



# PLANNING & TRANSPORTATION COMMISSION MINUTES

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*Special Meeting of Wednesday, November 18, 2009 at 6:00 PM*

*Council Chambers, Civic Center, 1st Floor*

*250 Hamilton Avenue*

*Palo Alto, California 94301*

## **ROLL CALL: 6:08**

### **Commissioners:**

*Daniel Garber - Chair*  
*Samir Tuma – V-Chair-absent*  
*Susan Fineberg*  
*Karen Holman*  
*Arthur Keller*  
*Lee I. Lippert*  
*Eduardo Martinez*

### **Staff:**

*Curtis Williams, Planning Director*  
*Donald Larkin, Assistant City Attorney*  
*Julie Caporgno, Chief Planning and Transp. Official*  
*Amy French, Current Planning Manager*  
*Jason Nortz, Planner*  
*Jennifer Cutler, Planner*  
*Zariah Betten, Admin. Assoc.*

## **AGENDIZED ITEMS:**

1. 4309 and 4329 El Camino Real
  2. 1700 Embarcadero Road (Mings Restaurant & Hotel)
- APPROVAL OF MINUTES:** Minutes of October 21 and 28, 2009

Chair Garber: Welcome to the Planning and Transportation Commission meeting of Wednesday, November 18, 2009. Would the Secretary please call roll? Thank you.

Now would be the time for the Commission to hear from anyone that would like to speak on items not on the agenda. Are both of these cards for item one? So I have no cards.

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

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

Chair Garber: We will move immediately to item number one. I would like to note that Commissioner Keller is going to be our Vice-Chair. He was on the rotation for the pre-Commission meeting this week and he will be fulfilling those duties that would otherwise have been fulfilled by Vice-Chair Tuma who is ill this evening.

1 So Staff, presentation on item number one, which is 4309 and 4329 El Camino Real. This is a  
2 review and recommendation of a request by Aaron Barger on behalf of Palo Alto Bowl LLC, for  
3 a Tentative Subdivision Map for Condominium Purposes to create 26 residential units and a  
4 hotel unit on a 3.62-acre site for redevelopment subject to Council approval of a Site and Design  
5 Review application.

6  
7 ***NEW BUSINESS.***

8 **Public Hearings:**

- 9  
10 1. **4309 and 4329 El Camino Real\***: Review and recommendation of a request by Aaron  
11 Barger on behalf of Palo Alto Bowl LLC, for a Tentative Subdivision Map for  
12 Condominium Purposes to create 26 residential units and a hotel unit on a 3.62 acre site  
13 for redevelopment subject to Council approval of a Site and Design Review application  
14 (recommended by the P&TC on June 10, 2009.) Environmental Assessment: An Initial  
15 Study has been completed and a draft Negative Declaration has been prepared in  
16 accordance with the California Environmental Quality Act (CEQA) requirements.

17  
18 Ms. Amy French, Current Planning Manager: Good evening Chair and Commissioners. As you  
19 noted the project is the Tentative Subdivision Map for condominium purposes to create 26  
20 residential units and one hotel unit on the 3.62 acre site, which is actually four parcels being  
21 combined into one.

22  
23 The development of the project was reviewed under a separate Site and Design Review  
24 application. This was recommended for approval by the Planning and Transportation  
25 Commission on June 10 of this year and by the Architectural Review Board on November 5 of  
26 this year as well.

27  
28 The proposed location of the hotel is along the southwestern edge of the site facing El Camino  
29 Real. Part of the hotel is also fronting on Monroe Drive. The hotel will only be accessed from  
30 El Camino Real. The residential portion is accessed from Monroe Drive via Ryan Lane, a  
31 private interior drive. Ryan Lane is going to allow each homeowner to gain access to their  
32 required garage spaces via three motor courts perpendicular to Ryan Lane. Ryan Lane and the  
33 three contiguous motor courts are proposed as private so that paved areas are minimized,  
34 landscape areas are enhanced and public liability and maintenance of the streets would remain  
35 the responsibility of the developer and the future homeowners. CC&Rs will be added as part of  
36 the Final Map and will require that garages remain free to accommodate parking of vehicles  
37 rather than storage and other uses.

38  
39 The City would be granted public easements across all walkways, streets, and motor courts  
40 except for the hotel entry along El Camino Real. The hotel entry would remain protected to  
41 prevent cut-through traffic attempting to gain access to Monroe Drive through the site. The  
42 project also includes the creation of a public, pedestrian, and bicycle path easement located at the  
43 rear of the site. The easement is ten feet wide and approximately 5,550 square feet in area. The  
44 connection extends between Monroe Drive and Cesano Court along the eastern edge of the  
45 property. Owners of the residential units will be able to access the easement via entry gates  
46 provided at the end of each motor court.

1 Staff and City departments have determined that the Tentative Map application is in compliance  
2 with zoning, Comprehensive Plan, Subdivision, and other codes and ordinances.  
3

4 Provided at places are a response to Commissioner Martinez's earlier email. They were sent out  
5 to the Planning Commission earlier today. Also at places are the old site plan from the June 10  
6 Planning Commission meeting, the Private Streets Ordinance, and also an email that was  
7 received from the President of the Monroe Park Neighborhood Association, Linnea Wickstrom.  
8

9 I would also like to make a note of a few errors in the Staff Report. First page 6 of the Staff  
10 Report, eighth line down refers to there being 13 guest parallel parking spaces, six of which will  
11 be adjacent to the residential development. The correct number should be five spaces not six.  
12

13 Second, Attachment A1 is provided by Staff and Attachment B is provided by the applicant. The  
14 applicant is here to give a brief presentation and answer questions. Before that, Mr. Larkin is  
15 here for a brief summary of the Private Streets Initiative with respect to legal aspects with  
16 respects to this project.  
17

18 Mr. Donald Larkin, Assistant City Attorney: Thank you. The short answer is that the Private  
19 Streets Initiative doesn't have a whole lot to do with this project. There were a number of  
20 questions about this from Commissioners and I wanted to address some of those questions.  
21

22 The Private Streets Initiative was adopted by the City Council in October of this year as a result  
23 of the initiative petition that was circulated by Bob Moss and others. There was a question about  
24 why this particular ordinance had not been reviewed by the Planning Commission initially. That  
25 is a quirk of our Charter and how we process initiatives. Under the Election Code an initiative is  
26 brought to the City and there is a chance for various Boards and Commissions to review it, for an  
27 environmental review to be done, and for an economic feasibility to be done with regard to the  
28 ordinance. Under our code none of that happens. A petitioner collects the signatures, gives a  
29 notice of intent to circulate that gives a general description of what the ordinance is that they are  
30 attempting to pass, and then brings in the ordinance with signatures. If there are enough  
31 signatures the Council has two choices either adopt the ordinance as is with no review or put it  
32 on the ballot. In our case the City Council was comfortable with the majority of what was in the  
33 ordinance and decided to just adopt it to save the pretty heavy expense of having an initiative  
34 placed on the ballot.  
35

36 The reason it doesn't apply to this project is because the initiative itself did not change the City's  
37 definition of private streets and under the City's definition of private streets this project wouldn't  
38 have any. Not just because they have called them motor courts or something else but because  
39 our definition of private street means a parcel of land that is not dedicated as a public street used  
40 for ingress from two or more lots, which do not have the required minimum frontage on a public  
41 street. In this case it is one lot, not two or more, one lot with multiple units but one lot. It is not  
42 a separate parcel of land and we don't actually have a minimum street frontage. So the definition  
43 of private streets doesn't apply.  
44

