so.

15

16 Ms. French: I do think it relates to peak hours, not just Saturdays and Sundays and such. I think
17 it's weekday peak hours is when (interrupted)

18

19 Commissioner Chang: Well, my point is that 15 minutes in peak hours, and then it switches on
20 the weekends to once an hour. That's not sufficient for anybody to actually get some place and

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1 so I didn't know if the legislation... I wanted to ask if the legislation had a minimum at any other
2 times of the week?

3

4 Mr. Arellano: No, the statute only speaks to peak commute hours at the criteria for being a
5 "major transit stop". So, point is well taken, unfortunately, it's [unintelligible] (interrupted)

6

7 Commissioner Chang: We can't do anything about it. I wish I could make our legislators try and
8 ride the bus between here and San Jose, or go get some groceries. Thanks.

9

10 Chair Lauing: Other comments? Commissioner Templeton, is your light still on?

11

12 Commissioner Templeton: Yes, it is, thank you. Mr. Arellano? Is that (interrupted)

13

14 Mr. Arellano: Yes.

15

16 Commissioner Templeton: Did I say that right? I want to thank you for clarifying. The reason I
17 turned my light on is that there's no mention of the words high quality at all in the bill. So, like
18 we... that's important as we try and dissect, those are not the words to dissect. They're
19 irrelevant, they're a summary for our presentation purposes. But to your point, you know there

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1 are some details of understanding what that definition of transit corridor is, but I think we're all
2 pretty clear its... for us it will be El Camino right, so in addition to the train stops. Thanks.

3

4 Chair Lauing: Any others? Alright, the next one is ADUs, anything on that? And then Density
5 Bonus, 2334 and 634?

6

7 Commissioner Reckdahl: I have a question about the Density Bonus.

8

9 Chair Lauing: Go ahead.

10

11 Commissioner Reckdahl: When it... down in the blue box and may be you might know the
12 details. It says "very low vehicle travel area", do they quantify that? What areas in Palo Alto
13 would qualify for that and what areas would not?

14

15 Ms. French: I don't think I was taking notes on that particular one. I'm imagining it's a... not an
16 arterial.

17

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1 Commissioner Reckdahl: Yeah, I mean but does that mean the Palo Alto Foothills would be a
2 low-vehicle area or?

3

4 Ms. French: That's a good question.

5

6 Commissioner Reckdahl: Or would it be just Barron Park for example? Okay, thank you.

7

8 Chair Lauing: Presumably that is defined in the legislation.

9

10 Commissioner Hechtman: It actually... if you look on the slide, upper left corner, the second
11 bullet, it defines it. It's basically (interrupted)

12

13 Ms. French: Oh yeah.

14

15 Commissioner Hechtman: Less than 85 percent.

16

17 Ms. French: Sorry.

18

19 Commissioner Hechtman: Yeah, less than 85 percent of either regional or City miles traveled
20 per capita.

-
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Ms. French: Oh the... down in the blue box it says travel area and then up here it says traffic area so I'm guessing those are the same thing but.

Commissioner Reckdahl: Well, it still comes down to what areas in Palo Alto would be impacted by this and we'll find out.

Ms. French: I think you're guessing some good ones though, up in the Foothills.

Mr. Arellano: I believe that designation is made at a county level and not more granular at specific neighborhoods within a city. This is just my brief (interrupted)

Chair Lauing: Speak right into the mic, please.

Commissioner Chang: Could you say that again?

Chair Lauing: Please just speak into the mic.

-
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1 Mr. Arellano: So, I... my reading of the statute is that designation takes place at a county level
2 and not for example at a city or more granular level and Santa Clara County could be within
3 that.

4

5 Chair Lauing: Commissioner [note – Vice-Chair] Summa.

6

7 Vice-Chair Summa: So, also about this and if this goes into effect in January, are we expecting
8 the county to clarify these areas before January? I mean its kind of soon and then the other
9 question I had was what does the bullet “rent for 80 percent of the units must be consistent
10 with low-income TCAC rents”? I don’t know what... I’m unfamiliar with that acronym.

11

12 Ms. French: Yeah, I probably shouldn’t have put all this on the screen because I don’t... this
13 went flying by and I was clipping madly but I don’t have all the answers here.

14

15 Vice-Chair Summa: Well, that’s okay, I understand that because this is new to everyone so.

16

17 Ms. French: Yeah, yeah so I don’t have the answers.

18

19 Vice-Chair Summa: But hopefully those that worked on imposing these laws will give us some
20 details to rely on soon.

-
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Chair Lauing: Commissioner Chang.

Commissioner Chang: I just wanted to follow up on what our counselor said about the granularity at a county level. So, that would mean that nothing would apply in Santa Clara County because the county as a whole... is that what you're saying or we just don't know?

Mr. Arellano: I'm sorry, could you repeat the question?

Commissioner Chang: Oh so, I think you had said that the granularity about the low vehicle traffic area was applied at a county level. So, does that just mean that nothing in Santa Clara... it essentially wouldn't apply to anything in Santa Clara County?

Mr. Arellano: No, so and forgive me, I'm (interrupted)

Commissioner Chang: It's okay, we're all puzzling through this.

Mr. Arellano: I'm reading the statute as we go, but it says that according to the Legislative Council summary says so talking about maximum controls on density. "This bill would also prohibit the above-described maximum controls on density if the project is located in a

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1 designated county and within a very low vehicle travel area". And it defines designated county
2 to include the counties of several in the southern California but all of the nine Bay Area
3 counties as well. And so, the maximum controls on density... you know as I go through this I
4 don't want to (interrupted)

5

6 Commissioner Chang: Yeah, that's fine.

7

8 Mr. Arellano: Sort of misrepresent, it is... the Density Bonus statute changes every year and
9 they sort of tinker with it to try to entice more and more out of the developers. And so, you
10 know, just being cautious, I don't want to sort of offer an interpretation of what that means
11 without having an opportunity to review it more fully. But in terms of what we're talking about
12 here with these areas, the answer to Commissioner Reckdahl's question would be is it applies
13 at a county level, including Santa Clara County.

14

15 Commissioner Chang: Okay, thank you.

16

17 Chair Lauing: So, the next item is AB 2668 under other legislation of interest. I might start on
18 that because as a percentage of the paragraph I had a question on a lot of it which is the last
19 two sentences. I just really wasn't clear about that. "Can't determine an application

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1 inconsistent with Objective Standards if they're missing application materials", I get that but I
2 don't "when there's substantial evidence the project is consistent with the standards".

3

4 Ms. French: Yeah, I (interrupted)

5

6 Chair Lauing: Etc. etc.

7

8 Ms. French: I think I could just summarize it as saying as a planner taking in an applicant. We're
9 not going to be saying well, you know, you missed a letter over here on this label. You know,
10 we're looking at the intent and if they meet the intent but not everything is perfect in the
11 application. We're not going to reject it. We're going to look past the messy and get to the
12 content.

13

14 Chair Lauing: Okay, I'm sure that's actually also in the statute much more specifically defined.
15 Other questions on that one? Okay, go ahead Vice-Chair Summa.

16

17 Vice-Chair Summa: Thanks, so is... I'm hoping the bill... this is more of a comment I think since I
18 know we're not very familiar with these. But I'm hoping the bill gives real specificity to the
19 degree to which something can be deemed not substantial or insubstantial or substantial.
20 Because I mean its worrisome that projects could be completed without proper review from a

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1 safety stand point. So, I just hope the bill is more... has more specificity. A spelling error is
2 obviously not a big deal.

3

4 Chair Lauing: Okay, let's move on to the segment on Housing Element laws. Any comments on
5 those? That's five bullet points plus the AB 1445 which follows. Okay, none there, and then on
6 the last one is the open-space... sorry, almost last one, Open-Space Element SB 1425. Again, I
7 wanted to ask there about the definition. What does that mean "access to open space for all
8 residents"? There must be a definition on that. How close is access? Is it a mile away? Is it next
9 door?

10

11 Mr. Arellano: Which bill is this?

12

13 Ms. French: Yeah, I don't have that PowerPoint (interrupted)

14

15 Chair Lauing: This seems like an equity issues which I'm totally in favor of, of course, but I just
16 want to know what it is.

17

18 Ms. French: It's in the Staff... it's not on the PowerPoint, it's in the Staff Report.

19

20 Mr. Arellano: Which bill are we referring to?

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Chair Lauing: 1425.

Commissioner Chang: Bottom of Packet Page 11.

Mr. Arellano: And the question was about open space?

Chair Lauing: Define what that means, “access” is the keyword “to open space for all residents”.
It has to be some sort of proximity or is it also include transportation if there’s not proximity?

Mr. Arellano: I just... I’m sorry, I don’t have the Staff Report in front of me so I’m trying to pull up the bill. SB 1425.

Commissioner Templeton: I don’t see the word “open space” in that bill.

Mr. Arellano: Yeah I...

Chair Lauing: What was that?

Commissioner Templeton: I don’t see the word “open space” in that bill.

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Chair Lauing: Well, it's titled Open-Space Element SB 1425 so.

Commissioner Roohparvar: In the Packet.

Chair Lauing: Right.

Commissioner Roohparvar: Yeah, Packet Page 11.

Chair Lauing: Yeah, exactly. That was the basis of my question here.

Commissioner Hechtman: While Mr. Arellano is looking that up, I happened to be in a meeting today with an official from the Santa Clara County Parks Department where an issue came up which this might relate to and that is basically accessibility of open space, meaning for people of all abilities, so ADA compliance for example. So that there's a range of open space that all differently-abled people can get at and so that may be what this is referring to, "access to open space for all residents".

Chair Lauing: That (interrupted)

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1 Mr. Arellano: So (interrupted)

2

3 Commissioner Hechtman: Not that all residents have to necessarily be able to access all open
4 space, but all residents need to be able to access some open space.

5

6 Chair Lauing: That's more logical to me.

7

8 Mr. Arellano: The language from the bill is as follows (interrupted)

9

10 Chair Lauing: Get that mic right up to your mask,

11

12 Mr. Arellano: So, the language from the bill reads as follows: "The update", referring to the
13 Open-Space Element Update, "shall include plans and an action program that address all of the
14 following: 1) Access to open space for all residents in a manner that considers social, economic
15 and racial equity correlated with the Environmental Justice Element, the environmental justice
16 policies in the General Plan as applicable." So, perhaps or it certainly would seem to mean that
17 it would include accessibility from the ADA standpoint, but I think it just means sort of more
18 broadly this incorporating these concepts of environmental justice when planning... when
19 updating you Open-Space Element.

20

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1 Chair Lauing: Well accessibility does seem more logical than access if they don't define access. I
2 was wondering if they were saying there has to be open space within a quarter mile of which
3 would be very hard to do so.

4
5 Mr. Arellano: There... yeah, there's nothing more specific than that in the language of the bill.

6
7 Commissioner Templeton: And just to correct, I was looking at an older version of this and the
8 current one does say Open-Space that has a hyphen if you're doing a Control F, Open-Space.

9
10 Chair Lauing: Commissioner Hechtman, your lights on too.

11
12 Commissioner Hechtman: [unintelligible – off mic]

13
14 Chair Lauing: Okay, okay. Alright, funding laws are the next two. There's no data there, so 6...
15 the screen is up as 649 now so. Again, the language there in that first sentence I think is not
16 clear. "Local tenant preferences for low-income households subject to displacement risk". How
17 would that preference be adjudicated?

18
19 Ms. French: I'm not sure but the three... the yellow on the screen has the things that this law
20 firm was advising planners to consider.

-
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Mr. Arellano: Right or SB 649, is that the question?

Chair Lauing: Yes.

Ms. French: Yeah.

Mr. Arellano: So, this bill does two things actually, so the first is it just articulates that it is a policy of the State to support local tenant preference as written or local tenant preferences for lower-income households which were subject to displacement risk. And so, by articulating that policy as a State policy, it then allows developers of affordable housing to avail themselves of certain federal tax credit programs. So, they can point to that as a policy that they are furthering and then, therefore, take advantage of favorable tax treatment for their projects.

And the second thing it does is it says if you, as a local agency, adopt a local tenant preference for your affordable housing program. There's certain things you need to do on your website for example to make it clear and make it available and make it available for all of those who are interested in participating.

Chair Lauing: Commissioner Templeton.

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Commissioner Templeton: Yeah, I... thank you. I would just add that the preference is who the City prefers to be the tenants for affordable housing. Is that correct? It's not about what the tenant prefers.

Mr. Arellano: That's right, so (interrupted)

Commissioner Templeton: Just to clarify, I think that was... is that what you were asking about Commissioner or Chair Lauing?

Chair Lauing: I just was trying to figure out how the preferences where ranked.

Mr. Arellano: That is a local decision, so for example, it can be like a lottery program where depending upon certain criteria you get sort of points in a lottery system. And that could be based on whether you or family members had previously lived in an area that was then redeveloped. It could be based on history of redlining or radical discrimination in a neighborhood, but the contours of the policy are things that the local agency develops on its own and under federal housing discrimination law. There's a lot of research and studies that the local agency needs to under take to provide the factual basis for any of these preferences.

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1 Chair Lauing: Okay. Commissioner Hechtman, did you have a comment?

2

3 Commissioner Hechtman: [unintelligible – off mic]

4

5 Chair Lauing: Yep.

6

7 Commissioner Hechtman: [off mic] sorry.

8

9 Chair Lauing: Okay, no further ones on that. How about 2234? Commissioner Hechtman, you're
10 lights back on.

11

12 Commissioner Hechtman: Yeah, now my light's on. I'm pretty interested in this because I think
13 of all the legislation we've looked at, this is the piece that might be used... actually used and
14 benefit more Palo Alto residents than any of the other legislation we're looking at. Because
15 I'm... I understand and I'd like to hear a little from Staff on this, right now we have something
16 called the Permit Streamlining Act which imposes on local government basically a schedule
17 when somebody applies for a development application, which is a discretionary kind of
18 approval. So, for example, once you submit a complete... when you submit an application, the
19 City has 30 days to response and tell you, yeah, all the pieces are there, it's complete and we'll
20 process it or it's missing these things. Resubmit with those things and so but it's a process that

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1 helps move things along. That's on the discretionary side. I think what this new legislation does
2 is on the ministerial side. So, sometimes you just need a Building Permit or after you get your
3 discretionary permit, you need a Building Permit, and what I've experienced with some of my
4 clients in other jurisdictions of course is that they go through the process to get their
5 discretionary permit. And then they apply for their Building Permit and it goes into a black hole
6 because there isn't a time limit imposed on the local government to make them respond. And I
7 think what this does is it creates a timeframe for local government to respond to these
8 ministerial permits and like I said, so anybody who's in Palo Alto is remodeling their house,
9 adding an ADU, building a new home. Not necessarily big developers when we're looking at all
10 these affordable projects and what not. Just a mom-and-pop here in Palo Alto, I think this is
11 going to help them and it's going to soften what some people call the Palo Alto experience. And
12 so, I'd like to hear from Staff if I'm understanding sort of the... what this does correctly?

13

14 Ms. French: Yeah, that's my understanding. It's similar to what we do for entitlement planning
15 applications where it's 30 days and then if you don't tell them its incomplete. Then its deemed
16 basically complete by lack of your telling them its incomplete and then we should be scheduling
17 a decision; a hearing, a decision. So, for Building Permits here, it says here 15 days that we
18 would want to tell them its incomplete and why, and or why we can't approve it, to give them
19 time to respond and then proceed. So, the idea is that we should give them a list of things that

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1 make it incomplete so that we can keep the permit going and get to a conclusion, so exactly
2 what you said.

3

4 Commissioner Hechtman: So, if I can ask my follow-up question and I realize this is more on the
5 building side than the planning side (interrupted)

6

7 Ms. French: Yes.

8

9 Commissioner Hechtman: And you're here from the planning side, but I'm wondering if you are
10 hearing any reaction within the planning and building about this law and how easy or difficult
11 it's going to be to comply with it based on our experiences over the last whatever, decade? Are
12 these timeframes that we think we can meet or is it going to be a real problem for the City
13 Staff?

14

15 Ms. French: Well, you know, as always, having full Staff is the way to get things done and this is
16 our struggle is to keep fully Staffed and so. You know, if we can get the Staff to do it, we should
17 be able to meet these but you know, stay tuned.

18

19 And there's some things here about posting, so making architectural drawings available to the
20 public. You know, we haven't been putting architectural drawings of people's homes, you know

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1 Johnny's bedroom or what have you. You know, it's kind of private information online for
2 Building Permits but so I think we need to still be careful about that. We have some high-level
3 people living in Palo Alto and we don't really want to share so much information about their
4 homes in particular for the general public.

5

6 Commissioner Hechtman: Thank you.

7

8 Chair Lauing: Any other comments on that one or any that we've skipped over, or you had
9 another comment on them? Then I think we'll conclude that agenda and hope for more detail
10 as it's learned.

11 **Action Items**

12 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.
13 All others: Five (5) minutes per speaker.^{1,3}

14

15 3. 3200 Park Boulevard/200 Portage/340 Portage [22PLN-00287 and 22PLN-00288]:
16 Recommendation to Submit to the Architectural Review Board a Request for a
17 Development Agreement, Comprehensive Plan Amendment, Planned Community
18 Zoning, Tentative Map, and Major Architectural Review Application to Allow
19 Redevelopment of a 14.65-acre site at 200-404 Portage Avenue, 3040-3250 Park
20 Boulevard, 3201-3225 Ash Street and 278 Lambert. The Scope of Work Includes the
21 Partial Demolition of an Existing Commercial Building That has Been Deemed Eligible
22 for the California Register as Well as an Existing Building With a Commercial
23 Recreation use at 3040 Park and Construction of (74) new Townhome
24 Condominiums, a one Level Parking Garage, and Dedication of Approximately 3.25
25 acres of Land to the City for Future Affordable Housing and Parkland Uses. The
26 Existing Building at 3201-3225 Ash Street Would Remain in Office use, and an
27 Automotive use at 3250 Park Boulevard Would Convert to R&D use. Environmental
28 Assessment: Draft Environmental Impact Report for the 200 Portage Townhome
29 Development Project was Circulated on September 16, 2022 in Accordance with the
30 California Environmental Quality Act (CEQA). The EIR Comment Period Ended on
31 November 15, 2022. The Proposed Development Agreement is Evaluated as

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1 Alternative 3 in the Draft EIR. Zoning District: RM-30 (Multi-Family Residential) and
2 GM (General Manufacturing). For More Information Contact 3 Pack the Project
3 Planner Claire Raybould at Claire.Raybould@cityofpaloalto.org.

4
5 Chair Lauing: So, for the next item, 3200 Park, I'm going to, on the advice of the City attorney,
6 be recusing from that item which is definitely going to be coming to City Council in January. So,
7 I'm going to recuse on that and then hand the gavel to the Vice-Chair to announce the Agenda
8 item. So, I'll see you in two weeks.

9
10 Vice-Chair Summa: Sorry for that delay, so we are now onto Action Item Number Three and
11 that is a discussion of... I won't read the whole title of the item. I'll just summarize it. It's a
12 discussion of 200 Portage, 3200 Park, 340 Portage, the Development Agreement, and all that
13 is... goes into that change with the project. Most people will call it the Fry's site, so if we could
14 start with a Staff Report, please?

15
16 Ms. Claire Raybould, Planner: Good evening, Commissioners, Vice-Chair Summa. So, as you
17 noted, the project before you tonight is a proposed Development Agreement, a Comprehensive
18 Plan Amendment, and Planning Community rezoning. The Development Agreement was filed
19 under 3200 Park Boulevard, but as you noted the site encompasses numerous addresses as
20 listed in the Staff Report and the site is more commonly referred to in the community as the
21 former Fry's site.

22

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1 Commissioner Templeton: Sorry to interrupt, can you speak closer to the mic, please?

2

3 Ms. Raybould: Oh, I'm sorry.

4

5 Commissioner Templeton: We're having a hard time hearing you.

6

7 Ms. Raybould: I'm sorry.

8

9 Vice-Chair Summa: Yeah, just in general, for some reason we're having a really hard time
10 hearing and maybe each other. I don't know if these volume buttons on these mic work but
11 they do have an up and down volume button.

12

13 Ms. Raybould: I'll just speak closer to the mic.

14

15 Commissioner Roohparvar: It's super clear remotely. It's interesting because I can hear very
16 clearly.

17

18 Vice-Chair Summa: Yeah, it's always clearer remotely and (interrupted)

19

20 Commissioner Roohparvar: Oh, okay.

-
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Vice-Chair Summa: So, it's really hard for us in here so thanks Commissioner Roohparvar.

