



CITY OF
**PALO
ALTO**

Planning & Transportation Commission Action Agenda: July 26, 2023

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:04 pm

Chair Summa: Good evening, everyone and welcome to the Planning Commission meeting of Wednesday, July 26. And Ms. Dao, could you call roll, please?

Ms. Veronica Dao, Administrative Assistant: Chair Summa?

Chair Summa: Present.

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: Here.

Ms. Dao: Commissioner Akin?

Commissioner Akin: Here.

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1 Ms. Dao: Commissioner Hechtman?

2

3 Commissioner Hechtman: Present.

4

5 Ms. Dao: Commissioner Reckdahl?

6

7 Commissioner Reckdahl: Here.

8

9 Ms. Dao: Commissioner Templeton?

10

11 Commissioner Templeton: Here.

12

13 Ms. Dao: We have a quorum.

14

15 Chair Summa: Thank you so much and I'm wondering if there's any public comments for items
16 that are not on this evening's Agenda?

17 **Oral Communications**

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

19 Chair Summa: I see no one in the room but maybe online.

20

21 Ms. Veronica Dao, Administrative Assistant: No comments in the Chambers or online.

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Chair Summa: Okay, thank you for that and then Ms. French, are there any Agenda changes, additions or deletions?

Agenda Changes, Additions and Deletions

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

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

Chair Summa: Okay, thank you for that.

[The Commission moved to Action Item 1]

City Official Reports

- 1. Directors Report, Meeting Schedule and Assignments

Ms. Amy French, Chief Planning Official: Thank you. I was thinking maybe we would do it after the item but (interrupted)

Chair Summa: No.

Ms. French: In this case, I will proceed. As we do note in our Packet what is upcoming for Planning Commission. I'll note that the Council is coming back into session, August 7th is their first meeting back. We do have the Castilleja TDM... final TDM plan that's on that Agenda. I'm

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1 sure there's something else on it and then of course we... our next meeting, August 9th, the
2 items are noted in the Packet. That's what we're plugging away trying to get onto that date. It's
3 likely that the Implementation of Housing Element Programs that we were targeting August
4 30th for will be put forward another month due to the scope of that work. So, that's about all I
5 have report. I think Rafael is here as well to (interrupted)

6

7 Chair Summa: Thank you. Mr. Rius, do you have something?

8

9 Mr. Rafael Rius, Senior Transportation Engineer: Thank you. Rafael Rius, Senior (interrupted)

10

11 Ms. French: Oop, unmute.

12

13 Chair Summa: You are on mute.

14

15 Mr. Rius: Am I still on mute?

16

17 Ms. French: Rafael, you're on mute.

18

19 Ms. Claire Raybould: [unintelligible – off mic]

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1 Ms. Rius: Oops, sorry.

2

3 Chair Summa: Mr. Rius, you are still on mute so we cannot hear you. I don't know if you can
4 hear us.

5

6 Mr. Rius: Yes, I can hear you, you can't... maybe my microphone might be off.

7

8 Chair Summa: I see him.

9

10 Mr. Albert Yang, City Attorney: Rafael, you're not muted. I think their speakers are (interrupted)

11

12 Ms. Raybould: [unintelligible – off mic] also on mute.

13

14 Mr. Yang: Low.

15

16 Mr. Rius: Okay.

17

18 Chair Summa: So, both you, Mr. Rius and Mr. Yang, you are on... we cannot hear you.

19

20 [note – several folks started talking at once off mic]

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Commissioner Templeton: [unintelligible – off mic] or the volume up on our speakers.

Mr. Yang: I think the volume in the Chambers is down.

Vice-Chair Chang: Technical difficulties on our side (interrupted)

Chair Summa: Okay, excuse us (interrupted)

Vice-Chair Chang: So, hang on.

Chair Summa: Excuse us everyone while we try to figure out our technical difficulties.

Commissioner Hechtman: I actually have my transcription on and I can see Mr. Yang explaining to us what he thinks the problems is on our end. Thank you, Mr. Yang.

Chair Summa: Forgive us a minute while we pause for technical...

Commissioner Hechtman: Mr. Yang, would you say something or Mr. Rius?

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1 Mr. Rius: Can you hear me? I'm (interrupted)

2

3 Chair Summa: Yes.

4

5 Mr. Rius: Trying to talk now.

6

7 Chair Summa: Okay great, we got it now. Thank you so much.

8

9 Mr. Rius: Thank you. Rafael Rius, Senior Engineer with the Office of Transportation, with a
10 couple updates. Just yesterday we kicked off the Bicycle and Pedestrian Transportation Plan
11 Update project. This Commission will be a key stakeholder as part of that process, so just as a
12 heads up it will becoming several times to this Commission. We anticipate of a total of about 18
13 to 24-month-long process for that project.

14

15 And then another... in the construction project, the Alma/Churchill intersection and railroad
16 crossing improvement projects, our department handed it off to the Public Works Department
17 and that project kicked off. So, construction will be starting shortly with... like very soon with
18 potholing and other works and will go through throughout... through the end of the year and
19 those were the two main updates I had.

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1 Chair Summa: Great, thank you very much. Is there anything else from Staff? If (interrupted)

2

3 Ms. French: Nothing else.

4

5 Chair Summa: Great, we can proceed to our first item...action item now which is 3200 Park

6 Boulevard and 340 Portage and recommendation on the applicant's request for approval of the

7 Development Agreement and all that goes along with that and we have no public hearing

8 tonight. We took that... this is a continued meeting and we did that at the last meeting. So, we

9 will start with any questions from our Commission before proceeding to our deliberation.

10 Especially, for our two Commissioners who weren't here, so would any... either of you like to

11 start or?

12

13 [The Commission moved back to Action Item 2]

14 **Action Items**

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

17

18 2. 3200 Park Boulevard/340 Portage [22PLN-00287 and 22PLN-00288]:
19 Recommendation on Applicant's Request for Approval of a Development Agreement,
20 Comprehensive Plan Amendment, Rezoning to Planned Community Zones, and a
21 Vesting Tentative Map with Exceptions to the Private Street Width to Allow
22 Redevelopment of a 14.65-acre site at 200-404 Portage Avenue, 3040-3250 Park
23 Boulevard, 3201-3225 Ash Street and 278 Lambert. Environmental Assessment: A
24 Draft EIR for the 200 Portage Townhome Development Project was Circulated
25 September 16, 2022 through November 15, 2022; the Final EIR was Made Available
26 for Public Review on May 15, 2023. A Revised Final EIR was Made Available for Public
27 Review on June 2, 2023. The Proposed Development Agreement and Associated
28 Actions is Evaluated as Alternative 3 in the Draft EIR. Zoning District: RM-30 (Multi-

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1 Family Residential) and GM (General Manufacturing). For More Information Contact
2 the Project Planner, Claire Raybould at Claire.Raybould@Cityofpaloalto.org.

3 Chair Summa: So, we're free to get started but before we do so, on our Action Item which is
4 3200 Park Boulevard. I would like to ask for disclosures and before we do that, I would like to
5 let members of the public and Commissioners know that Commissioner Hechtman has to leave
6 for a moment. He will not be leaving the building, he will be going to the back room. He has
7 some other business he needs to take care of and will be watching our meeting at the same
8 time. And that should happen around 17 [note – what time?] and then he will come back. So, I
9 wanted to let everyone know that and now we can go for disclosures starting with
10 Commissioner Templeton.

11

12 Commissioner Templeton: No disclosures.

13

14 Chair Summa: Just we can go down the line.

15

16 Commissioner Hechtman: I wanted to disclose that I watched the video of the... this agenda
17 item from our July 12th meeting from start to finish. So, I've reconstituted myself and am able
18 to participate in the Commission discussion tonight.

19

20 Vice-Chair Chang: No disclosures.

21

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1 Chair Summa: And I have no disclosures.

2

3 Commissioner Reckdahl: No disclosures except I also watch the movie or the... the plot was a
4 little thin but.

5

6 Commissioner Akin: I have no disclosures for me either.

7

8 Chair Summa: Okay, that means we can jump right into our first... oh no, we need to do
9 Director's report. I skipped over that, sorry.

10

11 [The Commission moved to the Director's report]

12

13 Commissioner Hechtman: I don't have any questions from the last meeting.

14

15 Chair Summa: Okay. Commissioner Reckdahl?

16

17 Commissioner Reckdahl: I did have one question about, I was reading the Tolling Agreement
18 and it talks about that parking along the creek is needed at the Audi building. And because of
19 that Concept Three for the naturalization might not be possible. Are those parking spots in the
20 easement or why is that... why does the parking prevent naturalization?

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1 Ms. Claire Raybould, Planner: Albert, do you want to speak to that or do (interrupted)

2

3 Mr. Albert Yang, City Attorney: I'm not sure if the parking spaces are within the easement area,
4 but they... we... the applicant felt that they were necessary for that building to have on-site
5 parking there and that parking across the creek would not really be a reasonable, feasible use
6 way to park that site.

7

8 Commissioner Reckdahl: Do you remember if the Concept 3 for the naturalization, was that
9 going outside the easement?

10

11 Mr. Yang: I'm not familiar with the details of the various concepts, sorry.

12

13 Commissioner Reckdahl: Okay. Next question about the Audi building. Right now, it's just going
14 to be office space but if you wanted to make mixed-use and have a ground floor office and
15 then upper floors residential. That would... they'd have to reopen the PC to do that?

16

17 Mr. Yang: Sorry, go on Claire.

18

19 Ms. Raybould: I was just going to check how we wrote the PC Ordinance in terms of what the
20 allowable uses are. I think at minimum they would have to do... come back with an updated

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1 plan for the ordinance but let me look back and see what the uses where. I think we did allow
2 housing as a use in all of the (interrupted)

3

4 Commissioner Hechtman: Packet Page 108.

5

6 Mr. Yang: But as Ms. Raybould mentioned each of the PCs incorporates the basically the
7 building envelope of the existing or proposed buildings as the development plan. So, any
8 changes to that would require a change to the PC.

9

10 Commissioner Reckdahl: Okay and that goes to PTC and then ARB and then Council or what's
11 the route for that?

12

13 Mr. Yang: That's correct. Some minor changes like a change to a sign or something like that
14 would not need to go through that whole process, but the example you gave, which was
15 completely changing the building to add additional stories. That would go through the process,
16 PTC, ARB, back to PTC and then to Council.

17

18 Commissioner Reckdahl: Thank you.

19

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1 Ms. Raybould: We did indicate that mixed-use residential would be allowed use under that so
2 they wouldn't have to actually change the zoning.

3

4 Commissioner Reckdahl: Okay.

5

6 Ms. Raybould: Like there's the PC Ordinance but the PC Ordinance also kind of references the
7 plan.

8

9 Commissioner Reckdahl: So, you still would have to go [unintelligible](interrupted)

10

11 Ms. Raybould: So, you'd still have to go through that reading.

12

13 Commissioner Reckdahl: But would be a simpler change.

14

15 Ms. Raybould: Yeah, because it's still technically considered a zoning change because you're
16 amending the actual plan sets. The development plan for the PC.

17

18 Commissioner Reckdahl: Okay. My last question is about the State Register of Historic
19 Resources. So, how does this work? We have different levels like with the state and federal
20 historical resources. How are those decided? How decided whether something is on the state

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1 resource list and second question would be what's the ramification if a property gets on that
2 list?

3

4 Ms. Raybould: I think... I can't answer those question but I think JulieAnn Murphy, I think our
5 historic consultant is on. I don't know if she's joined yet.

6

7 Ms. JulieAnn Murphy, historical consultant: Yes.

8

9 Ms. Raybould: Okay great, I don't know if you could better answer that probably.

10

11 Ms. Murphy: No problem, so there is the California Register of Historical Resources and the
12 National Register of Historic Places. If a property is nominated and entered into the National
13 Register of Historic Places, it is automatically listed in the California Register of Historical
14 Resources. It's not a two-way street though, so something could be listed in the California
15 Register of Historical Resources and it would not be automatically listed in the National
16 Register.

17

18 Commissioner Reckdahl: Who [unintelligible] determination whether something is on the list or
19 not?

20

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1 Ms. Murphy: A nomination would be prepared and it would be reviewed a state body which is
2 the Commission that meets four times a year. They would review the nomination and then
3 deem whether it was complete or not. That would be prepared by a professional in conjunction
4 with the Office of Historical Preservation. They would give comments and feedback on whether
5 the nomination is complete and then it would go to the state Board for review and approval.

6
7 Commissioner Reckdahl: Okay and then what's the ramifications if something goes on that?
8 Would development be precluded or there's just some hoops you have to jump through to do
9 development?

10
11 Ms. Murphy: No, it would... so, it's large honorific, as is the National Register of Historic Places,
12 but the control comes, like many things, at the local level. So, it wouldn't be... it wouldn't have
13 an additional layer of review or ramifications that... that would be offered by local designation.
14 But it's does provide the opportunity to use some benefits that you wouldn't be able to use
15 being listed just locally. Most notably with the California Register nomination, you would be... a
16 property would be eligible to use the Historical Building Code which allows for some flexibility
17 that you don't get otherwise. Other than that, it's largely honorific.

18
19 Ms. Raybould: And in terms of... you would also have... if you were proposing to demolish it or
20 substantially modify it. It would be the same process as what's currently moving forward for

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1 this project which is it's still protected either way under CEQA. Even as an eligible resource,
2 which this one currently is as well as actually designated resources. So, you would still have to
3 go through the same EIR process, identify it as a significant and unavoidable impact and Council
4 would have to make findings of Overriding Consideration to allow for that.

5

6 Commissioner Reckdahl: Okay, so bottom line is the one that really matters is whether the
7 Council considers it historic from an impact to the property owner.

8

9 Ms. Raybould: Say that again?

10

11 Commissioner Reckdahl: So, if you talk about federal, state or local designation, the one that
12 has the biggest impact on the property owner would be a local designation because that
13 controls the zoning. Can prohibit them from developing it or is that not true?

14

15 Ms. Raybould: I wouldn't say... I would say it's all fairly similar I suppose but it all comes down
16 to the local level. I think what JulieAnn was trying to say, it really all comes down to the local
17 level in terms of what's in your Zoning Code about what resources are protected and what's not
18 protected. And other than that, CEQA protects resources in that it requires a public disclosure
19 process for impacts to those resources.

20

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1 Ms. Amy French, Chief Planning Official: And I'll... if I can just add onto that, Claire mentioned
2 that the Zoning Code also Title 16.49, the Building Code, is at play for any Category One or Two
3 historic... local historic inventory resource that is outside of the downtown. That is... that
4 there's a specific section in Chapter 16.49 about those types of resources.

5
6 Commissioner Reckdahl: Okay and so how many historic buildings do we have in the City? Is it a
7 few or a whole bunch?

8
9 Ms. French: No, hundreds and over 160... approximately 160 more are currently noted as
10 eligible, this property included and are for consideration for nomination to the local register or
11 inventory.

12
13 Commissioner Reckdahl: Thank you.

14
15 Chair Summa: But for clarification, what is controlled by the historic designation is the exterior
16 of the building. It does not prevent anything from going on, on the interior. Is that... that's
17 correct, right?

18
19 Ms. Raybould: That's not necessarily (interrupted)

20

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1 Ms. French: For single-family homes that is the case. For public buildings, it's not the case. It can
2 be... there can be character-defining features on the inside of a building that are (interrupted)

3

4 Chair Summa: Okay, but do we have... I mean that's for very special buildings like the White
5 House and stuff, right? So, doesn't apply to many buildings or is that wrong?

6

7 Ms. Raybould: I believe there are character-defining features about this building on the interior
8 that are technically protected, but I mean JulieAnn can maybe speak to this a little bit better
9 but when you're looking at an impact to a resource and trying to determine if it's consistent
10 with the Secretary of the Interior's Standards. You're not necessarily looking at this one piece
11 and if you touch one piece then everything is inconsistent. More looking holistically at it and
12 saying how much is this changing the building? Is it changing in a way that it's really altering it
13 in away that we... it's no longer a resource and so it might be chipping away at this and this and
14 this and holistically it becomes... but it's not necessarily every single one is [unintelligible].

15

16 Chair Summa: And that's maybe why the ARB deliberation thought there should be more
17 visibility of the interior of the tresses and the monitor roof then. Okay, thank you.

18

19 Commissioner Reckdahl: Never mind.

20

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1 Chair Summa: Any other questions? I do see one light, Commissioner Chang [**note – Vice-Chair**
2 **Chang**].

3
4 Vice-Chair Chang: Can I just ask a follow on question to Commissioner Reckdahl's questions
5 about the historic designation? Isn't another, I don't know, benefit, consequence of being listed
6 is that if a building is listed. Then with respect to building codes then when development is
7 taking place. Development can occur under a kind of modified codes if a building is a historic
8 building, correct?

9
10 Ms. French: Yes, the historic building codes can be invoked and utilized for historic buildings
11 that are on registered. Not just eligible but actually registered.

12
13 Vice-Chair Chang: Okay, thanks. I did have another question that's kind of a follow on to
14 something that I believe it was Commissioner Akin asked about last time and this is regarding
15 the Housing Element. And so, my question was that I believe this project in its incarnation as a
16 SB 330 project was included as a Housing Element pipeline project with 91 townhomes or so 91
17 housing units. So, what are the implications if or what are the penalties to... for Palo Alto if for
18 some reason those 91 units are not built during the 8-year timeframe of the Housing Element?
19 And we know for example that this Development Agreement already is 74 units instead of 91.
20 So, it's already 17 units short of the 91 that we counted, so I guess it's two-fold question.