45 We are going to be fixing that definition because that was not one of the things that was adopted  
46 by the initiative ordinance, and you will have an opportunity to review that definition. Curtis  
47 tells me that is going to be before you on December 9, 2009.  
48

1 Chair Garber: Thank you.  
2

3 Mr. Larkin: One other thing not related to the Private Streets Initiative. In the Staff Report  
4 starting on page 2 there is a very good description straight from the Code on the Tentative Map  
5 Findings. Those are the items that are the subject of this hearing. You have had a previous  
6 hearing on the Site and Design Review and have made your recommendations on the Site and  
7 Design Review. Those recommendations are not on the agenda for tonight. Those findings that  
8 are listed on page 2 and the first two-thirds of page 3 are the findings that you are being asked to  
9 review and make tonight.  
10

11 Chair Garber: Thank you. Does that complete the Staff's presentation? Okay. The applicant  
12 may make a presentation as well. Yu will have 15 minutes. Please identify yourself when you  
13 get to the microphone.  
14

15 Mr. Aaron Barger, Development Manager, Barry Swenson Builder: Good evening  
16 Commissioners. We are one of the five members of the ownership group of this property, the  
17 Palo Alto Bowl, LLC.  
18

19 I would like to take this time to thank you for reviewing our Tentative Map application for the  
20 Palo Alto Bowl mixed use project. Our group purchased the property about two and a half years  
21 ago and we have worked diligently with neighborhood groups, City Staff, and our design and  
22 development team to propose a project that meets the goals of the City's General Plan, fits in  
23 well with the surrounding community, and is also a viable project for our partners.  
24

25 As Staff had mentioned in their presentation our project includes roughly a 170-room hotel and  
26 26 townhouse style condominiums. Through our process with the City we have gained  
27 considerable support. Back in June, on June 10, we got a five to one vote in the Planning  
28 Commission and we waited until after ARB's review of your approval before coming back with  
29 our Tentative Map. We went through three hearings at the ARB, which just on November 5  
30 received unanimous approval from them. Today we are here to discuss our Tentative Map. I  
31 think we are currently scheduled for December 14 to go in front of the City Council for final  
32 approval.  
33

34 I am joined today with our design team, our architects from Steinberg Architects, and our civil  
35 engineer, Sandis to answer any questions you may have about our project. Thank you.  
36

37 Chair Garber: Thank you. Commissioners, I thought we would go directly to the public to hear  
38 from them and then we can combine our questions and comments, and then eventual action at  
39 that time. We have four speakers. If there is anyone else that would like to speak they should  
40 fill out a card and you can hand that perhaps to Amy or Curtis or Don. Because we only have  
41 four we will give you each five minutes. The first person to speak is Marilyn Masciarelli  
42 followed by Donna Berryhill.  
43

44 Ms. Marilyn Masciarelli, Palo Alto: I have lived in Palo Alto since 1971. At that of course we  
45 took everything that was here for granted. In recent years I can see that we can no longer do that.  
46 That we really need to speak up when the benefits of Palo Alto are being chipped away piece by  
47 piece by various developers who of course profit from Palo Alto's name.  
48

1 In the report that the Staff made in item number 5 of the negative statements that they say are  
2 wrong they evaluate the effect of this development on the fish and worms and squirrels and so  
3 on. I would like to argue that they neglected to mention the fauna that go to this area frequently  
4 and that would be the young people, the teenagers, the families, and the bowlers who will be  
5 damaged by this development. Now I feel a little like Don Quixote here because this thing is  
6 clearly greased and there is no point in saying don't do it, don't do it. What I would like to  
7 suggest is that there be a solution as there was with the JJ&F Market where the Market plan was  
8 included ultimately in the final design. If the hotel is important enough and thought out well  
9 enough I don't see why there couldn't be a bowling alley or arcade or other recreation facility  
10 included in that hotel. I am sure Mr. Barger thinks that is a terrible idea because it would cost  
11 more but these are the things that make Palo Alto great. I have grandchildren growing up here.  
12 They go to the Palo Alto Bowl. These are part of the wildlife of the community so to speak and  
13 it is completely ignored in the Staff Report.

14  
15 So I would just like the Commissioners to consider these things and maybe ask the developer to  
16 maybe put a little change in his plans and add that. Thank you very much.

17  
18 Chair Garber: Thank you. Donna Berryhill followed by Linnea Wickstrom.

19  
20 Ms. Donna Berryhill, Palo Alto: Hi, thank you for letting me speak. Well, I concur with what  
21 she said. For me I have a three-year-old grandson that bowls at the bowling alley. I am the  
22 oldest one in my family, my daughter, her husband we all go together. We bowl. The only other  
23 thing we can do together in this city is eat and none of us really need to eat the much so we like  
24 to be able to go to the bowling alley. I have a lot of friends that are very upset about this. They  
25 were not able to come because they are at work or some of them are bowling right now, it is their  
26 night to bowl. Why do we need more condominiums? Why do we need more hotels? Are the  
27 hotels really all filled up already on El Camino? Are the condominiums all sold? Do we have  
28 that many people that can afford to come in and buy a condominium right now?

29  
30 I worked as a real estate advertiser for many, many years and I know what is going on in the  
31 market. I know several developers personally. I know what they have to gain but what about the  
32 families? What about us? We live here. This is really sad that they want to takeaway one of the  
33 only family oriented things that we have left to do. So that is my two cents worth. Thanks for  
34 letting me speak.

35  
36 Chair Garber: Thank you. Linnea Wickstrom followed by Anne Harrington.

37  
38 Ms. Linnea Wickstrom, Palo Alto: Good evening. I live on Monroe Drive and am President of  
39 the Monroe Park neighborhood Association.

40  
41 First, in a bow to save the Bowl and for my teenage son's sake I am sorry to lose the recreational  
42 opportunity of the Palo Alto Bowl. I wish maybe the Mitchell Park Community Center could  
43 incorporate one? Anyway, just an idea.

44  
45 I will also say that the low intensity, low traffic use of the current Bowl and Motel 6 property has  
46 been very convenient for most, though not all of us, for a long time. Once the property was sold  
47 we all knew that change was inevitable. The neighborhood association recognized that the City  
48 needs the best possible income stream from commercial development on El Camino and that the

1 new owner needs to make the fullest use of the acreage. Many, if not most, Monroe Park  
2 residents think that upgrading from the current uses would be an improvement in both aesthetics  
3 and safety.  
4

5 As the project has progressed the developer has worked with the City Staff and the neighborhood  
6 on central elements for NP&A. Because of anticipated traffic problems some residents do still  
7 oppose the housing element accessing Monroe. However, the neighborhood's other key needs  
8 have been addressed like the bike path for a safe route to school, traffic calming within the  
9 neighborhood, an immediate improvement in maintenance of the property, and better fitting the  
10 housing density and architectural style into the neighborhood.  
11

12 We have some detailed concerns that we expect to be addressed. Number one on our list, as for  
13 all neighborhoods undergoing development is expediting the final design, budgeting, and  
14 implementation of traffic calming within our neighborhood, finalizing the bike path, a plan for  
15 the safe route to school during construction. A concern about the taking of six to nine feet of  
16 Monroe Drive for development sidewalk, and the need for a sidewalk to the Monroe-Monroe Y  
17 intersection. Continuing improvement of the architecture of the hotel frontage.  
18

19 Other issues may arise but the Monroe Park neighborhood Association is generally positive  
20 about the proposed development of the Palo Alto Bowl and Motel 6 property. We feel that the  
21 City Staff, the developer, and the Councils and Commissions with whom we have met have all  
22 listened to our concerns and attempted to incorporate those in the thinking and design. Thank  
23 you.  
24