Ms. Raybould: Hold on one second. This is not... so, this is just a quick visual again to orient you on the different site components that are referenced in the Staff Report. The Cannery building runs the length of the site, a portion of which has formally houses the Fry's Electronics. There's an automotive services on the south side of the creek, referenced as the Audi building, and there is an office building on Ash Street.

And I just want to reiterate a key milestones or points about the background of this project. So, the project, of course, is located within the boundaries of the North Ventura Coordinated Area Plan Area, and given its size and location, it's obviously been a key site with respect to planning for this area since those discussions began in 2018. In October of last year, the Council formed an Ad Hoc Committee to explore a negotiated Development Agreement for the site. The Ad Hoc Committee met for about six months and presented the concept in three closes sessions to the full Council. In June, the Council voted in support of the general terms and concepts being presented and directed Staff to present it to the public in a study session. And Council held that study session this past August. At Council's direction, the City also executed a Tolling Agreement with Sobrato for the 91-unit townhome project to allow for processing of the Development Agreement that's before you tonight. In September the City published a draft EIR.

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1 The Development Agreement is considered in Alternative Three of the draft EIR. At the request
2 of the public and Commissioners, the City extended the public comment period from a 45-day
3 period to a 60-day comment period which closed on November 15th.

4
5 And I just want to go through the summary of kind of the process that we're going to be going
6 through for this Development Agreement. So, the proposed Development Agreement includes
7 a number of different discretionary actions, including the Development Agreement, the
8 Comprehensive Plan Amendment, a Planned Community rezoning, and architectural review is
9 part of that PC process, Tentative Map, and Final Map.

10
11 Commissioner Hechtman: Ms. Raybould, I'm just curious if you're intending for the slides to be
12 running with (interrupted)

13
14 Ms. Raybould: Oh, oh I'm so sorry.

15
16 Commissioner Hechtman: Yeah.

17
18 Ms. Raybould: Thank you. I'm sorry, I don't know why it stopped sharing. Oh, screen sharing is
19 paused. I didn't know that was possible. Thank you, I'm sorry about that.

20

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1 Commissioner Hechtman: Any maybe... yeah, do the full... are you able to do the full-screen
2 version rather than the slide deck on the side?

3

4 Ms. Raybould: There we go.

5

6 Commissioner Hechtman: Perfect.

7

8 Ms. Raybould: I'm so sorry you guys. Well, I'll start this slide over at least. So, the proposed
9 Development Agreement includes the Development Agreement, a Comprehensive Plan
10 Amendment, Planned Community rezoning for the resulting parcel and architectural review is
11 part of that PC process. There's a Tentative Map and a Final Map and Historic Resources Board
12 review. And all of these discretionary actions are being processed concurrently in accordance
13 with the PC rezoning process and HRB review process.

14

15 I know there's been some questions about what is the timeline of this project so I just wanted
16 to speak to that. Currently, we are planning a study session with the Architectural Review Board
17 in December, 12/15. Returning... coming to the Historic Resources Board in January of next
18 year. Also, doing another study session with the ARB in January of next year and then returning
19 for formal recommendations from the Architectural Review Board, followed by the Planning
20 Commission and then Council between February and April timeframe of next year. And the

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1 Tolling Agreements gives us until April to process this Development Agreement unless Sobrato
2 chooses to extend that Tolling Agreement in coordination with the City.

3

4 So, tonight we're asking a few things of you. We're recommending that the applicant... that the
5 PTC recommend that the applicant submit the proposed plans to the Architectural Review
6 Board for review. At this state, the... generally the required documentation, it's really kind of a
7 pre-screening almost with the Planning Commission. It goes then to the Architectural Review
8 Board to go through the development plan and then it returns to the Planning Commission for a
9 formal recommendation to Council on all of the discretionary actions that are being asked of
10 you. Including that Comprehensive Plan Amendment, the rezoning, and the Vesting Tentative
11 map as well. So, additional documentation we provided to you guys tonight include that
12 Development Agreement, draft Comprehensive Plan Amendment, and the TDM Plan. So, we're
13 trying to provide all of this as early as possible to you guys to get early input. So, we're
14 encouraging the... you to comment on that if you have any feedback. Particularly, on the
15 direction, we're taking with the rezoning and with the Comprehensive Plan and how we're
16 moving forward with that. Early input on these documents and our proposed intent would be
17 helpful in making sure that when we return to the Planning Commission. We're following what
18 the direction that you guys are interested in having us take. We've also mentioned a couple of
19 items in the Staff Report. The... it would be helpful to get policy direction feedback on from the
20 Planning Commission. That included timing on the conversion of the Audi building, some input

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1 on the use of the retail space underneath the monitor rooves, and the fact that they would be
2 required to do a map with Exceptions for a private street for the private street width.

3
4 And with that, I don't know that the applicant has a formal presentation tonight, but they are
5 available, and if... I don't know if they want to mention anything or if you want to hear from
6 them.

7
8 Vice-Chair Summa: Then we'll go to the applicant if they're here.

9
10 Mr. Robert Tersini: Good evening, this is Rob Tersini, with Sobrato. We're on but we don't have
11 a formal presentation but happy to answer any questions as they come up.

12
13 Vice-Chair Summa: Thank you for that and do we have any members of the public that wish to
14 speak?

15
16 Ms. Veronica Dao, Administrative Assistant: I have not received any speaker cards in person and
17 I don't see any raised hands online.

18
19 Vice-Chair Summa: Thank you for that, so if you wish to speak let us know really soon and in the
20 mean time I just wanted to preface our conversation tonight by reminding... after pre-meeting

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1 reminding that out... this is like a pre-screening for us. And it's a little bit different of a process
2 because the Development Agreement happened in advance. So, this is not our final yes or no
3 on this project by any means. That will happen probably March so the object is to gather
4 concerns and comments from us I think. And Staff can correct me if this wrong and to also
5 indicate if we think it's ready to go to the ARB.

6
7 And also, I think regardless of how our vote went tonight, it would go through the rest of the
8 PTC [note – PC?] and correct me if I'm wrong about this. So, I think whether our vote, up or
9 down, won't stop it from going to the ARB and through the PC process. So, it would be more an
10 indication of your preferences about the project or your feelings about the project. Is that fair
11 to say?

12
13 Mr. Caio Arellano, Assistant City Attorney: So, procedurally this is very much like the project you
14 all reviewed last meeting which was also a PC project. So, the decision before you tonight is
15 whether you advance it to ARB or not, and granted, the projects are in very different stages. So,
16 the amount of input and additional guidance you can provide in terms of what you would like
17 to hear from the ARB about is a little bit more limited. But procedurally, that's where we are
18 and so, I believe the recommendation is... the Staff recommendation is to advance to ARB, but
19 if not then... could you pull up the flow chart again Ms. Raybould? So, I think if PTC were not
20 prepared after this meeting to advance the project to ARB. Then you could direct the applicant

-
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1 to provide some additional information, whatever it is you're interested in seeing, and then
2 come back and again (interrupted)

3

4 Vice-Chair Summa: Okay, so I was a little bit wrong. If we do not advance it to the ARB, the
5 project is stopped or the project... it doesn't continue with a PC review process?

6

7 Ms. Raybould: Yeah, I would say it wouldn't continue on to the... yeah review process. We
8 would probably come back again to the PTC.

9

10 Mr. Arellano: Right.

11

12 Ms. Raybould: You know, presumably you would be requesting some additional information
13 before moving it forward.

14

15 Vice-Chair Summa: Okay, thank you for that clarification.

16

17 Mr. Arellano: Right, I think given the nature of... sort of the unique nature of where the project
18 is and the Development Agreement that the applicant has already began negotiating at
19 Council's direction. It would not be a straight down vote but PTC could ask the applicant to

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1 provide additional information for you all if you do not feel as though you're prepared to
2 advance it to the ARB in its current state.

3

4 Vice-Chair Summa: Thank you for that. So... oh, Commissioner Templeton?

5

6 Commissioner Templeton: Thanks. I have another quick point of clarification on what you just
7 mentioned. Did you say we could ask them to come back to us? Could we also ask them to
8 make some changes before they go to ARB, or we have to advance it affirmatively? How does
9 that work? We're only six people tonight, got to understand how it works.

10

11 Ms. Raybould: I think that you could ask them to... you can make recommendations on how you
12 would want it changed. I don't know if they would have to be made before the ARB but
13 presumably, there would be things that you would be expecting to be changed before it comes
14 back to the Planning Commission.

15

16 Commissioner Templeton: Thank you, that's really helpful clarification.

17

18 Vice-Chair Summa: With that, I think we will take back to my colleagues here and I don't know
19 who wants to start off but I see that Mr. Hechtman's light... Commissioner Hechtman's light is
20 on.

-
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Commissioner Hechtman: Thank you. So, in the Staff Report, at least three points I noticed where Staff specifically called out that they'd like some guidance or input. And so, I want to start with one of those and maybe there would be a Commission discussion and different view points on that. And then we can move to another one because I think there are places where the Staff has specifically asked for our comments and of course, we can make comments on any other part too.

So, I'm going to take us first to Packet Page 23 (interrupted)

Vice-Chair Summa: Excuse me one minute. I should have probably asked the Commission, I'm sorry, how we wanted to approach this; whether we want to just give general comments or as I think Commissioner Hechtman is suggesting go through a list. And I made a list based... which is the timing of the Audi building, retail space, private streets in the townhouse area, land use change, and zone change. Are those consistent?

Commissioner Hechtman: Yeah, I didn't even have all those so that's a better list than mine.

Vice-Chair Summa: Okay so would you like... would the Commission like to go through them one by one?

-
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Commissioner Hechtman: I don't have any general comments at least up front. I was thinking maybe we would go through... I think as we discuss the individual items... sometimes... a lot of times we do. Start with the general and then go specific. Here, I don't have a preference.

Vice-Chair Summa: And the other thing I probably should have asked first for if my colleagues wanted to ask any clarifying questions, so we should do that first (interrupted)

Commissioner Hechtman: Sure.

Vice-Chair Summa: I think, sorry for the disorganization, so Commissioner Chang.

Commissioner Chang: Okay, so I have a bunch of kind of big-picture questions. So, this project will not go to Council again before we see it again, even if we advance it to the ARB, is that correct? Okay and then I had a couple of questions about this and I don't... and this is a question for the rest of the Commission. We could do the questions kind of topic by topic or we could do the question... like I have a whole slew of kind of general questions about the whole project, but I don't think that they would have bear in say on the 32 street width. So, I don't how we want to do this process-wise. Like there's some very specific items that none of my questions have anything to do with.

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2 Vice-Chair Summa: Maybe we should all get a chance to answer... ask questions and get
3 answers and then we should go through the list.

4

5 Commissioner Chang: Okay, sounds good, so then my next question is so I just want to make
6 sure I'm understanding this correctly. So, it is true that demolishing the portions of the Cannery
7 building that is proposed in this project renders the rest of the building in-eligible to be listed as
8 a historic resource?

9

10 Ms. Raybould: Correct.

11

12 Commissioner Chang: Thanks, and then a question on Packet Page 90, Table Two. I just didn't
13 know... so in the third column that reads proposed, where it says 3.92 gross acreages versus
14 2.447 net acreages. What is the gross versus net? What does that mean?

15

16 Ms. Raybould: So, gross acreage is the total acreage of the site. Net acreage excludes creek
17 easements and any public easements or street easements. So, there's a small street easement,
18 a portion of that site is within the street easement along Park, a portion of the site is within
19 creek easement along Matadero Creek, and then once the private streets are developed. That
20 also is excluded for the purposes of lot area as well when (interrupted)

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Commissioner Chang: Okay but that's based on... the private streets are based on the current development plan. So, I guess what I'm... the reason I'm asking all these questions is I'm trying to understand what's the actual developable area out of this 14.65 acres? What is not restricted by some sort of easement that prevents development? Because that's one of the things that I was trying to get at is when we look at... related to this, the next question I have is on Page... it was in the old Packet. Page 73 where it says this is a housing inventory site and say yes, 340 Portage with a realistic capacity of 221. And so, what I'm trying to get is what is the actual land area. So, independent of whether it's RM-30 or RM-40, what of the 13.65 acres... wait, am I even... 14.65 acres is actually able to be developed? And that's why I was asking about on Packet Page 90 where we have this like 3.92 gross. That doesn't foot with any of the acreage numbers that I've seen anywhere. Not the 14, not the 12 for the parcel, not the... so I'm really confused.

Ms. Raybould: That is each resulting parcel.

Commissioner Chang: Ah okay.

-
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1 Ms. Raybould: Each resulting parcel, so that's the parcel that's going to be for the townhomes
2 would be 3.92 acres with a developable area once you exclude all the private streets and
3 [unintelligible](interrupted)

4
5 Commissioner Chang: Right but so it already assumes that the development is going to happen
6 exactly as proposed?

7
8 Ms. Raybould: Yeah.

9
10 Commissioner Chang: And so similarly for the other... well, for the other in Attachment E, all
11 these other tables similarly are acting as if this proposal is going forward.

12
13 Ms. Raybould: Exactly.

14
15 Commissioner Chang: And therefore, this building that is currently office is not going to be
16 housing. Right, so therefore it can't be used... for example, the rest of the Cannery is currently
17 slated to remain standing. Therefore, it can't used as acreage for housing.

18
19 Ms. Raybould: Right, right.

20

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1 Commissioner Chang: Okay because... thank you, that helps a ton. Do we know then how much
2 of the 14.65 acres is not encumbered by any easements?

3

4 Ms. Raybould: I... based on the current lot, we do but I don't have that number off the top of
5 my head, to be honest.

6

7 Commissioner Chang: Okay, no, thank you, that's fine.

8

9 Commissioner Reckdahl: I have a related question.

10

11 Commissioner Chang: Okay, great, yeah.

12

13 Commissioner Reckdahl: Can I kind of cut in? On Packet Page 19, when they talk about the
14 benefit that the City... when they talk about the benefit that the City is getting. We're talking
15 about 2.63 acres of land that we're getting. How much of that is developable because you're
16 saying \$12 million an acre? Well, a lot of that is the land right by the creek that you couldn't
17 develop anyway. So, is that really... is that the correct assessment of \$12 million for acre for the
18 land that we are getting?

19

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1 Ms. Raybould: Yeah, I see what you mean. The 2.25 acres I believe does include some area
2 that's within the Valley Water easement.

3

4 Commissioner Reckdahl: And land you can't develop is not worth \$12 million an acre.

5

6 Ms. Raybould: Well, if it's for the purposes of park that might not be totally accurate but.

7

8 Commissioner Reckdahl: I mean no, not even the AT&T property that we just... that was \$7
9 million an acre and that was just PF Zoned. So, that could have been flipped. Here if you're on
10 the creek, there's nothing you can do. The park is the only use for it. You can't build anything
11 there, so it's not like there's any alternative uses that would bump up the price of the land.

12

13 Ms. Raybould: True, okay.

14

15 Commissioner Reckdahl: So, you don't have an estimate of the (interrupted)

16

17 Ms. Raybould: I don't have the exact number of what the... well, hold on, I might hold on.
18 [unintelligible] for was listed in here for... yeah, I don't have the exact number of how much is
19 within the easement. I'd have to try and look back.

20

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1 Commissioner Reckdahl: Okay, thank you.

2

3 Ms. Raybould: I'll see if I can find it before the end of the hearing.

4

5 Vice-Chair Summa: Did you have a related question Commissioner Hechtman and
6 Commissioner Templeton?

7

8 Commissioner Hechtman: I did, I did, yeah.

9

10 Vice-Chair Summa: Okay.

11

12 Commissioner Hechtman: Alright, thank you, so one of the complicated factors, when we're
13 looking at this issue of the developability of creek side areas, is... and I just don't know if it
14 applies here or not. But sometimes when these water district easements are impressed on
15 creek land, then there's essentially kind of a shift of development of that land and so you get
16 the density up to the top of bank but you just can't build all the way to the top of the bank.
17 Instead, you have to squeeze it over and so and again, I'm not sure that's the case here and
18 Staff will look at it but that's a way that possibly you get what seems like full value. Even though
19 a part of the land is not going to be built on with, as you say, anything but a park.

20

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1 Commissioner Reckdahl: Yeah because you could have FAR or lot coverage.

2

3 Commissioner Hechtman: Right.

4

5 Commissioner Reckdahl: Okay, fair enough.

6

7 Commissioner Templeton: So, that's exactly right. I was going to suggest that instead of stating
8 it as a fact. That we dispute these numbers. Let's add that to the list of questions that we'd like
9 brought back before it comes... returns to us because I do think that there are a lot of factors in
10 how you value that land and remember, it's currently not re-naturalized. Once it's re-
11 naturalized I think your comments are probably valid but we haven't... that's not necessarily
12 how it is now and so that changes how much it can be developed.

13

14 Vice-Chair Summa: Thank you. Commissioner Chang.

15

16 Commissioner Chang: I was just wondering if I could continue with my questions or if?

17

18 Vice-Chair Summa: Please.

19

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1 Commissioner Chang: Okay, thanks, so on Page 17, Packet Page 17, the last bullet says that a
2 10-year term during which the City may not modify the zoning. So, does that mean that after 10
3 years we could rezone again? So, for example, if we were to change after the 10 years, would
4 we be allowed to change that, or does some... kind of related to that, my next question has how
5 does this interact with the PC Zoning? Is that permanent and how does the fact that there's a
6 PC Zone with several different parcels with different zones and this 10-year requirement? Like
7 how does that all fit together?

8
9 Ms. Raybould: I think I can answer part of that. I don't know if Ciao, you have any additions but
10 basically, the Development Agreement has a 10-year term limit. So, with respect to the Planned
11 Community zoning, that happens at... concurrently with this DA process and all these other
12 applications so it rezones it right away. Can we come back in 10 years to rezone the parcels? I
13 suppose we could after the terms of the Development Agreement end. I don't know that... I
14 think the City always has the authority to rezone parcels but I don't know that we go out and
15 rezone it with that generally without application from the developer. Unless we're looking to
16 rezone for the purposes of like housing or something like that.

17
18 Commissioner Chang: Yeah, I mean I ask because having on Monday spent a bunch of time with
19 City Council talking about the Housing Element. The Housing Element is top of mind and so I
20 know that big parcels are in short supply. And so, I'm asking the question because I'm

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1 wondering like hmm, we're talking something that's RM-30, potentially changing it to non-
2 residential. What are the implications for whether we could ever change this back and so that's
3 what I'm trying to understand.

4

5 Commissioner Hechtman: Vice-Chair, can I contribute something on this point?

6

7 Vice-Chair Summa: Please.

8

9 Commissioner Hechtman: Alright, so because I have worked on occasion with Development
10 Agreements and 10 years is not legally required but pretty standard term and the concept of
11 the Development Agreement, which is generally used in more complicated project. It may take
12 a number of years to unfold in exchange for some public benefit in this case. You give the
13 developer basically a stable set of rules that won't change except for there are certain changes
14 allowed in the Development Agreement for a 10-year period. And basically, that gives the
15 developer 10 years to get through the development process and build all those things. And if at
16 the end of 10 years, they haven't built all those things, they understand that they're at risk.
17 That the rules could change on them as to part they haven't built, but to the extent, they have
18 built within those 10 years, the Development Agreement ends and theoretically, at that point
19 the City is no longer contractually bound and so they can change the zoning or other rules. As

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1 to the parts that were already built, what that would do theoretically is just make those pieces
2 legal non-conforming perhaps. Right, they get to stay but they're legal non-conforming.

3
4 Commissioner Chang: That's helpful and that's my understanding and I just didn't know if this
5 was different at all given that this is also has a PC laid over it. And that seems like... because
6 essentially what we've done, we have a huge swaths of ROLM and GM zoned land that we're
7 changing to RM-40 for the Housing Element. And so, given that this project isn't proposing
8 that... it's really proposing the development of the townhomes. Everything else kind of stays
9 the same in terms of the footprint of the building. So, just as we rezone things to be RM zoned
10 to try and encourage housing in the future. We could do... I'm just trying to understand could
11 we do so again here and how... is there any limitation on that by virtue of it being a PC and us
12 needing to keep... several times in the Packet there were things that were said. Something like
13 this would not be possible or this FAR wouldn't be possible accept that it's a PC. And so, I didn't
14 know if that would then also preclude us from taking some of the other parcels and making
15 them RM again.