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1 What's the implication of us being already we know 17 units short of what was anticipated and
2 then what happens if for some reason none of the units get built with respect to this property?

3
4 Ms. Raybould: Yeah, so we actually... my understanding we actually only claimed 74 units as
5 pipeline because we had two projects at the same time and then 75 were I think listed... they
6 were kind of identified as like potential future projects. But they weren't identified... we didn't
7 claim them as part of our pipeline but they were identified as possible when we were thinking
8 about possible locations so.

9
10 Ms. French: And I would just say generally if there is... if there are housing units identified in a
11 Housing Element and they don't come to pass as predicted. That's why there's a buffer and you
12 know, we make up for that in some other location.

13
14 Ms. Raybould: And sorry just to reclarify, I just realized I did write in the Staff Report, we
15 claimed only 59 as an opportunity site on the dedicated affordable housing site. Understanding
16 that there could be a range and we weren't really sure how many... we might get a little bit
17 more because the EIR did analyze up to 75 but.

18
19 Vice-Chair Chang: Okay thanks, sorry I missed that. There's so much information but thank you
20 for clarifying that for me and so then to follow up on what Ms. French said. Then there's no by-

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1 right sort of penalty as a result of if for some... I mean, I just remember when we were going
2 through the Housing Element stuff. There was something about if... that we get penalized when
3 we put something on the Housing Element and that that housing doesn't materialize. Right,
4 where we kind of don't have control over that... I'm not... I'm not remembering things very well.
5 I... maybe Mr. Yang can help me out here.

6
7 Commissioner Reckdahl: I mean one thing to note is that the Housing Element is on the whole
8 City and so property by property if you're lower or higher, it evens out, but if... I believe if a
9 property is developed at a lower amount than you had estimated. You have to now transfer
10 something from the buffer into your list. There's no penalties or anything like that.

11

12 Vice-Chair Chang: Okay, good.

13

14 Chair Summa: I see the City Attorney here so maybe he can clarify this.

15

16 Mr. Yang: Yeah, I was just going to agree with what Commissioner Reckdahl had said and as Ms.
17 French had noted as well. If development is at a lower density than what's anticipated in one
18 area. We have a buffer to make up for that and sometimes there will be a project that comes in
19 higher than anticipated and so we just monitor our progress and we'll make adjustments;
20 identify new sites as necessary.

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Vice-Chair Chang: Great, thank you.

Chair Summa: I was just going to add that it is on the interactive map as 91 units in the... but that map may have not be up to date, but in the pipeline category so we might want to check the map.

Ms. Raybould: Yeah we will.

Mr. Yang: I think the map stopped being updated maybe six months ago but the final adopted version of the Housing Element has 74 units.

Chair Summa: Oh okay, thanks. I didn't know the map wasn't being updated. Commissioner Akin.

Commissioner Akin: Hi, just a further follow-up on this same issue. I may be misremembering this but I thought I recalled that a site that's been identified in the Housing Element, if it is not used then there are constraints on its reuse in the next cycle. Is that correct?

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1 Ms. French: So, the 6th Cycle Housing Element is the first Housing Element I believe that this
2 rules has taken effect. Is that if we've... if we called it out and it's... we have to rezone it or
3 something like that to be able to actually support. We can't just call it out and call it out again
4 unless it's zoned for that amount of housing and Albert can correct me if I've misspoken.

5
6 Chair Summa: Mr. Yang.

7
8 Mr. Yang: Essentially if we have a site that was identified for lower-income housing and we
9 want to reuse it for lower-income housing. We have rezone it to permit that type of housing by
10 right at certain minimum densities.

11
12 Chair Summa: So, by right meaning no local Development Standards but that's just for
13 affordable housing projects?

14
15 Mr. Yang: It's for projects that provide... I'll have to go back and look but I think it's for projects
16 that provide some level of lower-income housing, but by right does not mean that there's no
17 local Development Standards. It just means that there's no CUP requirement.

18
19 Chair Summa: Thank you and if you can get any further clarity sometime in the meeting on that
20 issue, it would be good, thanks. I don't see lights for any other questions so we may start our

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1 deliberation and I'm wondering who would like to start us off? Oh, well I don't see any lights so
2 I will go ahead with a few observations.

3
4 As I think a number of us have said before, this is a usual project because development... it
5 comes to us with a Development Agreement already in place. At least proposed which didn't
6 have any... very much public scrutiny because it was developed behind closed doors and closed
7 session. And so, we have been struggling, some of us, to take on faith that this is the absolute
8 best use of this unique site being 14... over 14 ½ acres that has been zoned for housing for over
9 three decades.

10
11 So, I will say that I am still struggling with the amount of housing and I want to preface this by
12 saying this... that the... you know, whatever happened behind closed doors may... it may be the
13 best actual deal for all people involved. Including the City and the applicant, so that's why I'm
14 happy that whatever recommendation we give here tonight. The Council can take into
15 consideration but they will also ultimately be making that decision, but I struggle with the lack
16 of housing. The amount of housing, not lack of housing, a little bit thinking it could have been...
17 there could have been more. In particular, in the EIR, which EIRs are always kind of funny, but in
18 particular I found that the conclusion that there was no feasible way to put housing inside the
19 Cannery shell was not fully adequate for me because it didn't... because we're talking about 74
20 units on the townhouse parcel but we examined I think the EIR 231 units in the Cannery

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1 building which doesn't seem to be a reasonable way to do it to me. And then there was other...
2 there was what I thought was a very creative idea to use the portion of the Cannery that was
3 going... that's going to be demolished. The 40 percent of the Cannery that's going to be
4 demolished to park cars which would have kind of a doubly good effect or triply good perhaps if
5 it's a feasible opportunity because it means we don't have to have above ground parking which
6 our Comp Plan does not prefer. Our Comp Plan doesn't like to use surface parking as we like
7 underground parking in situations like this because then there's more land for things like
8 housing. And it was dismissed as being inappropriate because it would cause alteration to the
9 exterior of the historic building. When the preferred Development Agreement in fact destroys
10 that part of the building. So, it's a much less impact on a historic structure to add an egress and
11 ingress for vehicles and so I didn't think it was fully looked into in the EIR.

12
13 So, that was one problem and Commissioner Chang [note – Vice-Chair Chang] has brought this
14 up that the CS zoning... land use, sorry I do that all the time. That the underlying land use of CS
15 was not as appropriate in this location that's interior to what we all hope would be restored to
16 a more regular neighborhood configuration. That CN would be better because it allows for
17 more compatible mixed-use interior to a neighborhood. So, that's another thing that is a
18 problem for me.

19

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1 I've already mentioned that the garage is kind of an undesirable as an above-ground versus
2 below-ground. We have really recently made quite a bid for the appropriateness of
3 underground garages at large institutions in Palo Alto but I also wondered, and this is probably
4 more in the form of a question, but as I pondered this. I thought well, we know that we may not
5 get townhouses within the 10-year term of the Development Agreement because it may not be
6 desirable under market... certain market conditions. And I was wondering why build... if we're
7 going to have... if the 40 percent of the Cannery is going to be demolished and the remaining
8 part finished off. We'll have all this extra surface space until the townhouses are built and that
9 site, if they are built or if they are ever built, and that the site doesn't really need an above-
10 ground garage until then because it will have plenty of surface parking. And that was just an
11 idea that I had and I don't know if it was ever discussed or thought about but it certainly is a
12 more environmental idea because it doesn't involve construction.

13

14 So, I did have concerns but we've already talked about it being not in sync with the RHNA. I had
15 thought that there was a more strict penalty for having something on the list that was... on the
16 Housing Element list that was not utilized in the cycle.

17

18 And then I guess we have already moved way on beyond the idea that the ratio at this site had
19 to be maintained as it was which was at the time... last time it was, came to Council, it was 60K
20 for retail and the rest was office or R&D. And I am not convinced that that has been resolved

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1 but maybe that is one of the things that the Council resolved with... in their closed session. And
2 I also wanted to mention that I watched the ARB meeting and I didn't... this is not in our
3 purview but just bring it up in case it is a meaningful contribution. That I didn't hear any
4 discussion of bird-safe glass in that and if it's appropriate at this site it would be very welcome.
5 And I think that also depends on whether the monitor rooves are if they're replaced in kind or if
6 they are saved and then the new glass is on what I think of as the front of that building.

7

8 So, seeing another light I will spare you from any other of my observations and call upon
9 Commissioner Akin.

10

11 Commissioner Akin: I support most of what Chair Summa said, I'll add a few things. I also
12 support the recommendation from the ARB and the HRB and I was pleased that most of those
13 were incorporated in the other documents that we are to approve. I noticed them in the Record
14 of Land Use Action but they may also be elsewhere.

15

16 I had a number of concerns about the Development Agreement but I found on rereading it and
17 rereading it and rereading it that they were addressed. So, I won't raise any new ones there,
18 which leaves only the large one which is the concern about expanding the use of Service
19 Commercial Designation.

20

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1 The community's vision for this area is really Mixed-Use. I would be happier if we could make a
2 clear statement of intent now in order to guide future development in the area. I... if I
3 understand the report correctly, we could do this without having a material effect on the
4 current project. That is, it could proceed as presently constituted with Service Commercial. So,
5 this would be an investment in the future rather than a significant change in what we're
6 addressing in the short term, but that's my single largest concern. Thank you.

7

8 Chair Summa: Thank you for that. I see no other lights. Oh, I see one now, Commissioner
9 Reckdahl and then Commissioner Chang [**note – Vice-Chair Chang**].

10

11 Commissioner Reckdahl: Can Staff describe the ramifications of having the land use be CN
12 versus CS because looking (interrupted)

13

14 Ms. Raybould: So (interrupted)

15

16 Commissioner Reckdahl: I looked at the... granted this is for zoning but looking at the zoning
17 capabilities they're almost identical. What would be the major impacts of this decision?

18

19 Ms. Raybould: The only thing about the CN is that it's kind of creates an island of CN. There's
20 nothing really around it that's CN whereas the surrounding development right now is primarily

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1 CS as well as the single-family areas. The CN also is, if you read the land use designation
2 summary, it's really used in areas along El Camino Real that have retail shops as well as our
3 small commercial shopping centers. For example, I think Edgewood Shopping center and I
4 believe Middlefield Shopping Center as well. So, it's really intended to be more neighborhood-
5 serving retail and/or neighborhood-serving office. More like medical office kind of uses like
6 dentists and stuff and so that's generally where it's provided throughout the City. It doesn't
7 specifically speak to office uses or research and development uses in that land use designation.
8 It doesn't specifically prohibit them either but it's I guess less clear that it... that the proposed
9 uses actually meet that land use designation which is the entire intent kind of.

10

11 Commissioner Reckdahl: So, if the zoning is PC, does it really matter what the underlying land
12 use is?

13

14 Ms. Raybould: The underlying land use needs to be consistent with the zoning. So, that's why
15 we're changing the land use currently because the multi-family residential land use designation
16 doesn't comply with research and development and office uses. So, it starts with the Comp Plan
17 and then the zoning needs to align with the Comp Plan.

18

19 Commissioner Reckdahl: Okay and if we change our mind down the road.

20

-
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1 Vice-Chair Chang: Sorry, can you repeat that one more time? This is where I always get so
2 confused.

3

4 Ms. Raybould: Yeah, so everything... if Council wants to approve this project then everything
5 needs... then what they're approving needs to align with the zoning and the Comp Plan. And so
6 (interrupted)

7

8 Vice-Chair Chang: Because even though it was a legal non-conforming use before because we're
9 redoing the lots and everything. Everything needs to be brought into conformance, is that
10 correct?

11

12 Ms. Raybould: If you're trying to legalize it through this Development Agreement then what
13 you're legalizing and saying is now a complying use needs to also align with the zoning in the
14 Comprehensive Plan.

15

16 Vice-Chair Chang: So, is there any way to no legalize it and allow it to continue as a legal non-
17 conforming use?

18

19 Ms. Raybould: Albert, I don't know if you can maybe speak to that.

20

-
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1 Mr. Yang: I think that is something that's possible in theory but I expect that the applicant
2 would not accept that as their... the state of things going forward. You know, part of the reason
3 we sort of entered into this process was because there was so much uncertainty around the
4 legal non-conforming status of the... of this property. And so, we are... we were trying to
5 simplify by finding a way in which we could agree to legalize the uses and part of the... I think
6 part of the problem with trying to keep them as legal non-conforming uses is that there are a
7 number of fairly onerous conditions on non-conforming uses. You know, they can't be
8 discontinued for a certain period of time and it makes sense because for non-conforming uses
9 we're saying we don't want them there. And I think what's being proposed is... here is a way of
10 finding agreement to have these uses as conforming uses.

11

12 Chair Summa: Commissioner Reckdahl.

13

14 Commissioner Reckdahl: So, I'm still struggling with exactly how it matters if its CN or CS
15 because it seems like both of those would be consistent with this design.

16

17 Ms. Raybould: Again, I think (interrupted)

18

19 Commissioner Reckdahl: Is this kind of a principle thing as opposed to some tangible difference
20 down the road?

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1

2 Ms. Raybould: I mean I think that it's something new can explore further but it's just that the
3 CN land use is less clear about having research and development uses that are not necessarily
4 neighborhood serving. It doesn't quite align as well as the Service Commercial and just from a
5 general planning land use perspective. It's odd to have kind of an island, I mean you'll have
6 islands where there's a park where you have a PF zoning, but you don't typically kind of islands
7 of this land use where it's nowhere around there kind of.

8

9 Ms. French: I would also add... I'd also say that traditionally or in our Zoning Code as well as in
10 our Land Use Plan... Element that the CN is associated with a lower density of residential than
11 the CS. CS traditionally is a higher units per acre so just traditionally in our standard zones that's
12 the way it is.

13

14 Commissioner Reckdahl: Okay, thank you.

15

16 Chair Summa: I can tell you why it makes a difference to me if you're interested and this is my
17 understanding of CS versus CN and CS is traditionally used along El Camino. There's a little bit of
18 it by 101 and then there was sort of a spot zoning done for Ming's so it could be a hotel that
19 never materialized. CS has Development Standards that are significantly more impactful than...
20 it doesn't have the same setbacks and allows greater height whereas CN zoning is really more

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1 compatible to abut R-1 zones. And it has more of what we want in the future since it does...
2 which is what we all envisioned on the NVCAP process. And there were differences in how
3 much housing we thought we could achieve there but what was uniform across the group and
4 throughout the process I think everyone would agree, I think, was that we wanted
5 neighborhood serving business and housing and it does allow for a lot of height. I believe if I'm
6 not mistaken and Staff will correct me, it's 25-feet plus two-story in CN, it's 50-feet in CS and so
7 it just seems more appropriate for what we want in the future and being a mixed-use zone. It
8 doesn't seem conflict with what we want to make available to the applicant. It just lays out a
9 much more... a future that is... see one of the problems and I was... is we get... things get lost in
10 institutional memory here and I think this is what Commissioner Akin touched on. That will
11 remind anybody in the future that what we really envision here is a mixed-use neighborhood
12 but that's very hospitable to the residents of the neighborhood and CS also allows larger office
13 if I'm not mistaken. So, that's why I think it makes a difference to us because we'd like to see
14 this neighborhood evolve in the future. Should after the 10-year term of this Development
15 Agreement we'd like to see it redevelop in a way that is consistent with mixed-use at a
16 residential scale. It allows residents to use the businesses and... in that neighborhood, so that's
17 why it matters to me.
18

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1 Ms. Raybould: If I could just note that there are... there was kind of a mix there in your
2 comments about zoning that was separate from the land use and the land use really doesn't
3 speak to the development.

4

5 Chair Summa: I'm sorry, I always make that mistake (interrupted)

6

7 Ms. Raybould: That's okay.

8

9 Chair Summa: CS and CN because they're both land use and zoning distinctions. I meant land use
10 and that... and the land use I think gives us... that land use designation give us a better
11 institutional memory of where we want to go. Creating a dense neighborhood there but one
12 that's very hospitable to residents. So, thank you for correcting me on messing that up again.

13

14 Vice-Chair Chang: I really echo what Commissioner Akin and Chair Summa said because this is
15 also what I said at our meeting two weeks ago. This is probably the biggest issue for me with
16 respect to this item because for more than three decades Palo Altans have said that they want
17 this are to be multi-family residential. And as a result of a potential legal dispute it sounds like,
18 you know some question, some interpretation about whether the use of the current R&D use of
19 the building can continue or not. That's why Council decided to negotiate this Development

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1 Agreement when I went back and looked at prior Council meetings and why we ended up
2 where we are.

3

4 That said, if we then chose to use a CS land use, I mean if I read our Comp Plan, a CS land use
5 isn't at all consistent with what we want here. It's facilities providing City-wide regional services
6 and relying on customers arriving by car. And we've said repeatedly that we want this to be a
7 multi... I mean even in our Staff Report we say... we talk about multi-modal transportation. We
8 talk about this being a transit-rich area and it talks about typical uses include auto services and
9 dealerships, motels, lumber yards and restaurants including fast service types and that's not
10 what this is. So... as well as, you know and giving examples about this being along San Antonio
11 Road and El Camion Road and Embarcadero Road and Northeast of the Bayshore freeway. So,
12 that's not what this is. Yes, it abuts other CS areas because it abuts El Camino but this is inside
13 of... this is in the neighborhood and so yes, it makes sense that it would abut a CS Zone but we
14 shouldn't be continuing to extend... it's not zone, a CS land use, but we shouldn't be continued
15 to extend the CS land use further in away from El Camino.