25 Chair Garber: Thank you. Anne Harrington, our last speaker.  
26

27 Ms. Anne Harrington, Palo Alto: Good evening. I live on Cesano Court on the other side of the  
28 proposed project. I made comments months ago whenever the last time this project appeared  
29 before this Commission. At that point as now my main area of concern was the bike path and  
30 how it impacts Cesano Court.  
31

32 I am pleased to say that working with the developers and the City Staff a number of  
33 improvements have been made that I think will make it safer both for the pedestrians and cyclists  
34 using the path and the neighbors. There are still a few lingering concerns from people on Cesano  
35 Court. We are concerned about how the flow of bicycle traffic will work for the safety of  
36 everybody involved on Cesano Court, and there is some concern about overflow parking from  
37 the townhouses impacting Cesano Court. But we will just see how we deal with those when the  
38 project goes forward.  
39

40 The adjustments aside, there was a time earlier this fall when the 'not a through street' sign was  
41 obstructed by tree limbs. During that time quite a few cyclists came down the street. So I  
42 imagine it is going to be a popular path once it opens.  
43

44 In closing, I would just like to commend the developers for working with the neighborhood and  
45 hearing our concerns.  
46

1 Chair Garber: Thank you. We will bring the conversation back to the Commissioners here.  
2 Before we get started I have a question for the City Attorney. Can the Commission in its action,  
3 if it ends up creating an approval, can that approval be conditioned?  
4  
5 Mr. Larkin: It can be as long as the condition is related to one of those findings for approval.  
6 Actually it has to be a finding to deny. So as long as it is related to one of those findings for  
7 those items then yes, it can be conditioned.  
8  
9 Chair Garber: Meaning that it would not meet a finding unless it was conditioned?  
10  
11 Mr. Larkin: Yes, the Map Act requires you to make these findings in the negative in order to  
12 deny instead of making findings in the positive to approve. So it is confusing, but yes.  
13  
14 Chair Garber: Okay. Commissioners, comments?  
15  
16 Mr. Curtis Williams, Planning Director: Chair Garber?  
17  
18 Chair Garber: Yes, Planning Director.  
19  
20 Mr. Williams: If I could add one. Just for the record, I think the Commission knows this we  
21 appreciate the Palo Alto Bowl. I have bowled there a few times myself and I am sorry if it is  
22 going to go away. I think the Commission knows that as far as the purview of the Subdivision  
23 review goes that the land use that is proposed there is not part of that review. So it is not a  
24 zoning change. If it were a zoning change or something like that then that would be something  
25 that you could consider but not as part of the Subdivision.  
26  
27 Chair Garber: Thank you for that reminder as well as the sentiment, which I suspect we all  
28 share. Let's move forward. Commissioners, comments or questions? Commissioner Keller.  
29  
30 Commissioner Keller: Thank you. So I believe at the Site and Design Review we talked about  
31 the need for the sidewalk being inbound of the trees, and that was done partly but not along the  
32 entire length of Monroe. I notice in the comments in Attachment A1 part of it was rerouted but  
33 not all of it. I am wondering if Staff has any comments about that.  
34  
35 Ms. French: Sure, yes. The part that is closest to El Camino along Monroe was placed inboard  
36 so there is a planter island if you will. That stretches for two-thirds of the frontage of the hotel  
37 there facing Monroe. So about two-thirds of the way back along that frontage it comes out again  
38 onto Monroe Drive. That is because there are protected trees along there, the oak trees,  
39 specifically trees 15, 16, 18, 19, 20, and further up 22, 23 bordering the property line that are on  
40 City property. I don't know if the applicant has any other further comments about studying the  
41 sidewalk placement. The ARB did recommend as presented.  
42  
43 Commissioner Keller: So I don't remember because I don't have the minutes of this item when  
44 it came before us, did the Planning Commission condition it on being inboard, or did we simply  
45 recommend it? Certain people recommended it but not make it a condition.  
46  
47 Ms. French: I think it was recommended. We can get back to you later once we get a hold of – I  
48 know that the minutes were to be placed at places.

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Mr. Williams: No, that was for Mings.

Ms. French: Mings, I am sorry.

Mr. Williams: We don't have those in front of us. Let me go try to track those down. My recollection is that was a suggestion but it wasn't a condition of the Commission's approval or if it was it was to look at or evaluate or something like that. Let me go try to find the specifics.

Ms. French: I believe as per the tonight's Staff Report page 5 it does say specifically expressed an interest by recommending relocation of the sidewalk to the inside edge of the new trees closest to the corner of Monroe Drive and El Camino Real. So that statement leads me to believe that that was the intent. Where you wanted to kind of get inboard of the rushing traffic at the corner that was where it was the most important to put it inboard at that location, so Staff felt that that meant that concern.

Commissioner Keller: Thank you.

Chair Garber: Commissioner Lippert, did you have a specific memory here?

Commissioner Lippert: I just wanted to follow up with regard to my colleagues. My recollection was that the discussion that we had was that having a public sidewalk on private property was problematic with regard to liability. So at the time the attorney, I don't know if it was Don or somebody else, had recommended that we not condition it that way, and that if the applicant felt it was appropriate to put it on the private side that it could happen, but it wasn't something that the City Attorney was recommending that we do because of the liability.

Chair Garber: Okay, well thank you. Other comments or questions, Commissioners? I am not seeing any lights. Commissioner Fineberg.

Commissioner Fineberg: I have additional questions on other issues but a quick one on this. I was not present at the first hearing so I certainly have no memory first-hand of what happened. In preparing for the meeting I remember there was a question of the public street being narrowed in order to accommodate a wider sidewalk. Does the current plan still include a loss in width of Monroe of the public street rather than the project itself providing the adequate width for the adequate sidewalk?

Ms. French: The applicants are poised to answer that. I think some of this has to do with traffic calming as well on Monroe.

Mr. Jonathan Chao, Steinberg Architects: So let me make sure I understand the question. You are asking why Monroe was narrowed?

Commissioner Fineberg: Not why Monroe was narrowed but is the current drawing still narrowing Monroe and basically taking City lands so that there can then be wider private lands with an adequate size sidewalk and a resulting larger structure.

1 Mr. Chao: So the impetus for narrowing that part of Monroe was traffic calming like Amy  
2 mentioned but the size of the parcel itself has not increased. So we are still building within the  
3 limits allowed of the existing property. Does that make sense? So we have not taken additional  
4 land to build more.

5  
6 Commissioner Fineberg: But if the sidewalk is sitting – I guess before the sidewalk was sitting  
7 at this edge of the street.

8  
9 Mr. Chao: Yes.

10  
11 Commissioner Fineberg: So now there will be on what had been public street public trees or  
12 landscaping and then inboard of the landscaping is going to be a private sidewalk.

13  
14 Mr. Chao: It is actually a public sidewalk. Actually the sidewalk is actually on public property.  
15 So I guess are you asking then if the street had not been narrowed you would not be able to have  
16 the sidewalk. Is that the question then?

17  
18 Commissioner Fineberg: That is how it had been before. So is it still necessary or desirable then  
19 for the street to be narrowed?

20  
21 Mr. Chao: Yes most likely in order to achieve a sidewalk. The closer you get to the trees in  
22 addition to the protection of the tree, which is actually very steep. Well there is a subtle grade  
23 change and that would require cutting into the tree roots.

24  
25 Chair Garber: Commissioner Lippert.

26  
27 Commissioner Lippert: I have a number of comments I would like to make. First of all, I want  
28 to thank the members of the public for coming here to speak this evening. It is very important  
29 that we hear from members of the public.