16
17 Ms. Raybould: No, it's a good question. I don't know the answer at this time about whether if
18 they actually fulfill the agreement, whether we could come back after the terms of the
19 agreement ends and rezone it in the future. I mean just as this site was originally a commercial
20 that got rezoned to RM-30 many years ago. So, I understand the question and we'll get you an

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1 answer when we return to you but I don't know that answer. I do know that if they do not fulfill
2 the terms of the agreement then certainly there's... there are penalties outlined in the
3 Development Agreement for that and then everything would be reverted back to the original
4 zoning I believe is how the DA has indicated.

5

6 Commissioner Chang: Okay thanks and I was negligent and didn't thank you at the beginning of
7 all this. I'm really appreciative of the effort that you've put in, in answering some of the
8 questions that we raised last time. Particularly, regarding the financial considerations and
9 annual office limits which were two things that I asked about. And I know there's many other
10 things that you kind of came and gave us more information about. And I'm really appreciative
11 of that, really grateful, nice job.

12

13 So, my next question is on Page 18 and... oh no, no, no, sorry. I think I wrote down the wrong
14 page number, but when you talk... oh yeah, 18 and 19, for the financial considerations. Are
15 there more detailed reports that we could see about how those calculations were done or are
16 they... are we not allowed to see them?

17

18 Ms. Raybould: Unfortunately, I think I would have to differ to our Attorney's Office and I'm not
19 sure if Ciao, you know the answer to that. I think we may need to discuss with Albert. I don't
20 know what is protected under the closed sessions and Ad Hoc Committee. I know that we

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1 looked to provide as much as we felt comfortable at this time, but we can certainly look into
2 whether any additional can be provided.

3

4 Commissioner Chang: Okay, because I'm curious about the range for the \$25 to \$34 million at
5 the bottom of Packet Page 18 in terms of the benefit that (interrupted)

6

7 Ms. Raybould: How that was calculated?

8

9 Commissioner Chang: Yeah how that... because it's quite a range so I'm wondering where the
10 sensitivity is there and there is a sentence that says it's heavily influenced by the assumed value
11 of residential development. But because I don't understand how the number were put
12 together, I don't quite understand how that impacts. Similarly, I had a question about the
13 benefit to the City side where I couldn't quite understand the math there because there was a
14 bunch of general statements. So, like a benefit of \$27 million and then valued at \$12 million per
15 acre and I think I'd be curious about the easement piece of that question. Although, I do
16 understand Commissioner Hechtman's comment there. And then the \$5 million Public Benefit
17 Fee lets the value of the onsite BMR units. So, what is that value? So, I... and then it says it
18 doesn't include the typical Development Impact Fees which when I read the minutes of the City
19 Council pre-screening. I believe that Counsel Yang said that it was about \$.5 to \$.6 million and
20 then the art benefit, in the same meeting on August 1st, in the minutes said that an art benefit

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1 was about \$1 million. So, I just don't understand how we got from \$27 [million] to \$37 [million]
2 when I can only account for \$1.5 – \$1.6 million. So, I just had a lot of questions about this. I'm
3 not saying that they're wrong, I just can't tell.

4

5 Ms. Raybould: Understood.

6

7 Commissioner Chang: Thanks, and then a couple of small... much smaller questions. So, on
8 Packet Page 21, at the bottom, is that a typo where it says 2.5 acres per resident in
9 parenthesis? Is that meant to say 2.5 acres per 1,000 residents as our current park land
10 requirement? I mean our current park land that's available to residents.

11

12 Ms. Raybould: [unintelligible – off mic]

13

14 Commissioner Chang: I assumed that's what it is and it seemed to work out.

15

16 Ms. Raybould: [unintelligible – off mic]

17

18 Commissioner Chang: Okay, thanks. Two... per 1,000 and then on Packet Page 24 where
19 there's... second paragraph says its recently come to Staff's attention that there could be a
20 much more substantial remodel required. Who did the analysis regarding the remodel that

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1 would be required and then the... as well as the resulting implications on the historic integrity
2 of the building? Is that from a consultant or from the applicant or?

3

4 Ms. Raybould: Which line are you specifically?

5

6 Commissioner Chang: Well, no, it just says its recently come to Staff's attention. So, I assume
7 there must have been some sort of analysis or information presented to Staff and I'm
8 wondering who the source is of the information.

9

10 Ms. Raybould: The applicant. The applicant... in discussions with the applicant, it... we became
11 aware that a portion of the building between... so Global Playground is at 380 Portage and that
12 is like the rear portion of the building. It's all a concrete construction and there was a portion...
13 you know, we've talked a lot about the monitor roofs and the importance of the monitor roofs
14 as a character-defining feature of the building. And so, we've always had an understanding that
15 that piece would be retained and rehabilitated. But it was Staff's understanding that the entire
16 building would be rehabilitated as... so, the building loses its integrity through the demolition of
17 a portion of the building. However, so it is not consistent with the Secretary of Interior
18 Standards. Anything you do to the building, it has already lost its integrity, it is not consistent
19 with the Secretary of Interior Standards for rehabilitation. However, we've had this

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1 understanding that the remainder of the building would be reconstructed and rehabilitated as
2 in line with the Secretary of Interior Standards as feasible.

3
4 In further discussions with the applicant, we became aware that a large portion of this building
5 between the monitor rooves and the concrete construction at 380 Portage, which is currently
6 Global Playground, has a lot of... two things going on with it. One, the roofs do not support...
7 cannot support the solar that would be required for the upgrades to the building that would be
8 necessary to meet green building standards and that's partially also due to the new Code that
9 will take effect in January. And so (interrupted)

10

11 Commissioner Chang: And that's our Code?

12

13 Ms. Raybould: It's coming down from State Code but it will be our Code taking effect January
14 1st.

15

16 Commissioner Chang: So, no flexibility on our part to be able to relax that if we want to?

17

18 Ms. Raybould: No, flexibility.

19

20 Commissioner Chang: Okay, thanks.

-
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Ms. Raybould: Yeah and so the roof line of this structure cannot support the weight of that solar, which is a big concern and so they would need to reconstruct the entire roof. The other piece that we became aware of is the state of the current corrugated metal siding and the applicant was explaining to use that a lot of that corrugated metal is in a deteriorated state. Some of the areas have holes in it, it's been patched over time. So, they've agreed to do a salvage survey of that corrugated metal and to retain and salvage and reuse whatever can be used. But ultimately, we don't know how much can be used and so I think it came to Staff's attention that there may be more modifications to this building than we were originally envisioning. And we wanted to make sure that the public and the Planning Commission was aware of that.

Commissioner Chang: Thank you. Yeah, okay, that's super helpful to understand, and then another small question. On Page 18, where there's a section called neighborhood setting and character. Am I... I'm trying to... I keep looking at the maps and trying to orient myself. Did we flip northwest or northeast there or am I... or maybe I'm looking at I upside down? I'm just confused and southeast and southwest, are they flipped as well? What?

[note – unknown speaker talking off mic]

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1 Commissioner Chang: Okay just... I was just making sure that I was looking at the right R-1 or
2 the right residential neighborhood and that so the east and west are flipped in this references,
3 correct?

4

5 Ms. Raybould: Yes, I'm sorry.

6

7 Commissioner Chang: No, no, no, that's fine. I just wanted to make sure that I was properly
8 oriented and understanding what was... how it all fit together. Thank you and I think that's it for
9 my questions. Thanks for bearing with me.

10

11 Vice-Chair Summa: Other questions? I have a question as a follow-up to the issue that we were
12 just talking about with the condition of the building and I think it's the portion of the building
13 that has the monitor roof, correct? It (interrupted)

14

15 Ms. Raybould: Say that one more time?

16

17 Vice-Chair Summa: I'm just following up on the question of the state of the monitor roof
18 portion of the building. I guess we would call that probably the old Fry's site portion of the
19 building.

20

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1 Ms. Raybould: Yeah, what is the current state in terms of what can be salvage and stuff? Is that
2 what you mean or?

3

4 Vice-Chair Summa: Well, I guess we... you were telling us that that might change. Would the
5 monitor roofs situation change?

6

7 Ms. Raybould: The monitor roof situation, so that portion of the building is proposed to be
8 rehabilitated. I know that some of those monitor rooves are boarded... some of the windows on
9 that monitor roof and stuff are boarded up. And so, they intend to do a salvage survey of those
10 windows to see what can be retained and what would be replaced in kind but the monitor roofs
11 are intended to stay as is.

12

13 Vice-Chair Summa: Okay, so we would have more information I'm sure on the state of that
14 portion of the building I'll call it before we make any final decisions next spring/late winter.

15

16 Ms. Raybould: I don't know if Sobrato can speak to when that... those kind of surveys would
17 occur, the salvage survey. They're on.

18

19 Mr. Tersini: Thanks Claire, this is Rob. We don't have an exact timeline yet but let us huddle up
20 and we'll get an answer for you on that.

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Vice-Chair Summa: Okay, thank you for that, and then another question about the historic. I know there's a lot of Exceptions for rehabbing an historic buildings and even actually tax credits available for restoring historic buildings. Were all those avenues exhausted before a decision... the application was made?

Ms. Raybould: Well, if it's not a... if it's not considered a register eligible resource anymore. I don't think it would be eligible for any of those.

Vice-Chair Summa: Right, I'm saying (interrupted)

Ms. Raybould: Oh, you're saying...

Vice-Chair Summa: Prior to the decision to remove a portion of the... the application to remove a portion of the building. Was that looked into at all in terms of saving the whole building?

Ms. Raybould: In terms of the saving the building for the purposes of adaptive reuse for housing or something?

Vice-Chair Summa: Yes.

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Ms. Raybould: I don't think they've been fully explored as much as they maybe could have so.

Vice-Chair Summa: So, I didn't quite hear you. You didn't think they were interested maybe in that?

Ms. Raybould: I don't think that the applicant or the City has fully explored those options.

Vice-Chair Summa: Oh okay, thank you for that and then I'm not sure who was first. Okay, Commissioner?

Commissioner Templeton: I just want to follow up as well and then hand it over. So, I'll be very quick, but Ms. Raybould, it's a very dangerous nebulous answer you just gave us. So, I want you to be really clear on whether you are really trying to open that can of worms. Like what do you mean when you say I don't think it's been fully explored? Is that what you mean? Was it explored at all? Do we know? Do we need to ask the applicant? Like the bed as soon as we can.

Ms. Raybould: Sure, we can ask the applicant if they have explored that option and the City has not explored all of the tax benefits that might be available for a registered eligible resource.

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1 Commissioner Templeton: And is that... just to go back to what you said is the reason, is the
2 reason for that because it's not a registered historical resource?

3

4 Ms. Raybould: Well, that's true, it's not a registered history... I'm sorry, it does... I'm sorry, it
5 needs to be a registered historic resource in order to take advantage of (interrupted)

6

7 Commissioner Templeton: Because we love this stuff, we could go into debate on that allow for
8 hours. So, I just want you to be really clear you're putting something on the record because
9 we're going to vote based on the testimony you're giving tonight.

10

11 So, the other thing I want to just say as an anecdote is that I've worked in both of these
12 buildings and... yes, believed it not. And I am not surprised at all that we're finding that it's not
13 suitable for a modern purpose and it's interesting that it came as news. Like that is not news, I
14 worked there many years ago and it was in bad shape. So, what I like about what I'm seeing
15 here and I hope we get into more of that. But what I like is that they are trying to keep the
16 sense of that building but make it modern and useable because it's a cool building from the
17 outside but it is not in great shape so. Was the applicant able to chime in?

18

19 Mr. Tim Steele: This is Tim Steele. I can say that we hadn't gone to that level of detail of
20 investigation because for the reason that we moved to an Ad Hoc Committee discussion is

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1 there's been a disagreement between the City and Sobrato about future uses in the building, to
2 begin with and what's allows and that moved us to the Ad Hoc Committee meeting discussions.

3

4 Vice-Chair Summa: Thank you for that Mr. Steele and Commissioner Hechtman.

5

6 Commissioner Hechtman: So, I wanted to actually follow up on one of the questions
7 Commissioner Chang asked early on where she revealed... had Staff clarify for us that moving
8 forward with the Development Agreement project which I think is Alternative Three in the EIR,
9 that would change a portion of the Cannery building and result in the remainder of the Cannery
10 building no longer being eligible for historic designation, right? I got that part right.

11

12 Alright, so the same question about the project that the... that has been applied for, the SB 330
13 project, which my understanding is that project where we have limited discretion, that would
14 replace 84000 square feet of the Cannery building with I think 91 units. And similarly, I guess
15 my question is wouldn't similarly that render the remainder of the Cannery building ineligible
16 for historic designation?

17

18 Ms. Raybould: Yes, under... I will say that this is all under the California Register it would be
19 ineligible.

20

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1 Commissioner Hechtman: Okay.

2

3 Ms. Raybould: I think one thing that we are exploring is whether it could still be identified... if
4 the City could determine it to be eligible for a local register. There's kind of... my understanding
5 is there's kind of lesser requirements in terms of what needs to be retained in the building and
6 the City could still chose to make it a landmark or put it on its local register what remains of the
7 building potentially. So, we are looking into that to see if that would be feasible.

8

9 Commissioner Hechtman: Okay and then so my next related question is under Alternative Two
10 in the EIR, which is adaptive reuse, where we take that Cannery building and use it for all
11 housing, right? My impression particularly with all of these new discoveries that are described
12 on Packet Pages 24... mostly 24 is that the changes that would need to be made to the Cannery
13 building to accommodate that would similarly render whatever's left of the Cannery building
14 ineligible for historic designation.

15

16 Ms. Raybould: I don't think that we can say with certainty that it would without any sort of idea
17 of the project plans, but just based on the fact that you would have... the requirements that you
18 would have to meet for ingress, egress, fire requirements, building requirements, upgrades to
19 meet Green Building Code. All of those things that you would need to do for a residential
20 project are going to be more substantial than for any other commercial use. And so, if you're

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1 looking at these kind of changes being needed simply for a research and development use from
2 a warehouse. We certainly would expect that it's going to be more substantial for the purposes
3 of a residential.

4

5 Commissioner Hechtman: Yeah and it makes sense to me and I think that's one of the points
6 that was made in the Staff Report in that analysis. So, to me what the answer is to those three
7 questions tells me is that the retention of the... all of the Cannery building as a historic resource
8 really isn't on the table because we have this SB 330 project presented to us. And in terms of a
9 portion of the Cannery building being eligible, none of these three paths, SB 330, adaptive
10 reuse maybe but it seems to me almost certainly, or the Development Agreement alternative,
11 none of those... they're all the same in that none of those is a path to retaining that remaining
12 portion, whatever it is of the building as eligible for historic designation. Now, that's more of a
13 comment than a question to Staff.

14

15 Commissioner Chang: I have a follow on question, you had mentioned that some of these
16 changes might not preclude it from being listed in a local register of historic places and what
17 protections are afforded for a building in such a local register? Because I guess what I'm
18 wondering is given that it cannot... given that the rest of the building if preserved, cannot be
19 listed on the State Register. There's nothing that prevent the building from being completed
20 leveled as a future date. Just as there isn't today right now, but I just wanted to understand if

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1 there is some pathway where if it... if we said okay, let's use this for office. That the building
2 could indeed remain protected in perpetuity.

3

4 Ms. Amy French, Chief Planning Official: So, well the first thing is there is a Development
5 Agreement, so things... that's a legislative process that goes... that's an opportunity. Second
6 (interrupted)

7

8 Commissioner Chang: So, when you say with the Development Agreement, does that mean that
9 the building cannot be torn down? I thought it was just for 10 years.

10

11 Ms. Raybould: I think that it would be unlikely to be torn down simply because by rezoning it as
12 a Planned Community zoning. You're basically saying this is the only thing that you can put on
13 this site in terms of the development plan and so if they were to tear... and so but the
14 question... your question about whether we can still provide some additional protection for it
15 and what those protections are I think Amy can speak to.

16

17 Ms. French: I was about to talk to that piece of it. So, with our local inventory, we have
18 Categories One through Four. Categories One through Two... One and Two throughout the City
19 have more protection than Categories Three and Four. There's often historic resources,
20 Category Three and Four, have been modified sometime significantly, but they're still having

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1 enough integrity to be listed on the City's Category Three and Four. Now, you know there's
2 always criteria. Why would it be listed? So, in the case of this building, it's not for architecture,
3 it's for events. So, could it be listed as a Category One and Two on our inventory because of
4 events? That would be something to take up with the Historic Resources Board and that
5 process. But a Category Three and Four for architecture let's say it may not even rise to that
6 occasion just based on architecture.

7

8 Commissioner Chang: Thank you.

9

10 Vice-Chair Summa: Commissioner Hechtman.

11

12 Commissioner Hechtman: I think that's my old light but since it's back to me let me just point
13 out one thing about this new discovery. I just want to note that I actually appreciate that the
14 applicant here, Sobrato, has started that process to look at those things. I don't know if any of
15 you remember what happened at Edgewood Plaza which has some historic aspects and as that
16 was approved there was a portion, a kind of low portion where the wig shop was. That was all
17 supposed to be adaptively reused with the... a lot of the original material and what happened is
18 when they stripped away the exteriors, they found that a lot of the support membranes were
19 so deteriorated, at least we were told, that they couldn't be used and so they just moved
20 forward to replace them, bypassing some City process at the time. So, here at least, we're

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1 getting these issues on the table where we can all talk about them and look at the analyses.
2 And so, I think that's really a benefit to this process as we go through it and try to figure out
3 what can be saved and what realistically has reached the end of its useful life.

4
5 Vice-Chair Summa: Thank you for that. I had one remaining question, a lot... most of mine we
6 answered and it's Packet Page 89 about the parking structure which abuts the R-1
7 neighborhood on Olive. And it's just about the Daylight Plane and "unclear the new parking
8 garage Daylight Plane will need to be shown on maps", that comment.

9
10 [note – unknown speaker]: [unintelligible]

11
12 Vice-Chair Summa: Packet Page 89, it's Attachment B, the Zoning Code Comparison Table, if
13 that helps.

14
15 Ms. Raybould: Oh okay, okay. Yeah, so [unintelligible – off mic] ... I'm sorry. The Daylight Plane
16 was not shown on the plan sets but there is a Daylight Plane... well no, this is existing because
17 there's (interrupted)

18
19 Vice-Chair Summa: There was a drawing in the plane set where it appears (interrupted)

20

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1 Ms. French: [off mic] [unintelligible] yeah, yeah it will need to be shown.

2

3 Vice-Chair Summa: That there's parking on the roof of the parking structure and I was just
4 wondering... and I can get you the page in the plan set. I was just wondering if that was
5 accurate and that the people parking on the roof would be able to look into the yards of the
6 Olive Street. I can get the plan set number, I was just wondering about that issue, and it's kind
7 of an issue that the ARB could help clarify I think.

8

9 Ms. Raybould: Sure, we can ask for line-of-sight diagrams between the... you know where they
10 might be able to look into neighboring. We ask for line-of-sight diagrams a lot so we can
11 certainly ask for that.

12

13 Vice-Chair Summa: Okay and for reference its (interrupted)

14

15 Ms. Raybould: That would be separate from a Daylight Plane though too.

16

17 Vice-Chair Summa: I know it is but it made me look at this page and its Page AC-2.1.10. Any
18 other questions at this point for Commissioners or do we want to move on to the comment
19 portion?

20

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1 Commissioner Reckdahl: I have one question.

2

3 Vice-Chair Summa: Go ahead Commissioner Reckdahl.

4

5 Commissioner Reckdahl: One of the goals of the City Council was to reduce... what did they
6 say... developmental density. They really wanted a low-density office here and right now it is
7 low-density office but zoning doesn't do anything to preclude it. They could turn around, is that
8 correct? They could turn around and have just general office here.

9

10 Ms. Raybould: They are required to have R&D only. They can't have office so the idea is that
11 they (interrupted)

12

13 Commissioner Reckdahl: How do you define R&D?

14

15 Ms. Raybould: It's defined in our Code and well, one second.

16

17 Commissioner Reckdahl: I mean because a lot of computer people do R&D sitting packed
18 together in cubicles and they're still doing research and development.

19

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1 Ms. Raybould: That's correct. I might have the applicant speak to this because I know that there
2 were a lot of discussions during the Ad Hoc Committee about that. I don't know if Tim or Rob
3 might be able to weigh in on that.