16

17 So, I was curious, in the Staff Report, Staff also looked at the Mixed-Use Land Use and I was
18 really interested in that because as I continued to read the Comp Plan. The next land use
19 discussed in the Comp Plan on Page 33 of the Comp Plan because I have my Comp Plan bible
20 here. But I have the Comp Plan here and it talks about the Mixed-Use Land Use Designation

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1 which to date has only been used in SOFA but it seems to make sense here. Like SOFA is exactly
2 what we want or what I believe the NVCAP group wanted. The NVCAP Working Group kind of
3 envisioned for this area and so when Staff... I didn't understand... if Staff could speak a little bit
4 more to why Staff eliminated the Mixed-Use Land Use idea from consideration because the
5 explanation in the Staff Report on... its Staff Report Page 9 of 10 because we have two different
6 versions. Identical versions of the Staff Report in two different Packets.

7

8 Ms. Raybould: It's Page 15 of the July 26th Packet (interrupted)

9

10 Vice-Chair Chang: Oh, sorry.

11

12 Ms. Raybould: For those referencing.

13

14 Vice-Chair Chang: Well, the page numbering of the Staff Report is identical.

15

16 Ms. Raybould: Oh sorry, Page 16, other Comprehensive Plan designation considerations.

17

18 Vice-Chair Chang: Right, so it's of the old one it's Packet Page 117. Of the new one, I'm not sure
19 what it is because I was [unintelligible] off my old notes.

20

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1 Ms. Raybould: Page 16 and Page [unintelligible](interrupted)

2

3 Vice-Chair Chang: But it says Item... it says 9 of 20 at the Staff Report, right there's two
4 numbering systems so and it says additionally the 1.15 FAR allowance for mixed-use, similar to
5 Service Commercial, did not accommodate for the existing square footage of uses based on the
6 new parcel boundaries. And I'm not sure I understood what that meant because it seemed like
7 it did account for the FARs that were necessary. Maybe it doesn't account for the housing FARs
8 but according to the Comp Plan, FARs of up to 3 are possible.

9

10 Ms. Raybould: No, not commercial FAR was limited.

11

12 Vice-Chair Chang: Commercial FAR is limited to 1.15.

13

14 Ms. Raybould: Yeah.

15

16 Vice-Chair Chang: So, what's the commercial FAR in this case?

17

18 Ms. Raybould: That's what I was trying to recalled for each of the parcels.

19

-
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1 Vice-Chair Chang: But as it is, if that is the case we could make an exception for a PC Zone the
2 same way that we're making for the CS.

3

4 Ms. Raybould: No, that's not... you can make exceptions to the zoning but it still has to align
5 with the Comprehensive Plan.

6

7 Vice-Chair Chang: Right but we could make it... sorry, we could make an exception (interrupted)

8

9 Ms. Raybould: But can you can make the same change (interrupted)

10

11 Vice-Chair Chang: We could make the same modification to the Mixed-Use Land Use and then I
12 think it would just be so much more well aligned because of how the Mixed-Use Land Use used
13 elsewhere in Palo Alto and in terms of how it's described.

14

15 Ms. Raybould: Sure, so do you want me to answer the (interrupted)

16

17 Vice-Chair Chang: It would be great if you could answer what the FAR because when I did the
18 FAR calculation it seemed like it was well under 1.15 but maybe I was looking at the wrong
19 numbers.

20

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1 Ms. Raybould: Give me a minute to look up the floor area (interrupted)

2

3 Vice-Chair Chang: Sure.

4

5 Ms. Raybould: But just speaking in general, I mean I think that we certainly considered Mixed-
6 Use as a potentially viable. I think we summarized in the Staff Report that ultimately we just
7 decided that the CS seems more appropriate because it aligned with what was around it. And
8 then the other kind of piece was the mixed-use... it was Mixed-Use when you look at the project
9 as a whole, but ultimately, each of these parcels are being subdivided and so each has its own
10 use on the parcel. The townhome parcel is going to be multi-family residential, the Cannery
11 building I suppose is Mixed-Use but in the traditional sense it's retail and research and
12 development but that doesn't have housing on it. The Ash parcel is office only and the Audi
13 building is R &D and then the public park is going to have a multi-family residential and public
14 park. And so (interrupted)

15

16 Vice-Chair Chang: But the public park parcel is going to be a different land use, isn't it?

17

18 Ms. Raybould: It was a different land use anyway.

19

20 Vice-Chair Chang: Right, it's going to be a different land use (interrupted)

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Ms. Raybould: So, I guess (interrupted)

Vice-Chair Chang: And then the townhome parcel is going to have a different land use too. That's going to remain multi-family residential.

Ms. Raybould: I think... yeah, like so that's where it kind of came down to if you kind of look at it at each parcel individually. You're not really doing Mixed-Use on each individual parcel. When you look at it comprehensively you could look at it as a Mixed-Use area.

Vice-Chair Chang: I mean I think of it as... I go back to sort of because the Comp Plan is supposed to be thinking about long-term planning and what the City's intent is long-term. I'm trying to meld this with the vision of NVCAP and bring it closer to NVCAP. And because the Development Agreement is a 10-year agreement and our Comp Plan is suppose to go out to 2030. And the next Comp Plan is supposed to out to gosh I don't know when but the Comp Plan's really a long-term vision document. Then there's nothing that precludes us from after 10 years deciding to not have office potentially. Like if Sobrato where to sell their parcel and somebody else were to decided to want to have more Mixed-Use there. I think that would be in align with what the NVCAP folks had wanted there.

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1 Ms. Raybould: So, that's what I was going to kind of speak to is that you remember that this
2 whole area is being re-designated to completely different land use and zoning as part of the
3 NVCAP which is moving forward hopefully by the end of the year or so. So, after a 10-year
4 period, or whenever the terms of the Development Agreement ends, if you really want to do
5 something else with that parcel. You're going to have to do a legislative action to change the PC
6 zoning anyway if you're going to change the development plan or doing something. And so, if
7 you really wanted to do something as part of that, you would probably... you could also do a
8 Land Use Amendment at that point in time to align with whatever is being proposed so.

9

10 Vice-Chair Chang: I guess because our memories are short and because what I've seen at least
11 with this particular parcel is for 30-years... for more than 30-years we wanted multi-family
12 residential and for various reasons, City Council postponed an amortization process taking
13 place. And so now we find ourselves where we are and it's not multi-family residential and yet
14 there's a desperate need for housing. So, now we're kicking the can down the road and I just
15 want to make sure that we don't lose sight of that housing nirvana, right? And if we put
16 something that's more clearly aligned with that and definitely not CS land use that says that this
17 is like this car-centric zone... car-centric land use. That will at least head... I don't think that we
18 should be... because the NVCAP process is happening in parallel. We shouldn't be going further
19 away from it knowing that this process is happening in parallel. That's my two sense.

20

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1 Chair Summa: Thank you. I have two Commissioners that would like to speak, but I would like to
2 remind everybody that we are amending the Comprehensive Plan by adding one phrase.
3 Bottom of Packet Page 15 and then Packet Page 16 of the new one which reflects both
4 neighborhood and commercial and Service Commercial Land Use zones have what is described
5 as FARs will range up to 0.4 but we are saying... we are recommending... that's for both CN and
6 CS land use. But we are recommending that we are exceeding... we would say but may exceed
7 this threshold in a Planned Community Zone to reflect the fact that what is being asked for here
8 already exceeds that. And it could... the same language is in CN zoning and so I would just make
9 that comment and move quickly to Commissioner Akin had his light on and then Commissioner
10 Templeton.

11

12 Commissioner Akin: Nearly everything I wanted to say has been covered nicely already. Thank
13 you, Vice-Chair Chang. I just wanted to add one minor thing. The rationale that's given in the
14 Staff Report on Packet Page 16 of about using Service Commercial because it aligns with the
15 designation of the other surrounding areas. I feel like the direction is reversed from what it
16 should be. We should be thinking of how in the future we might be changing the designations
17 of the surrounding areas rather than the central area. So, anticipating what might happen in the
18 future, I would not accept that particular rationale. Although I appreciate the value of
19 consistency. Okay, thanks.

20

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1 Chair Summa: Commissioner Templeton.

2

3 Commissioner Templeton: Thank you. First I just want to say, I appreciate this whole discussion.

4 I think it's very interesting that we're wrestling with different things than when we first started
5 with the NVCAP. I mean it's progress and its also interesting to kind of hear some of that NVCAP
6 reflected back through my fellow Commissioners because that process was fraught and we did
7 not have universal agreement. So, when we're discussion what the people want, it's not a
8 monolith and that's possibly one of the reasons that we're kind of kicking that can down the
9 road, or Staff is kicking that can down the road about how to wrestle with it and come to an
10 agreement because it's pretty complicated. So, I think I'm not sure everybody wanted this... I'm
11 going to take an extreme. No one here said this today but just to help reflect on what we're
12 dealing with. There were some proposals that we heard from members... individual members of
13 the public that were like put all the housing here. This is where we're going to put all 7,000
14 houses that we need in Palo Alto and the neighbors were like wait what? Yes, we want it to be
15 residential, but we did not want it to be that residential. So, you know, you take one extreme,
16 you take the other extreme and it's... neither is really reflective of what we need in the
17 community. So, I can respect that this discussion is not perfectly straight forward and it's not
18 obvious why we should do what.

19

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1 I am intrigued by some of this land use conversation, specifically I want to just encourage Staff
2 if you want to spend 5 minutes talking through your rationale here. That's what I've heard
3 every single person asking for and really need to walk through it and even if it's a recap or
4 retouches on some of the things you said before. Just understanding because there's a sense
5 here that we want to make good decisions that last a while. That's what I'm hearing from Vice-
6 Chair and from other Commissioners. So, this part that we're in is a discussion with you and you
7 do have air time to do. So, is there anything that you would like to respond to in a little bit more
8 detail to help us all get on the same page and understand where you're coming from? And it's
9 okay to take a minute, I know you guys are discussing for those of you who can't see them.

10

11 Ms. Raybould: [off mic] Just give me a minute.

12

13 Commissioner Templeton: You're mics off.

14

15 Ms. Raybould: [off mic] I just want to add (interrupted)

16

17 Ms. French: Your mics not on.

18

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1 Ms. Raybould: Thank you, I'm sorry. I just add in a slide to... just so you guys are aware I think
2 Commissioner Akin makes a good point and so I wanted to just show what the Land Use Map
3 NVCAP is currently showing as well.

4
5 Commissioner Templeton: And also, the timeline, you mentioned that we have what's in front
6 of us now versus the "greater NVCAP discussion" and understanding that would be helpful as.
7 So, we don't get mixed up and think this is only bite at the apple and if you tell us it's not, it
8 becomes that. It's going to be a problem so hopefully we can understand the timeline.

9
10 Ms. Raybould: And just so you guys are aware, certainly if this gets approved, the Development
11 Agreement gets approved. Then the NVCAP is need... going to need to kind of realign with this
12 because we would not be changing, under the Development Agreement, the land use and the
13 zoning for any site... any portion of the property that's under this Development Agreement.

14
15 Commissioner Templeton: So, can you just... I want... thank you for that and please repeat that
16 again because it's very different than what you responded to Vice-Chair Chang earlier.

17
18 Ms. Raybould: So (interrupted)

19

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1 Commissioner Templeton: In terms of the separation between what we're doing now and what
2 the NVCAP is going to do. If this decision has unchangeable consequences for the NVCAP
3 discussion, that's what people are worried about so we need to clarify that.

4
5 Ms. Raybould: So, if this Development Agreement is approved, the Development Agreement
6 does not allow a change to the land use or the zoning for another 10 years, or to the end of the
7 term of the Development Agreement. So, portions of the property that are part of this project,
8 this Development Agreement would not change land use designation under the NVCAP. Now
9 the City could come back at the end of the Development Agreement and rezone or change the
10 land use if they want to, but under that agreement, we would need to revise the draft plan for
11 the NVCAP. So, that it would align with this Comp Plan and zoning for that specific area.

12
13 Commissioner Templeton: So, the area that we're reviewing tonight and will be recommending
14 things about tonight will be status for 10 years once Council has voted on it. Even if the NVCAP
15 has different long-term past 10 years intentions for this space. Is that correct?

16
17 Ms. Raybould: Sorry, say that one more time.
18

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1 Commissioner Templeton: This area will be in status once Council has decided what to do with
2 it regardless of what happens with the NVCAP or what intention the Council has for the NVCAP
3 10 years plus.

4

5 Ms. Raybould: Correct.

6

7 Commissioner Templeton: Okay.

8

9 Ms. Raybould: For 10... no, for 10 years. Now (interrupted)

10

11 Commissioner Templeton: Well, if they want to do something that changes after 10 years they
12 could but during those 10 years it's stable.

13

14 Ms. Raybould: During the term of the Development Agreement it would be stable and if the
15 City came back after 10 years and wanted to rezone. It could do that but it would then make it a
16 non-conforming use again and then you'd have to go through the amortization process.

17

18 Commissioner Templeton: And why is this agreement being done separately from the NVCAP?
19 Again, this was because... oh, I see Mr. Yang has chimed in. Do you want to speak or are you
20 just getting ready?

-
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Mr. Yang: Just getting ready.

Commissioner Templeton: Okay, so the reason this is separate is because there was things already in motion, is that correct?

Mr. Yang: Yes, that's right.

Commissioner Templeton: So, it has to be separate. There's not a need to align it with the NVCAP process other than our desire to have the NVCAP area function together.

Mr. Yang: That's right, it does not need to be aligned with the NVCAP aside from our desire for consistency.

Commissioner Templeton: Okay. Ms. Raybould, we're you looking something up?

Ms. Raybould: [off mic] No, I'm sorry. I'm trying to [unintelligible] (interrupted)

Ms. French: You're mics off.

-
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1 Ms. Raybould: I'm trying to join the panelist link so that I can just share a presentation and
2 show (interrupted)

3

4 Chair Summa: Commissioner Hechtman has had his light on. If you would like to take some time
5 I can let him speak first (interrupted)

6

7 Ms. Raybould: Sure.

8

9 Chair Summa: If Commissioner Templeton is finished.

10

11 Ms. Raybould: That would be great.

12

13 Commissioner Templeton: Yeah, I had just a couple more things but (interrupted)

14

15 Chair Summa: Oh okay.

16

17 Commissioner Templeton: I'm happy to come back for a second round if we want to do that
18 instead.

19

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1 Chair Summa: No, whatever you prefer. I was just... I thought if Staff was looking something up,
2 but if you have other questions or (interrupted)

3

4 Commissioner Templeton: Well, I want them to respond to all of us so they can respond after
5 Commissioner Hechtman goes to just because I think we're all asking some interesting
6 questions and we need to give them a chance to respond. Is that okay?

7

8 Chair Summa: Yes, of course.

9

10 Commissioner Templeton: Oh, okay.

11

12 Chair Summa: Then we'll let Commissioner Hechtman go while Staff (interrupted)

13

14 Commissioner Templeton: And I'm almost done.

15

16 Chair Summa: Okay.

17

18 Commissioner Templeton: Okay.

19

20 Commissioner Hechtman: Okay.

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Commissioner Templeton: No, no, I'm not done, but I'm almost done.

Commissioner Hechtman: Alright, thank you for yielding Commissioner Templeton and I think I actually I just want to focus some comments on the thing we're talking about right now because I'm actually finding this conversation a bit odd in the context of our meeting tonight.

So, we're here presented with an opportunity to make recommendations on a particular project that's been presented to us. Refined through many hearings, through many Boards of the City and from my perspective the conversation that we've been having for the last four to five minutes on zoning doesn't really have... and land use, doesn't really have anything to do... it's not talking about oh, we like the width of the paseo or really any aspect of the design of this project. To me what this discussion is, is really we find that this project that we're being asked to view is inconsistent with the NVCAP as its been approved by the City. How can we set this up to unwind it best in 10 years when the DA ends? That's the... again, that's the perspective I'm getting. I'm not saying anybody is saying exactly that but pulling all these threads together and again, I'm not even saying that every Commissioner's saying that. But overall, that's what I'm hearing is we're looking for ways... we don't like. In some senses, its being imposed on us because the alternative, which is the primary project studied in the EIR, is the SB 330 project. So, we've got this alternative that might give us more of what we want and the Council

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1 certainly thinks so. But we're looking... but still, it's not consistent with the NVCAP and frankly,
2 the NVCAP as approved by the City Council is not at all consistent with what this Commission
3 recommended to the Council should be the NVCAP a year and a half ago. So, but that's where I
4 feel like this is kind of leaning is how can we set ourselves up best so 10 years from now when
5 the DA is done, we can start to change things and I just want to point out that if the Council
6 approves this project and the DA, 10-years from now the DA may be done but the PC zoning
7 will still be there and as Claire just mentioned, if we want to do something about that PC
8 zoning, which will control whether the base zoning is CN or CS or multi-family, you're going to
9 have to and change it and if you change it, you're going to have to deal with legal non-
10 conforming uses.

11

12 And I think that maybe Mr. Yang might want to just comment a little bit about this concept of
13 amortization because I've heard it mentioned a couple of times tonight and it seems like a
14 pretty easy concept but in reality in California, it is very seldom used, it is fraught with litigation
15 and in fact, there's... there have been discussion of amortization and its... in this situation
16 already. And it is not an easy solution and it's not something that you should count on. And so,
17 my thinking is, if this applicant, if this project gets approved, this applicant is going to spend I
18 don't know what, \$100 million plus in this area, on this acreage, other than the City acreage.
19 That's not going to change in 10 years. They're going to have a substantial investment. They're
20 not going to be looking to redo things in 10 years. So, I think we have to look at a much longer

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1 horizon before things are likely to change and honestly, I don't know what our needs are going
2 to be 20 years from now and 30 years from now. So, I do appreciate this conversation but I
3 think that its... we should be focusing on the project that is going to I believe improve this area
4 from what it is today for the foreseeable future. Thanks.