30  
31 I have to tell you I am very troubled that we are not really able to speak to the concerns of the  
32 neighbors with regard to the bowling alley disappearing. This has had a number of reviews. The  
33 first review that we had on the site I believe was when we were directed by the City Council to  
34 look at residential properties throughout the city that were not appropriately zoned. At the time  
35 both the Palo Alto Bowl and the Motel 6 had been zoned as residential and they were what is  
36 considered to legally existing nonconforming uses and they could have continued in perpetuity  
37 provided that they didn't add any square footage or do significant remodeling to those buildings.  
38 The neighbors had the opportunity at that time to really say something about maintaining that  
39 inappropriate, or shall we say LULU. Is that appropriate? That nonconforming use. At that  
40 time we did make a recommendation that it be rezoned to the current zoning I believe. Then it  
41 came forward to us again with this hotel development. We looked at it and at that time we  
42 reviewed it and we made our recommendations. There were a number of members of the public  
43 that again spoke to their concerns with regard to the bowling alley but I think at that time the  
44 majority of the public were in support of what was happening here with some tweaks. Now here  
45 we are doing the Map on this and our hands really are tied by the previous decisions and the  
46 previous hearings that we have made. So it is unfortunate to see the Palo Alto Bowl go. It has  
47 been here for as long as I can remember. I have been here for 25 or 26 years. Our purview today  
48 is very limited.

1  
2 So I would like to just talk a little bit about the Map if I might. The first thing I want to say is I  
3 do bike through Monroe Park. I think it is a rather unique neighborhood in Palo Alto. I  
4 generally cut-through and come down that way through the creek and then come across the  
5 bridge there, which is not unlike the easement that is being proposed here. Right now I come out  
6 on Monroe Street and I have to tell you it is not a controlled intersection there at all. I have  
7 difficulty as a bicyclists coming across El Camino Real and then having to skirt onto Los Altos  
8 Avenue to bicycle down to Foothill Expressway. Foothill Expressway is a safer road than that  
9 intersection at El Camino Real. So I understand the concerns of the residents, and I am really,  
10 really glad to see this public easement going along the back of the property. It is going to make  
11 it much easier for me now, and other people, to come along Monroe Avenue cut across the  
12 easement on the back of the property onto Cesano Court and then being able to cross El Camino  
13 Real at a controlled intersection. I think that is going to be a lot safer for not only bicyclists like  
14 myself but also kids who are going to school. As you know, Monroe Park is unique because it is  
15 not part of the Palo Alto Unified School District. It is in Los Altos/Mountain View School  
16 District. So they are going to different schools.

17  
18 The other comment I wanted to make is with regard to that little orphan parcel in the back of the  
19 property. I am so glad that the property owners have deeded that to the adjacent residential  
20 property owners in the back and that that is finally going to get cleaned up and become really  
21 somebody's backyard. I think that is really a great improvement here as well as far as the Map  
22 that we are looking at.

23  
24 With regard to the rest of the Map I think that they have done a great job with regard to dealing  
25 with the private streets here, the layout of the apartments. I think that the whole interchange of  
26 how the hotel people will get into the site versus how the residents get in I think is going to work  
27 out well. The nice thing about it, unlike most of the developments is this going to almost read as  
28 being seamless. It is going to appear as though this could almost function as two different  
29 projects on one parcel. It is going to have an appropriate feel to it and it is going to create a  
30 buffer from El Camino Real with the highest intensity up against El Camino Real, the second  
31 most intense against the single family residence. So it is going to create a buffering or a staging  
32 and minimum impact I believe on the single family residential. So I like what I see here tonight  
33 and I am inclined to move to approve if there isn't any other discussion.

34  
35 Chair Garber: I just had one question. One of the comments or a series of comments from the  
36 previous meeting were related to the El Camino Guidelines and I noted that the ARB has made  
37 some modifications which have been accepted and incorporated by the applicant that relate to  
38 doors along El Camino. Where there other things that have been incorporated that support that  
39 that you are aware of? It is hard for me to tell if there are changes to this plan.

40  
41 Ms. French: Yes, we are going to do a final Consent Calendar review on this. I don't remember  
42 what date we are looking towards, possibly early December to present the final details per the  
43 Architectural Review recommendations. There were quite a few revisions and those are actually  
44 provided on Attachment A1 that is a summary of changes made since the Planning Commission  
45 saw it last. Does that answer your question?

46

1 Chair Garber: What I am hearing is that to your knowledge there were no other additional  
2 changes for instance in the width of the sidewalks other than what has gone through the ARB. Is  
3 that correct? I am getting a head nod from the applicant in the affirmative.  
4

5 Ms. French: Yes.  
6

7 Chair Garber: We have Commissioner Keller, then Fineberg, and then Martinez.  
8

9 Commissioner Keller: First I agree with pretty much what Commissioner Lippert said in his  
10 earlier comments. It seems to be that there is something about a transition from El Camino  
11 onto the residential portion and that is why we had retained the back part of the Palo Alto Bowl  
12 parcel as being residential. If we had not rezoned it it is not clear that Palo Alto Bowl would  
13 have stayed there indefinitely. It could have been replaced instead of with a hotel and some  
14 housing with 100 percent housing. That is possibly what would have happened. So it is not  
15 clear that the Palo Alto Bowl would have stayed in either event. In contrast when the skating  
16 rink on Middlefield was being considered for being sold and developed that property was  
17 purchased by raising funds and then essentially given to the City. We can't expect the owner of  
18 a property not to try to make use of that property as best that they can within the allowable  
19 zoning. So I think that it is in some sense if the community wanted to retain that as a use the  
20 most effective thing would have been to purchase it from the original owners who sold it to the  
21 current owners. That might have been an effective measure but at this point in time as  
22 Commissioner Lippert points out we are several years beyond that and it is hard to make that  
23 change at this point. That being said, it is unfortunate that we are losing a resource particularly  
24 since there are relatively few resources in Palo Alto that teenagers and younger kids can use.  
25 This is certainly a resource that is available for that. It is unfortunate that we are losing this  
26 resource for the community. I think that it is not our decision to say whether a hotel should go  
27 there but the applicant presumably figures that they can make money from this parcel by putting  
28 a hotel there and some housing there, and the law allows them to make whatever developments  
29 on their property that are within the allowable zoning. Essentially, unless there is some rule that  
30 allows the Planning Commission to say no, we have gone through several steps of this process  
31 where essentially at this point it is hard to do that. I do recognize that this is a resource that will  
32 be lost and that people who need to go to bowling will have to go as far as Redwood City to do  
33 bowling in the future, and that is unfortunate. It is unfortunate that there are other amenities that  
34 we have lost but I think that we have to obey the rules of how subdivisions are approved in order  
35 to be able to consider this project. Thank you.  
36

37 Chair Garber: Thank you. Commissioner Fineberg, Martinez, and then Lippert with a motion.  
38

39 Commissioner Fineberg: My first question is from Attachment A. It doesn't have page numbers  
40 but I counted it out and it is page 16, in the section on Building Department, item number 33.  
41 My question is why is the Building Department asking whether the units will be part of a  
42 condominium parcel map or if they will be sold fee simple?  
43

44 Ms. French: I can guess that when this was placed in this document, the Draft Conditions of  
45 Approval, that this was an older condition that was prior to the submittal of the Tentative Map. I  
46 am guessing because these conditions apply to the Site and Design project and the condominium  
47 Tentative Map. These will be going to the City Council for action on both the Site and Design  
48 Review and the Tentative Map so I think this is kind of a placeholder condition about if you are

1 going to have a map with condominiums you need to – it is a question that probably should be  
2 stricken from these conditions because it is a question that is no longer relevant.

3  
4 Commissioner Fineberg: The City Attorney looks like he has something.