4
5 Mr. Steele: Yeah, thank you, this is Tim. We did talk a lot about that and the difficulty in drafting
6 language and how to enforce it. The dialog around this gravitated to something that was easier
7 to and more likely to be enforced and that was the A) we got a lower parking ratio and 2) we'll
8 have a fairly aggressive TDM Plan on top of that. That's where the [unintelligible] report of how
9 we're doing on accomplishing the 15 percent reduction on top of the parking reduction.

10
11 Ms. Raybould: And I'll just add that I believe... actually, I think Jonathan Lait is on but I believe
12 during the NVCAP there were a lot of discussions recently at Council of how they wanted to
13 implement the kind of... how they wanted to control density in office. And I think that their
14 conclusion was that they wanted to enforce it through TDM. Is that accurate Jonathan?

15
16 Mr. Jonathan Lait, Director of Planning: Thank you, Claire. Yeah, nothing too further to add
17 there. I think that's about right.

18

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1 Commissioner Reckdahl: So, why wouldn't we consider putting a cap on the employee density?
2 The number of employees. I mean do that for Fire Codes. You can't have more than so many
3 employees in a certain area. You could do the same thing for employment.

4
5 Mr. Lait: Yeah, you can. It's a bit of a challenge from an enforcement perspective. I mean fire
6 goes out there, they do regular inspections and business... property owners and businesses
7 have a state standard for ensuring that they are complying with those fire codes and those life
8 safety standards. For our discussion during the Ad Hoc discussion, there was this understanding
9 of sort of the enforcement challenges with it, but again as Tim had noted. The Ad Hoc did
10 gravitate toward this... there was an interest clearly from the City's perspective to have some
11 better definition of a lower density employment use and we wrestled with that for a little bit.
12 But in the end, what emerged from the dialog was using the TDM as a way to address that and
13 that's how that conversation played out.

14
15 Commissioner Reckdahl: I mean but historically we really don't have good experience with
16 TDMs being efficient, do we?

17
18 Mr. Lait: Well, we don't have... the TDM model, there's a couple things. One is only somewhat
19 recently, within the past year or so, maybe 18 months I think the Code changed to really
20 implement some more aggressive TDM standards. And now, as it was previously under the

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1 Code, we generally give it... a business at least two years to work through... from operation to
2 work through those TDM changes. And so, we... some of the more recent ones haven't matured
3 to that state to be analyzed, but I will also acknowledge that you're right. We do not have a ton
4 of those on record and the historic follow-through on those I would say has not met our
5 expectations as a community. So, there's been a shift, they're just more robust now, it's
6 embedded in the Code to the extent that they are applied. They are pretty aggressive standards
7 but we also haven't gone to that maturity state of going back and testing them at this point
8 either.

9
10 Commissioner Reckdahl: And my concern is not so much that Sobrato is going to go against
11 their word or go against the spirit of this agreement, but they certainly could sell this and this
12 building is going to be there for a long time. In 20 years from the now, someone is going to own
13 it and someone is going to buy it and have a big mortgage on it. And they're going to crank up
14 the density to... and that's certainly a very attractive thing for a landlord to do is try and crank
15 up density to crank up rent. And if we really... if both sides of the agreement say we just want
16 low density, why wouldn't we specify that? It just puts it in writing what the expectation of the
17 landlord is.

18
19 Vice-Chair Summa: I'll just add to that, that I'm unfamiliar with... I thought with TDM the goal of
20 TDM was to get people to work without using cars in a variety of ways, but I was not familiar

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1 with it as a way to limit density of employees as a building... at a building or office. Is that
2 something new or?

3

4 Mr. Lait: [unintelligible]

5

6 Vice-Chair Summa: How does that work?

7

8 Mr. Lait: So, TDM strategies are intended to reduce vehicle trips, right? So, that's the objective
9 there and so, the reason you want to implement a TDM in a particular area is to reduce the
10 vehicular traffic impacts that the residents would experience either through cut-through traffic
11 or other just sort of commercial intrusions into residential neighborhoods. Including parking
12 and these were all matters that were discussed and so by using a TDM you can mitigate in part
13 those intrusions and address it from that perspective.

14

15 Another point is the site... well, first of all, Fry's as a retail use has a higher demand for parking
16 than the office spaces. That's by our Code and that plays out through ITE, the trips generations.
17 So, we're actually going to a less intense use than we had when Fry's was operational and the
18 site is actually providing, from a ratio... the proposed project provides from a ratios basis more
19 parking than is currently provided. All be it still non-conforming or not meeting the precise
20 Code standard and I believe that's detailed in the Staff Report.

-
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And then lastly, the other note that I'd like to share is that... and I don't know if this is in the DA terms or not right now, but I know it was a discussion point and can come back and follow up on it... is there's a provision that I think would exclude this site from participating in a future RPP, Residential Parking Program. And so, collectively these sorts of components were viewed as something that would address the concern about high-density R&D employers at this location.

Vice-Chair Summa: Okay, thank you for that and I think I kind of misunderstood. You were referring to the TDM in that context because it will reduce the impacts. Not that it was going to reduce the number of employees per square foot. Okay, thank you for that and then asking my colleagues... oh, go ahead Commissioner Templeton.

Commissioner Templeton: Thanks, I had a follow-up question. Is there, other than TDM-related concerns, is there any other reason that one would want to limit the number of employees at a site? And that's for Director Lait or Commissioner Reckdahl.

Commissioner Reckdahl: Yeah, I mean part of it I think is jobs/housing imbalance is that the more jobs you have, the more of a strain it puts on the local housing market.

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1 Commissioner Templeton: Okay. Director Lait does that have any (interrupted)

2

3 Mr. Lait: I think (interrupted)

4

5 Commissioner Templeton: Comments there? Thanks.

6

7 Mr. Lait: Certainly, the job... yeah, so I agree, jobs/housing, you know we're in this constant sort
8 of effort to improve the imbalance that I think we all acknowledge that we have now. And I
9 think the City has taken a number of policy actions to curb office development and promote
10 housing. So, we're in the midst of doing that now.

11

12 I think in the course of the discussions, and I would certainly welcome Mr. Steele to weigh in as
13 well if he has a different perspective, but I really felt like it was based on the impacts to the
14 residents and the residential neighborhood as the item we were really trying to address in that
15 context.

16

17 Commissioner Templeton: And I would say that the TDM would address the jobs/housing
18 imbalance in this bizarre side effect as well because you're either living here and walking or
19 biking, or taking the train to get to this job. So, in any case, you're not driving and so its... the
20 net impact will be controlled by the TDM in any way you look at it. So, I think that makes a lot

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1 of sense and I understand why you guys did that, and it's... I do hope that we would get more
2 comfortable in enforcing those things. Especially as we're working on our climate plans, so I
3 agree on that but I think it's a reasonable way to throttle the number of people working there
4 and the impact on the City. Thank you.

5

6 Commissioner Reckdahl: But if you have 500 workers who all walk to work, they still are taking
7 500 bedrooms in the community so.

8

9 Commissioner Templeton: But they'd have to be living here to do that, so that's not a problem.

10

11 Commissioner Reckdahl: Yeah, but they're still displacing other people. I mean they're taking
12 (interrupted)

13

14 Commissioner Templeton: How are they displacing other people? They're living here and
15 working here.

16

17 Commissioner Reckdahl: We have... they would be taking bedrooms that... if you didn't have
18 those 500 jobs, you'd have 500 more bedrooms. So (interrupted)

19

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1 Commissioner Templeton: I think in... that's a theoretical way of looking at it but in practical
2 terms, they can't live here unless those bedrooms are available.

3

4 Commissioner Reckdahl: They still are taking 500 bedrooms.

5

6 Commissioner Templeton: From whom?

7

8 Commissioner Reckdahl: From whoever would be living there if they weren't living there.

9

10 Commissioner Templeton: They're already... if somebody's living there, I mean that's the point.

11

12 Commissioner Reckdahl: Okay, but the fact that somebody walks to work does not mean that
13 they're not putting pressure on the housing market. Those are two independent things.

14

15 Commissioner Templeton: I'm not sure we're talking about the same thing here but we can
16 easily take it offline.

17

18 Commissioner Reckdahl: Okay.

19

-
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1 Commissioner Templeton: All I'm saying is I think it's a reasonable approach and that they've
2 covered a lot of angles.

3

4 Vice-Chair Summa: I'm wondering if my colleagues would like to take a quick break before we
5 dip into the next section. Would that be welcome? Should we be back at 10 of?

6

7 [note - several folks started talking at once off mic]

8

9 Vice-Chair Summa: Oh, that clock is wrong. What time should we come back? I don't have my
10 (interrupted)

11

12 Commissioner Hechtman: [off mic] 10 minutes, 8:20?

13

14 Vice-Chair Summa: 8:20, okay sorry, the clock is wrong.

15

16 [The Commission took a 10-minute break]

17

18 Vice-Chair Summa: Okay, let's get back to work colleagues. So, at this point, we kind of agreed
19 to go through the list of items and after that... so, I guess we'll go through one at a time and

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1 then after that, any additional comments could be asked. Does that sound like a good process?

2 Okay, so why don't we start with the timing of the Audi building?

3

4 Commissioner Chang: [off mic] Conversion to office.

5

6 Vice-Chair Summa: Its conversion, yes and if anybody needs a reference to that it's Packet Page

7 23. So, any comments on... I'm not seeing any, I'll ask Staff a question about this. What did...

8 what were Staff's concerns about the timing of the conversion because you say that you have

9 concerns but I don't really... I was wondering what the concerns were.

10

11 Ms. Raybould: Yeah, so there were a couple things related to the timing of the Audi building. I

12 think that we were... well, Jonathan do you... maybe you can speak to that a little bit more.

13

14 Mr. Lait: Sure, and maybe if you can (interrupted)

15

16 Ms. Raybould: Sorry, Staff originally proposed that the conversion would... we wanted it not to

17 be effective until the rest of the project, including the townhomes, was complete. Sobrato has

18 proposed that the conversion be permitted at any time suitable to tenant once a tenant is

19 found and I think it might be useful I guess to hear from the applicant. I mean I can say for from

20 Staff's perspective our concern is we don't... we see that as a key benefit of the project, the

-
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1 housing. The parkland is one benefit certainly but also the development of the housing to help
2 us to meet our RHNA goals is also important to us and so, you know, we see that as a carrot
3 that we might want to withhold.

4
5 It might be worth hearing from the applicant, from their perspective, of why they have some
6 concerns about that.

7
8 Vice-Chair Summa: That would be fine, somebody from Sobrato.

9
10 Mr. Steele: Working on it, thank you Chair, Tim Steele again. When you lay out all of the things
11 that need to happen here and the money that we'll be spending and the dedication of the 3.25
12 acres. The way the mapping of the schedules work out and the garage gets built first and we
13 have to underground the overhead powerlines. Well, permitting and doing that construction is
14 going to be a year and a half to two years before we could actually move back into the garage
15 and make the availability of the land on the other side near the creek, the 3.25 acres, which
16 then would be dedicated. We still haven't removed the demo of the end of the building yet and
17 done any of the improvements on the land because we have to relocate the tenants that are in
18 that portion of the building and to the restored portion of the middle building where the
19 monitor roof and that middle section is. So, we're talking about the period of time before
20 townhomes would even be able to be built, could be 5 years just because all these things have

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1 to happen before we can remove the end of the building, to even be in a place to do some of
2 the site work improvements and then put the map in place and start building. The length of
3 time... and during all of that we are investing and we are also making dedications to the City
4 and making improvements that benefit the City, not just our property, like undergrounding the
5 over power lines that go through the parking lot; high tension overhead powerlines by the way.

6
7 So, we were thinking it would be reasonable but at the same time as we walked through the
8 period of things that need to happen. We'd be willing to pull back and if you will remove the
9 tenant and the improvements if in fact, we don't perform on the other all Development
10 Agreement as it's being laid out. So, I'm happy to ask any more questions, we're still working
11 through some of the finer points of the Development Agreement but generally waiting five to
12 seven years to be able to occupy that building we didn't feel was reasonable to expect. Thank
13 you.

14
15 Vice-Chair Summa: So, it's currently unoccupied or it's still occupied by the Audi dealership?

16
17 Mr. Steele: No, Audi has moved out of it. We have... we just signed an automotive use as a
18 temporary use but they're not doing any tenant improvements because they also might start
19 doing some R&D work in the same space. So, but they wouldn't do that until they're allowed to
20 do that under the change of zoning.

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Vice-Chair Summa: Okay, thank you for that. Colleagues, do you have comments? Oh, Commissioner Hechtman.

Commissioner Hechtman: Thank you, so I want to make kind of a general observation before we start talking... before I talk about this individual item because this observation really colors my view on a lot of these items we're going to talk about. And that is that the... this Development Agreement project is really coming to us in a different context than we normally see things. It's not do you like it or not? It's really a comparative view that we need to take and that comparative view is do we like it better than the SB 330 project that the developer has applied... you know made an application for? And it's furthered colored by the fact that we know already that our City Council, as currently constituted, seems to like the Development Agreement version better than the SB 330 project, or else they wouldn't have promoted it and started this process.

And so, as I look at these various issues and sort of how far can we push Sobrato here, I guess I have in mind two things. One is if we push too hard, one of two things could happen. Either the City Council ignores us because we have gone too far from kind of the general direction that they seem attracted to, or even if the City Council is attracted to our ideas, if Sobrato feels it's

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1 no longer palatable to them, then they just go back to their SB 330. So, like I said, that kind of
2 colors a lot of my comments on these individual items.

3

4 On this particular one about timing of refilling the Audi building, I actually have seen this kind of
5 requirement in my work a couple of times. A few years ago, maybe 10 years ago now, the City
6 of San Jose did this on a couple of projects where they were mixed-use projects. It was an office
7 building and residential and what the City said is we really want housing so we're going to make
8 you build the residential before we let you start the office. And in at least one of those projects
9 the developer, you know after the final approval with that condition, walked away from the
10 project because it no longer penciled out. And so, I don't want to kill the project over this and
11 so I'm not... so I'm concerned about withholding the right to fill the Audi building until the
12 entire project is done. I mean I think that the Sobrato proposal really puts them at some risk. I
13 think that would be really distaste... you know, they're going to have to come up with a
14 specialized lease to give themselves a right to kick somebody out if they haven't met these
15 milestones.

16

17 So, I think it's interesting that they would want to take on that risk, but I'm also wondering if
18 there are some intermediate steps. Mr. Steele just mentioned all of these steps that are going
19 to need to happen before the townhomes are built and so I was wondering if in kind of the
20 phasing of the rollout of all of this development, maybe there's another earlier step than the

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1 townhomes that Sobrato would feel comfortable with and that would really get them putting
2 more skin in the game before they fill out the Audi building. So, those are my thoughts, thank
3 you.

4

5 Vice-Chair Summa: Commissioner Chang.

6

7 Commissioner Chang: I think I come to the same conclusion as Commissioner Hechtman did but
8 for slightly different reasons. I think there's a larger question about how this whole deal was
9 negotiated and you know, my big observation in all of this is that I don't know what happened
10 in closed doors. I don't know what the potential lawsuit was. I don't know what the dispute was
11 about. So, it makes it really hard to judge about... to judge this. My opinion is like if we're going
12 to have office there. Then yes, it's a carrot but it's not the hugest carrot. There's other... that
13 the continuation and rezoning is probably the biggest carrot. And I'd be okay, especially
14 because there are some serious feasibility concerns here as highlighted by the applicant. This
15 seems like a small deal and there's a lot... there has to be... you know when you enter into an
16 agreement as big as this. There has to be good faith on either side and this seems like
17 something that we would... it would make sense for us to act in good faith on. Especially given
18 that the applicant is willing to have other project milestones. So, I think there's many ways that
19 this could be done as Commissioner Hechtman suggested. We could move it to an earlier
20 timeframe, earlier milestone that trigger this, and then it could terminate with other project

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1 milestone... if other project milestones aren't meant. So, I... this is not a big sticking point for
2 me. I think there's lots of ways that we could come to an agreement, thanks.

3
4 Vice-Chair Summa: See no lights, so isn't the automobile dealership designation an overlay over
5 another zone?

6
7 Ms. Raybould: No, so it's not an automotive dealership and it doesn't have a combining district
8 on it. It's an automotive service use which is actually a currently a non-conforming use of the
9 site. This is part... this is RM-30 zoning as well as (interrupted)

10
11 Vice-Chair Summa: Oh, that's right, right. Oh, silly question.

12
13 Ms. Raybould: So, they've had an automotive use though it's currently non-conforming. They
14 are allowed to continue that non-conforming use, that exact same one, but the whole
15 discussion about... Commissioner Chang raised about the question of kind of the what was the
16 issue with the settlement or the concerns. That's what came to Council in I think it was 2021. It
17 was all those hearings that came to Council about defining what the allowed uses are on the
18 site and when these non-conforming uses can end and how they can continue and the language
19 in the Code related to that. And you know, the position from the applicant was that there was
20 lack of clarity in that Code section.

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Vice-Chair Summa: Right, so I also am really... it's a very unusual process here because the Development Agreement took place ahead of the standard PC review and because it was not available to the public. You know, we don't really understand what risks there were legally or financially at hand that compelled some of these decisions. And I clearly think there should be goodwill on both sides and I'm sure that there is. However, I'm kind of impacted myself personally in this decision by the fact that Staff thinks it's a good idea and they must have a reason to do it that I can't know. So, I think my current idea is that I would agree with Staff that it might be good hold... keep that as a carrot. Particularly, if they can find a tenant, but I think we have time to revisit that throughout the whole process. But I just... it's like I'm sort of making a decision with a huge blind spot because I can't really know what happened to make Staff concerned about this issue. So, any other Commissioners?

Commissioner Reckdahl: Yeah, I tend to agree about... with Commissioner Hechtman. Moving it earlier I think seems reasonable to do. I think holding off the last possible minutes seems a little punitive. In good faith, I would say we should move closer to the beginning.

Vice-Chair Summa: If there's no other comments we'll move on to the next issue which I have is the retail space.

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1 Commissioner Hechtman: Can I just ask a question before we move on?

2

3 Vice-Chair Summa: Oh, yes, please.

4

5 Commissioner Hechtman: So, these are a number of items where Staff is just asking for input

6 and so, as we move through them, we're not ever going to vote on that, right? We're just each

7 giving our comments and I just want to make sure after this first one that this is really what

8 Staff was looking for. Just this is an example of what we're about to do four or five more times.

9 Is that what you're looking for?

10

11 Ms. Raybould: Yes, this is fine.

12

13 Commissioner Hechtman: Okay, thank you.

14

15 Vice-Chair Summa: Director Lait, your hand is up. Did you want to say something?

16

17 Mr. Lait: Oh, thank you Vice-Chair. I think I was reacting to something that you had said about

18 not having insight into Staff's explanation as to why we put this forward and I wanted to not

19 have you be unclear as to our position on that. And I think just to speak to that a little bit

20 further when we... as to reiterate what Claire had said. I mean housing is a big component of

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1 this project for the City. Not only the market rate development that's being proposes as a part
2 of the townhome but the anticipated affordable housing components as well as part of park
3 program. We can anticipate that... what we're hearing is that there's some uncertainty as to
4 when the housing will be built. We know that there's market conditions that will support
5 housing production, but it may be a couple of years before that's realized. And then we just
6 know from our own process of how we... how some things have taken place in Palo Alto. Once
7 the land is available to the City, it's been deeded to the City, the City's got to go through a
8 process of converting that to some kind of park space. And that's going to be a public process,
9 that's going to take a number of years as well, as will finding an affordable housing provider.
10 There's going to be a Request for Proposals and you know, that's going to take some time,
11 funding, so on and so forth.

12
13 So, the concern that we were trying to at least balance, and I think we're totally open to the
14 Commission's guidance on this, is that we wanted to make sure that the City was receiving a
15 benefit also. And sooner rather than sort of later in the process and having the Audi building
16 continued to be used for an automobile repair services adds a little bit more... may add, and
17 may unnecessarily add, some additional pressure to wanting to see that housing development
18 get built sooner rather than later. But hearing the Commission's dialog again, this is why we
19 presented it to the Commission and look forward to your feedback.

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1 Commissioner Hechtman, just the last thing that you had noted at the end there. To the extent
2 that we have consensus from the Commissioner's represented. I think that's sufficient for us to
3 go forward and continue to work on the Development Agreement. I think we were hearing
4 consensus on that last item about the Audi building, so for the future items that come forward.
5 Thank you.