5

6 Ms. Raybould: If I could just... I just one note, the NVCAP has not been adopted. A draft was
7 only recently released and so we did not have the benefit of even the draft for the majority of
8 the deliberations on this project so.

9

10 Commissioner Hechtman: Thank you for that correction. I was referring really to the Council
11 direction on which iteration of the NVCAP that we were going to move forward with, but thank
12 you. I'm going to step out now Chair.

13

14 Chair Summa: For the record, Commissioner Hechtman is leaving the room and Commissioner
15 Templeton, did you want to continue?

16

17 Commissioner Templeton: Thank you very much Chair, I appreciate that. I just wanted to weigh
18 in on the last parts that aren't the general discussion. Just give a couple of thoughts that I had,
19 but generally, I understand what Ms. Raybould said in response to the Vice-Chair's questions
20 about the different types of... now I don't remember if its zoning or land use. But about the

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1 mixed-use stuff because we're talking about per parcel versus the whole area together and I
2 think that's... it's frustrating because I understand we have to do certain things on a per-parcel
3 basis and certain things on kind of a region or working area. But it's something we're going to
4 have to start thinking more about as we get these dynamic areas and at least try to build the
5 areas that the people want in our city. That are mixed-use but a conglomeration of individual
6 parcels that are being developed differently but in coordination.

7

8 So, I really do struggle with the response that we received to that question because we, as a
9 City, are not able to specify what we want when we do it a per-parcel basis without having this
10 understanding that we don't want every parcel to be developed the same. We want them to
11 have different uses. That's the whole idea of mixed-use so it's a struggle and a frustration. I'm
12 not expecting you to answer it tonight but that's something that is going to happen more and
13 more we hope. We hope we're going to have these different kind of dynamic areas that are
14 destinations and have different uses at different times of day.

15

16 And then lastly, just wanted to reiterate or ask you to get more specific about the whole
17 understanding of this site as it relates to El Camino. This was something else the Vice-Chair
18 brought up and I know we've all... she's the most recent. I'm not trying to pick on you but like I
19 consider those properties as proximate to El Camino in how I've used them. I've worked there,
20 I've lived nearby, I've shopped there. I've used them different ways but I consider it as

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1 something that I enter off of El Camino and so I was kind of surprised. I mean specifically, she's
2 absolutely correct. It's not on El Camino but it's sort of like that and some of the areas nearby
3 connected and it's just interesting to think about how you have designated this and how does it
4 sort of stand out in that way. So, I just I wanted to explore that a little bit more too just because
5 you've got six people up here right now who are very interested in this project and thinking
6 about it thoroughly from different angles. And we do desire consistency and I know you do as
7 well so being able to just talk through some of... like little rationale moments like that with a
8 little back and forth would be super valuable. So, that's all I wanted to add, thank you very
9 much.

10

11 Ms. Raybould: So, let me see what I can do to kind of respond holistically. I would say that I
12 think that we really feel like the Service Commercial Land Use Designation is where we have a
13 lot of our mixed-use. And what's interesting is the reference to the Mixed-Use in our Comp Plan
14 actually references the SOFA but the SOFA is actually not mixed-use. It's SOFA I CAP and SOFA II
15 CAP, so there's like almost no area of the City. I think when I looked it up I found like a couple of
16 parcels that have this Mixed-Use Designation. It was hard to actually find where it was in the
17 city and so it's a little bit unclear. I don't have the background history of the City of Palo Alto
18 from when we originally started that Comp Plan or the previous Comp Plan I suppose it was
19 from. Kind of pulled over of where that came from, but ultimately a lot of the mixed-use areas
20 of the City are in a Service Commercial area. And where we see a lot of the future development

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1 as housing and multi... mixed-use housing in particular is areas along San Antonio, areas along
2 El Camino where we have this Service Commercial zoning. And so that is very much an area or a
3 land use designation that we want to associate with higher density housing and or townhome
4 type style housing, but also areas where we want to have retail components.

5

6 I think what's kind of unique about this Service Commercial in comparison to some of the
7 others is it really does speak to the use that's proposed on three of these parcels which is the
8 research and development and/or office use. And I think that it really... these other land use
9 designation don't specifically speak to that office use and where it speaks to the car-orientated
10 kind of development. Things are changing very quickly in terms of transit options and the push
11 for transit-oriented development and so a lot of office uses still are more car-oriented. I think
12 the reference in that Comprehensive Plan is more specific to saying like are these more
13 neighborhood areas where its more people walking to them because it's retail that like you
14 might walk to Edgewood Center if you live in that area. Whereas we do have research and
15 development uses that while it might transit-oriented and we certainly would... you know, we
16 had a TDM Program proposed that would look to provide maybe different things like the
17 encouraged transit passes or things like that, but you still have cars coming to the research and
18 development use. It's not reasonable to think that everybody working in this research and
19 development use are mostly going to be walking to that office use, right? And so, I think that's
20 the intent of that reference in the Service Commercial. It's not that it couldn't be more transit-

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1 oriented or that we can't put things like TDM Programs on to reduce single occupancy vehicle
2 use, but just that where you have Service Commercial along El Camino or San Antonio. Right
3 now, it does have certain uses that are going to have cars.

4

5 Commissioner Templeton: Just a follow on, on that. I appreciate you speaking to that. I'm just
6 thinking about, you know this area was divided when we redeveloped Oregon Expressway and
7 we have a very large parking structure built on... off of California Avenue in that part of this
8 area. On this side where this development is going to be. We don't have a general use, gigantic
9 parking structure for any of the uses over here and where we're proposing one or where it's
10 being proposed by the property owners is in a place that's less desirable is what I'm hearing. I
11 think that there's any number of places you could build a parking garage that wouldn't damage
12 this structure that's being valued highly. So, I just wonder if that's something we had looked at
13 as well and why is this being driven... is this a requirement that the City has imposed upon the
14 developer, or is this need for all this parking something that we've talked to the general area?
15 There's a lot of buildings there and a lot of retail. If you expand just a little bit beyond this
16 particular set of properties there is a need for... you know what I'm hearing you say is there's a
17 need for parking there. Right, like we've got the Caltrain station which one end of it is off of
18 California Avenue and the other end is off of this area. So, is this something we're imposing on
19 them or is it requirement? Have we looked at something general for the area that wouldn't be
20 on the site of a building that we want to maintain?

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Ms. Raybould: I guess a few things I would note is one, its I would say both so we have our parking requirements. We do have some flexibility on those parking requirements because it is a PC Zone so it's up to Council, but the developer has an interest. Not to speak too much on their behalf but the developer has an interest in parking their site to be adequate for their needs because they don't want to be impacting the residents.

The parking is still fairly under-parked. I'd have to go to the report to remember the exact numbers but it is consistent with the historic ratio of the site when this was a booming Fry's development even. So, the ratio (interrupted)

Commissioner Templeton: But, but, but that parking for Fry's was not where the building structure is. Right, we're moving the parking.

Ms. Raybould: Yeah, we're moving the parking, exactly. So, we're moving the parking from the... from the area the City parcel where we want to build a park and placing it back in the location where we're placing it. So, if they... if we did not do that then it would be significantly under parked for the commercial and retail component.

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1 Commissioner Templeton: So, just to clarify, the reason we're having a tension about the
2 parking is does it go on our awesome park, you know our green space, or does it go on our
3 awesome historical building? Right, that's the tension that... is there a third option?

4
5 Ms. Raybould: So, there's not a third option that I could speak to, but the only other thing I
6 would note is that we did do a Secretary... so we did a Secretary of the Interior's Standards
7 analysis for the proposed DA alternative. It is somewhat irrelevant in the context of CEQA
8 because if you are materially altering a historic building. The... basically the Secretary of the
9 Interior's Standards analysis is always going to conclude that you're demolishing 40 percent of
10 the building. Therefore, it's a... it's not consistent with the Standards, but Council expressed a
11 significant interest in retain as much of the building as feasible and aligning it as much as
12 possible with the standards. And so, for that purpose, we prepared this SOSI standards analysis
13 and that analysis did conclude that the parking structure would not be inconsistent with the
14 Secretary of the Interior's Standards.

15
16 Commissioner Templeton: Okay, thank you. It's very helpful to go through and just make sure
17 we understand because sometimes you have perspective that doesn't make it into the Packet
18 and that's really helpful. And just to... hold on a second, a little visitor at my desk space. So, just
19 to throw this out there and I recognize that this is weird. I'm just going to throw it out there
20 though. For example, when we looked at Cubberley and Castilleja and other such

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1 developments, we've talked about having parking underground and a park on top so you could
2 have both on the same site. Is that something that we have discussed or considered or if not,
3 why not?

4
5 Ms. Raybould: We have not and I think the reasoning is maybe a few fold. One, Council has
6 expressed an interest in potentially naturalizing this area and that's something that we are still
7 exploring and at their direction are continuing to look at options for. And so, we would not
8 want to have a DA that precluded that option as that's a pretty expressed interest of the public.

9
10 The other piece is just the... this is in the California Olive/Emerson plumb and so construction of
11 a below-grade parking garage or below-grade anything is very expensive. And we recognize
12 the... any future housing development is probably going to have, if it has... well, even if it
13 doesn't have a below garage. It's going to have some sort of vapor intrusion mitigation system
14 for that, but providing that for a significant area. I can't speak to the cost of that or whether
15 (interrupted)

16
17 Commissioner Templeton: That's okay.

18
19 Ms. Raybould: It's prohibitively expensive but it would be significantly more expensive.

20

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1 Commissioner Templeton: That's really helpful, I appreciate the indulgence here with some of
2 these really curveball question and I'll stop there and see if we have any more questions from
3 others Commissioners. Thank you.

4

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

6

7 Vice-Chair Chang: Thank you. Did you have an answer to the FAR question about...? I didn't
8 know if you did (interrupted)

9

10 Ms. Raybould: I'm sorry, I started looking at it and then (interrupted)

11

12 Vice-Chair Chang: That's okay.

13

14 Ms. Raybould: I forgot but the Cannery is actually only .54 so that (interrupted)

15

16 Vice-Chair Chang: Right.

17

18 Ms. Raybould: Did align with that, but (interrupted)

19

20

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1 Vice-Chair Chang: That's the method I had come up with as well, .54.

2

3 Ms. Raybould: But I'm trying to remember what the Ash (interrupted)

4

5 Vice-Chair Chang: So, it may have been with Audi or...

6

7 Ms. Raybould: Yeah, I was thinking the Ash building was the one that was the concern but.

8

9 Vice-Chair Chang: While you look at that, I will just... now that Commissioner Hechtman is back
10 I'll just kind of respond a bit to his comments. Where... the reason I didn't... I don't know
11 though...I don't want to put words in your mouth but you thought it was sort of a little bit
12 maybe [unintelligible] or off point that we were talking about the zoning. And the reason it's
13 important to look at the zoning is or sorry, the land use, the land use, the land use. The reason
14 it's important to look at it is because Staff is trying to find a way to make this DA work and in
15 order to do that had to touch on all sorts of things, including the land use, in order to make it
16 work. And it's incumbent upon us as the Planning Commission to look at all those pieces as they
17 asked us to do in the Staff Report and to think about some of the longer-range implications.
18 And I can't speak so much to some of the detail of the DA because as Chair Summa mentioned,
19 a lot of that was negotiated behind closed doors and it may be the best that we can do, but I
20 did want to make sure that we avoided unintended consequences with respect to land use

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1 because that is a long rang decision and that... and we are responsible for the Comp Plan. And
2 yes, personally I may not like this deal but that's either here nor there. It's not so much that I'm
3 thinking oh, in 10 years how do we undo all of this? It's that in 10 years and 20 years and 30
4 years, it's my job right now to think about what it is that we do want and land uses by definition
5 what do we want in 30 years. So, we do have to look at that and I just wanted to bring us all
6 together and get onto the same page.

7

8 In premeeting I asked Staff is Sobrato had a particular perspective about whether the land use
9 should be CN or CS or any other designation and Sobrato didn't have a particular perspective on
10 that. Other than that, as Counselor Yang mentioned I don't think that they or Counselor Yang
11 didn't think that they would be amendable to a legal non-conforming continuation. But with
12 respect to the specific land use designation, that's kind of our, Palo Alto's, internal decision-
13 making. So, I think that this is actually pretty important for us to decide because we are the
14 deciders, we Palo Altans, are the deciders on this piece. It's something that we can actually
15 have baring on as opposed to the detail the DA which was done behind closed doors.

16

17 I don't know if that was enough time for Ms. Raybould to come up with the answer.

18

19 Chair Summa: If not I'll add something to the land use discussion and that is there are... in both
20 CN and CS there are possibilities for having mixed-use, all commercial or all residential and then

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1 the Development Standards are slightly different. So, I just don't see it as being inconsistent
2 and as you go up and down the El Camino there. I haven't done an exhaustive exact study but
3 my observation is there's... it's mixed CN and CS. And so (interrupted)

4

5 Vice-Chair Chang: I did have one also follow on question (interrupted)

6

7 Chair Summa: Oh, sorry.

8

9 Vice-Chair Chang: For Staff regarding that, so if something is zoned for... not zoned, land use
10 mixed-use. The underlying zone can still be... like there's... the underlying zone doesn't have
11 to... there can be different zones on a land use. In other words, the parcels could all be Mixed-
12 Use but an individual parcel could have a... those three parcels could have the same land use,
13 but each parcel could have a different zone. Is that correct? Not saying that we wanted to do
14 that but we could do that.

15

16 Mr. Yang: Yes, that's correct and that's what's going to happen here because each of the
17 parcels will have a PC Zone which will be slightly different from the other one.

18

19 Vice-Chair Chang: Oh, good point. Right and so to some extent it doesn't... because they're all
20 going to have a slightly different PC Zone. It doesn't matter. Okay, just also wanted to respond

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1 to one more thing that Commissioner Hechtman said which was that the developer is going to
2 be putting in a lot of money into these parcels. They may or may not but currently, at least with
3 respect to the Development Agreement, they're not necessarily putting that much into the
4 Cannery building. They're going to be building the garage and they're going to be putting some
5 into the Cannery building to the rehab it, but the playground global part isn't going to be
6 changed. Is that correct?

7

8 Ms. Raybould: Correct.

9

10 Vice-Chair Chang: And similarly, with the Audi and the Ash building. Is that correct Ms.
11 Raybould?

12

13 Ms. Raybould: So, the Audi building is not proposed to change, the Ash building is not proposed
14 to change. They are rehabbing. Yes, the playground global portion is not changing.

15

16 Vice-Chair Chang: And the bulk of the investment is actually in the townhomes as well as the
17 parking structure.

18

19 Ms. Raybould: So, I... well, just speaking to... well, I guess two things. I think... I don't know how
20 amortization analysis works but I know that it takes into account everything I think that they're

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1 spending money on. And so, they are dedicating the parcel to the City, they are providing \$5
2 million. I don't know if... they are online so they could maybe speak to... I don't know if they're
3 able to share the cost of like the rehab or anything like that, but the... yes, the townhome
4 would a significant portion too but if you want to hear from them.

5

6 Vice-Chair Chang: Do we want to hear from them?

7

8 Commissioner Reckdahl: [unintelligible – off mic]

9

10 Chair Summa: I see Mr. Steele is here and some of the other applicant group but none of their...
11 I don't see any of their hands being raised so and I think the bulk of... oh, I see Mr. Steele. Mr.
12 Steele?

13

14 Mr. Tim Steele: Yeah, I'm happy to answer. Our rough estimation for the first phase which is all
15 of the work associated with the rehabbing the Cannery. Not including the dedication values or
16 the \$5 million but there's no our application for the 1 percent art is estimated over \$40 million
17 in the first phase and another \$40 million for the townhomes. That's including the garage and
18 all the rehab work that needs to be done. Plus, the underground the overhead high-intention
19 power line that currently goes through the parking lot currently. So, I think those numbers are

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1 low. I'm expecting that our rehab and the garage and all of the associated work is probably
2 going to end up closer to \$50 million.

3

4 Chair Summa: Thank you for that. While you're here, could I ask you if there's any interest or if
5 it's just impractical to consider not building the garage as the townhomes are conditioned on
6 market conditions? And we have heard that they may or may not be built and building the
7 garage later if you need it because if you are demolishing that portion of the Cannery, the 40
8 percent. You'll have a lot of surface parking available and maybe you'll never... it's just an idea
9 that came to me so it might be kind of impractical.

10

11 Mr. Steele: Thank you, Chair. I think the way our DA is structured, the bulk of the Cannery
12 parcel, including the portion that will be townhome, is currently one parcel and part of this is
13 separating it into five parcels. But you can't have a parcel under an existing structure or a new
14 structure. So, a property line has to have no structures on it and we intend... the structure of
15 this deal is that we will build this parking structure and start the rehab of the remaining
16 Cannery building... we're... and undergrounding the lines. And then once that's in place we can
17 demo the piece where we relocate the existing tenants into the new rehab portion. Then we
18 tear it down and record a Parcel Map that creates the dedication parcels or the City's land and
19 creates the townhome parcel. So, we would have already built the garage because it's the only

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1 way to facilitate the demo of the building and the recording of the parcel line. Hopefully, that
2 helps.