5  
6 Mr. Larkin: I was just going to say that they are required to say on their map for condominium  
7 purposes because they are not required, at this stage of the process even though we have already  
8 seen the Site and Design, they are not required to tell us exactly which air space or portions of  
9 the air space are being sold off if it is a condominium map. So that is what that condition is  
10 asking, either identify which lots are being sold or say for condominium purposes. The map now  
11 is clear on that.

12  
13 Chair Garber: May I follow up briefly? So is it the fact that that description is missing from  
14 what is before us this evening is that an issue for the Commission? Does it say that on the Map?  
15

16 Mr. Larkin: It either says it on the Map or on one of the Attachments. It says it right on the face  
17 of the Map.

18  
19 Ms. French: It is at the bottom of the Map in the margin.

20  
21 Chair Garber: There we go. Thank you. Anything else?  
22

23 Commissioner Fineberg: Yes. Part of the reason I ask that also other than the specific answer  
24 has not come forward is if we rely on statements from Building Department and Public Works  
25 and other Staff departments to determine the adequacy of the drawings none of us are experts at,  
26 I shouldn't say none of us because there are some architects among us, I will speak for myself. I  
27 am not an expert at determining where storm drains should be or how they should be designed.  
28 So I rely on the expertise of our Staff. If there are big questions like are these condos or fee  
29 simple subdivisions then how do I know if the plans that they saw are indeed the plans that we  
30 are reviewing and have they deemed these drawings adequate?  
31

32 Mr. Larkin: Well, the conditions are placed on the Tentative Map. They have to be satisfied that  
33 the Tentative Map is complete before you get to see it. They also have to physically sign the  
34 Final Map and verify that all of the conditions that were imposed on the Tentative Map are in  
35 place on the Final Map. So it is the City Engineer's job to review things like grading and  
36 drainage and all of those requirements. Your job is to look at the bigger picture but they have to  
37 actually physically sign that all these conditions were met before the Map can be recorded.  
38

39 Commissioner Fineberg: So do they do that review after we approve a Tentative Map without  
40 those conditions?  
41

42 Mr. Larkin: They do that before you approve a Tentative Map and then before the Council  
43 approves the Final Map. The Final Map is the Map that incorporates all of the Tentative Map  
44 requirements.  
45

46 Commissioner Fineberg: Okay. This will be my last one on this. So if the Building Department  
47 didn't know whether it was a condo or fee simple. Question 34, they are not sure whether things  
48 are mixed use, assembly, meeting room, dining room, offices. I understand it is going to be a

1 chunk of a building and we don't get into what is inside. But that tells me they have big picture  
2 questions about use. Question 35, is they are not sure....  
3

4 Mr. Larkin: I can interrupt you really quickly. Those are the things that have to be answered to  
5 their satisfaction before you get to see it. So if those weren't answered to their satisfaction then  
6 you wouldn't be seeing it. These are the conditions when the application comes in the applicant  
7 is given these conditions. If they were not satisfied that it was clear that it was for condominium  
8 purposes, that if it was the occupancy type, and all of those things then the application wouldn't  
9 be deemed complete and it wouldn't be available for you to review. Does that simplify it?  
10

11 Commissioner Fineberg: So it is Planning Department Staff that then deems that the other  
12 departments have had their questions answered and it is complete?  
13

14 Mr. Larkin: All of the reviewing departments have to agree that the application is complete but  
15 it is Planning Department Staff that gets the comments from the other departments and then  
16 deems the application complete.  
17

18 Ms. French: These certainly can be because I can see that they should have some more filtering  
19 and wordsmithing before it is final before the Council. Most of these from Building are usually  
20 what they want to see in the Building Permit submittal. So they are a bit far ahead and beyond  
21 Tentative Map.  
22

23 Commissioner Fineberg: Okay, thank you.  
24

25 Chair Garber: Commissioner, Commissioner Lippert had a follow up on that question.  
26 Commissioner Lippert.  
27

28 Commissioner Lippert: Generally to answer your question on that Building Department item the  
29 question is condominium. There is the California Building Code but then there is also California  
30 Building Standards. California Building Standards specifically address the building of  
31 condominiums. So it I believe it has to do with the Building Department is looking for if these  
32 are fee simple homes or whether it is a condominium. If it is a condominium it has follow these  
33 California Building Standards. So that could be the reason why they were asking that question  
34 up front. Basically the work of the Building Department is ministerial. It is not a discretionary  
35 review and they must meet the letter of the Building Code when they draw up their final plans.  
36

37 Commissioner Fineberg: Understood. But it also procedurally if our determination is whether  
38 the Map shows the things that are required to be shown if those questions are not answered then  
39 the Map is incomplete. Staff has said that Staff has determined they are complete. So that was  
40 satisfactory answer on that.  
41

42 On number 44 it may be the same issue from Public Works. Number 44, "Offsite improvements  
43 will be required for this project. At a minimum, there are resurfacing [of Monroe Drive],  
44 removal and replacement of curbs, gutters, and sidewalks along all the project frontages." Have  
45 those been answered satisfactorily then and it has been resolved or are there more changes  
46 coming?  
47

1 Mr. Larkin: Yes there will be more changes coming as part of the Final Map approval. Once the  
2 Tentative Map is approved our office and Public Works work on drafting what is called a  
3 Subdivision Improvement Agreement with the applicant where all of those improvement plans  
4 are finalized. It is a fairly complicated process. The improvement plans are submitted, finalized,  
5 there is an engineer's estimate of how much the improvements are going to cost. We do  
6 bonding. It is a complex process and it happens before the Final Map is approved. So all of the  
7 improvements are going to be part of this Map but in terms of the very specific final grading all  
8 of that is part of the Final Map process, it is not part of this process.  
9

10 Commissioner Fineberg: Okay. So here is where I am stuck then. The Tentative Map I am  
11 looking Municipal Code Section Chapter 2112. It talks about Tentative Maps. It talks about  
12 information to be shown on the Tentative Map. If streets and grades and all those other things  
13 are supposed to be included and then it is a Staff negotiation after Tentative Map is approved  
14 how do we know if the Final Map is consistent with the Comprehensive Plan then?  
15

16 Mr. Larkin: First of all, we are not talking about grades like is there going to be a 40-degree  
17 slope or a 20-degree slope. We are talking about millimeters and that is not going to be on the  
18 Final Map and we are not going to have a Comprehensive Plan policy that gets down to that  
19 level. It is engineering safety stuff. The grades, the rough grades are shown, drainage is shown  
20 on the Tentative Map, but the actual getting down to the type of concrete that is used is not  
21 something that is shown on the Tentative Map.  
22

23 Commissioner Fineberg: My last question is getting back to your comments about why the  
24 Private Streets Initiative doesn't apply. You took that one very quickly and I am not sure that I  
25 understood. I am asking this as a question not just so that I learn but I think this is going to be  
26 one that the public is going to have questions about why the Initiative doesn't apply. I know that  
27 we don't need to ask questions to get things into the public record but having a citizenry that  
28 understands the decisions we make is valuable. So could you explain again why it doesn't  
29 apply? Then we have something that was left at places, Ordinance 5059, and then there is a Map  
30 of this parcel attached to it. I am not sure if they are related or just got paper-clipped because  
31 they were piled tonight.  
32

33 Mr. Larkin: I don't know why they are paper-clipped together. To answer the first part of your  
34 question there are actually two reasons, one I mentioned and one I didn't. The first is as we  
35 define private streets for the purpose of this hearing this project doesn't have private streets. As  
36 Curtis reminded me, I wasn't aware of the submission date of this Map but under the Map Act it  
37 is different than a vested rights analysis for a zoning change. Under the Map Act the applicant is  
38 required to comply with written policies in place at the time their application was deemed  
39 complete. Their application was actually deemed complete prior to the adoption of this Initiative  
40 so it wouldn't matter even if the Initiative did apply because their Map was actually complete  
41 prior to that. So it is the written policies that were in place when their application was complete  
42 that apply.  
43

44 Chair Garber: Commissioner Martinez.  
45

46 Commissioner Martinez: I guess for the record let it be known that Commissioner throws his  
47 hands up in despair. I know we are not supposed to talk about land use and I won't, but land use  
48 is the most important thing that we do. It has the greatest impact.