6
7 Vice-Chair Summa: Thank you for that and actually, we didn't hear from everybody and I think I
8 was more favorable to Staff's idea so there wasn't consensus.

9
10 Mr. Lait: So, then Chair, if I might? I just... if... to be helpful for us to advance the discussion
11 forward and I'll leave it to the Chair to organize this but we're going to want to proceed in
12 direction. And if the Commission wants to influence that direction, having some kind of
13 consensus or verbalization, and if folks choose not to participate in that particular discussion.
14 We'll just go with the voice that we've heard unless the... unless you'd like to take some other
15 approach. We can only go on based on what we hear I guess is what I'm saying.

16
17 Vice-Chair Summa: Only if you would like us to vote instead of just taking notes.

18
19 Mr. Lait: Again, I think informally I think it's fine. You're going to see this again so I think it's
20 okay to be informal but again, all we can do is go based on what we hear.

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Vice-Chair Summa: Okay, thanks for that. Next up is retail space and Chair Hechtman [note – Commissioner Hechtman] would like to go first.

Commissioner Hechtman: Vice-Chair, you need to remember to turn my light off after because I don't think I had turned it on. I'm happy to start with this. So, the issue is whether in this 2,600-square feet of space should it be... its primary use be retail or should its primary use be some interpretive adjunct associated with the historic structure... the Cannery structure that was once there. And my thoughts on that are, first of all, 2,600 square feet is a lot of space. That's 30 percent bigger than my house and I think it's more space than the display area at the Palo Alto Art Center. And so, my thinking is it's... while having information about the historic Cannery is important and I think some portion of the 2,600 square feet should be used for that, I think the primary use should be retail that can serve the 149 units that are going to exist on this site eventually between the market rate and the affordable project that the City will eventually build.

Vice-Chair Summa: Commissioner Chang.

Commissioner Chang: My view is that given the current relative lack of services in that area. I'm sure the residents of the new townhomes as well as residents in that area would appreciate

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1 something that... and that they will have a park there eventually. That it would be nice if there
2 was some sort of service that the residents could benefit from. I think the interpretive area, I
3 mean if... it'd be great if there was elements of the interpretive area that were always available
4 even if the retail operation or the business were closed. But there's... we saw renderings of
5 outdoor space and so I think that there's things that could be done creatively to allow some
6 interpretive value. Even while the business itself were closed, but I think that in terms of value
7 to the residents in the area it would be nice to have something that they could really benefit
8 from.

9

10 Vice-Chair Summa: Commissioner Templeton.

11

12 Commissioner Templeton: Thank you. I agree, I'm thinking about other places that have
13 interpretive space combined with other things like the Cannery in Monterey. It's a great space,
14 it has some services there, some historical information, and that's inside the building at the
15 same time in the same space. Also, you know, we are... we're talking about it being near the
16 park. It's possible to put some interpretive information in or near the park as well. So, we don't
17 have to limit ourselves to only providing the historic information inside. So, I think we can get
18 really creative and have fun with it and get people to interact with it even more. Thanks.

19

20 Vice-Chair Summa: Commissioner Roohparvar.

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Commissioner Roohparvar: Thank you. I'll make my comments short but yeah, I agree with primarily retail space and interpretive materials and constrain whether we want to put it in the park and not just the 2,600 square feet. And I really like Commissioner Templeton's reference to the Monte Ray center because... to the one in Monterey, the Cannery, because I think they do do a good job and I frequent that space a lot. Thank you.

Commissioner Reckdahl: Does the townhome project have any common space?

Ms. Raybould: Sorry, any what?

Commissioner Reckdahl: Does the current townhome design have any common space for the residents?

Ms. Raybould: The common space for the residents is just the kind of aisles in between but (interrupted)

Commissioner Reckdahl: Yeah, there's no community room or anything like that?

Ms. Raybould: No.

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Commissioner Reckdahl: There’s no shared space in that?

Ms. Raybould: No.

Commissioner Reckdahl: Okay, I mean I think having this be retail is most practical but I would really like to see... like for example, our neighborhood group uses the back room at Hobees for some of our meetings. And so, I would really like... I think retail is a lot more practical than having a museum. I think the novelty of having a museum will wear off fairly quickly, but if this could be some combination of retail that serves the residents and also is kind of a community hub for the residents. Then I think that’s a big win so.

Vice-Chair Summa: Thank you and I actually agree with Commissioner Reckdahl, but I actually would prefer an additional community space to be identified as... I don’t know that it would be retail but it would be a part of the R&D use that was dedicated space for the community because there’s nothing else for them. And I think it should be and also an indoor/outdoor portion. So, I think that that section of the building that is retail needs to be expanded to accommodate what would normally be in a residential. Some amenity space, shared space, community space, meeting room in a residential development of that size. So, that would be key for my support.

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2 Ms. Raybould: Sorry, just to clarify, you're referencing that corner outdoor space, and are you
3 saying that you would have it be like a room addition to that or?

4

5 Vice-Chair Summa: I think it's not... I think at 2,600 feet [note – square feet] it's not big enough
6 to accommodate the needs of retail, a little... what are we calling it, a little museum area,
7 historic area, and also a dedicated place for the people living in the townhome neighborhood
8 because they don't have anything like that. So, it wouldn't be retail but it would be not R&D
9 and it would be dedicated to that... to the neighborhood townhome use. Or they should... or it
10 should go in the townhome area, there should be a place like that. I mean where are they going
11 to have neighborhood association meetings, you know? So, I think the easiest way to do that,
12 you either have to re-design the townhomes as they get refined in this process or you have to
13 take more space out of the... in the monitor roof area I'll call it.

14

15 I don't know who was first. You were? Commissioner Chang.

16

17 Commissioner Chang: So, I have limited my comments specifically to the question that Staff
18 raised about the purpose of the 2,600 square feet of retail space but what I would say is that it
19 sure would be nice if the 2,600 feet were a little bit bigger. So, enough to say accommodate a
20 restaurant or just a little bit more varied use. I know that that makes it more expensive for the

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1 applicant but I also think that that would be a greater community benefit. So, in line with... I
2 don't want to be prescriptive about what I think that should be, but it sure would be nice if it
3 could be something large enough to accommodate say a restaurant or an alternative use that
4 could still of course have interpretive materials available. So, I am aligned with Commissioner
5 Summa [note – Vice-Chair Summa] on that. It's a wish and we're suppose to give feedback so
6 that's my feedback.

7

8 Vice-Chair Summa: Commissioner Templeton.

9

10 Commissioner Templeton: Thank you, 2,600 square feet is pretty large. I'm again comparing
11 that to houses that I've been in and other spaces. I think you could have a community meeting
12 in there if it was a coffee shop or some other kind of retail space. But I would also say I'm not
13 sure that many neighborhoods in Palo Alto have, especially of this size, have a dedicated
14 community center that is private. So, I'm curious about that, we don't have anything like that in
15 Barron Park. We meet at the school. Ventura, they're meeting at Hobees. I'm just trying to
16 think of what precedent you're basing that request on.

17

18 Vice-Chair Summa: Well, developments like Oak Creek Apartments and actually another PC,
19 Alma... what's it called? Alma Village? Alma Place? Where Grocery Outlet is, there is a
20 community room there that the community can use and that nobody ever uses and the City

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1 gets to use it for free also and it doesn't get used. But I think it's typical for developments like
2 that to have some meeting space where they can have (interrupted)

3

4 Commissioner Templeton: I've definitely heard about that for apartments. I just didn't know
5 about for townhomes or a development like this.

6

7 Vice-Chair Summa: I think so and it's pretty isolated. I don't know who else around there could
8 provide that. Maybe the community childcare things where the Ventura old school is but I don't
9 think it's a lot to ask. I don't think 2,600 feet [note – square feet] is really big enough here of a
10 carve-out and I think that would be a great use but I don't want to be entirely prescriptive
11 either.

12

13 Commissioner Templeton: Yeah, I'm just providing an alternate opinion and we're all weighing
14 in on this. So, for me, 2,600 square feet is pretty large for neighborhood meetings. If we wanted
15 to do more than that there then that's... you know you can't have... it's not like the size of the
16 entire Lucie Stern Center but it's certainly the size of a ballroom, if not a little larger. Thank you.

17

18 Vice-Chair Summa: Commissioner Hechtman.

19

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1 Commissioner Hechtman: Thank you, so I guess my concern if this dedicated community center
2 is on Sobrato, I'm more likely to... if I was compelled to be require to do that I would be more
3 likely to put it in the housing development than take some of my R&D space. And when I do
4 that, I'm going to lose housing units and right because you... because if you look at the design
5 the housing units are all... they take up all the housing area. So, are we going to eliminate three
6 or four units for a community center? I would say in this development which is going to be next
7 to a 2 ½ acre park, I wouldn't want to trade the housing units, which of course would be lived in
8 all the time, for a community center which would be used occasionally. I like the concept of it
9 but I don't think it fits well in this development.

10

11 Vice-Chair Summa: So, community center does seem a little large. I was thinking of a meeting
12 room since nothing was provided in a townhome neighborhood. That's... and I don't think it has
13 to be huge. I mean the one at Alma Plaza is pretty small, but I think it could be very useful and I
14 think 2,600 is pretty limited. I think for a full size... for a full restaurant, I don't think it's enough
15 room really when you take in space. The kitchen and storage take up a lot of restaurant space
16 so those would be my concerns.

17

18 Commissioner Hechtman: So, it might be helpful to the Commission if we just understood a
19 little bit about how the 2,600 figure was derived? Is it a particular end of a building that

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1 happens to be 2,600 feet [note – square feet]? How was... are we allowed to know where that
2 figure came from?

3

4 Ms. Raybould: Can you reference which figure?

5

6 Mr. Lait: I can speak to this, Claire, so thank you, Commissioner Hechtman. So, I... this is an area
7 where the Ad Hoc spent a fair amount of time discussing this and there was a lot of interest in
8 trying to maximize for the community the size of this space and for the reasons that had been
9 articulated by the Commission. And the... I would say that the number that we have is probably
10 smaller than we want but it's also I think a lot larger than Sobrato was anticipating as well. And
11 so, what I think this reflects is a compromise and really trying to blend elements of the
12 interpretive component to sort of honor the history of the site, combined with its proximity to
13 the park and create some kind of a viable engagement opportunity, community gathering place
14 whether it's a coffee shop or something along those lines.

15

16 The Commission has said and the Ad Hoc to did not want to get too prescriptive as to what that
17 space would look like and just understanding that retail is a challenge in this area. And it's a bit
18 of lost leader for the developer, that's understood and so we were just trying to find something
19 that would work and be enough of a size to accomplish these different goals. So, short answer
20 is it reflects a compromise through the discussion.

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Vice-Chair Summa: Thank you for that and other comments? Go ahead.

Commissioner Reckdahl: So, if this wasn't retail, would this be open to the public? Would this be only open to residents? Do we have any idea or is that still TBD?

Ms. Raybould: It can only be retail as of right now or some sort of public use I suppose. I think that the question that we posed to the Commissioners was born out of a discussion of what are the expectations if it's open to the public. So, the public has the opportunity to view the monitory rooves or other... and celebrate that historic aspect of the site, but it's also a retail space. There's obviously certain expectations in terms of what are normal business hours and depending on the type of retail use it might have different business hours. And so, the question was how available does this need to be to the public to be part of that public benefit? And so, and then also the question of if for some reason there wasn't a retail tenant for some period because a retail tenant left and vacated. Is there a requirement to leave this portion of the building open to the public and how does Sobrato make that work if there's not a tenant to kind of man that space? And so that's why we pose that question of to what extent it's retail and is there some sort of component that you could create that you could walk into at any time period.

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1 Certainly, we've been exploring some of the ideas that I think Commissioner Chang mentioned
2 about interpretive materials outside that space as well that would be available to the public all
3 the time. And perhaps that would be enough to address the public's ability as well but certainly
4 something we wanted your input on.

5

6 Commissioner Reckdahl: I'm nervous that we'll end up with just a coffee shop that's just open
7 mornings and then it's locked up. And so now you have this space that you've carved out and
8 it's really not getting much use because it has... it's open for a couple hours in the morning and
9 then it shuts down and locked up. Is there some way if that's the case that the... you could have
10 the residents at least a key in it and it can be a gathering point for them like a common area. I
11 don't know, that has its own problems but just seems like a waste to have 2,600 square feet
12 just used for a few hours each day.

13

14 Mr. Lait: So, I don't know... I'm sorry Vice-Chair, may I?

15

16 Vice-Chair Summa: Please.

17

18 Mr. Lait: So, Commissioner Reckdahl I don't know that... that's interesting that the concern is
19 that it would only be open for a couple of hours during the day. If that is the concern, I think it'd
20 be appropriate... I mean what we've talked about is hours that are customarily associated with

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1 a retail use and for us that would go beyond just a couple of hours during the day. And so that's
2 the kind of language that I think is in the DA or could be incorporated into the DA. So, that we
3 don't have a vacant space there or that's not the intent. The intent is to have a space where
4 some... there can be incidental gatherings or some activity and arguably it's going to be more
5 active when there's a park there and some more housing units but anyways, I just wanted to
6 provide that perspective.

7

8 Commissioner Reckdahl: Yeah, I mean ideally you have retail, it's just kind of out of the way.
9 You're not going... and do we have critical mass to support the retail or are we relying on
10 people outside? And this is a big business issue and so, anyway, I want to see this area used,
11 that's my point.

12

13 Vice-Chair Summa: I don't see it is as being a place for a shop per se at all. More of a coffee,
14 light food, refreshment place that is open reasonably long enough, like maybe it opens at 11:00
15 and stays open after hours so residents can use it if they want to meet. That's more of what I
16 see in particular with the historic component. Okay, anything else? Commissioner Templeton.

17

18 Commissioner Templeton: Thank you. I think we can ask the applicant to propose something
19 with the feedback we just got because I agree. I think with the park there, there's a lot of
20 opportunity, and if you look at City planning and area planning best practices. You definitely do

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1 want to have an activity going on for different parts of the day. It helps keep the area safe and it
2 helps keep the area active and vibrant. So, I think all of these are really good suggestions and I
3 think with the space the size of 2,600 square feet, you probably could have tables and a table
4 area that could be in use even if there the kiosk or whatever is closed. So, I think we can come
5 up with some compromises and creative solutions to that. And I hope you guys have enough
6 input but I think we're kind of converging on a similar space... idea for that space. Thank you.

7

8 Vice-Chair Summa: And one last thought, the history museum that's going in the historic
9 building in... what's the name of the park downtown... Heritage Park. I believe the history
10 museum is providing a café and bathrooms for users of the park, so that might be something
11 too. So, it could be really useful and really create more of a reason for people to hang out there.
12 Okay, now we'll move on, the next item is oh private streets in the townhouse area so and that
13 is primarily how we feel they're asking for a reduction in our standards for private streets. And I
14 see that I already have a light, Commissioner Chang.

15

16 Commissioner Chang: So, this is on the top of Page 18 I think, so I just wanted to first start by
17 asking Staff a question. Is there other precedent for when we have reduced the width of private
18 streets?

19

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1 Ms. Raybould: I don't know that we have done it only because I'm not sure that we have had a
2 major... a lot of major townhome developments that have occurred since that Code change was
3 adopted. Do you recall?

4
5 Commissioner Chang: No, that's fine, I just thought... yeah, that's fine. I just didn't... so to me,
6 whenever I see something like this and last week... the last two weeks ago it was the setbacks
7 for on arterials. There's a reason why we have that rule and I feel pretty strongly that we try
8 and that we... I feel pretty strongly that we maintain that rule. And I understand that there's
9 anticipated to be sufficient fire safety, but what about other needs that that... you know
10 garbage or fire... you know fire engines have ladders and what other implications are there
11 here? So, at a minimum, I would want more information before saying okay 26 feet but in
12 general, I think that we have the Code for a reason. It was thought out at the time and this is
13 not a situation where we're shoehorning... this is like a pretty area that they have to work with
14 and so it would be pretty small design changes I would think in order to get a couple more feet
15 on either side. Not to mention that from a second-story view you're pretty... 26 feet is not very
16 far away looking into somebody else's window. So, those are just my thoughts but from a
17 circulation and safety standpoint, I feel pretty strongly about the 32 feet.

18
19 Ms. Raybould: If the Chair would like, I'm happy to answer a couple of those questions.

20

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1 Vice-Chair Summa: Oh, please do.

2

3 Ms. Raybould: This was actually added via voter initiative, it was not added by Staff. My
4 understanding, I had researched it prior to another project and my recollection is the goal was
5 at the time there was a development that was proposed that didn't have any parking really on
6 the private streets that were provided. And I think there was concern from the public that we
7 needed to have wider streets in order to provide parking off-site on townhome style
8 development and I think that that's what... where the Code requirements were born of. Now, in
9 the end, the Code didn't specifically require parking though on these streets. So, we have these
10 wider street requirements, but no requirement that they actually provide the parking on these
11 streets.

12

13 This development does have parking on some of those streets but the way the Code is written.
14 Every single drive aisle is considered a street, so obviously you can't put parking right in front of
15 the garage doors. So, for the purposes of the garbage pick up and fire safety, 20... well, the
16 garbage pick up has a lot of other implications. There's only certain areas that they can go. They
17 won't back up and back and forth in some of the smaller drive aisles. So, they go around the
18 exterior into specific areas and there's plans laid out in the development plan of the pathway
19 for the garage or for the garbage trucks. But for fire safety, bringing in aerial ladders and stuff,
20 26 feet is the requirement.

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2 So, what's being proposed here is 32 feet on the ground floor and 26 feet above because 30... if
3 you're saying at street is 32 feet. Then it needs to be clear all the way to... above, so it's... right
4 now they're proposing 26 feet on the upper levels.

5

6 Commissioner Chang: That's helpful, I think I need to look at the parking plan a little more
7 carefully then to understand the implications because... but it sounds like what you're saying is
8 that regardless, we cannot increase the parking for visitors.

9

10 Ms. Raybould: So, this wouldn't be requesting modification to kind of the main street access
11 point streets where parking is currently proposed on the plans. It would be for the drive aisles
12 in between where its garage access points.

13

14 Vice-Chair Summa: Commissioner Templeton.

15

16 Commissioner Templeton: I just wanted to say I often agree with Commissioner Chang on street
17 safety and making sure that we have the space that we need to be safe. And I really appreciate
18 you going through the explanation that it would be wider at ground level and why it's okay to
19 be 26 feet apart slightly higher levels. I didn't really understand that at first either so I really
20 appreciate your explanation. It sounds like it meets all the safety requirements, thank you.

-
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Vice-Chair Summa: Commissioner Hechtman.

Commissioner Hechtman: So, yeah, I was trying to understand the sentence in this first full paragraph on Packet Page 18 that you... that talks about both the 32 feet and the 26 feet. So, if I'm understanding correctly the first floor are 32 feet apart and essentially that entire area is paved drivable though in some places you're going into or out of garages. So, right, on the first floor, it's 32 feet, is that right?

Ms. Raybould: There are kind of tree kind of things but we allow that in a private street and always have so.

Commissioner Hechtman: But okay and then when we rise up to the second floor, I guess they... those second floors extend toward each other a little bit. I don't know if it's 3 feet on each side but it's a total of 6 feet between the two and so you get a narrowing above the street. And so, if I'm understand the Exception that would be needed for the Tentative Map would not really be for the ground floor experience but rather for that... the fact that it doesn't stay 32 feet to the sky. Do I have that right?

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1 Ms. Raybould: So, the... you can't have encroachment of building floor area into private streets.
2 So, the private street would have to be reduced through the map with Exceptions to a 26 feet
3 for those drive aisles, but what the development plan proposed would still have 32 face... 32
4 feet from face of building to face of building at the ground floor.

5
6 Commissioner Hechtman: Okay, alright so then you would technically have a 26-foot street, but
7 it would look and act like a 32-foot street. Except the 3 feet on each side, if it were split evenly,
8 would be actually owned by the townhome owners impressed with an easement allowing
9 access on them. Right, because otherwise, you don't want individuals driving on private... on
10 the private property. So, I would think that there would just be some easements to allow that
11 outside of the private street.

12
13 Ms. Raybould: Yeah.

14
15 Commissioner Hechtman: Anyway, I guess that's a (interrupted)

16
17 Ms. Raybould: That's a good point.

18
19 Commissioner Hechtman: A minor issue that Staff could (interrupted)

20

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1 Ms. Raybould: That's a good point.