3

4 Chair Summa: Thank you for that. Any other questions for Mr. Steele while he's here?

5

6 Commissioner Hechtman: Thank you, Chair. So, Mr. Steele, I'm curious about the townhomes.

7 You know, the Development Agreement is structured so that there's not actually an obligation...

8 a mandate that the townhomes be built. And the impression I get is that the interpretation of

9 that, that flexibility that Sobrato has, is that maybe there's a good chance that you're not going

10 to build them and I'm not sure that's a fair interpretation. I know that less than a year ago I

11 think we approved a townhome development, I think it's Summerhill, next to Greer Park and

12 that is under construction. The market conditions there are apparently favorable and so I'm just

13 wondering if... again, I'm not looking for a commitment that you will definitely build those

14 townhomes in the 10-year timeframe, but I'm wondering if you can... if you care to address why

15 the need for the flexibility regarding the townhomes.

16

17 Mr. Steele: Thank you, Commissioner Hechtman. Yeah, it kind of continues on with my

18 explanation of record the parcel lines and so forth. We would invested, you know in this case,

19 maybe even as much as \$50 million just to get to the point we're making land dedications to

20 the City. We're required to make those land dedications before we start occupying so we would

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1 be in really deep and not be able to build or sell the townhomes for over 2-years because the
2 garage and doing these improvements and undergrounding the power lines will take at least 2-
3 years. Do we know there's going to be market demand in 2-years? Townhomes are probably
4 one of the best product relative to the market going up and down where apartments are very
5 sensitive to the rents and the interest rates. The townhomes have provide, especially in a tight
6 market like Palo Alto, to continually being in demand in good and bad economies. So, we're
7 comfortable thinking it's going to happen but you know, at 2 ½-years from now there's no
8 telling and having made the investment we would have made just to get to the point where we
9 could even consider building the townhomes. We need some time to be able to weigh for any
10 kind of market blips that might be in place at that point and that was the consideration for the
11 period.

12
13 Commissioner Hechtman: And I... so I appreciate that clarification, let me just ask you because I
14 know you've been doing this kind of work for a very long time. You get 2-years out from now
15 and the market is not conducive to townhomes let's say. Have you seen a market that is not
16 conducive to residential development for an 8-year period? I've been through a couple of these
17 cycles and I haven't seen one that lasted that long.

18
19 Mr. Steele: I would agree with you. The one thing that happens when the markets are stressed
20 for ownership type product is they might not build all of them at one time. They might build a

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1 few at a time and make sure the market kind of absorb them before they build more. So, it does
2 take a period of time and the way the Development Agreement is, is we have that period of
3 time to produce all of them. So, again we need some flexibility in that not knowing where we're
4 going to be in 2 ½-years.

5

6 Commissioner Hechtman: Okay, alright that's very helpful, thank you.

7

8 Mr. Steele: Thank you.

9

10 Chair Summa: Thank you, Mr. Steele. I think there's another question from Commissioner
11 Reckdahl.

12

13 Commissioner Reckdahl: Yeah, this is also for Tim. You talked about how the ownership is very
14 in demand for townhouses. What about condos or flats? How's the demand for that? Is that as
15 resilient as townhouses?

16

17 Mr. Steele: On an ownership basis, developers or buildings typically have been avoiding
18 anything of high density. Flats, condos, and so forth because of the very litigious nature of that
19 and the homeowners association issues that are associated with that versus townhomes and
20 the resale value and so forth. The rental market, much more sensitive to the interest rates and

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1 costs of construction and they're being stressed currently. I don't know if that's getting to your
2 answer, Commissioner.

3
4 Commissioner Reckdahl: Yeah, you know the ARB suggested that we have higher density
5 instead of townhomes and you know, we're so close to the train station. That sounds appealing
6 to have more density there. Does that appeal to you at all having higher density?

7
8 Mr. Steele: We've owned this property since 2000 or 2011 and we've talking with Staff and
9 Councilmembers over that time about what to build and how to build it. And we even entitled
10 Mike's Bike's site for rental and once we finally got through the extended entitlement process
11 the market had really eroded. And so, we were forced to no abandon that entitlement but to
12 look for other alternatives and ended up selling it to an affordable housing developer with the
13 entitlements in place, which they even modified after that to be even higher density to be
14 competitive for tax credits.

15
16 We've studied this site for a very long time. We studied the market for a very long time and
17 purposed in our SB 330 the townhome produce because we felt it was something that had the
18 highest reasonability of getting built in the nearer term.

19

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1 Commissioner Reckdahl: So, even if you went four or five stories of apartments or condos you
2 think it's still more profitable to have townhouses?

3

4 Mr. Steele: I would say it's profitable versus not being profitable.

5

6 Commissioner Reckdahl: Okay, the other question is the Audi and you're proposing R&D
7 offices there. I mean one of the things at NVCAP there was a real desire to have more
8 neighborhood-serving offices. Medical or dentists or other things that would serve directly to
9 the neighbors. Have you considered that all for that Audi site?

10

11 Mr. Steele: First off, we are incorporating some retail commercial, but very small amount
12 because we really could not find support for retail services in this area of any scale. And then to
13 come back to a question you asked earlier on the parking there. It is lower parking and we
14 minimized it to what we thought could support multiple uses in that building over time but the
15 parking that is shown there is existing parking. Sits within the Santa Clara Valley Water District's
16 easement and would not have been able to do anything other anyway.

17

18 And I, Claire can clarify this and verify it but I believe to that the majority of the full restoration
19 scenarios really move towards the Portage site of the creek more than this side of the creek in
20 the scenarios I was privy to seeing.

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Commissioner Reckdahl: Yeah, I believe that is correct. I mean it has bend there and so the water is going to want to go up towards the Portage side.

Mr. Steele: Correct.

Commissioner Reckdahl: But so back to the Audi building, you're not considering residential or neighborhood-serving businesses there or is that still something that's in play?

Mr. Steele: We're not. You mentioned earlier also the idea of adding residential above it. The building is fairly new and is pristine condition and didn't warrant tearing it down today per a market that we weren't quite prepared to propose something for.

Commissioner Reckdahl: Okay and the desire to not have neighborhood serving retail there or offices there. Is it just purely due the rents you can achieve or you're worried vacancies?

Mr. Steele: I'd say probably the ladder before the former. I don't know if they're that far apart but it would be both.

Commissioner Reckdahl: Thank you.

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Mr. Steele: Thank you, Commissioner.

Chair Summa: Anything else for Mr. Steele before we... okay, thank you, Mr. Steele, very much for providing that information. Now (interrupted)

Mr. Steele: [unintelligible]

Chair Summa: There are no lights on so is there... oh, I see Mr. Hechtman has put his light on, thank you. Commissioner Hechtman, sorry.

Commissioner Hechtman: Thank you, I had a question for Mr. Yang really coming out of this conversation and about the townhomes and Commissioner Reckdahl's questions about more dense development. So, we heard Mr. Steele say that they're not even going to be in a position to think about the townhomes for 2-years because of the critical path of construction essentially. So, if we were to get 2-3 years down the road and the market had changed, but the market changed in a way that perhaps made development that was more dense that townhomes more profitable, is there any reason that Sobrato and the City could not amend the Development Agreement at that point to allow more density on that site? Is there something

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1 that locks in both parties so that that couldn't be changed if both parties wanted to during the
2 term of the Development Agreement?

3

4 Mr. Yang: No, you can amend a Development Agreement. We've done it a few times for some
5 of the agreements we have with Stanford as conditions and circumstances change.

6

7 Commissioner Hechtman: Thank you.

8

9 Chair Summa: Commissioner Chang [**note – Vice-Chair Chang**].

10

11 Vice-Chair Chang: Okay, I just wanted to make one more comment. This has to do with... I'm
12 going to refer to it as Page 17 of the Staff Report, so Packet Page... it's old Packet Page 125 and
13 new Packet Page, oh goodness, I don't know. It's... it's the section that talks about fiscal
14 resource and impact.

15

16 Chair Summa: Yes.

17

18 Vice-Chair Chang: Yeah, new Packet Page (interrupted)

19

20 Chair Summa: That's the old Packet.

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Vice-Chair Chang: Oh okay, so I just... Staff has presented one way of looking at the public benefits provided to the City and I think it's an interesting way of looking at it because how you look at public benefits depends on how... what you look at as the baseline. And this is the way that I was looking at it so (interrupted)

Chair Summa: Packet Page 23 of the new.

Vice-Chair Chang: Of the new, so Packet Page 25 of old Packet... Packet Page 125 of the old Packet. Packet Page 23 of the new Packet and it would be Page 17 of 20 out of... for the Staff Report which is consistent across both Packets.

Commissioner Hechtman: Which is... so Page 17 of the Staff Report is Packet 24 of the new one.

Vice-Chair Chang: Okay, 24, yes.

Commissioner Hechtman: It's the second part of the discussion so 24.

Vice-Chair Chang: So, Staff... the second paragraph there says that Staff estimates that the monetary value of the public benefits provided to the City is at least \$27 million. So, I assume

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1 that how Staff got there was essentially saying that there's 3.25 acres of which 2.63 is what
2 they're counting. They're subtracting out .62 which is what would have been required under
3 Municipal Code so it's about 2 acres.

4

5 [note- Commissioners started talking off mic]

6

7 Vice-Chair Chang: Okay, okay, okay, 2.63, ah got it, okay, 2.6. So, then that gets you to about...
8 now I'm... now my math is screwed up. No, it's 12 times 2.63. No, I can't do it in my head, so
9 that's 31.

10

11 Commissioner Reckdahl: [off mic] 4th grade Bryna would be very disappointed.

12

13 Vice-Chair Chang: 4th grade Bryna is better at math than 47-year-old Bryna. So (interrupted)

14

15 Chair Summa: [unintelligible-off mic]

16

17 Vice-Chair Chang: It's 31 plus \$5 million and then we're subtracting out some BMR benefits
18 which gets us to, what was it 27, right? 36, okay so it's... so the BMR benefits are about \$9
19 million it sounds like.

20

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1 Mr. Yang: That's right.

2

3 Vice-Chair Chang: Okay, so if you think about... so am I correct to say that the current Palo Alto
4 Development Impact Fees, the most recent ones are the ones that are labeled August 22nd of
5 2022?

6

7 Mr. Yang: That (interrupted)

8

9 Vice-Chair Chang: Not right?

10

11 Mr. Yang: That is what is in effect today.

12

13 Vice-Chair Chang: That's what's in effect today, okay.

14

15 Mr. Yang: They'll change in a couple of weeks but today (interrupted)

16

17 Vice-Chair Chang: Right and that's what this Development Agreement... that's what they would
18 have... the SB 330 application would have been subject to, correct?

19

20 Mr. Yang: I believe so, yes.

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2 Vice-Chair Chang: Okay, so approximately at least so before you subtract out the value of the
3 BMR. It would have been about \$36 million, so land plus \$5 million. What they would have had
4 to give us anyway is about \$10 million in housing. Like if they were going to pay In Lieu Fees,
5 based on the square footage I think it was about \$10 million in housing and depending on the
6 number of units. Somewhere between \$3.4 or \$4 million in Park Fees if they're going to pay in
7 lieu for park fees. So, I think that comes to something like \$14 million in development fees that
8 they would have had to pay between housing and parks. So, \$36 minus \$14 gets you to what,
9 \$22 million that we're getting, right?

10

11 Mr. Yang: Okay.

12

13 Vice-Chair Chang: So, that's what we're getting over and above the fees that they would have
14 had to pay in a development and so that's kind of what we're getting. And so, what we're
15 choosing between... and this is just so that our... this is how I was going about thinking about it.
16 What we're choosing between is an SB 330 project in which there would have been 91
17 townhomes, 15 moderate affordability units, about \$4 million in park fees, and then some
18 questionable... and then you know it's questionable what would have happened with the R&D
19 square footage. Like would Sobrato have been allowed to continue it or not and if they would

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1 then they would have been allowed to and if not, there might have been like a 15-year sunset
2 period or something like that. Is that right, Albert? Mr. Yang.

3

4 Mr. Yang: That's a... yeah roughly [unintelligible].

5

6 Vice-Chair Chang: Right but we don't know what would have happened there and so instead of
7 that we get the current Development Agreement plus like \$22 million that we wouldn't have
8 otherwise gotten. So, that's the benefit of... like that's a monetary value of the benefit and I
9 think that may be a more helpful way of looking at it in an apples-to-apples fashion and I
10 wanted to share that with the rest of the Commissioners. I thought that was... it was helpful for
11 me. I mean there is a distinct benefit and I think it's hard for us as lay people to decided well
12 jeez, is that \$22 million worth whatever legal risk there might be in terms of, you know what's
13 the value of the R&D use continuing? You know, what's the value of 160-square feet of office
14 that we're letting Sobrato continue to use for 10 years? 160,000-square feet of office or R&D
15 use that we're letting continue for 10-years that they wouldn't have... that they potentially
16 wouldn't have otherwise had but they might have had some of that too. So, that's the unknown
17 and that's really what the negotiation that City Council had weigh. So, that's the... that's really
18 what we're being asked to consider. Okay, that's all I wanted to shared, it was just thoughts.
19 Thanks.

20

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1 Commissioner Reckdahl: [off mic] 4th grade Bryna would have been happy with that.

2

3 Vice-Chair Chang: Yes, thanks.

4

5 Chair Summa: So, that was helpful in a sense. I see no other lights. Oh, Commissioner
6 Hechtman.

7

8 Commissioner Hechtman: Thanks, so I've been sort of focused on some focused points that
9 we've been talking about and I really wanted to spend a couple minutes talking sort of bigger
10 picture about this issue because we do find ourselves in a really unusual posture. It's a usual
11 posture for the PTC and for the City Council and for the citizens of Palo Alto. And I think it's
12 made us all struggle to some extent because we have this looming possibility of the SB 330
13 project. And so, unlike some kind of greenfield situation or just a more typical situation where a
14 developer comes to us and says hey, this is what I want to do with the land and we have more
15 control and we have more leverage, here, while we may not have... we have practical
16 limitations. We can only push Sobrato so far on the alternative before they say you know what,
17 we're just going to go SB 330 because it's just less brain damage and maybe more profitable for
18 them.

19

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1 And so, I actually think that the combination of our citizenry and the PTC and the HRB and the
2 ARB have done a good job of exploring just how far we can push and frankly, I want to
3 commend Sobrato for being flexible in that process. And so, we are seeing in this last most
4 recent version that came to us I guess two weeks ago for all of you and then Commissioner
5 Reckdahl and I here, but those recommendations that came from the HRB and the ARB that
6 were picked up by Sobrato and folded in. So, now we've got a wider paseo, we've got that
7 lower parking right which really changes the dimensions of things and I really think its been a
8 difficult process but a productive process.

9

10 And I do want to say, you know there's been a lot of talk about the closed session and behind
11 closed doors and obviously it's in an era where all we talk about is transparency. It's kind of
12 difficult to swallow but I'm familiar with the nature of closed session and while it may feel to
13 Commissioners and certainly citizens like that closed session is keeping information from us.
14 The real purpose of that close session has been to allow the City Council acting in all of our best
15 interests to keep Sobrato from seeing all of our cards and to have a situation where they can
16 have an open dialog to discuss risks and possibilities. Not so... so it's not so much to keep us in
17 the dark but to basically maximize our leverage in this process and so I don't really... I don't
18 think there's anything nefarious about it at all. It seems like it's been appropriately used here
19 and to the benefit of everyone because we've got a project here that Sobrato... that has moved
20 from where Sobrato started and but they're supportive of.

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2 I will say that in this process the last hearing we had, we had some articulate speakers from the
3 public and we had a letter from a member of the public between the meetings and then of
4 course, in prior meetings we had those same letters. And I really appreciated the effort that the
5 members of the public put into those. The one I will confess, the one frustration I had... well,
6 the one thing I would have appreciated more of in the perspective of the public is to show
7 recognition of this tight spot we're in where we don't have all the flexibility that we normally
8 have. So, we can't just say hey Sobrato, it's 560 units or you're doing nothing or whatever and
9 that was kind of one thing I wish I would have seen more of in the public which I think the
10 public will have seen from the Commission. And that is trying to balance this SB 330 over here
11 versus what can reasonably be obtained that would be better for the City for the NVCAP area.

12

13 And I think that we've arrived at a place, I really like this design. I really... we haven't talked
14 about it and of course, we're not the ARB but I really like the Cannery buildings. What they're
15 doing with those because I think that when you approach... I mean those are so unique and
16 they... I think they'll be beautiful and as you approach them you're going to say what's going on
17 with those? I haven't seen buildings like that before and of course, you'll go up to the public
18 area and there will be a big plaque to explain it to you. So, I'm really excited for these
19 improvements in this area and I will be supporting the Staff recommendation on our
20 recommendation to the Council. Thanks.

-
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2 Chair Summa: So, I appreciate the process so far as well and very much appreciate Sobrato's
3 donation of land to the City. I'm just worried we're not going to get townhouses but I would
4 have liked... and I do think the part... I understand what closed sessions is for and keeping some
5 our cards close to our heart and not discussing people's financial business in a public hearing.
6 But I think the frustration from the public that I heard was that the land use portion could have
7 been discussed in a public hearing. I don't know, it's hard to second guess something we
8 weren't involved with, but I will say that... well, I wanted to say that and to thank Sobrato also.

9

10 And but to also to say that I just can't quite reconcile that there wasn't enough real thought put
11 into using the whole Cannery building and I agree with you that there's nothing wrong,
12 particularly per se with the designs for the Cannery building. I might have made some different
13 choices but I'm not on the ARB. But it's just that's something that we can't undo and so my
14 disappointment lies in the EIR really in that regard and not particularly with Sobrato or anybody
15 else involved in the negotiation.