1  
2 This project carries with it some significance that perhaps we can talk about as we work on the  
3 Comprehensive Plan about the economic vitality of the city, about neighborhood serving uses,  
4 about the future development of El Camino Real. That is where my sort of despair comes from.  
5 I appreciate the great lengths that Staff went to to bring me up to speed on what we should be  
6 looking at. I would like though to ask that we try to get our sort of arguments in supporting  
7 things of this nature sort of not sort of, I don't know exactly how to say it. But really looking at  
8 the sort of the significance of the meaning of words like mixed use rather than some technicality  
9 that because they sit side-by-side on a site that signified mixed use. Where in other parts of your  
10 findings it is mixed use means an interdependence. Interdependence between a hotel and  
11 housing is sort of hard to see unless it is BMR housing for the maids and busboys that work in  
12 the hotel. I don't see that coming down either. So I would like us to try to get back to a simple  
13 parlance of mixed use means sort of compatible uses interdependent, a restaurant serving an  
14 office building, a grocery store serving a neighborhood. Items like that that truly mean what  
15 mixed use stands for not just horizontal or vertical but all forms of mixed use.  
16

17 Having said all this, you know I don't object to this project for its own sake. If it were just on its  
18 own without considering sort of what it is taking away or other hotels in the neighborhood I  
19 would have great enthusiasm for it because it represents a lot of what I would like to see on El  
20 Camino Real. In other words, rather than street frontage from one block to another with zero  
21 setback it is going back to sort of the traditional development of El Camino Real where there is a  
22 building, a great open space whether it is parking or undeveloped landscape, to the next block  
23 where there is sort of a horizontal, perpendicular development, open space. There was a rhythm  
24 and we have tended to get away from that in recent years and developed these long buildings  
25 from block to block right up at the street, nothing in relationship to the street, certainly not  
26 supporting the walkability that we all care about. So from that perspective it is pretty good  
27 precedent for the kind of massing and street frontage and relationship to El Camino that we want  
28 to see. It is unfortunate that it also carries with it a great price that we have to pay for its  
29 development.  
30

31 I have one small question. I note that you said we are getting 3.9 BMRs. Why can't we round  
32 up that .9 and get an extra house?  
33

34 Mr. Williams: Well it is in our adopted BMR policy that essentially any fraction even at .9 can  
35 be deal with as a fee unless they wanted to do an additional unit. We would have to revisit the  
36 BMR policy, which has said that the fractional portion regardless of whether it is .9 or .1 pays a  
37 fee. The .1 versus .9 pays a different fee but that it can be done as an in lieu fee.  
38

39 Commissioner Martinez: Okay.  
40

41 Mr. Williams: If you don't mind I would like to take just a minute to sort of commend you on  
42 your comments sort of generally as far as mixed use goes. We had a conversation today about  
43 Comprehensive Plan and some of the things that we are looking at bringing to the Commission.  
44 One of them is that the Comprehensive Plan currently has these designations like Service  
45 Commercial, and it says in Service Commercial that it allows commercial, it allows mixed use,  
46 and it allows residential. Service Commercial is what the Hyatt Rickey's site was and it turned  
47 out to be all residential. That was consistent with the Comprehensive Plan because we have  
48 these categories that are so broad. We have done some work on the Zoning Ordinance to

1 minimize that so that in a commercial zone you can only have residential if it is part of a mixed  
2 use project, but the Comprehensive Plan still has this flexibility. So one of the things you will  
3 see us bringing forward is more application of our mixed use designation in the Comprehensive  
4 Plan to replace some of these locations where it says commercial. Then I think your point is well  
5 taken as far as better defining what we want mixed use to be. Certainly, currently, this project  
6 meets our definition of mixed use which specifically says it can horizontal or vertical and doesn't  
7 get into so much the interdependency that you are talking about that would be good to maybe  
8 focus some more of the language on that.  
9

10 Also, I think as we indicated in the response to your questions some of the issues that you  
11 brought up as far as the frontage design and those kinds of things are very relevant to the Site  
12 and Design part and unfortunately you weren't here when that permit went through but not so  
13 much again to the subdivision component.  
14

15 Commissioner Martinez: Thank you.  
16

17 Chair Garber: Thank you. Commissioner Lippert you had a couple of questions but  
18 Commissioner Keller had a follow up, and then we will go to you. Then if we can we will pause  
19 and see if Commissioner Holman would like to have any questions before we get to a motion.  
20 At that point before we do the motion I will also give the applicant an opportunity, you have  
21 three minutes to speak to the public comments if you would like. Commissioner Lippert, your  
22 questions.  
23

24 Commissioner Lippert: Actually, it is a follow up on Commissioner Martinez with regard to the  
25 3.9 BMR. If the Housing Corporation wanted to buy in could they buy-in the little ten percent  
26 portion and make it four units?  
27

28 Mr. Williams: Only if it is a voluntary thing between them and the applicant. We don't have  
29 and it is not in our policy to require the applicant to do that. So it would just be.....  
30

31 Commissioner Lippert: But we could make the Housing Corporation aware of this.  
32

33 Mr. Williams: We could.  
34

35 Commissioner Lippert: The only reason I am suggesting this is that .9 is going to be very hard-  
36 pressed in terms of the money for them to actually turn that into, even when it is added to the  
37 funds that the Palo Alto Housing Corporation collects, for the developer to build one more unit.  
38 It is actually going to be substantially more value than the money that the Housing Corporation is  
39 going to receive in being able to then turn that into a unit. They will be lucky if that .9 turns  
40 winds up being .5 by the time they get around to it. That was my only comment or question.  
41

42 Chair Garber: Commissioner Keller and then Holman.  
43

44 Commissioner Keller: So a few other questions. How do you actually have a condo? I assume  
45 it is a single condominium association that involves a residential component and a hotel  
46 component. How does that work?  
47

1 Mr. Larkin: They will have to show us how that is going to work as part of their submittals prior  
2 to the Final Map. They are going to have to show us, my expectation and the way I have seen it  
3 work in other developments is there will be a homeowner's association for the residents. There  
4 will an agreement or a set of CC&Rs for that homeowner's association, and then some sort of an  
5 agreement between the homeowner's association and the hotel owners to define how the  
6 relationship is going to work and who is going to pay for the maintenance of the common areas  
7 and that sort of thing. That is something we will need to look at prior to Final Map approval to  
8 ensure that those maintenance provisions are included and that there is adequate protection for all  
9 of the property owners.

10  
11 Commissioner Keller: So I am not suggesting this but is it possible for the Commission to say in  
12 a thing like we want the residential to be one parcel and the hotel to be another parcel and not to  
13 have a condominium involving both or is that not within our purview?

14  
15 Mr. Larkin: That is outside the realm of what the Planning Commission can require at this stage.  
16 I think certainly if there was a desire to avoid having a situation where commercial and interests  
17 and residential interests were on the same lot in the future then something could be done in our  
18 subdivision code or in our Zoning Ordinance to fix that going forward, but on this project it is  
19 not possible.