2

3 Commissioner Hechtman: Or may need to think through, but I guess I'm supportive of this
4 concept. Also, I would suggest, I know that there are planned developments in other
5 jurisdictions where they have reduced private street sizes, the interior private street sizes, and
6 if Palo Alto hasn't... doesn't have a history of that. it might be worth contacting some of your
7 colleagues from Mountain View and Menlo Park or Redwood City and just asking not only have
8 they done it but if they have and it's aged somewhat, what was their experience? Like, have
9 they subsequently received a lot of complaints that they were too narrow or people were
10 parking and blocking things. That might help inform this process if we knew that.

11

12 Vice-Chair Summa: Commissioner Reckdahl.

13

14 Commissioner Reckdahl: Yeah, I'm looking at the plans right now on... do you have the Packet
15 plans? Oh the (interrupted)

16

17 Commissioner Chang: [off mic] What page?

18

19 Commissioner Reckdahl: A 2.7.2 and (interrupted)

20

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1 Vice-Chair Summa: A 27 (interrupted)

2

3 Commissioner Chang: [off mic] Say that again.

4

5 Commissioner Reckdahl: A 272 [note – A 2.7.2] and it's about maybe a third of the way through.

6 So, is that what we're talking about on the... do you... I mean know and use (interrupted)

7

8 Ms. Raybould: Yes [unintelligible](interrupted)

9

10 Commissioner Reckdahl: You're looking at the same thing I am.

11

12 Commissioner Hechtman: And actually, Commissioner Reckdahl when we look at that, thank

13 you, what I see now that the... at least the imagery they have here is the landscaping kind of

14 extending out over let's assume that's 3 feet. And then even like a slightly different driveway

15 apron and so it looks like that space isn't really a useable drive aisle and so that would

16 (interrupted)

17

18 Commissioner Reckdahl: Right, it's almost like (interrupted)

19

20 Commissioner Hechtman: Eliminate this easement thing that (interrupted)

-
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Commissioner Reckdahl: It's almost like a 3-foot driveway, yeah.

Commissioner Hechtman: Yeah, like a... yeah so with this kind of design you wouldn't be looking at that kind of easement that I was thinking might be necessary.

Commissioner Reckdahl: So, oh Claire, if I'm (interrupted)

Ms. Raybould: Yeah, I'm having trouble finding it, but I think... hold on one second, let me bring up actually just...

Commissioner Templeton: [off mic] Do you want to borrow one of ours?

Ms. Raybould: Yeah, I'm sorry. I mean this is probably not the best view of the drive aisles but yes, it's in these areas exactly where you have the garages.

Commissioner Reckdahl: And so, the overhang, so that means that you have two garage doors facing each other and the garage doors themselves are 32 feet apart? Is that how this is designed?

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1 Ms. Raybould: [note - audible noise in agreement]

2

3 Commissioner Reckdahl: So, our regulations say right now that the buildings have to be 32 feet
4 apart, or just at that the road itself has to be 32 feet?

5

6 Ms. Raybould: The... sorry the road has to be 32 feet. The... so if you were serving more than I
7 think it's four lots, which includes condominiums, it's under Title 21 of our Code. If you are
8 serving more than four lots then it needs to be 32 feet wide.

9

10 Commissioner Reckdahl: That's the curb to curb, is that how they measure it?

11

12 Ms. Raybould: We typically measure that on a townhome-style building it would be... I think if
13 you're doing it in this design it would be face to face of building. So, it needs to have... we
14 allow... again we allow kind of bulb out for like a tree or something. It doesn't necessarily need
15 to be a drive aisle for the entire distance. But you can't have encroachments of floor area into
16 private street and generally it's paved in that area.

17

18 Commissioner Reckdahl: So, the vegetation they show at the bottom there is kind of equivalent
19 to the bulb out that you would have for the tree. Okay and so that's allowed but so they're
20 meeting that law but the ordinance says that that has to be clear all the way to the sky?

-
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2 Ms. Raybould: The ordinance doesn't specify that it has to be clear to the sky, but just generally
3 if you have a street easement you can't have a building encroaching into a street easement,
4 especially floor area to a building.

5

6 Commissioner Reckdahl: Okay, I mean like I know in San Francisco there are spots where you're
7 walking on the sidewalk and there's an overhang two or three stories above you where it jets
8 out. That's... is that because that's sidewalk or is that just because they have different zoning?

9

10 Ms. Raybould: I can't really say for sure, I mean we certainly have areas where balconies
11 overhang a sidewalk but the... that sidewalk usually for example along El Camino Real we
12 require a 12-foot sidewalk with. And so, you have balconies that overhang the sidewalk, but
13 that portion of that sidewalk is on the property so it's not actually in the private street. So, I
14 don't know in San Francisco if they have different requirements or if that's kind of the similar
15 scenario happening where the... they might have an... you know the first-floor setback short. So
16 that they can extend the sidewalk and then the balconies overhang.

17

18 Ms. French: [unintelligible – off mic]

19

20 Ms. Raybould: Oh sorry, five or more blocks, my bad. Either way its (interrupted)

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Commissioner Reckdahl: If I have an apartment building and I have a setback and then the street. Can I take my balconies and extend them into the setback or is that allowed?

Ms. Raybould: Under our Code, it's allowed. We have certain allowances for balconies to encroach into a setback. I think some of our Code is like it can encroach up to I want to say 4 to 6 feet or something into a setback.

Commissioner Reckdahl: Okay and is there anything else in our Code... this 26 feet, where did that come from? Was there (interrupted)

Ms. Raybould: 26 feet is a fire safety standard for kind of... I think it's for when they can get their aerial apparatus in I want to say or ladders or something.

Commissioner Reckdahl: I'm suspicious of this, I might be able to be convinced, I think may be in the same camp as Commissioner Chang. I'd like more information but the fact that it's second story and up, I don't think we're impacting the public but I'm nervous about letting people to use public land without really understanding it.

Ms. Raybould: So, just to clarify, it's not public land, there are would be private.

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Commissioner Reckdahl: Oh, per private unit. Community land I guess it would be... if it's a private street (interrupted)

Ms. Raybould: They're still private streets, so they're still not public land.

Commissioner Reckdahl: But the community... the townhome community owns (interrupted)

Ms. Raybould: Oh, the townhome.

Commissioner Reckdahl: Owns the... just the townhome residents, their owners effectively own that private street and so yeah, I might be able to be convinced but I'm nervous about this.

Vice-Chair Summa: Quick question, maybe Ms. French will remember if the upper Mayfield development, the width of the streets there. I know... I can't believe I don't remember it, this was talked about so much. Just for point of comparison and I don't know if everyone... all the Commissioners know that development but it's not townhomes but they're very close together and there aren't driveways separating the lots but if you don't remember its fine. I thought you might off the top of your head.

-
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1 Ms. French: No, I have a... my lifeline into Jodie who was the project planner for that I believe.

2 The one on Cal Ave?

3

4 Vice-Chair Summa: Yeah, yeah.

5

6 Ms. French: Near College Terrace, okay yeah, she may.

7

8 Vice-Chair Summa: Because for a point of comparison, at 26 [feet] if it's safe for emergency
9 purposes and I think we're talking about the interior long streets kind of. And they... I don't
10 believe garbage cans... trucks are going to down those streets. They're going to service it from
11 the perimeter.

12

13 Ms. Raybould: Yeah, service it from the perimeter.

14

15 Vice-Chair Summa: So, and I think the minimum width of a drive lane is 10 feet right?

16

17 Ms. Raybould: For a driving, lane is 10 feet typically.

18

19 Vice-Chair Summa: Yeah, so 26 [feet] seems like it would be safe and that was my main
20 concern. Anyone else? Okay, oh go ahead.

-
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Commissioner Reckdahl: If you look at the front page of the Packet, so we have four rows of townhouses. So, they're going to be going through here.

Vice-Chair Summa: [off mic] Yeah, it's 26 [feet] from here to here and 32 [feet] from here to here because there's a little planting area [unintelligible].

Commissioner Reckdahl: Okay.

Vice-Chair Summa: [off mic] from those trees.

Commissioner Reckdahl: Oh, gotcha.

Vice-Chair Summa: [off mic] And garbage trucks aren't going to go down these but these are 26 [feet].

Commissioner Reckdahl: No, they'll have to.

Vice-Chair Summa: [off mic] No, they're all going [unintelligible] so maybe that helps.

-
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1 Commissioner Reckdahl: So, garbage trucks are not going down these back aisles? You're going
2 to have dumpster at the end or how are these people (interrupted)

3

4 Vice-Chair Summa: [off mic] Sorry, it's so much easier to show.

5

6 Ms. Raybould: I'm sorry I forgot my plan set upstairs.

7

8 Vice-Chair Summa: [off mic] It's alright, don't worry about it. I don't think [unintelligible] I think
9 these [unintelligible] I think this is 26 [feet] from here to here [unintelligible]

10

11 Ms. French: [off mic] Turn on the (interrupted)

12

13 Ms. Raybould: Yeah, so (interrupted)

14

15 Vice-Chair Summa: [off mic] 32 [feet] from there to there.

16

17 Ms. Raybould: My recollection I think it is somewhere in this plan set but my recollection is that
18 the garbage truck is coming down and servicing. Now one of the key comments that we've
19 been working on with Zero Waste is the service to the dead-end aisles. I think there was a lot of
20 concern about serving the dead-end aisles but I know that they... that Zero Waste and our

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1 hauler have already looked at this and had no concerns about servicing any of the other. It was
2 only the dead-end aisles. So, we are (interrupted)

3

4 Vice-Chair Summa: [off mic] Which occurs at upper Mayfield and they back up.

5

6 Ms. Raybould: So, they back up and that was their issue is the... thank you. Their issue was that
7 they back up and they would have to back up like 12 times because you'd have to back up for
8 each of the sides separately and then you'd have to back up for each of the types of waste
9 stream separately. And so, they felt that that was a safety concern on the dead-end aisles and
10 so in the next iterations of plans we are expecting modifications to the plans to propose a
11 different alternative; which I believe would include... it probably will include some sort of area
12 where trash cans will be moved to. And then if the waste hauler can't service from there then
13 there would have somebody that comes in for the HOA and moves them with the truck to a
14 place that they can be serviced at the time needed and then moved back for the residents.

15

16 Vice-Chair Summa: Anything else? Okay, so let's move on to the land use change required
17 which is Page... let me put my glasses on... Packet Page 22. No, is that right? No, that's the
18 wrong page, Packet Page 20. Project includes a Comprehensive Plan Land Use Map
19 amendment. Commissioner Chang.

20

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1 Commissioner Chang: Alright, we did all the easy things first because I think this is where it's
2 the hardest for me. Especially with the Housing Element fresh in my mind and its housing has
3 been probably... I mean the discussion almost every single night here at PTC.

4
5 So, it's hard to know what... again, we don't know what happened behind closed doors. We
6 don't know what the financial risk was to the City or the legal risk to the City. I can only guess
7 that this was an effort to come up with something better than the SB 330 development but I
8 don't know in what way. In other words, was it with the goal of preserving the historic resource
9 which it turns out is not really different necessarily from the SB 330 development to this
10 proposal? And so, I struggled with it because I looked at this RM 30 zoning for decades and then
11 looked at how much housing production we were getting in this situation. And it seems... I did
12 some quick calculations and it doesn't necessarily seem like it's a net positive for us. It's a
13 positive for us relative to the current SB 330 proposal for just that portion of the parcel but the
14 SB 330 proposal doesn't also say we're going to preserve all of this office for the future. And so
15 that's... so the land use designation change is the part that I struggle the most with.

16
17 And I mean I can go through my calculations but they're kind of rough because of what the...
18 because the financial analysis had pretty large ranges. But if Sobrato is receiving a benefit of
19 \$25 to \$34 million and the City is receiving a benefit of \$37 million, although by my calculations
20 it was closer to \$29 [million] because I couldn't understand how we came up with \$37 [million].

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1 I mean it means that there's a value of around \$3 to \$12 million on the financial side. Now, then
2 we have to look at the housing side because as Commissioner Templeton had mentioned,
3 there's value to generating both market-value housing units as well as affordable units. And so,
4 our base case, as I looked at it, would be essentially no office eventually when all the
5 grandfathered use goes away, and then what would actually likely be RM 40 rather than RM 30
6 because in our Housing Element process everything was upzoned from 30 to 40. And this
7 particular parcel was just not even included on the Housing Element because of this pipeline
8 proposal. And so, when I do the calculations it's... this I why I was trying to understand how
9 many acres could actually be used for development of housing, but if we have 14.64 acres and
10 then we have to subtract out a couple acres. I think our calculations... my calculations was 3
11 acres for park approximately and then we do 40 units. It comes out to I think 377... no, sorry
12 446 units of housing that we would get, and the 15 percent of that would be required by our
13 laws to be inclusionary housing. So, for sure, with this proposal we would... so 15 percent of
14 that would be 67 BMR and this proposal would have us... allow us to have 100ish units BMR at
15 theoretically deeper affordability than the 67 that we would otherwise get. But I'm... but we're
16 only getting 74 townhomes and so my concern is this value of \$3 to \$12 million that the City is
17 getting worth the fact that we're not getting... that we're getting 175 units of housing versus
18 446 units of housing and that seems like a big question in my mind.

19

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1 Furthermore, if the base case was actually that we would have no jobs because with 175 units
2 of housing and using the figures that Sobrato gave us last time. I think that comes out to about
3 500 employees, 500 jobs that we're allowing to continue on here and if you assume 1.8 people
4 per household. That means its 266 households worth of people that we need to house as a
5 result of having these 500 jobs and if we're creating 175 units of housing. It's negative 91 units
6 of housing with the jobs/housing calculation... the job/housing imbalance. So, my calculations,
7 and I know it's hard to show because I didn't... this is my chicken scratch but we're basically
8 saying it's negative 91 units of housing versus 446 if we had this as RM 40 and that is
9 concerning to me. I'm not sure how good of a deal that is but again, I can't... I don't know what
10 was at stake.

11

12 And I would way rather... so my concern is that it doesn't appear that we're going to be
13 conserving this historical resources and I don't know how you value partially preserving it.
14 Right, we know that it won't be on the Register of Historic Places but if it's not... if we're not
15 able to partially preserve it or then that building could be raised in the future. And then we've
16 traded off this public benefit of preserving this building to some extent for many hundreds of
17 units of housing and I think if it's going to be raised I'd rather have all that housing. So that's my
18 concern about this overall deal and overall rezoning of all of this RM 30 and what would be RM
19 30 is... I'm sorry, RM 30 is really RM 40 based on how we're treating it for the Housing Element.

20

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1 So, my concern about taking all of this RM 30 and turning it into CS or other non-residential
2 because it's just the opposite of everything that we struggle to do every single night here at the
3 PTC. And then furthermore, we're taking a giant lot and splitting it into multiple lots and we
4 were just talking about programs in our Housing Element to incentive lot consolidation. So, it's
5 like we're going backwards and I'm really concerned about that. That... those are my thoughts.

6

7 Vice-Chair Summa: Commissioner Templeton.

8

9 Commissioner Templeton: [unintelligible – off mic]

10

11 Vice-Chair Summa: Oh, Jonathan? Mr. Lait, sorry.

12

13 Mr. Lait: Thank you Vice-Chair. I just turned on my camera because I didn't know if you wanted
14 some Staff response to some of those comments. I'm hearing... I see you nodding through the
15 camera so I'll continue.

16

17 So, I appreciate the challenge that the Commissioners are going through. I... the Ad Hoc
18 discussions, can't discuss everything that took place in that... in those conversations, but I want
19 to recognize the struggle and maybe just offer some additional information to let you know
20 that there were a variety of development concepts that were explored. And I think that the

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1 concept that got sort of settled on and which is more refined for you this evening is one that
2 reflected the parties sort of interests in the trade-offs that took place. And even if we imagine a
3 larger apartment development taking place at that site, it may not achieve the same benefits to
4 the property owner that another proposal would.

5
6 And at the end of the day, I think what the City and the Commission and its recommendation
7 ultimately to the City Council has to weigh is the SB 330 project that is, you know, we know is
8 on file and sort of the State laws and the rules that govern that; and the alternative if that
9 project goes forward or doesn't... if this project goes forward or doesn't. If the City has an
10 interest in seeing a different type of development, it's still going to take many years, decades,
11 to see that realized because of the existing non-conforming improvements on the site. We'd
12 have to amortize the property and that will take some time to get through that.

13
14 So, we're presented with one project, which is the SB 330 project, we are presented with this
15 alternative, which the City receives a number of benefits that you've discussed, and while we
16 can imagine other scenarios. The one that is before is the one that was the parties sort of
17 whittled it down and found most agreeable. So, it doesn't answer your question and maybe
18 satisfy all those components but I wanted to let you know that there were a variety of
19 considerations, development concepts, that were explored and considered.

20

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1 Commissioner Chang: So, I guess my one concern is that I think that at the time that this...
2 again, I can't be the one to weigh this because I'm not privy to the... to whatever was being
3 weighed. But my concern is that Staff made it pretty clear that the Cannery would be able to be
4 preserved and right, I'm not even sure if at the time of the... this was all cobbled together that
5 we knew that the remainder could... was not eligible for the registry but do we know that?

6
7 Mr. Lait: Yeah, so let me, if I may speak to that just a little bit? So, this is an area where there's
8 been some learning along the way and I think Claire had spoken to it well earlier. The... there's a
9 couple of things that make this site special. One that we can visually see is the building and the
10 monitor rooves and we can imagine sort of the history that took place in the canning operation
11 at that location. And the building itself has some value but the site also has value as the
12 location for these things have taken place and this activity took place and who started it all.

13
14 So, when we were in our conversations there was a... first of all I want to acknowledge that the
15 City Ad Hoc representatives, Vice Mayor Kou and Council Member DuBois, strongly advocated
16 for the historic aspect and recognition of the building. And in the course of our conversations,
17 there was a sort of desire to one, reconcile the fact that, and I don't know the exact percentage,
18 but I'll say a third of the existing building was going to be demolished for the townhome
19 development. And the remainder we talked about being renovated in a way that would be
20 consistent with the Secretary of Interior Standards. And I think perhaps in retrospect we

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1 needed to really parse that out a little bit more specifically and as we delved further into the
2 analysis we, and this is more recently, it became clear that you just can't demolish that much of
3 a building and still have it qualify as being consistent with the Secretary of Interior Standards.
4 But at the same time, we knew that there was going to be some renovation of the building and
5 when we were talking about this renovation of the building. We talked about it as being okay, if
6 the building were still consistent with the Secretary of Interior Standards, we'd want the new
7 work to also be consistent with it. We want it to reflect the... we wanted to have the building be
8 renovated and modified in a way that would have respected the overall integrity of the building
9 so we wanted to keep the monitor roofs. That was a component that we thought was
10 important. The materials needed to reflect the existing materials on the building. The windows
11 how they were placed, the... be able to see the bow truss system on the inside of the building.
12 This is what we were talking about in these meetings as being the architecturally significant
13 components that we were going to retain. Even now, in retrospect, even if that made the... now
14 we're saying it takes it off the California Register, but these building components were the
15 things that we were looking at as being of value to the City. And when you couple that with the
16 interpretive concept and the... using the outdoor spaces adjacent to the remainder of the
17 Cannery building and possibly the park as opportunities to further celebrate Thomas Foon
18 Chew and his legacy at this site. We saw those as all contributing factors that would achieve the
19 City's interest, the community's interest in recognizing the historic integrity of the site.

20

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1 And so, what we found out most recently, and Claire spoke to this, is that when the building
2 was to be renovated we found out that it required more demolition than we realized. We
3 thought it was going to be renovated similar to how Global Playground was renovated, but
4 we've learned that the construction of that portion of the building is different than the
5 construction of these other portions of the building. And Claire spoke to this, Historic Building
6 Code, and we will follow up and look into that further, it seems unlikely that even a
7 rehabilitation for residential use or some of the other concepts that the NVCAP Working Group
8 had considered likely would still render the building not consistent with the California standard
9 for listing. And we need to vet that out further so that we can share that with the Commission
10 and the community. But that's our perspective at least at this moment is that even if we did
11 nothing to the building but wanted to adaptively reuse it. It would probably run into some
12 issues. We're also exploring the local designation as you've already discussed.

13

14 So, we know that this is the... an important issue for the community and for the Commission as
15 well in your deliberation of this. But that's kind of where we find ourselves at this moment and
16 happy to expand, although I don't know that I can expand much more. I feel like I've
17 [unintelligible] everything I know about it right now.