16

17 That being said, a lot people are not interested in historical preservation probably the way I am.
18 I recall an earlier project that came to the PTC when I had just been appointed many, many,
19 many years ago now and there wasn't a lot of support for what I thought was an important
20 historic resources. But it's not just a historic resources, it's a huge cultural resource for a

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1 minority group of our community. So, I just... I still have a problem with that and I still want...
2 and I think a lot of good things have come out of the discussion since the Council sort of
3 penciled a draft Development Agreement. And I'm hoping they can still make some
4 improvements when it goes back to them, so that's... and regardless of which way our
5 recommendation majority goes. So, that's my hope and unless someone wants to speak I would
6 be looking for a motion. Go ahead.

7

8 Vice-Chair Chang: I guess I want to make my final comments about this which is I... regardless of
9 my personal thoughts about the historic preservation of the building. I spoke to this a little bit
10 last meeting but I do think that we fell down a little bit on our EIR. I think that the EIR could be
11 bolstered. I'm not sure that it would have made a difference ultimately but I'm not... there has
12 to have been, given the large size of the parcel, a different alternative that could have been
13 examined. That a different feasible alternative that we're required to look at under CEQA that
14 could have been examined that was more of an apples-to-apples comparison with the 91 or 74
15 townhomes units that didn't cause reproable damage to the historical resource. And so, I think
16 that there really wasn't, other than the no... other than the do-nothing alternative and I
17 understand that we're not required to look at an exhaustive list of alternatives. There really
18 wasn't an alternative that looked at an adaptive reuse of the Cannery that was either a housing
19 adaptive reuse that was an apples-to-apples adaptive reuse or retail or office or parking
20 adaptive reuse that left the entire Cannery up. And again, maybe those alternatives would have

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1 been eliminated for other reasons, like they might have not met other project objectives but I
2 feel like we're not dotting our I's and cross out T's. And so, I'm not saying that the project again,
3 this is... as a whole is a problem but I do think that in order to... especially because of the
4 volume of public comments that we received in prior meetings as well as at the last meeting
5 about the historic resource. That we didn't do what we should have done. We probably should
6 have looked at, at least one more alternative that took that really seriously and that hopefully
7 we can bolster the EIR just a little bit. It might come to the same conclusions but at least that
8 we look at... that we can point to a serious alternative.

9

10 So, that's that with respect to the EIR and then with the land use I do hope that we can come
11 either a CN or Mixed-Use Land Use Designation for the three parcels.

12

13 Chair Summa: Commissioner Hechtman.

14

15 Commissioner Hechtman: I'm ready to make a motion unless there are further comments.

16

17 Chair Summa: I don't... oh, I see Commissioner Akin's light.

18

19 Commissioner Akin: This is just a question which may be relevant to the structure of the
20 motion. I think the question of whether we go to CN or Mixed-Use for land use might be a

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1 separate issue for whether we follow Staff's recommendation for the other issues at hand. So,
2 are we perhaps looking at two motions here? One to affirm the Staff's recommendation and
3 one to recommend to Council that the use of CN or Mixed-Use be considered. I don't know
4 what you had in mind so I'm asking you.

5
6 Commissioner Hechtman: I wasn't going to do that but I'm open to doing that. Basically,
7 breaking out what I think is Attachment D, the fourth... so I'm on new Packet, Packet Page 8,
8 Page 1 of the Staff Report where it gives us the four bullets for recommendation. So, I think
9 what we're talking about here is separating out the third bullet which is the zoning piece. Am I
10 following you?

11
12 Commissioner Akin: Yeah, I think there may be other references to the... to CS in the other
13 documents but that's the core that (interrupted)

14
15 Commissioner Hechtman: Well, so then let me ask Mr. Yang if we wanted to break out the issue
16 of the base zoning.

17
18 Chair Summa: [off mic] Land use, land use.

19

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1 Commissioner Hechtman: Well no, CN... well, land use... I guess let's stop and clarify terms. To
2 me, land use is what you're actually doing with the land. Zoning is the thing we talk about as CN
3 or CS. That's zoning designation.

4
5 Chair Summa: The confusion comes from the fact that CN and CS are both land uses in... for
6 our... and they are zones. So, it's always... that's why we already mess it up when we talk about
7 it but I do see that our City Attorney is here so maybe (interrupted)

8
9 Commissioner Hechtman: Yeah, can you clarify Mr. Yang?

10
11 Mr. Yang: Yeah, I just want to clarify, I think when most of the Commissioners are using the
12 phrase land use, they're talking about Comprehensive Plan land use designations.

13
14 Commissioner Hechtman: Okay.

15
16 Mr. Yang: And that's the situation where we have both CN and CS are Comprehensive Plan land
17 use destinations and zoning districts.

18
19 Commissioner Hechtman: Okay and (interrupted)

20

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1 Chair Summa: The zone would on these would be PC and then (interrupted)

2

3 Commissioner Hechtman: Well, the... so the (interrupted)

4

5 Chair Summa: And multi-family residential.

6

7 Commissioner Hechtman: So, Mr. Yang is there a base zoning under the PC zoning?

8

9 Mr. Yang: No, there's no. What we're talking about here, should it be CN or CS or mixed-use?

10 The Commissioners have generally been talking about what land use designation in our

11 Comprehensive Plan should we have for this site.

12

13 Commissioner Hechtman: Okay so and does that issue run through all four of these bullets?

14

15 Mr. Yang: I think it could be easily separated out as a separate motion.

16

17 Commissioner Hechtman: Okay, so perhaps what we should do is take that first do you think

18 Commissioner Akin? See where that plays out because then I think there's no mystery about

19 everything else.

20

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1 Commissioner Akin: Unless there's some objection that seems like a good approach to me.

2

3 Commissioner Hechtman: Alright then (interrupted)

4

5 Chair Summa: Vice-Chair Chang?

6

7 MOTION #1

8

9 Vice-Chair Chang: Yeah, I like that plan and I can make a motion about the land use then. Okay,
10 so then I would like to move that instead of the CS land use, that we instead use a Mixed-Use
11 Land Designation as specified on Page 33 of the current Comprehensive Plan, but that we
12 modify the language of the description of Mixed-Use such that were it says "FARs between 0.15
13 and 1.5 may be used for residential purposes". We change it to say "that up to 100 percent of
14 FAR may be used for residential purposes in a Planned Community Zone".

15

16 Ms. Raybould: Can you say that again, I'm having trouble (interrupted)

17

18 Vice-Chair Chang: Sure because... sure, so there's a section of the description under Mixed-Use
19 that says FAR between 0.15 and 1.5 may be used for residential purposes. And I think what we
20 want to say instead is that up to 100 percent FAR may be used for residential purposes in a

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1 Planned Community Zone. Just again, to allow for the flexibility in a Planned Community Zone
2 to limit it just to PCs which these three would be.

3

4 Ms. Raybould: So, it would be changing it... so FAR between 1.1 (interrupted)

5

6 Vice-Chair Chang: No.

7

8 Ms. Raybould: Or no, 0.15 and (interrupted)

9

10 Vice-Chair Chang: Yeah, 0.15 and 1.15. It says... so we just want to say that 100 percent of FAR
11 may be used for residential purposes in a Planned Community Zone. Just to broaden it but I
12 don't know what the broader implications will be so I just want to say in a PC.

13

14 Chair Summa: So, you want to consider that zone? You don't want to consider CN?

15

16 Vice-Chair Chang: Yes, I want to say Mixed-Use because I think that that's closest to what we
17 want and can I just put a pin in that for a second? Because Ms. Raybould, you were also looking
18 to see if there was one of the parcels for which the 1.15 was a problem, the 1.1 (interrupted)

19

20 Ms. Raybould: Yeah, so it's actually not a problem, you were correct (interrupted)

-
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Vice-Chair Chang: Okay, I didn't think so.

Ms. Raybould: On that so yeah.

Vice-Chair Chang: Okay great, so we can leave it as is then. That's just the one (interrupted)

Ms. Raybould: I'm sorry, it's... I was looking specifically at the office zones at the time so let me just triple-check that for the actual... and I realize, I'm sorry, the answer to my... that question is actually in the Packet on the zoning tables. So, I'm just pulling... going back to that, hold on. The townhome development is... the townhome development exceeds that. That's the... that was the issue. It was the townhome development exceeds that. It's 1.49.

Vice-Chair Chang: Right but that's not a problem because FAR above 1.15 can be used for residential purposes.

Ms. Raybould: If you make that change, right? Oh wait, [unintelligible] (interrupted)

-
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1 Vice-Chair Chang: Well, it says that although development located along transit corridors or
2 near multi-modal centers will range up to 2.0 FAR with up to 3.0 FAR possible here higher FAR
3 would be an incentive to meet community goals.

4

5 Ms. Raybould: Okay.

6

7 Vice-Chair Chang: So, I think it's okay, so it actually fits really (interrupted)

8

9 Commissioner Templeton: [unintelligible – off mic]

10

11 Vice-Chair Chang: It's not perfectly written so instead of CS land use, use Mixed-Use Land Use
12 as specified on Page 33 of Comp Plan but modify the language description (interrupted)

13

14 Ms. French: [off mic] Of Mixed-Use it should say.

15

16 Vice-Chair Chang: Of Mixed-Use such that, and I would put quotes before FAR, yeah open
17 quote. "FAR up to 0.15 and 1.15 may be used for" not of "residential purposes" be changed to
18 and then we want, open quotes, "up to 100 percent of FAR may be used for residential". That's
19 correct now. What I (interrupted)

20

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1 Commissioner Templeton: Could you clarify (interrupted)

2

3 Vice-Chair Chang: There's a separate sentence which doesn't need to be changed in the
4 description that says... there's a separate sentence that says, "FARs will range up to 1.15.
5 Although development located along transit corridors or near multi-modal centers will range up
6 to 2.0 FAR with up to 3.0 FAR possible where higher FAR would be an incentive to meet
7 community goals", etc., etc. Then it goes on to say "the FAR above 1.15 must be used for
8 residential purposes. Then it says, "FAR between 0.15 and 1.15 may be used for residential
9 purposes".

10

11 Commissioner Templeton: Okay, I was... my point was it's just a little confusing if you read the
12 motion out of context. So, I'm thinking about what Council may misinterpret inadvertently so I
13 would just specify something there to say (interrupted)

14

15 Vice-Chair Chang: Well (interrupted)

16

17 Commissioner Templeton: The other parts not changed or something, I don't know.

18

19

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1 MOTION #1 AMENDED

2

3 Vice-Chair Chang: Okay, I see, so “but modify the language of the description of Mixed-Use such
4 that the text that reads... such that the text that reads be changed and all other text remain the
5 same”. Yes, thank you for your suggestions, Commissioner.

6

7 I actually think there may be one other sentence that would need to be struck because right
8 now it says, “as of the adoption of this Comp Plan, the Mixed-Use Designation is currently only
9 applied to the South of Forest Avenue Area” and we probably need to strike that sentence if we
10 do... if this motion is passed. So, I would also say that we need to strike that sentence.

11

12 Ms. Raybould: Okay and to strike the last sentence that reads (interrupted)

13

14 Vice-Chair Chang: It’s the second to the last sentence.

15

16 Ms. Raybould: Oh sorry, the second to the last sentence that reads “as (interrupted)

17

18 Vice-Chair Chang: That refers to SOFA.

19

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1 Ms. Raybould: “As of the adoption of this Comprehensive Plan, the Mixed-Use Designation is
2 currently only applied in the South of Forest Area” which is actually incorrect in any case.

3

4 Vice-Chair Chang: So, we should strike it anyway.

5

6 [note – unintelligible - Staff spoke off mic amongst themselves]

7

8 Ms. Raybould: [off mic] I mean we were already proposing the Comp Plan [unintelligible]

9 (interrupted)

10

11 Ms. French: [off mic] Right.

12

13 Ms. Raybould: [off mic] Text amendment anyway. Do you want to suggest that we add like of
14 language related to that?

15

16 Ms. French: [off mic] She knows what she’s doing. [unintelligible]

17

18 Ms. Raybould: Can we just reference it as Service Commercial Land Use instead of CS too
19 because we typically (interrupted)

20

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1 Vice-Chair Chang: Yeah, I think that's a good idea to say Service Commercial Land Use.

2

3 Chair Summa: So, I do have one concern (interrupted)

4

5 Vice-Chair Chang: [off mic] We need a second.

6

7 Ms. Raybould: Page 33 of the Comp Plan just FYI.

8

9 SECOND

10

11 Commissioner Reckdahl: I'll second.

12

13 Chair Summa: So, when Staff is ready I do have a question about "development located along
14 transit corridors or near multi-modal centers will range up to 2.0 FAR", sort of in the middle of
15 this definition, "up to 3.0 FAR possible where higher FAR will be [unintelligible] to meet
16 community goals and consistent with the Comp Plan's encouragement of housing near transit
17 centers". If we are encouraging those FARs here, if this is located... if this would be... location
18 would be considered located along a transit corridor or near multi-modal centers. That's my
19 only concern.

20

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1 Ms. Raybould: Sorry, can you say that one more time?

2

3 Chair Summa: So, about 2/3 of the way into that paragraph there's a phrase about near transit
4 centers... transit corridors or multi-modal centers FARs could range up to much higher, 2.0 to
5 3.0. Would that apply to this... to the Sobrato site?

6

7 Ms. Raybould: Yes, I would say it does. The transit corridor is El Camino Real and Transit Center
8 would definitely be Cal Ave. And it's within a half mile of both of those, so definitely within a
9 .25 of El Camino so.

10

11 Chair Summa: Is that a yes? Sorry.

12

13 Ms. Raybould: Yes, yes.

14

15 Chair Summa: Yes.

16

17 Vice-Chair Chang: I guess I recognize that there's density. I'm a little bit less concerned about it
18 because it's still within... it's still a PC Zone and so any changes to the buildings that are in this
19 Development Agreement would require going through the entire process that we're going

-
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1 through right now. In other words, it would need to go through ARB and PTC and City Council. Is
2 that correct?

3

4 Ms. Raybould: That's correct.

5

6 Chair Summa: Okay, any other comments before we call the vote?

7

8 Commissioner Reckdahl: I want to... question for Doria [note – Chair Summa].

9

10 Chair Summa: Oh, thank you.

11

12 Commissioner Reckdahl: You were more leaning towards CN Land Use Designation.

13

14 Chair Summa: Yes.

15

16 Commissioner Reckdahl: And why is that, can you explain?

17

18 Chair Summa: It has... CN is the mixed-use designation that is the most neighborhood friendly.

19 It allows for a lot of commercial, it allows for all commercial and mixed-use or all residential but

20 it's just a more appropriate designation in my opinion for an interior site such as this one that is

-
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1 not along El Camino. And CN is equally oftenly used along El Camino, so I just think it's a... it's
2 more what we had in mind I believe as we've been talking about development in this area in
3 general.

4
5 Vice-Chair Chang: I don't necessarily have an objection to CN in and of itself because they're
6 both mixed-use. I mean in terms of accommodating what the Development Agreement needs,
7 both CN and Mixed-Use can do it. I was going with sort of the spirit what the verbiage that's in
8 the Comp Plan captures and when I real... it's not that CN's not good. It's just that CN talks
9 about shopping centers with a cluster of street-front stores which well, would be lovely. Is not
10 also... is also not (interrupted)

11
12 Chair Summa: It's a prevailing zone along El Camino from where El Camino... you know.

13
14 Vice-Chair Chang: Which I understand but it's also not multi-family housing which is what I think
15 we wanted.

16
17 Chair Summa: It is multi-family housing. It can be developed residentially (interrupted)

18
19 Vice-Chair Chang: No, I understand that it allows for it. I'm just saying that that's not what the
20 description is in the Com Plan. I can go either way so if (interrupted)

-
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FRIENDLY AMENDMENT

Chair Summa: Well, why don't we put some... are you interested in putting flexibility into it and saying CN or Mixed-Use.

Vice-Chair Chang: I could go with CN or Mixed-Use.

Chair Summa: Because that gives the Council... that gives some flexibility in the future.

Vice-Chair Chang: Is that a friendly amendment?

Chair Summa: Yes.

Vice-Chair Chang: I accept the friendly amendment.

Ms. Raybould: Can I just make one note? So, the land use designation for CN doesn't specifically speak to it but just to make you aware that the CN zoning does not allow multi-family. It only allows multi-family as a mixed-use development and it also doesn't allow Research and Development use in it. So, typically... you know that's not to say again you're rezoning

-
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1 everything as a PC so you don't necessarily have to align with the CN zoning but that CN zoning
2 aligns with the CN Land Use Designation which is why the land use designation doesn't speak to
3 office and residential... R&D kind of uses and multi-family development.

4
5 Chair Summa: So, what I understand is though we have made a distinction in our Code for a
6 very long time between R &D and office. We don't enforce it in any way and that's been as long
7 as I've been on the Planning Commission. We don't make that distinction in a practical sense
8 and so that isn't prohibitive to me. In fact, I can think of many examples of CN Zone places that
9 were R&D places that just have general office and that's probably something that needs to be
10 updated in the Code. But that isn't a problem for me, but I think leaving it as a choice is as an
11 either/or is better. That's just what I think but and (interrupted)

12
13 Vice-Chair Chang: I'm fine leaving it as a choice and leaving that up to City Council.