20  
21 Commissioner Keller: So that is not something we could have addressed at the Site and Design  
22 Review or anything else?

23  
24 Mr. Larkin: I don't think so. I think it would have to be done through a zoning code change or a  
25 Comprehensive Plan change.

26  
27 Commissioner Keller: Okay. This has not gone through Site and Design at the Council, is that  
28 correct? So suppose the Council decided it wished to uphold the spirit of the Private Streets  
29 Initiative and require that the private streets be of whatever required widths are in the Private  
30 Streets Initiative? Could it deny the Site and Design Review and ask additional changes be  
31 made? How would that affect the Tentative Map? What is the interaction of that process?

32  
33 Mr. Larkin: They couldn't deny the Tentative Map on that basis because as I said before they  
34 are subject to the rules that were in place at the time their Map was deemed complete. So  
35 because our Subdivision Ordinance didn't have a minimum street width they are not required to  
36 put a minimum street width on the Tentative Map. Whether they could do something through  
37 the Site and Design process to require a wider right-of-way I suppose if they could make those  
38 findings then that is something that they could consider it but they would need to make those  
39 findings.

40  
41 Commissioner Keller: The Site and Design findings you mean.

42  
43 Mr. Larkin: Right, the Site and Design findings not the Tentative Map findings. The Tentative  
44 Map itself will define the common areas so it may be too late at that point.

45  
46 Mr. Williams: So they could make modifications based on Site and Design findings but on the  
47 fact that there was this Initiative ordinance out there. That in and of itself isn't any basis. They  
48 would have to find why under Site and Design findings the existing proposal doesn't meet those

1 and then if it comes back to what the Initiative ordinance says there would have to be  
2 justification for why that is the appropriate.

3  
4 Commissioner Keller: So just for discussion sake let's forget about the Private Streets Initiative  
5 suppose that the Council on this or another project were to deny the Site and Design approval  
6 based on whatever findings it felt were appropriate and there was a Tentative Map being  
7 submitted at the same time, what happens?

8  
9 Mr. Larkin: It would be a difficult situation to be in and that is one of the reasons that we have  
10 Site and Design precede at least at the Commission and the ARB precede the Tentative Map  
11 because if we have a Tentative Map it conflicts with the Site and Design more likely than not the  
12 Tentative Map is going to trump that Site and Design.

13  
14 Commissioner Keller: Well, I appreciate that but what we have is a situation where the Council  
15 felt that the Site and Design Review should be deferred towards the end of the process. Now  
16 with it being coupled with the Tentative Map process it essentially holds the Council's hands  
17 bound to not be able to make any changes at that point. So it seems that this process of Site and  
18 Design and Tentative Map still needs to be fixed. The process of deferring Site and Design from  
19 the Council this late in the process doesn't fix the process.

20  
21 Mr. Larkin: I missed some of what you said but I agree with what I heard at the end. I think it  
22 probably doesn't necessarily fix the process.

23  
24 Commissioner Keller: I am going a little far a field but I think that this might be something  
25 useful for the Commission to discuss with the Council at some point in the future about  
26 understanding the process and how to improve it. I am basically extrapolating from this that we  
27 have a problem that needs to be fix and how the Council and the Commission should deal with  
28 that process seems like some legislative action is appropriate.

29  
30 Also, one of the things that was mentioned by the Attorney is that the Private Street Initiative  
31 basically has a definition in Section 4 for private streets. Was that written by the initiator of the  
32 Initiative or was it written by the Council? Who wrote this definition of 30?

33  
34 Mr. Larkin: It was written by the City Council back in the 1960s. The Initiative added a  
35 sentence at the end but the bulk of that definition was the existing definition, which had never  
36 been an issue before because we didn't have any specific minimum standards for private streets.  
37 Nobody has looked at that definition in a long time.

38  
39 Commissioner Keller: So that means because it was not enacted by initiative it can be amended  
40 by the action of the Commission and the Council?

41  
42 Mr. Larkin: Yes.

43  
44 Commissioner Keller: Except for the last sentence.

45  
46 Mr. Larkin: The last sentence is set in stone but the rest of it can be amended.

1 Commissioner Keller: Thank you. I think that helps me understand exactly how everything fits  
2 together. Thank you very much.

3  
4 Mr. Williams: Chair Garber.

5  
6 Chair Garber: Planning Director.

7  
8 Mr. Williams: If I could just say the City Attorney and I are going to have to probably have a  
9 subsequent discussion but I think that if the Council finds some flaw in the Site and Design and  
10 modifies the Site and Design based on the Site and Design findings then the Tentative Map is  
11 going to be inconsistent with that and the Map needs to change to reflect that. The Site and  
12 Design really is the first step in the process. The Map will be on the same agenda but the  
13 fundamental decisions in this are what we presented to you when you saw the Site and Design.  
14 You are not seeing anything here tonight really that you hadn't seen in the Site and Design part.  
15 You are seeing an ownership pattern but as far as the layout of the project, the number of units,  
16 and that kind of thing some of the design features have changed, but fundamentally if there were  
17 problems that is really where you see the whole bigger picture of the project, and it is the same  
18 thing for the Council. They will get to have that review and based on Site and Design findings if  
19 they determine that it needs to change then the Map does too. The applicant just came up here  
20 and basically said the same thing to me, which is what I was going to say to you. I think they  
21 acknowledge that that is sort of the sequence of events and that the Map would have to be  
22 modified if the Site and Design layout is modified.

23  
24 Commissioner Keller: Thank you. I just suggest that that kind of information would be very  
25 useful to put into the CMR for the Council to consider so that they understand the full range of  
26 the options they can choose. I would assume it is unlikely that they will not accept the Site and  
27 Design as recommended by the Commission and based on the ARB's additional work. It is  
28 helpful for them to understand what their power is and what options that they have clearly.  
29 Thank you.

30  
31 Mr. Williams: If I could also add, just to get back to a half hour or 45 minutes ago, whatever it  
32 was that Commissioner Keller asked the question about what the Commission's action had been  
33 on the Site and Design relative to the sidewalk along Monroe. The Commission's action, motion  
34 by Commissioner Tuma and second by Commissioner Lippert, was to approve the Site and  
35 Design with two conditions, one being to merge the four lots into one and the second being to  
36 have a TDM program. There were a number of comments made which were passed onto ARB  
37 as comments but they were not conditions of the approval.

38  
39 Commissioner Keller: Thank you. Is there a TDM program and can you tell us what it is?

40  
41 Mr. Williams: I don't know. It is not relevant to the Subdivision but we will require one as it  
42 goes forward.

43  
44 Commissioner Keller: Okay, thank you.

45  
46 Chair Garber: Commissioner Holman.

1 Commissioner Holman: First off let me apologize for my being detained and arriving late. I  
2 apologize for that.

3  
4 A couple of business items to begin with. I absolutely appreciate Commissioner Martinez's  
5 questions prior to the meeting. As Staff will know and other Commissioners know I am most  
6 interested in findings and I very much appreciate your questions and also appreciate Staff's  
7 providing those responses to us prior to the meeting.

8  
9 Also want to note that I also concur with Commissioner Martinez's comments about mixed use  
10 and the definition of that, and how we might apply that more typically.

11  
12 One other comment is a little housekeeping, Attachments A1 and B as to the authorship? If  
13 somebody has already inquired about this then...okay, fine.

14  
15 Then to the other questions. The easement, which is identified on the Tentative Map and also on  
16 page 6 of the Staff Report, I did not find reference to that condition in the Conditions of  
17 Approval. Can Staff point us to that? On page 6 of the Staff Report it is referenced in the next  
18 to last paragraph. In the middle of that paragraph it says a condition of approval for the  
19 development project is contingent upon the public path easement being dedicated to the City.