18

19 Commissioner Chang: I think I understand the tradeoff. It's do we do this or do we do the SB
20 330 project and my question about the... okay, so maybe... when I do these housing

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1 calculations. To me it seems like the SB 330 project is better in terms of housing production on
2 other parts of the parcel that we're saying are going to stay as office, right? That's what I'm
3 saying, it's like we're saying goodbye in doing... but we're preserving some of the Cannery. We
4 don't really know how much, we don't know if it will be able to be preserved kind of in
5 perpetuity. We just don't know because we don't know how much we can protect it and so
6 that's where I have a question about like okay, I'm not an HRB person, but we're already... so
7 it's not going to be eligible for the State Historic Register. That's in either scenario, so then the
8 question is how much is 400 units of additional housing worth? Is it worth preserving the
9 Cannery? It's not necessarily a decision for me to make but I think it's something that its
10 important to raise here and I'm... because of how hard it is to get housing and because of the... I
11 mean the site is so precious. It's so big and the... like the building itself, the Cannery itself is
12 acres. It's acres large, so I think that's the question that I'm raising and by rezoning it, rezoning
13 the rest of the parcel to something else, because if you look at the map on Page... oh where'd it
14 go... 80 something. It's a color picture that shows like the current zoning and the new zoning.
15 You can see how much of it we're reducing to RM 40 and so that's just... that what I hesitate on
16 and I can go back... I can only say okay City Council back to you. Now that you know all of this,
17 do you still... would you... is this still what you would want to do? It doesn't seem like the
18 great... I mean personally, it doesn't seem like the greatest deal given our housing/jobs
19 challenges in the City.

20

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1 Mr. Lait: One just quick comment on that, just because we might again envision a 300, 400 unit
2 development at that site. If we went with the 340 and kept the other one at the RM 30 or RM
3 40 zoning doesn't mean that we would get it. It would have to prove to be an economically
4 viable benefit to the developer to tear down what's there now and build that and I don't
5 believe that's a viable scenario today. Maybe after we amortize the property and two decades
6 pass and the building and the uses or the uses have to be abated. Maybe then that becomes
7 more attractive and so it's the trade for what you have now versus what you may gain in the
8 future. So, but yeah, thank you, and thank you Vice-Chair for giving me the opportunity to offer
9 those comments.

10

11 Commissioner Chang: Say one more thing. There is just one more thing where I understand... so
12 we've been talking about much smaller parcels of say half an acre or less than half an acre and
13 we've been talking about okay, could we increase the height here? Could we do all these things
14 to put a lot more housing on it? If we were willing to do those same concessions on this parcel,
15 maybe it would be economically viable and that's the question that I really wonder about.
16 Because again, we don't have many places in the City, well Stanford Research Park aside, where
17 we could something like this. There's just so much potential here and I understand this is 74
18 units of housing now. Who knows when the 100 affordable units would come, that would take
19 some time I know, but 74 units now. That's great, I'm just saying is 74 units now plus for some
20 preservation of historical worth potentially hundreds of units and I don't know how to make

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1 that decision but I'm not sure that City Council in their negotiations had all that information
2 either. So, my short... what I would say is that it doesn't seem like a good idea to me, I would
3 still vote to advance it. That's my bottom line.

4

5 Vice-Chair Summa: Commissioner Templeton.

6

7 Commissioner Templeton: Thank you so much, I'm dying over here. These are... you've got
8 three people on this Commission who were on the NVCAP and I'm sure we all have something
9 to say in response but the first thing is just like Director Lait said. It's just acknowledge yeah,
10 great, these are good brainstorming ideas that you're sharing and I think we all... all of those
11 who were involved in the NVCAP, especially our Co-Chair here, wished we could have gotten
12 more out of this site. Right, so you're not off base here, you're absolutely on point. What's
13 challenging is we weren't able to negotiate and this is just restating a little bit of a different way
14 what Director Lait said. We weren't able to negotiate something that the property owner would
15 agree to.

16

17 Okay, so to be more pointed about your comments regarding the zoning. Zoning is theoretical
18 housing. It's not there yet and it may never be there and there's no guarantee it will be there.
19 And we can't coerce the property owner into doing something with it that they don't want.
20 They own the property so while... you know we've put this designation on there after it was

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1 already being used as retail and office space in hopes that it would become housing and it
2 never did. So, this is the first time we have housing proposed in this site that we're making
3 traction on. So, it is unfortunate and it's frustrating. It's complicated by the whole historical
4 thing that came up. It really derailed the conversation because we had to wait and find out
5 information on something we hadn't really understood until it was brought up during the
6 NVCAP process. So, you know, you're right to be thinking about it, to ask these questions. The
7 timing is bad like we tried with some variations on what we can do to get more housing there.
8 We had three or five or seven by the end different versions of how do we get more housing on
9 this site. So, it's not that it hasn't been explored, it's that it is not agreeable to the parties.

10

11 So, that said, I try to remember exactly what the (interrupted)

12

13 Vice-Chair Summa: Comp Plan land use change.

14

15 Commissioner Templeton: Thank you. The Comp Plan land use change is... it looks like we're
16 swapping some out... areas where we could have had theoretically more housing and we're
17 putting areas of housing where it wasn't before so I'm not terribly discouraged by it. It's... it is
18 unfortunate but I don't think I would stop this project on the basis of these proposed zoning
19 changes. So, over to you NVCAP-pers.

20

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1 Vice-Chair Summa: Actually, I think Commissioner Hechtman was next.

2

3 Commissioner Hechtman: Yeah, I can wait, I don't want to break the NVCAP flow here so why
4 don't I hold?

5

6 Vice-Chair Summa: There's nothing to break.

7

8 Commissioner Templeton: [unintelligible – off mic]

9

10 Vice-Chair Summa: I would like to point out there's two aspects to the Land Use Map
11 amendment. That is the three different designations of land use, not zoning, that are being
12 asked for and whether the... there should be an increase for non-residential FAR in-service
13 commercial... for non-residential FAR in-service commercial in PC projects. So that's... those are
14 two... those are specific things so I think we got so caught up in the moment because of
15 Commissioner Chang's beautiful thoughts that we forgot.

16

17 So, the ask for the land use amendment is to re-designate the commercial portions of the
18 Cannery, which is the Cannery parcel, [unintelligible] parcel, and the Audi parcel, for multi-
19 family residential to serve as commercial. And then to re-designate the City parcel to major
20 institutions/special facilities, which I believe is to allow both uses, the park, and the hopeful

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1 future affordable housing project. And then the second part is to re-designate the little... I don't
2 know what to call it. It's the little triangle, right? Notch at the top that is currently light
3 industrial which fills in kind of where the two... the big swoop and the little swoop go. There's a
4 little notch there and to change that to multi-family because it's part of the townhouse now.
5 So, there's kind of four specific issues that I think Staff would like direction on.

6

7 Commissioner Templeton: You're welcome to speak to it. I'm okay with it, like I...

8

9 Vice-Chair Summa: Then we'll move on to Commissioner Hechtman.

10

11 Commissioner Hechtman: [unintelligible – off mic]

12

13 Commissioner Reckdahl: Okay, I'll jump in, such a gentleman. I'll try not to repeat the rant, it
14 was a very good rant and I agree with most of it so I'll try and... but I do understand that if you
15 change the zoning it's going to be 20 years before you get the housing. We're talking about a
16 lot of housing and we're changing the zoning. So, we're going from 500 units of housing in 20
17 years to never having housing here and that we're so close to the train station it just seems
18 wrong. So, I would say to Council, okay I'll vote and move it on but are you sure? Is this the best
19 deal that you think because 500 units of housing means a lot to the City and I just wonder
20 whether... you know the numbers that Commissioner Chang quoted. They're pretty stark

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1 because you not only are losing 500 units of housing and maybe more if you give them density
2 exceptions. With a housing density program, they probably could really put far more than 500
3 there, but then you're also having jobs. That's going to be the negative. It's going to require
4 housing and you're going to... you go from a housing opportunity site to a housing deficit site.

5
6 So, I mean there are some good things. We're getting some... you know last week or last
7 meeting we looked at those tiny micro units and we need a variety of units around the City and
8 here these are family-size units so that's good. We have the money to owe the land that
9 potentially down the road will be affordable housing hopefully but we don't... we can't fully
10 fund that. So, it's not really... they're not giving us affordable housing, they're giving us
11 potential for affordable housing and the park and then if you were naturalizing it. I'm worried
12 about being able to afford that too.

13
14 So, there's a lot of potential here, but we're giving up a lot of housing and that just seems
15 wrong so close to the train station. But, as Commissioner Chang said, we weren't in the room
16 and we don't know the whole story. Council is the one who make the rules and they endorsed
17 this and there are some good things about it. And so, I'll be voting to push it on and I will
18 grudgingly accept the change in zoning but I... it makes me uncomfortable.

19

20 Vice-Chair Summa: Did you want to talk about the land use issues or I don't (interrupted)

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Commissioner Reckdahl: Oh, I mean the [unintelligible] you just talk about changing the zoning?

Vice-Chair Summa: No, it's land use.

Commissioner Reckdahl: Oh, well it's effectively the same thing, right?

Vice-Chair Summa: No, Packet Page 20, land use is different than zoning, but I will (interrupted)

Commissioner Reckdahl: Well, we're just changing the Comp Plan to be consistent with this new plan and so if I'm endorse (interrupted)

Vice-Chair Summa: No, actually we're not changing... the zoning is going to be PC for the areas except for the area dedicated to the City.

Commissioner Reckdahl: But the Comp Plan change is consistent with this (interrupted)

Vice-Chair Summa: That's the zoning, no because the Comp Plan change and land use change that are being requested are different than the zoning because (interrupted)

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1 Commissioner Reckdahl: Correct, but I'm saying that the Comp Plan changes are consistent with
2 this design.

3

4 Vice-Chair Summa: Correct.

5

6 Ms. Raybould: Yeah, it's all... all of the rezoning as well as the Comp Plan amendments are to
7 legalize what's being proposed.

8

9 Commissioner Reckdahl: Am I missing some subtly? Maybe I'm missing some of the
10 (interrupted)

11

12 Vice-Chair Summa: Well so it's the four items I mentioned before, so changing the land use, the
13 underlying land use under the zoning of the Cannery, and the other two R&D sites to serve as
14 commercial. And there's no need to do... to change it to that to have a PC in that area and then,
15 in other words, we could leave the underuse land... the land use we could leave it residential
16 multi-family and they could have a PC that said they could have commercial. No?

17

18 Ms. Raybould: No.

19

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1 Commissioner Hechtman: I think we should have our... maybe the City Attorney can address
2 that inconsistency between zoning and General Plan.

3

4 Ms. Raybould: Right, so the commercial land uses on the site are... that are existing today are
5 not consistent with the underlying land use.

6

7 Vice-Chair Summa: No, I know.

8

9 Ms. Raybould: So, if we want to allow those to stay, we need to change the land use as well as
10 the zoning of that site.

11

12 Vice-Chair Summa: Okay, so it's a question of if it should be changed to these three specific land
13 uses (interrupted)

14

15 Commissioner Reckdahl: Quick question, what would happen if we didn't change the Comp
16 Plan?

17

18 Ms. Raybould: If we didn't change the Comp Plan?

19

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1 Commissioner Reckdahl: Yeah, we allow... suppose we say we'll approve this PC zone but we're
2 not changing the Comp Plan.

3

4 Ms. Raybould: You can't, you wouldn't be allowed to do that because the zoning would be
5 inconsistent with the Comp Plan.

6

7 Commissioner Reckdahl: Okay.

8

9 Vice-Chair Summa: I didn't... sorry, I didn't know that applied to PCs. It's not actually in the
10 Code that way so I wasn't sure. And then the other question though is if we should change it to
11 allow non-residential PC FAR to increase in percentage for PCs. So, those are kind of specific
12 ideas. If you want to think about that I can go to Commissioner Hechtman or if you want to
13 just... this was... the only reason why I'm pushing this is because this is one thing in pre-meeting
14 that Staff really wanted to hear about.

15

16 Commissioner Reckdahl: Okay so the... we're... the non-residential gross floor area exceeds the
17 .4 FAR.

18

19 Commissioner Chang: [off mic] As a result of subdivisions.

20

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1 Commissioner Reckdahl: And so, we would have to... oh because we'd be losing some of the
2 area. Yes, I understand that.

3

4 Vice-Chair Summa: So, it's an addition to the current definition that allows in-service
5 commercial zones planned communities to exceed the current FAR limit for non-residential.

6

7 Ms. Raybould: To clarify, so when we originally came to the Planning Commission we
8 recognized that if we wanted this to be a service commercial land use designation, which would
9 align it with... we felt like that was the most appropriate commercial use to utilize because it
10 aligned with other... the other land use designations around the area. I can bring up a little map
11 too that was in your report. We proposed the idea that we recognize that that definition of that
12 service commercial land use designation specifies that it can't exceed .4 FAR which would be an
13 issue. So, we couldn't... it wouldn't work for this site because it exceeds that .4.

14

15 When we returned to you we proposed to add that language of both the word generally as well
16 as the wording related to the PC to make it more limited in terms of how it could potentially
17 affect other developments. So, if a developer wanted to come in and now do more commercial
18 use, they'd have to get Planning Commission and Council approval through a PC process in
19 order to do that; which makes it virtually impossible unless they get the... those discretionary
20 approvals so.

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Vice-Chair Summa: Commissioner Reckdahl, do you want to say anything or?

Commissioner Reckdahl: If Council has to approve that then I don't see the risk so I'm inclined to support that.

Vice-Chair Summa: Commissioner Hechtman.

Commissioner Hechtman: So, here on Packet Page 20 it seems like we have four items that are kind of in play. There's the three bullets and then there's this additional Comp Plan Text Amendment to "may exceed the threshold" that language. So, it seems to me like there's... I don't think that... I haven't heard any Commissioners have an issue with the second bullet which is changing the Comp Plan to take the land that's coming to the City, the 3.25 acres, and give that a new designation. So, that it can be used for park and maybe affordable housing. So, I haven't heard anybody say that's a bad idea.

Similarly, with the last bullet, "re-designation from light industrial to multi-family residential", that node that Vice-Chair Summa was talking about. I haven't heard anybody say that's a bad idea and I think that the... perhaps the bulk of Commissioner Chang's math and revisioning, that really relates to this first bullet. It's this area that we're going to take from multi-family

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1 residential and move it to a service commercial designation. When I think Commissioner
2 Chang's idea was we may actually want to think about higher densities, residential densities
3 there rather than moving that to service commercial and I want to come back to that one last.

4
5 And then the fourth one is this new language "may exceed this.4 threshold in a Planned
6 Community Zone". So, I'm fine with the second bullet, I'm fine with the third bullet. I'm fine
7 with this Comp Plan Text Amendment to may exceed this threshold in a PCZ because I think
8 that language has been... it's part of this deal because the only reason that we need to talk
9 about this addition, this language, is because they're giving us 3.25 acres which reduces their
10 non-residential gross floor area to a point where they can't achieve what they could before. So,
11 we're getting a benefit of that parkland and so I'm okay with that.

12
13 So, now I want to look at this first bullet, and to do that I have a few questions. First a couple
14 for Staff. One, because I didn't bring my draft EIR with me tonight, can Staff remind me in
15 Alternative Two, which was the adaptive reuse of the Cannery for residential, was there a unit
16 count that was associated with that?

17
18 Ms. Raybould: There was, let me look for that, hold on.

19

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1 Commissioner Hechtman: Or if any of the Commissioners remember, I can't remember what
2 that number was.

3

4 Commissioner Chang: [off mic] Just inside the Cannery?

5

6 Commissioner Hechtman: Yeah, well the... that adaptive reuse Alternative Two I think was just
7 focused on the Cannery building and said instead of doing what Sobrato is proposing with this
8 SB 330. If we use the whole thing... I think it said if we use the whole thing just for housing or
9 maybe it was only that 84,000 square feet, but I think it was the whole thing the adaptive
10 reuse.

11

12 Commissioner Chang: The only number I have is (interrupted)

13

14 Ms. Raybould: Adaptive reuse (interrupted)

15

16 Commissioner Chang: The 221 for the lot.

17

18 Ms. Raybould: No, the adaptive reuse explored the idea of using the entire existing Cannery
19 building.

20

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1 Commissioner Hechtman: Yeah, that's my memory.

2

3 Ms. Raybould: Sorry, hold on one second. Alternative analysis...

4

5 Commissioner Hechtman: Well, so while you're looking for that let me just ask Commissioner
6 Chang, again it was kind of hard to follow your math but I tried, I tried. So, the first question is
7 the... I thought there was like a 440 unit number roughly.

8

9 Commissioner Chang: Right so it's 446.

10

11 Commissioner Hechtman: 446, okay and was that in addition to the 149 that the Development
12 Agreement project proposes between the 74?

13

14 Commissioner Chang: No.

15

16 Commissioner Hechtman: That's inclusive of all (interrupted)

17

18 Commissioner Chang: Yeah.

19

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1 Commissioner Hechtman: Okay, okay, alright so it's... well, it's roughly 300 more units right
2 than the [unintelligible](interrupted)

3

4 Commissioner Chang: Well, I think we're talking... oh you mean the (interrupted)

5

6 Commissioner Hechtman: 149 compared to 446.

7

8 Commissioner Chang: 149 compared to... so the 149 you're getting is from (interrupted)

9

10 Commissioner Hechtman: Yeah, the 149 is this Development Agreement deal. It's 74 market
11 units plus the land on which the City will eventually will build 75 more affordable housing units,
12 149.

13

14 Commissioner Chang: Got it and I've heard numbers through about that are higher than that so
15 like maybe even 175. So sure, 149, I can confirm.

16

17 Commissioner Hechtman: Alright, so it's about 300, alright, and then in that 300 units where
18 you... it doesn't sound like, since you don't know the number, you were kind of relying on this
19 Alternative Two in the draft EIR for adaptative reuse of (interrupted)

20

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1 Commissioner Chang: No.

2

3 Commissioner Hechtman: Cannery. It sounds like maybe you were just scraping it and building
4 density.

5

6 Commissioner Chang: Potentially scrape... yes, potentially scraping it because I think that's one
7 of... that's my question. It's like how worth it, City Council, like really is it to preserve... sort of
8 preserve this building.

9

10 Commissioner Hechtman: Okay so whatever (interrupted)

11

12 Commissioner Chang: That's not actually being preserved and may not ever be able to be
13 preserved in the future.

14

15 Commissioner Hechtman: Alright, so it sounds like whatever that adaptive... did you find it?

16

17 Ms. Raybould: It was 281 residential units.

18

19 Commissioner Chang: Because it sounds like the adaptive reuse number is kind of bogies right?

20 It doesn't sound like we could actually do that to this building and actually preserve it.

-
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Commissioner Hechtman: And well, right because I think it goes up an extra floor, right?

Ms. Raybould: It identifies it as still a significant and unavoidable impact on a historic resource.

Commissioner Hechtman: Yeah.

Commissioner Chang: Right so if you can't preserve it, why not build a heck of a lot of housing?

Commissioner Hechtman: Right, okay, and then in your 446 unit development, how many part acres were there in this 14 acres? Did you figure that out?

Commissioner Chang: So, if I did that... yeah, yeah, we did. We figured that there were (interrupted)

Commissioner Reckdahl: So, 446 is 1.15 times 40, so that means there's 3 ½ acres of park.

Commissioner Chang: Yeah, 3.5 acres which is a little over estimate in terms of the number of people... like in terms of the parkland requirement but it's... so it's a conservative estimate.

-
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1 Commissioner Templeton: It's also (interrupted)

2

3 Commissioner Chang: And there's also easements and all that stuff, but theoretically the
4 parkland could come from the easements.

5

6 Commissioner Templeton: I just want to bring up the TDM concerns from earlier tonight.

7

8 Commissioner Hechtman: With... you mean with the additional traffic (interrupted)

9

10 Commissioner Templeton: If you're going to triple the... yeah, yeah.

11

12 Commissioner Hechtman: From 446 units? Okay and okay my next question... oh, go ahead.

13

14 Ms. Raybould: I mean I'll just note I have to find what... I mean the 221 was identified as the
15 realistic capacity based on a 12. I think 9-acre site. So, this is an [unintelligible] of I think five
16 different parcels or maybe six different parcels that makes up this 14.65.