14
15 Chair Summa: Then I think... so I see (interrupted)

16
17 Vice-Chair Chang: So, I would accept the... I would (interrupted)

18
19 Chair Summa: Commissioner Hechtman's light but I think that's been on since the other motion
20 process or do you want to speak to this?

-
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Commissioner Hechtman: Well no, I'd like to have the discussion clarifying what the motion is finished first so. It seems like there was a friendly amendment. I'm not sure if that was seconded and it's certainly not reflected in what's written in front of us. So, I'd like... let's focus on getting something on the table first.

Chair Summa: So, is the friendly amendment excepted by the seconder?

Commissioner Reckdahl: Yes.

Chair Summa: Okay and let's wait for that to get up there. In the meantime, I'd like to ask the Staff if we need to keep the entire Staff here because we're getting to a motion period. Maybe some of them could go home and it would be nice... it would be important for I think Albert to stay. Does that sound like an appropriate time for some members of Staff to (interrupted)

Ms. Raybould: Sure, we do have... we have a transportation Staff, we have our CEQA consultant, our historic consultant. So, if you guys don't have any further questions for them and it's totally fine (interrupted)

-
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1 Chair Summa: Okay, what I'm hearing is that we would need City Attorney and the CEQA and
2 historic consultant to stay just a little bit longer.

3

4 Ms. Raybould: Thanks.

5

6 Chair Summa: Thank you.

7

8 Ms. Veronica Dao, Administrative Assistant: What was the amendment?

9

10 Chair Summa: No, go ahead.

11

12 Vice-Chair Chang: The amendment was to say instead of Service Commercial used,
13 Neighborhood Commercial or Mixed-Use Land Use.

14

15 Commissioner Reckdahl: Then what happens to the rest of the paragraph because that's
16 tailored towards Mixed-Use?

17

18 Mr. Yang: So, I might suggest rather than trying to kind of word smith the amendments. We
19 could just have direction for Staff to modified the language as appropriate because I think we
20 probably want to take some time to think through the implications for other properties.

-
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Chair Summa: Okay.

Vice-Chair Chang: Okay.

Chair Summa: Thank you for that. That sounds... that's good advice, okay. Does everybody understand the motion? Commissioner Hechtman go ahead.

Commissioner Hechtman: So, with Staff to modify language as appropriate, I think what we're then talking about doing is getting rid of a lot of the particular language you had... the maker of the motion had suggested specifically regarding Mixed-Use because it could not be either one and so if it were Mixed-Use than certain changes would need to be made. If it's Neighborhood Commercial, different changes to a different part of the Comp Plan would need to be made and so I think Mr. Yang's suggestion is rather than continue to try to wordsmith that, let's leave it to Staff and so I think we should do that for both. Neighborhood Commercial and Mixed-Use because frankly, we're doing this on... this discussion is happening on the fly and while Staff had studied the Service Commercial Land Use Designation sufficiently to where they were comfortable recommending it and to figure out what needed to be changed in the Comp Plan to make it... to make this project described in the Development Agreement entirely consistent, they have not gone through that exercise to that extent to my understanding on Mixed-Use

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1 certainly and maybe not on Neighborhood Commercial although they looked at it. So, I think
2 that exercise would be in front of Staff and we shouldn't be basically feeding them any
3 language. We should leave it to them to go through the same diligence they did to support their
4 originally thought of Service Commercial.

5
6 Having said that, I won't be supporting this motion because I don't think we should kick the can
7 down the road to the Council. I think if... you know Staff recommendation is Service
8 Commercial. If we think Neighborhood Commercial is better and can articulate why, then that
9 should be our recommendation. If we think Mixed-Use Land Designation is better and can
10 articulate why, that should be our recommendation, but this idea that we just we don't like
11 Service Commercial, anything would be better, you know Neighborhood Commercial, Mixed-
12 Use, just Council you figure it out. I don't think we're doing our job here.

13
14 I was ready to support... I was persuaded by Vice-Chair Chang's analysis on Mixed-Use Land Use
15 and was ready to support once I confirmed with Staff that with these language changes you had
16 suggested, the Development Agreement project would be entirely consistent with the land use
17 designation but we're not getting there. At least not with this motion so thank you.

18
19 Commissioner Reckdahl: I mean to me I don't... I kind of agree with Bart [note – Commissioner
20 Hechtman] because I don't see the big difference between the two. I mean this is kind of the

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1 principle of things and so I think I lean towards just having mixed-use. I think that's cleaner of
2 the two.

3
4 Vice-Chair Chang: If that's what it takes to get the votes, I'm happy to do that because I think
5 that for me the Mixed-Use description works better and really this is about a... the point of
6 doing this is to make sure that we can accommodate the need for this Development Agreement
7 while for the long term aiming directionally toward something that is kind of in the spirit. We
8 don't have a concrete NVCAP that's approved but in the spirit of what we have heard NVCAP
9 wants.

10
11 Chair Summa: So, would you like to change your mind about the amendment?

12
13 FRIENDLY AMENDMENT FAILED DUE TO LACK OF SUPPORT FROM THE MAKER

14
15 Vice-Chair Chang: Sounds like we would, right?

16
17 Commissioner Reckdahl: Yeah.

18
19 Vice-Chair Chang: So, I'm going to (interrupted)

- 20
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1 Commissioner Reckdahl: [unintelligible – crosstalk]

2

3 Vice-Chair Chang: We're going to reverse that amendment then.

4

5 Chair Summa: Okay.

6

7 Commissioner Reckdahl: Because it would be different if there was some fundamental trade-
8 off, but they really get you the same result.

9

10 Vice-Chair Chang: Right, specifically because there's a PC Zone on top of this so we should be
11 okay, yes.

12

13 Commissioner Reckdahl: Simplicity is better.

14

15 Chair Summa: Okay.

16

17 Vice-Chair Chang: So, we're... Ms. Dao, we're undoing the friendly amendment.

18

19 Mr. Raybould: So, you want to keep it as the original motion with the specific language or
20 would you like to make it (interrupted)

-
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Vice-Chair Chang: Yes, I think with the specific language.

Mr. Raybould: Okay.

Chair Summa: Okay.

FRIENDLY AMENDMENT

Commissioner Hechtman: May I now suggest a friendly amendment to that version? So, I do like the idea of giving Staff the opportunity to look more deeply to make sure we didn't miss a change. So, I'm wondering if we can... I would propose that we keep the double asterisk, Staff too, and I would say further... because we are modifying the language here, tTo further modify language as appropriate and I would say, to state our goal, to ensure consistency of the project defined in the Development Agreement with the Comprehensive Plan.

FRIENDLY AMENDMENT ACCEPTED

Vice-Chair Chang: Accepted.

-
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1 Commissioner Reckdahl: Accepted.

2

3 Mr. Raybould: So that... was that an amendment to the end to say, to keep the specific
4 language, and then to say, and for Staff, or was [unintelligible] instead?

5

6 Vice-Chair Chang: Correct.

7

8 Chair Summa: It was adding the word further to the double asterisk.

9

10 Commissioner Hechtman: [off mic] Yeah and she got that (interrupted)

11

12 Vice-Chair Chang: To ensure consistency with the (interrupted)

13

14 Commissioner Hechtman: Of the project described in the Development Agreement with the
15 Comprehensive Plan.

16

17 Chair Summa: Okay, everybody ready for the vote? Okay, Ms. Dao if you could please call the
18 vote?

19

-
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1 Commissioner Hechtman: But just before we do that, I do think that the preface to all of these
2 motions needs to be that we have considered the EIR. If you look on Packet Page... where is it,
3 in the recommendation? Yeah, yeah, point one that... so I really think the motion should start
4 that way. That having considered the EIR and EIR Mitigation Measures in Attachment M, we
5 make this motion.

6

7 Chair Summa: [off mic] What Packet...?

8

9 Commissioner Hechtman: Packet Page 8, Page 1 of the Staff Report.

10

11 Chair Summa: Oh, Page 1.

12

13 Vice-Chair Chang: Well, that's my other grumpy motion so (interrupted)

14

15 Chair Summa: Is your intention to say that this motion is consistent with the EIR? To indicate
16 that.

17

18 Commissioner Hechtman: No, what we have to do... we have to consider the EIR before we
19 make our recommendation.

20

-
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1 Chair Summa: Right.

2

3 Commissioner Hechtman: And that's all we're saying. We're not passing judgment on the EIR.

4 That's the Council's job, but we have to... the Staff recommendation is that we consider the EIR

5 and then make recommendations to Council. So, all I'm suggesting is that the preface of this

6 motion be, having considered the EIR and the Mitigation (interrupted)

7

8 Chair Summa: Oh, that's fine.

9

10 Commissioner Hechtman: Measures (interrupted)

11

12 Vice-Chair Chang: Sure, that's fine.

13

14 Commissioner Hechtman: Here's what we recommend.

15

16 Vice-Chair Chang: Great.

17

18 Chair Summa: Okay, I think we are now ready to call the vote, Ms. Dao.

19

20 VOTE

-
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2 Ms. Dao: Okay, Commissioner Akin?

3

4 Commissioner Akin: Yes.

5

6 Ms. Dao: Commissioner... Vice-Chair Chang?

7

8 Vice-Chair Chang: Yes.

9

10 Ms. Dao: Commissioner Hechtman?

11

12 Commissioner Hechtman: Yes.

13

14 Ms. Dao: Commissioner Reckdahl?

15

16 Commissioner Reckdahl: Yes.

17

18 Ms. Dao: Chair Summa?

19

20 Chair Summa: Yes.

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

2 Ms. Dao: Commissioner Templeton?

3

4 Commissioner Templeton: Yes.

5

6 Ms. Dao: The motion carries 6-0.

7

8 MOTION PASSED 6 (Akin, Chang, Hechtman, Summa, Templeton) -0 -1(Lu absent)

9

10 Chair Summa: Okay.

11

12 Commissioner Hechtman: I'm ready for the next motion.

13

14 Chair Summa: Yes.

15

16 MOTION #2

17

18 Commissioner Hechtman: To wrap it up? Alright, let me try this. Having considered the

19 Environmental Impact Report and EIR Mitigation Measures in Attachment M, I move or I move

20 having considered the Environmental Impact Report and EIR Mitigation Measures in

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1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 Attachment M, that the PTC recommend that the Council approve the Development Agreement
2 in Attachment B, the resolution amending the Comprehensive Plan and Comprehensive Plan
3 Land Use Map in Attachment C, the ordinance amending the zoning district from RM-30,
4 General Manufacturing, Commercial Services and Single-Family Residential to Planned
5 Community zoning district in Attachment D, and the Record of Land Use Action in Attachment E
6 including findings for architectural review and for a Vesting Tentative Map with Exceptions and
7 Conditions of Approval of the proposed project. All of which modified to the extent applicable
8 by the motion just approved and further subject to any minor typographical errors and other
9 fill-in-the-blank corrections that Staff finds in their final processing of these documents as they
10 move to Council.

11

12 Chair Summa: Do I have a second?

13

14 SECOND

15

16 Commissioner Reckdahl: Second.

17

18 Chair Summa: Thank you. Would you like... would the maker like to speak to his motion?

19

20 Commissioner Hechtman: No thank you.

-
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Chair Summa: Would the seconder like to speak to the motion?

Commissioner Reckdahl: No.

Chair Summa: Okay, let's take a minute unless somebody else would like to speak.

Commissioner Chang [**note – Vice-Chair Chang**].

Vice-Chair Chang: So, I have a question for Staff because I don't... if I... I already asked this question in premeeting. If I want to make a motion, which may or may not succeed, that Staff does not... that Council does not approve... certify the EIR. At what point do I do that relative to this?

Mr. Yang: That could be a motion that follows this one.

Vice-Chair Chang: Okay.

Chair Summa: Thank you. Let me see if this is... are the maker and seconder happy with what they see?

-
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1 Commissioner Reckdahl: Yep.

2

3 Ms. Raybould: There was some final language I think that (interrupted)

4

5 Chair Summa: Yeah.

6

7 Commissioner Hechtman: Sure, sure, so let's see. Yeah, so the four bullets should be identical
8 to what's in the Staff Report. I just read it and then after the fourth bullet, it's really modified as
9 required by the motion just passed because that motion that was just passed has some
10 potential effect on each of those documents. So, let's see, modified as required (interrupted)

11

12 Chair Summa: Modified to reflect the motion?

13

14 Commissioner Hechtman: Well, modified as required by the motion just adopted or approved
15 and well let's this [unintelligible] first. So, it would be as required by the motion and get rid of
16 the word... it should be "modified" rather than "and modify". So, the word modified, I-E-D, a
17 comma after past and to allow minor changes by Staff to correct typographical errors, fill in
18 blanks, etc. Mr. Yang, is that a sufficient addendum to clearly state our intention?

19

20 Mr. Yang: Yes, I think that's fine.

-
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Chair Summa: Maker and the seconder are happy? Okay, then if there are no other comments...
oh, Commissioner Chang [note – Vice-Chair Chang].

Vice-Chair Chang: So, I have a comment here and this is one where again, I don't know quite how to weigh in on it. So, as I understand, this Development Agreement was something that was struck because... where it was an effort by Council to get some public benefit for the City along with preserving a historic resource. Since the time of the negotiation, we discovered that the historic resource cannot be preserved to the extent that we thought... that the negotiators thought possible. So, I'm wondering and I don't know what the Council would think of that because it hasn't been back to Council since then. There's an option here, alternative actions or just to approve the project with modified findings or conditions and we saw that the ARB had some modified findings. And I'm just wondering if... I mean maybe we do it as a separate motion but we've heard... I mean I've heard a number of my colleagues also kind of wondering gosh, is there some way that we could get some more housing and the ARB had kind of the same question. And even... and Commissioner Hechtman had also said gee, if in a couple years, you know is there anything that precludes us from renegotiating the Development Agreement if it's amendable? And I just don't know how much that was explored by both sides.

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1 So, I would love for us to find a way to somehow include that suggestion to City Council
2 because again we're not privy to sort of all the tradeoffs that were made. And so, if at the time
3 it was like okay, well this I what we can get to preserve this historic resources. Okay, well now
4 that the historic resource is not being preserved, would we trade things off differently? That's
5 kind of where... like should we get more housing instead?

6

7 Chair Summa: So, are you (interrupted)

8

9 Vice-Chair Chang: That's kind of where I'm (interrupted)

10

11 Chair Summa: Proposing this as an amendment?

12

13 Vice-Chair Chang: I'm trying to figure out... I'm struggling with this.

14

15 Chair Summa: Yeah because I think if you want to propose an amendment and it's accepted.

16 That's one thing, otherwise, I'm not sure how it's a part of this motion.

17

18 Vice-Chair Chang: Okay, I guess I won't... I'm struggling with how to amend but.

19

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1 Commissioner Templeton: I think it's out of scope as well and I feel like we're treading on
2 dangerous territory because there is a less preferable option that has more housing. So, we got
3 to really understand the trade-offs at a larger level, so that's what I'm worried about.

4
5 Commissioner Hechtman: And I guess I would add, I don't think your concept, whether I
6 support it or not, can be a follow-up motion here. I think because if we adopt the motion that I
7 have made and it has been seconded, then basically from the Commission, that particular
8 question is answered.

9
10 Vice-Chair Chang: Yes.

11
12 Commissioner Hechtman: Right and so if you want that motion then you'd vote no on this and
13 one and try another one.

14
15 Chair Summa: That's right and that's why I made... I asked the question if Commissioner Chang
16 [note – Vice-Chair Chang] wanted to make an amendment to this motion because I do see any
17 other way to incorporate because you can't (interrupted)

18
19 Commissioner Hechtman: Right (interrupted)

20

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1 Chair Summa: You can't vote yes for this and then have another motion that denies what you
2 just voted on.

3

4 Commissioner Hechtman: Correct.

5

6 Chair Summa: So, I appreciate your concern but what I think we should do if there's no further
7 conversation is call the vote. That okay? Okay, Ms. Dao if you could please call the vote.

8

9 VOTE

10

11 Ms. Dao: Commissioner Templeton?

12

13 Commissioner Templeton: Yes.

14

15 Ms. Dao: Chair Summa?

16

17 Chair Summa: No.

18

19 Ms. Dao: Commissioner Reckdahl?

20

-
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1 Commissioner Reckdahl: Yes.

2

3 Ms. Dao: Commissioner Hechtman?

4

5 Commissioner Hechtman: Yes.

6

7 Ms. Dao: Vice-Chair Chang?

8

9 Vice-Chair Chang: Yes.

10

11 Ms. Dao: Commissioner Akin?

12

13 Commissioner Akin: Yes.

14

15 Ms. Dao: Motion carries 5-1.

16

17 MOTION PASSED 5(Akin, Chang, Hechtman, Reckdahl, Templeton) -1(Summa no) – 1(Lu absent)

18

19 Chair Summa: Okay and I will ask myself if I would like to speak to my no vote and I would but

20 at very briefly. I... it's really... I had a feeling this would pass and it's a no vote because I just

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1 have not resolved in my mind some of the issues that we discussed earlier evening which I
2 don't think I need to mention. And in fact, Commissioner Chang [note – Vice-Chair Chang] just
3 sort of mentioned them, but and my uncertainty about how we got to this point. I very much
4 appreciate all the work of all the people involved and I trust the Council to take our concerns
5 and see if there's any leeway in this agreement. So, with that, this item concludes.

6

7 Vice-Chair Chang: [off mic] No, no, no.

8

9 Chair Summa: No.

10

11 [note – several Commissioners spoke at once off mic]

12

13 Chair Summa: Oh, excuse me, we do have another motion but thank you very much to
14 everyone who got us to this point.