17

18 Commissioner Chang: So, the 221 I believe was based when this was zoned RM 30. Right and
19 like I said, the housing... were this... were no SB 330 proposal in place. The Housing Element

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1 would have taken this site and zoned it RM 40 and so I think that the 221 capacity also relies on
2 adaptive reuse rather than scraping the lot.

3

4 Ms. Raybould: No, I don't believe that it does.

5

6 Commissioner Chang: Okay, I don't know so.

7

8 Ms. Raybould: Yeah, I don't know that for sure.

9

10 Commissioner Hechtman: Alright, so my next question to Staff is we've got, and again I think
11 the environmental documents talk about 74 plus 75, 149. When we're looking at parkland per
12 resident, how do we figure out... if those 149 units get built? How do we figure out... what's the
13 formula to figure out how many residents are represented in those units? Do we have that
14 number?

15

16 Ms. Raybould: Sorry, you're trying to understand how many residents would be represented in
17 that number of units? Are you trying to understand for the purposes of parks or for the
18 purposes of the TDM?

19

20 Commissioner Hechtman: Parks.

-
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1

2 Ms. Raybould: For parks, it's based on the unit, so it would be a certain fee or it would be a
3 certain amount per unit if it's a condominium style. It would be based on the parcels.

4

5 Commissioner Chang: So, it's suppose to be .64 acres though, that's what they would have
6 given us.

7

8 Ms. Raybould: It would be 300... I think it's 366... hold on, this is what we (interrupted)

9

10 Commissioner Hechtman: Well, actually I think I don't want to miss the dialog here. The SB 330
11 project is 91 units and we get .625 acres, something like that, .63 acres. Alright?

12

13 Ms. Raybould: Correct.

14

15 Commissioner Hechtman: Alright, the Development Agreement project is 149 units I believe
16 and we get... well, actually, well I'm not sure how we calculate it but we get 2.25 acres of park,
17 right? So, it's actually fewer... well, if you include... if you don't include the housing which is
18 built on one of the acres. We're getting two and a quarter acres for 74 units plus another acre
19 to build housing on. Right and so when we look at our standard of four acres per 1,000

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1 residents. [note – video jumped mid-sentence] how do I take either the 74 units or the 149 and
2 figure out how we're doing compared to that four for-1,000 ratio? Has that math been done?

3

4 Ms. Raybould: I see what you mean, I see what you mean. No, that math hasn't been done.

5

6 Commissioner Hechtman: Okay, alright, so I think as this projects moves forward since we're
7 talking about these desirable ratios, that would be a useful piece of information, but one of the
8 things that is... so, not tonight.

9

10 But one of the things that I guess I'm struck with in the sort of high-density math that
11 Commissioner Chang has done is we're tripling the number of units from roughly 149 but we're
12 not tripling the parkland from 2.25 to that would be 6.75. And so, and this takes us back to the
13 NVCAP discussions which I was only part of on the PTC but I remember the passionate
14 importance of adequate parks per person kind of concept. And so, this is one of the concerns I
15 have in kind of looking at the high density version of this is we don't get those parks. The other
16 couple concerns I have are this PTC recommended kind of a high-density vision for the... this
17 north Ventura area and the Council went in a low-density direction. Right, and so I think that
18 ship sailed and so, I mean I agree with the concept that we should be pursuing high density. I
19 voted for that Option Three B I think it was, whatever, and it was financially feasible, but that's
20 not the direction that our current plan has and so that's a concern of mine.

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And the other concern I have is that realizing that goal of 446 units is not going to happen in the next RHNA. It's not going to happen in the RHNA after that and I don't know if it will happen in the RHNA after that because these... this amortize... first of all, we have increased the value of office in our town by declining to build any more of it. Right and so the people that have it are going to preserve it. They're going to hold onto it as much as they can and this amortization concept, which has been in the law for a while, it's not often tried and where it is, it is highly litigious because you're usually trying to get rid of something that's really valuable to somebody. And so, I don't know how long it would take before we could actually clear the property of office or R&D or mechanics and actually get that housing built.

So, I'm supportive of that first bullet to make this project that's described in the Development Agreement as it's going to be modestly modified in various ways but to make that a reality I think we have to do that first bullet so I'm supportive of that.

Vice-Chair Summa: Can a PC... I forget this, I should know this, but can a PC exceed the FAR?

Ms. Raybould: Yeah so the PC can set the Development Standards for the zoning of the site.

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1 Vice-Chair Summa: That's what I thought, so when it comes to the land use I am, as predicted
2 by my colleague Commissioner Hechtman, fine with bullets two and three. I do not think CS...
3 rezoning the CS is a deal breaker for me and I'll tell you why because CS is not consistent with
4 the uses around here. It's consistent with El Camino and some areas down near 101 and then
5 the outlier one which is where the Mercedes project is going to be in the Baylands which was
6 really a mistake in my opinion. If this has to be rezoned a commercial zone so they can achieve
7 the project. I would only be comfortable with CN which is must more appropriate, interior to
8 the neighborhood right next to an R-1 neighborhood. CS is far too intensive. CS by definition
9 relies on people to get to it by car and I don't think that's what we want here. That is a deal
10 breaker for me and I don't want to exceed the non-residential FAR in the paragraph below as
11 the amendment because I don't think we have to do it to allow this PC if that's what we end up
12 wanting to do.

13

14 So, those two are just absolute deal breakers for me and I wanted to ask, I mean in addition to
15 the PC which is a really a gift to an applicant, you know and we're getting a gift back. I
16 understand that but rezoning it CS is a huge gift for perpetuity. Is there a way to condition the
17 zone change to expire when the Development Agreement expires and go back to residential
18 multi-family?

19

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1 Ms. Raybould: So, we're not proposing to rezone to CS. We're proposing to rezone to a Planned
2 Community zoning.

3

4 Vice-Chair Summa: I mean land use, sorry. I made the same mistake.

5

6 Ms. Raybould: So, the service commercial land use, if... is there a way for it to go back? I mean I
7 think that's the same question as we had earlier. I don't know the answer in terms of it they
8 were to fulfill all of the terms of the agreement. Could we come back at a later date and rezone
9 a property? I'm not sure if we can. I'm not sure that we would because then it would become
10 inconsistent with the zoning.

11

12 Vice-Chair Summa: Right, so this will then go from being a great hope for three decades of
13 having this change to... I didn't mean it as a joke.

14

15 Commissioner Chang: [off mic] But it's true.

16

17 Vice-Chair Summa: Change to multi-family residential and we will now have upzoned it to a
18 very intensive commercial zone that is inconsistent with an interior to the neighborhoods. It's a
19 much more intense zone than CN. I just... I cannot accept that, I really can't and I'm sorry to say

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1 that because it sounds like I'm doubting the work of the applicant and staff and the Council but
2 I'm really not doubting it. I just don't feel good about that change so and (interrupted)

3

4 Commissioner Reckdahl: So, is... could we just simply change the land use to be service... what
5 is it? Commercial neighborhood?

6

7 Vice-Chair Summa: That's a possibility, but it still isn't multi-family residential and what we
8 wanted it to be was, as Commissioner Chang pointed out RM 40. And I also wanted to...
9 Commissioner Hechtman reminded me something when he brought up Edgewood Plaza and
10 the change that had to happen because when they opened the buildings up, which is a problem
11 with renovating. It's kind of a mystery as opposed to building something new and can be very
12 expensive. That they had to change some of the plans. That's not what happened actually. They
13 torn down a building that they weren't suppose to and they got a big fine but you can't replace
14 that building.

15

16 And I'm really worried about the new findings from the applicant and I'm not doubting them. I
17 mean, you know, but I'm really worried that that is a slippery slope to that portion, the monitor
18 roof portion of the building, not Playground Global, the company I think is their name. I'm really
19 worried that we're going to get to the point with this where the building... that portion of the
20 building cannot be saved and if we promise them that that's going to be commercial in a very...

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1 at a very high FAR. Commercial and they can't save the building, where are we and how have
2 we come out ahead?

3

4 And the... I do not... I'm also extremely uncomfortable with the fact that I do not think the
5 Council, all of them, I can't speak for them, but I do not think they realized what was going on
6 with the historic status. And I personally do not feel that the renderings that I've seen now do
7 justice to the historic status of the building. They're just... they just to play too much with the
8 idioms, but that's something the ARB can opine on and I'm not an architect.

9

10 So, advancing this along, which is not a bad idea to advance it, but I just... some of these things I
11 just can't accept and the CS Zone is the most egregious. And I don't think anything's going to
12 stop this project from going through the process but I don't think I can at this point support it
13 for... we are exchanging the great hope of three decades of multi-family housing in this area for
14 something that will likely change it to office for the rest of the time. Until some well-meaning
15 Council changes the zoning and then the same thing will happen that happen here. We just
16 keep letting the non-conforming user stay and I've nothing against office buildings and
17 developers. I just think we have enough of that, especially right now in this climate when we
18 don't even understand vacancies, either residential or commercial, and we don't understand
19 whether the work-from-home, which has greatly impacted this city, is going to stay at high
20 levels it is right now. It's increased in the Bay Area up to, in some cities, up to 50 percent from

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1 2019 I believe it was from the Community Survey data. So, I just... I don't know but I see that
2 Commissioner Templeton wants to speak.

3

4 Commissioner Templeton: Yes, thank you. I was thinking about how do we move forward and
5 how do we take into account your concerns and wondering if you wanted to make maybe a
6 small Ad Hoc, you and Commissioner Reckdahl, to work on some zoning possibilities before it
7 comes back to us. Would that be something that we could include in a motion that we could
8 have some options? It looks like what we're being presented with is one option and you don't
9 like it. What if you guys sat down with Staff and came up with a couple of options that are land
10 use?

11

12 Vice-Chair Summa: Well, I don't want to redo the work of the City Council that is elected to do
13 that job. I would... I don't think that's my role, thank you.

14

15 Commissioner Templeton: Well, it was just a thought of how to get you on board because I
16 don't... I know we sometimes have to move ahead with motions without you and I wanted to
17 see if we could find a way to come to an agreement. Are you saying you don't... not interested
18 in that?

19

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1 Vice-Chair Summa: I'm not interested in... I think it would be redoing the Council's hard... I'm
2 sure that was a really hard process and Staff and I don't wish to redo that.

3

4 Commissioner Templeton: Okay.

5

6 Vice-Chair Summa: I just... and I also feel that between... I don't think the retail space is
7 adequate. I think it's a little tiny... it's so tiny looking in the building and it's not a bad thing but
8 it doesn't make a significant impact. And I'm really worried about the length of time it's going
9 to take to get us this housing and the status of the now more deteriorating portion of the
10 building and the CS Zone. I just... is not appropriate in this location in my opinion.

11

12 Commissioner Templeton: Well, that's (interrupted)

13

14 Vice-Chair Summa: Land use, not zone, land use.

15

16 Commissioner Templeton: That's why I was suggesting if there was... if it's not appropriate,
17 would you be willing to come back and work with Staff on something that was appropriate and
18 you're saying no because you disagree with Council which is okay. Right, we all disagree with
19 things at times.

20

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1 Vice-Chair Summa: I'm never against working with Staff or any other group but I just think it
2 either... I think it has to go to... through the process but I don't think I can support it, that's all.

3

4 Commissioner Templeton: Okay, so is it time for a motion?

5

6 Vice-Chair Summa: I would accept motions unless somebody else has a comment.

7

8 Commissioner Reckdahl: I have one question for Staff. If you go back to Packet Page 20 and look
9 at this first bullet which Doria's or I should say Vice-Chair Summa is concerned about. What
10 other options do we have other than service commercial for that land use?

11

12 Ms. Raybould: Sure, so in the previous Staff Report to the Planning Commission we had
13 outlined another option which was to consider doing mixed-use. Sorry, hold on, let me find...
14 yeah, so we considered that and I think that it could be an option. It's... the mixed-use
15 designation, I don't know if you'd like me to read what it says? "The mixed-use designation is
16 intended to promote pedestrian-oriented places that layer compatible land uses, public
17 amenities, and utilities together at various scales and intensities. The designation allows for
18 multiple functions within the same building or adjacent to one another in the same general
19 vicinity to foster a mix of uses that encourage people to live, work, play, and shop in close
20 proximity. Most typically, mixed-use developments have retail on the ground floor and

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1 residences above. The category includes live, work, retail/office, residential/retail, and
2 residential/office developments. Our will range up to 1.15, although development located along
3 transit corridors or near multi-modal centers with range up to 2.0 FAR with up to 3.0 FAR
4 possible where higher FAR would be an incentive to meet community goals such as providing
5 affordable housing. The FAR above 1.15 must be used for residential purposes. FAR between .5
6 and 1.15 may be used for residential purposes. As of the adoption of this Comprehensive Plan,
7 the mixed-use designation is currently only applied in the South of Forest Area, consistent with
8 the Comprehensive Plan’s encouragement of housing near transit centers, higher density, and
9 mixed-use housing may be allowed in specific locations.” And I will note that as I was
10 researching that I could not find the mixed-use in the SOFA area.

11

12 You know the reason we explored the service commercial over this option was because when
13 you look at the Development Agreement as a whole I think it could fit into this but we’re also
14 parsing up the parcels and each one has its own designation. And so, when you do that, we
15 thought that maybe it would make more sense to do service commercial FAR and residential
16 land uses, etc.

17

18 Commissioner Reckdahl: So, I have a really basic question, why does it matter? Right, we have
19 zoning and this PC zoning is going to be there until Council pulls it? That’s the only way you
20 can... PC zoning can disappear.

-
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Ms. Raybould: Yeah.

Commissioner Reckdahl: So how does that change... how does the land use that we designate, whether its mixed-use or whether its service commercial, how does that affect what could be built there?

Ms. Raybould: It effects would could be proposed in the future. So, the (interrupted)

Commissioner Reckdahl: Do we have to worry about by right issues?

Ms. Raybould: I don't think so if you have a Planned Community Zoning it's pretty specific that you have to follow the development plan, but I guess it would mean... it would be a slight difference in terms of what uses... like if somebody was to come in and ask for a rezoning of the site to a new Planned Community or to revert back to one of our standard zonings. Then anything that they proposed at that site would have to be consistent with the underlying Comprehensive Plan land use designation. Otherwise, they would have to do a new land use designation change or [unintelligible](interrupted)

Commissioner Reckdahl: But regardless, it takes Council action to do any of this?

-
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1

2 Ms. Raybould: It takes Council action to do anything. I think the only reason we went with the
3 service commercial is because it's consistent with all the... most of the land use around that and
4 because it made more sense when you looked at the individual parcels.

5

6 Commissioner Reckdahl: I know for SB 330, if your density in you Comp Plan is higher than your
7 zoning, you by right get the higher zoning of the Comp Plan. Is there any case where something
8 like that could come through where you... we have some underlining land use and an applicant
9 can use that by right because of some State law?

10

11 Ms. Raybould: Theoretically yes and with housing, yes. Currently, we've only seen that with
12 housing.

13

14 Commissioner Reckdahl: With housing, okay thank you.

15

16 Vice-Chair Summa: Would anyone like to make a motion?

17

18 Commissioner Hechtman: I had a question... an observation I have for Staff is when this first
19 came to use in the study session on October 26th. We had a chance to review the draft
20 Development Agreement and I had provided a series of edits, potential edits for Staff's

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1 consideration. When I look at the version of the Development Agreement that's in our Staff
2 Packet. I don't see that any of those changes were made, not even the ones where there was a
3 clear error. So, all that tells me is Staff hasn't had an opportunity yet to consider those
4 suggested changes so I just wanted to remind you, as you move this process forward, please do
5 take a look at those. Some of them are stylistic but a few of them are just technically wrong and
6 need to be fixed.

7

8 Ms. Raybould: Yeah, I just haven't had an opportunity.

9

10 MOTION

11

12 Commissioner Hechtman: Understood, understood. So, I would like to move the Staff
13 recommendation to submit to the ARB a request to review this project and all of the elements
14 described in the title of this action with Staff, in its Staff Report to the ARB, conveying to them
15 the consensus views of the PTC as to those items, if any, which really are within the ARB's
16 purview because not all of these topics I think are. That would be my motion.

17

18 SECOND

19

20 Commissioner Templeton: I'll second.

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2 Vice-Chair Summa: Do you want to speak to your motion or second?

3

4 Commissioner Hechtman: No thank you.

5

6 Commissioner Templeton: I think we have seriously covered it so I think we're good.

7

8 Vice-Chair Summa: Okay then I'll just ask for the vote to be called, please?

9

10 VOTE

11

12 Ms. Dao: Yes, Commissioner Templeton?

13

14 Commissioner Templeton: Ooo, I get to go first. Yes.

15

16 Ms. Dao: Commissioner Roohparvar?

17

18 Commissioner Roohparvar: Yes.

19

20 Ms. Dao: Commissioner Reckdahl?

-
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Commissioner Reckdahl: Grudgingly yes.

Ms. Dao: Commissioner Hechtman?

Commissioner Hechtman: Yes.

Ms. Dao: Commissioner Chang?

Commissioner Chang: Equally grudgingly yes.

Ms. Dao: And Vice-Chair Summa?

Vice-Chair Summa: I'll just be a full-on grudge and say no and it's largely based on... well, I'll speak to that later.

Ms. Dao: Motion passed 5-1.

MOTION PASSED 5(Chang, Hechtman, Reckdahl, Roohparvar, Templeton) -1(Summa) -1 (Lauing recused)

-
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Vice-Chair Summa: And I will allow myself to speak to my no vote and that is because I sense that this was going to pass and move along and we may find out more about this in the months that go. And the project may improve greatly and I hope it does but permanently changing that to an intense service commercial land use and... is just too much in addition to everything else for me. But I wish, as the process goes forward I wish the applicant very well and I wish Staff all the best for the great work they did. Especially for being so responsive, Commissioner Chang mentioned it but in adding additional information in the Staff Report. Okay, I think that's not our last item. I think we have minutes to approve so let me find that.

Commission Action: Motion by Hechtman, seconded by Templeton. Pass 6-0-1 (Laing recused)

4. October 26, 2022 Draft Summary Meeting Minutes

MOTION

Commissioner Hechtman: May I move approval of the October 26, 2022 draft summary meeting minutes as revised?

Vice-Chair Summa: Yes, and do I have a second?

SECOND

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1 Commissioner Reckdahl: Second.

2

3 Vice-Chair Summa: Thank you and could you call the vote, please?

4

5 VOTE

6

7 Ms. Veronica Dao, Administrative Assistant: Yes, Commissioner Templeton?

8

9 Commissioner Templeton: Oh, I'm first again. Yes.

10

11 Ms. Dao: Commissioner Roohparvar?

12

13 Commissioner Roohparvar: Yes.

14

15 Ms. Dao: Commissioner Reckdahl?

16

17 Commissioner Reckdahl: Yes.

18

19 Ms. Dao: Commissioner Hechtman?

20

-
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1 Commissioner Hechtman: Yes.

2

3 Ms. Dao: Commissioner Chang?

4

5 Commissioner Chang: Yes.

6

7 Ms. Dao: Vice-Chair Summa?

8

9 Vice-Chair Summa: No. I mean, yes, sorry.

10

11 Commissioner Hechtman: Force of habit.

12

13 Vice-Chair Summa: Force of habit.

14

15 Vice-Chair Summa: Motion passes 6-0.

16

17 MOTION PASSED 6(Chang, Hechtman, Reckdahl, Roohparvar, Summa, Templeton) -0 -1 (Lauing
18 absent)

19

20 Vice-Chair Summa: I was reading something.

-
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1 **Commission Action:** Motion by Hechtman, seconded by Reckdahl. Pass 6-0-1 (Lauing absent)

2 **Committee Items**

3 None

4 **Commissioner Questions, Comments or Announcements**

5 **Vice-Chair Summa:** Okay, so now is the time for any Commissioner questions, announcements
6 or future agenda items. Would anyone like to speak? Yes.

7

8 **Commissioner Hechtman:** Thank you. I would just... the public can't see it but I would like to
9 welcome our new PTC clerk Veronica Dao who is taking over the reins from Madina who's
10 moved to another role in the Clerk's Office apparently. So, welcome, things worked flawlessly
11 tonight and we're looking forward to working with you here on the PTC.

12

13 **Vice-Chair Summa:** Bravo.

14

15 **Ms. Veronica Dao, Administrative Assistant:** Thank you.

16

17 **Vice-Chair Summa:** Any other lights? Then I will just adjourn the meeting. Thank you, everyone.

18 **Adjournment**

19 10:40 pm

20

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