15

16 MOTION #3

17

18 Vice-Chair Chang: So, this is like beating a dead horse at this point but no, I do feel strongly
19 about this because I think we have a duty to make sure that we do as we should do with
20 respect to CEQA and I don't think that we did. So, I would like to make a motion that the PTC

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1 recommend that the City Council does not certify the EIR because it does not provide
2 alternatives that satisfy the requirement of CEQA to void or substantially lessen the significant
3 effect of the project which is namely the unavoidable impact on the historic building.

4

5 SECOND

6

7 Chair Summa: Do I have a second? I'll second. Would you like to speak to your motion?

8

9 Vice-Chair Chang: Yeah so as some of our public commenters wrote, this... CEQA requires that
10 whenever there's a significant and unavoidable impact. That there's an alternative that
11 examines avoiding that impact and while not every single possible alternative under the sun
12 needs to be examined. This project... this EIR examined a do-nothing option as well as housing
13 options but didn't look at other options. Such as parking or other adaptive reuse such as office,
14 other than tearing the building down and so there could have been other things that were
15 done. Some were suggested by the public such as using parking and maybe putting parking in
16 that section of the building. Then maybe moving the townhomes to where the parking was and
17 so we didn't look at options like that. We didn't look at going higher and maybe some of them
18 would have been infeasible from a project perspective, but those options weren't examined.
19 And so, to dot our I's and cross our T's, I think that should have been done.

20

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1 Chair Summa: Yeah and as a seconder, I'll briefly say yes, I agree with those comments that
2 the... and it was also a problem for me that the housing option was explored as I think it's 231
3 and 74 was being proposed in the townhouses. So, it wasn't feasible of using part of the
4 Cannery for housing wasn't cumbered by a much, much higher number. So, I do see another
5 light, Commissioner Templeton.

6

7 Commissioner Templeton: Did Commissioner Reckdahl want to go first or?

8

9 Commissioner Reckdahl: No, go ahead.

10

11 Commissioner Templeton: Where you going before me? Okay. Oh, I just wanted to say that I
12 appreciate the intent of the Vice-Chair's motion. I don't intend to support it because I believe
13 all of the feasible practical options were considered. Having worked in and shopped in and
14 spend a lot of time in these buildings I don't believe they're suitable for any of those uses that
15 you mentioned. And I think that we can address that very easily by letting Staff know we want
16 them to write that out but I don't think it needs to be in the EIR in order to recommend it.
17 Thank you.

18

19 Vice-Chair Chang: So, I'd like to just add that if we don't write it out, I mean I think... so I think
20 we need to write it out because we can have people contest our EIR and that will hold up the

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1 process. I'd asked Staff if we thought that this could be remedied before it gets to Council. They
2 weren't sure that it could be so that's why I think we need to do this.

3

4 Ms. Raybould: So, would the Commission like our CEQA consultant or Staff to speak to
5 (interrupted)

6

7 Vice-Chair Chang: Sure.

8

9 Ms. Raybould: I think it might be helpful in this case for maybe our CEQA consultant Abe Leider
10 is available to speak a little bit in general to start off about the requirements of CEQA
11 Alternatives analysis and then maybe Staff can add too.

12

13 Mr. Abe Leider: Thank you, Ms. Raybould and Commissioners. Yes, I'm Abe Leider with Rincon
14 Consultants, here sitting in for our project manager Carly Kauffman and a lot of the things that
15 have been said about alternatives are correct. That, and I've heard all the thoughts tonight, the
16 EIR does not need to consider every conceivable alternative. That is true but there... it has to be
17 a reasonable range and I think that's maybe one of the points people were making in other...
18 different words. But the alternatives do need to be limited to those that meet the project
19 objectives and our feasible as well as reducing an impact.

20

-
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1 So, Alternative Two reduces that impact a little but what we found was that any reuse to
2 residential would require certain changes to the building that would render it ineligible. So, it
3 did not avoid the significant and unavoidable impact and some of the other concepts, in
4 consultation with Staff and the City Attorney. Because of various site planning considerations
5 and also the project objective which I won't read out to you in total but really do constrain a
6 little bit the kinds of concepts that we've heard and although they could have been included.
7 The EIR is adequate for CEQA because it does consider a reasonable range within those
8 constraints.

9

10 Chair Summa: Thank you for that, Mr. Leider. Any other comments before we vote, unless Staff
11 has more to add?

12

13 Ms. Raybould: I don't think I really have anything to add to that. Just that some of the
14 alternatives that Commissioner Chang [**note – Vice-Chair Chang**] we feel did not meet the basic
15 project objectives and therefore were not considered further in the EIR.

16

17 Chair Summa: Okay, then I... oh.

18

19 Commissioner Reckdahl: I mean is there any risk that someone could challenge this and slow
20 things down?

-
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Ms. Raybould: I mean that's always a risk for any project. There's nothing unique about this project in that respect.

Commissioner Reckdahl: And is there anything we can do between now and when it goes to Council to minimize that effect and miss that chance?

Mr. Yang: It's something that Staff can take a look at, but as Mr. Leider said... explained we do feel that the document meets the requirements of CEQA, but we can sort of examine if there's anything more we can do in the next month or so.

Commissioner Reckdahl: And when is this anticipated to go to Council?

Ms. Raybould: Currently August 21st.

Commissioner Reckdahl: Okay.

Chair Summa: Thank you, Mr. Yang. Anything else before... oh, Mr. Hechtman... Commissioner Hechtman.

-
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1 Commissioner Hechtman: Thank you, yeah so the concern I have is sometimes when you make
2 an effort to bolster an environmental document, you rise to the point where you have to send
3 it around again for another set of comments and so I'm sure our Staff knows where that line is
4 but that would be my concern is that... and if you don't, then that's kind of low-hanging fruit for
5 somebody that wants to challenge the project to claim hey, you made these additions, you
6 didn't recirculate, so I'd be very cautious to do that. I'm glad that our consultant identified the
7 limitations. I think the concept of project alternatives is easy to... it's kind of hard to get your
8 arms around because it is more constrained than it sounds like. You're really looking for is there
9 a different way that does most of what this applicant is trying to do but in an environmental
10 preferable way and all they're required to do is have a reasonable range. There are cases out
11 there that say people can always think of another alternative that could be studied, but all that
12 the City has to establish is that it studied a reasonable range and we've heard Staff say that
13 they think that's been done here. So, I won't be supporting the motion and I'm hoping that we
14 don't add fuel to some potential fire.

15

16 Chair Summa: Thank you, we never want to do that. Commissioner Templeton.

17

18 Commissioner Templeton: Yes, I agree, I don't think it's helpful. I think it's risky and I don't think
19 it's what... we've been asked is consider it which we have done. And I think it would be much
20 more productive if Vice-Chair Chang would consider just giving her comments about this to

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1 Staff rather than making a motion. I don't think it's necessary, I would encourage you to
2 withdraw it, but I wouldn't support it if we do vote. Thank you.

3

4 Chair Summa: Any other comments? Okay, Ms. Dao if you could call the vote, please?

5

6 VOTE

7

8 Ms. Dao: Yes, Chair Summa?

9

10 Chair Summa: Yes.

11

12 Ms. Dao: Vice-Chair Chang?

13

14 Vice-Chair Chang: Yes.

15

16 Ms. Dao: Commissioner Akin?

17

18 Commissioner Akin: No.

19

20 Ms. Dao: Commissioner Hechtman?

-
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Commissioner Hechtman: No.

Ms. Dao: Commissioner Reckdahl?

Commissioner Reckdahl: No.

Ms. Dao: Commissioner Templeton?

Commissioner Templeton: No.

Ms. Dao: Motion fails 2-4.

MOTION FAILED 2(Chang, Summa) -4 (Akin, Hechtman, Reckdahl, Templeton) -1 (Lu absent)

Chair Summa: Now I think we have concluded this item, so we can move on to the next thing which is approval of minutes and before... while we're opening our books to that page I would like to thank once again everybody involved. Including the applicant team very much for their hard work and thank the Council in advance for looking at it as carefully as my colleagues did.

Commission Action: Motion by Chang, seconded by Reckdahl. Pass 6-0 (Lu absent).

-
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1 **Commission Action:** Motion by Hechtman, seconded by Reckdahl. Pass 5-1 (Summa no, Lu
2 absent)

3 **Commission Action:** Motion by Chang, seconded by Summa. Fail 2-4 (Akin, Hechtman, Reckdahl
4 Templeton no, Lu absent)

5 3. LEGISLATIVE: Recommendation to City Council Regarding Proposed Amendments to
6 Palo Alto Municipal Code (PAMC) Title 18 (Zoning) and Title 9 (Public Peace, Morals
7 and Safety), Chapter 9.10 (Noise) to Facilitate the Instillation of Electrification
8 Equipment for Non-ADU Residential Development.

9 [Item postponed to August 9]

10 **Approval of Minutes**

11 Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

12 4. Approval Planning & Transportation Commission Draft Verbatim & Summary Minutes
13 of June 28, 2023

14 Chair Summa: So, the minutes are that need to be [note – audio cut out]

15

16 Commissioner Hechtman: Yes, June 28th. May I... yeah... oh I didn't... here, you can give her that,
17 that's the Agenda. Look at the bottom of the page. Can I make a motion?

18

19 Chair Summa: Approval of Planning and Transportation Commission draft verbatim and
20 summary minutes of June 28th, 2023. Do I have (interrupted)

21

22 MOTION

23

-
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1 Commissioner Hechtman: I will move approval as revised by Ms. French, at least as to the
2 verbatim version, I didn't see the summaries, and myself as to both.

3

4 Chair Summa: Do I have a second?

5

6 SECOND

7

8 Commissioner Akin: Second.

9

10 Chair Summa: If there are no comments, if we could call the vote, please?

11

12 VOTE

13

14 Ms. Veronica Dao, Administrative Assistant: Commissioner Akin?

15

16 Commissioner Akin: Yes.

17

18 Ms. Dao: Vice-Chair Chang?

19

20 Vice-Chair Chang: Abstain.

-
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1

2 Ms. Dao: Commissioner Hechtman?

3

4 Commissioner Hechtman: Yes.

5

6 Ms. Dao: Commissioner Reckdahl?

7

8 Commissioner Reckdahl: Abstain.

9

10 Ms. Dao: Chair Summa?

11

12 Chair Summa: Yes.

13

14 Ms. Dao: Commissioner Templeton?

15

16 Commissioner Templeton: Yes.

17

18 Ms. Dao: Motion carries 4-0-2.

19

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 MOTION PASSED 4(Akin, Hechtman, Summa, Templeton) -0- 2(Akin, Chang abstain) -1 (Lu
2 absent)

3

4 Chair Summa: Thank you very much.

5 **Commission Action:** Motion by Hechtman, seconded by Akin. Pass 4-0-2-1 (Chang, Reckdahl
6 abstain, Lu absent)

7 **Committee Items**

8 None

9 **Commissioner Questions, Comments or Announcements**

10 Chair Summa: I'd now like to move on to Commissioner comments, etc. and I think this would
11 be the time that we would have discussion about some Commissioners wanted to have a little
12 break, a hiatus and this would be the time to do that I think. And I think that any of the Staff
13 that need to leave, want to leave at this point can of course. Do you have a proposal
14 Commissioner Templeton for this?

15

16 Commissioner Templeton: No, as I told you I don't have any date that I will be missing but I
17 think others have mentioned it.

18

19 Chair Summa: Okay, does anybody have a preference or a proposal about this item?

20 [unintelligible]

-
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1

2 Commissioner Hechtman: No, let me just say I don't, you know I just... I've just taken my
3 vacation but I do think that this discussion started maybe in May when we were really looking
4 at in advance whether we want to take off what matches up with I think the first week of the
5 school year. So, and I think the discussion really that's when it should happen because you
6 know, we're talking about people making plans and things like that. So, if people want to take a
7 meeting off between now and the end of the year or have it canceled, I'm okay with that. I
8 don't need it but I do think we should advance... I think we do ourselves a favor for planning if
9 we advance plan a little bit better.

10

11 Commissioner Templeton: I agree, I think it's unfortunate we've had a trickle of meetings
12 where we're losing one or two Commissioners as a time and we don't have the full group here
13 for discussion and that would be the benefit of planning in advance. And I know we've all talked
14 about it, we just weren't sure how this summer was going to go but I think looking at having a
15 hiatus is good for our collective discussion because we can maximize the number of people that
16 are aligned on the same dates. In my case, I'm going to be gone the entire time between this
17 meeting and the next meeting but I will technically be back. So, I can attend but in general, I
18 don't think it's good for us to necessarily... our schedule has been interesting lately where we're
19 having shorter meetings which is great but we're having more meetings which without break in
20 between. So, it's something to start thinking about for future planning is are there times when

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1 we can have a plan time off like Council does or like other organizations that usually don't meet
2 in August? And I know that... I can see that we're being shy as Commissioners here but I want to
3 encourage you, if you want to take August off, speak up because that's what we're... I think
4 that's what the Chair is encourage us to do is have a discussion on that topic thank you.

5

6 Chair Summa: Do any other Commissioners have an interest in speaking to this about this?

7

8 Commissioner Akin: Sure, briefly. I have many fewer constraints I think than the rest of you do.

9 So, I am happy to go along with any consensus that forms but in short, I don't feel the need for
10 a strictly scheduled time off. I'll simply take advantage of it if it exists.

11

12 Vice-Chair Chang: So, I will be out of town on the August 30th but I was planning to attend you
13 know like virtually anyway. So, it... and it doesn't... I don't need the time off so I don't... and
14 then it... I had no preference because... and I know that I have to be gone on the... on
15 September 27th but I don't need that off either. I don't... if nobody else needs it off, that's just...
16 these things weren't... they weren't dates that I could have planned for per se so yeah. My
17 schedule wasn't such this year that I could have said in advance, oh, if we have a recess at this
18 time I can then aim to be gone at that time which is why I didn't have a preference.

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1 Commissioner Templeton: Do you guys think that we should next year plan ahead and try and
2 consolidate?

3
4 Chair Summa: I'm open to anything about this. It's not a particular interest of mine but I just...
5 and I won't be Chair next year I don't think so but whatever... I was open all along to whatever
6 anybody wanted. I think we just didn't have a strong... no one took a strong position either way.

7
8 Commissioner Templeton: That's correct.

9
10 Chair Summa: Yeah so.

11
12 Commissioner Templeton: I think there's also been... we've had a lot of change, we had a lot of
13 new folks start. We have them starting in April now and like it's awkward right to have had this
14 discussion but I think running the next experiment this year where we didn't take time off. It's
15 been a slog.

16
17 Chair Summa: Okay, do I have... so we'll table that for this year it sounds like and do I have any
18 other comments or announcements or things of that nature?

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1 Commissioner Reckdahl: You know one thing that I think we should consider is moving up the
2 Staff Reports. So, we get two weekends because there's been some cases where I get it on
3 Thursday and I can't look at it until Saturday and then we have family stuff over the weekend.
4 And then all of a sudden Monday night I'm cracking it open for the first time and you need to
5 look it over and ferment in the back of your brain. You do a better job and you don't just drink
6 through the fire hose. So, if we can get the Staff Reports earlier that would be a good thing.

7

8 Chair Summa: Well, also at the last meeting at this very same time, Commissioner comments, it
9 was brought up that the BCC Handbook calls for all Boards, Commissions and Committees to
10 have their Staff Reports come out for the public and the Commissions at a week before. So, I
11 think that's... I think our Staff is under a lot of pressure already so I think we would have to hear
12 from Staff about the feasibility of that.

13

14 Commissioner Reckdahl: Well, I mean it doesn't change the workload.

15

16 Chair Summa: It doesn't change the workload.

17

18 Commissioner Reckdahl: In the steady state, right?

19

20 Chair Summa: Yeah, so I agree. I don't think we always have enough time.

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Commissioner Hechtman: I would suggest that it can change the workload because... well, first of all, I do... I work in a lot of jurisdictions and 5-days is really... 5 to 6 days is really pretty standard and I remember when we saw the handbook and it said 7-days. I remember we had a discussion about that. Well, we're not doing that. Can you realistically do that? Well, we don't know, but we're going to try. But the further you push out, what you do is you put more time between the Staff Report and the hearing and that means that when you have items of interest, you're going to get more correspondence after the Staff Report compared to when we get it now and Staff has to deal with that. And so, we're going to have more of what do we call them, the At Place Memos, right, because all this correspondence is coming and because the Staff Report was released 12 days ago. And my impression, again not just with this Staff but with all Staffs, is they are often... it's a lot of work. You know I usually have... when I want Staff to consider something in a jurisdiction I'm working in, they usually want my work a week before their Staff Report is due at least so they have time to synthesize it and fold it in and not just attach it and mention it. So, I think it puts a lot of pressure on Staff. I mean I feel for you because sometimes I have those weekends to where it's like where am I going to find the time but I think that's just an issue... it comes with the turf.

Chair Summa: Yeah and I was thinking about this. I also noted that in our procedures or Bylaws, groups of five get 10 minutes and here on the front of our Agenda it says 15 and I think 15 is a

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1 really long time. And if 10 is... you know me, I'm a big fan of hearing from the public but I think
2 15 is pretty long and that's just a clerical error that gets incorporated. And so maybe we
3 should... maybe Staff should look into fixing that. And I don't want to have a long discussion
4 about it this evening because we've all been here a while and I know that some of the
5 Commissioners aren't feeling particularly well. So, if there's nothing else I think we should
6 adjourn. Okay, thank you, everyone.

7 **Adjournment**

8 9:15 pm

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