20  
21 Mr. Larkin: It is not a condition of approval. It is not something that we can condition approval  
22 on, but it is something that the developer has offered and it is included on the map.

23  
24 Commissioner Holman: Could you please explain why it can't be a condition of approval?

25  
26 Mr. Larkin: In order for us, in fact the case on this issue before the Supreme Court was about a  
27 path and requiring a path. There is no nexus to the project for us to require a path to be built or a  
28 bike path or any sort of path to be built on the property. However, the developer has granted it  
29 and it actually saves them from having to get a Variance so it is to their advantage but it can't be  
30 a condition of approval.

31  
32 Commissioner Holman: One last question about this. So even if the applicant agrees the City  
33 still can't make it as a condition of approval?

34  
35 Mr. Larkin: They can offer to dedicate and we can accept that offer to dedicate but we can't  
36 condition their approval on their dedication.

37  
38 Mr. Williams: If I could add to that. There is though an issue associated with the daylight plane  
39 I think it is over the homes up against the path, two or three of the homes over there that would  
40 require a Variance. If the dedication is not made and that does not become a public easement  
41 then they would need to come back through for a Variance and the applicants are aware of that.

42  
43 Commissioner Holman: A couple of questions having to do with tree preservation. There is  
44 reference on page 3 of the Staff Report about the number of trees that are defined as protected  
45 ordinance size trees, 16 of them. Then it says which ones they include. Then it goes into some  
46 other description of what will be happening. Then later in that same paragraph it says there are  
47 23 publicly owned street trees, the project includes removal of 14 of the publicly owned street

1 trees. So since one of the findings has to do with the environment and one of the findings was  
2 about tree protections what happens with all of those 16 protected trees?  
3

4 Ms. French: Well, looking on the approval conditions there are several conditions regarding  
5 trees.  
6

7 Commissioner Holman: If I might save you some time and maybe all of us. I read those and do  
8 understand the conditions but I didn't see what was going to happen with the number of  
9 protected trees.  
10

11 Ms. French: Well, I believe this was addressed with the environmental document and the Site  
12 and Design Review back when. So I don't have the answer at hand but that was addressed as  
13 part of that development review.  
14

15 Commissioner Holman: Right, but one of our findings is environmental and in response to the  
16 necessary findings tree preservation was decided as one of the findings.  
17

18 Mr. Williams: But it is not the subdivision that is creating that issue. You already made that  
19 finding with the Site and Design approval and that hasn't changed. So I don't know that we have  
20 – Jason is ill tonight and he knows the project in more detail. Maybe the applicants can respond  
21 specifically but I am just saying that was analyzed and as part of the Site and Design Review the  
22 findings were made relative to both the Mitigated Negative Declaration and the Site and Design  
23 findings which would have included and addressed more specifically than subdivision findings  
24 do the tree impacts. I apologize we are not and I don't know if the applicant's can address that  
25 specifically.  
26

27 Mr. Chao: More of a summary, with all of the protected trees one was proposed to be relocated  
28 that is tree 42, and that goes to the corner of the bike path by Cesano Court. There are two other  
29 trees that were proposed to be removed. One is at the entrance to the bike path, that is tree 24,  
30 and the second one is tree 17 at the entrance to Ryan Lane. So it was determined on two site  
31 visits with our arborist and the City Arborist that Tree 17 was disfigured and was not growing  
32 too well because of the telephone poles overhead. So that was a good location for the street and  
33 also an appropriate tree to be removed.  
34

35 We also looked at Tree 24 and tried to determine if the bike path could wind between the  
36 existing trees. It was determined that you actually would be damaging more than just one tree.  
37 You would be affecting the roots of Trees 23 and 25.  
38

39 Commissioner Holman: So essentially there are three protected trees that will be removed?  
40

41 Mr. Chao: Two, there are two. Two removed and one relocated.  
42

43 Commissioner Holman: Okay, thank you for that.  
44

45 Mr. Chao: Erin also reminded me that in consultation with the City Arborist Tree 17, which was  
46 scheduled to be removed, we are replacing that with a feature tree at the corner of Monroe and El  
47 Camino. It is actually a new tree.  
48

1 Commissioner Holman: Okay, thank you for the clarification. Then one other clarification  
2 having to do with the Map. Is it just understood that, because it is not explicitly stated, that this  
3 Map merges lots as well as, in other words it eliminates lot lines as well as creates the  
4 condominium lots?

5  
6 Ms. French: Yes.

7  
8 Commissioner Holman: Appreciate the brevity. I think that's all.

9  
10 Chair Garber: Would the applicant like three minutes to respond to any of the comments that  
11 have been made? I will close the public meeting before you start.

12  
13 Mr. Chao: Thank you very much. I appreciate all the comments and the dialogue tonight. As  
14 we started this project the bowling center has been in existence since I believe 1955. When we  
15 took ownership, and we continue to do so in fact I just met with them again yesterday, we have a  
16 couple of other sites that maybe are not in the City of Palo Alto but have been talking with him  
17 about relocating. We are also talking about extending the lease of the bowling center. So the  
18 bowling center is not closed yet. I know there have been articles in the paper that have said that  
19 the bowling center is closing but it is not closed yet. There are still people bowling there. They  
20 still have leagues. Unfortunately the age of the building has put it in a position where it is very  
21 expensive to retro.

22  
23 Also, another comment was on the BMR Agreement that Commissioner Martinez brought up  
24 and also Commissioner Lippert discussed. We have already actually signed our BMR  
25 Agreement with the City of Palo Alto and there are going to be four BMRs as part of our project.  
26 So we did go through the calculations of the 3.9 and the .1 and didn't make any sense. It actually  
27 does help the project to have four BMRs as opposed to three and paying the in lieu fee.

28  
29 With that, like I said I appreciate the dialogue and we look forward to a successful project  
30 moving forward. Thank you again for your support here. Thank you.

31  
32 Chair Garber: Thank you. Commissioner Lippert, a motion.

33  
34 **MOTION**

35  
36 Commissioner Lippert: Yes. I make a motion that the Planning and Transportation Commission  
37 recommend to the City Council approval of the Record of Land Use Action, Attachment A, and  
38 proposed Tentative Map to create 26 residential units and one hotel unit on the site at 4301-4329  
39 El Camino Real.

40  
41 **SECOND**

42  
43 Commissioner Keller: Second.

44  
45 Chair Garber: So moved by Commissioner Lippert and seconded by Commissioner Keller.  
46 Would the maker like to speak to their motion?

1 Commissioner Lippert: Yes. Thank you very much for attending this evening. I appreciate  
2 members of the public that came out as well as the applicant's presentation.  
3

4 I would like to begin by talking about the rezoning that happened on this property many, many  
5 years ago. Originally this was slated as a residential site by the City. The City Council had the  
6 forethought to have us look at a variety of sites around Palo Alto and that this residential site was  
7 not appropriate as a residential site. So we rezoned it appropriately for it to be a commercial site,  
8 and as such looked at it in terms of the redevelopment of this site as being a viable commercial  
9 site along El Camino Real, which is what it should be.  
10

11 The proposal that came forward to us with the hotel is a very appropriate proposal. I am going to  
12 get into the Tentative Map but I want to talk about the proposal for just one more second here. I  
13 believe this project addresses many of the flaws of the Hyatt Rickey's and the Arbor Real sites.  
14 That is done through how the site is carved up. First of all, Hyatt Rickey's when we fumbled the  
15 ball, shall I say, we lost a very important hotel site in this city. Today in my Rotary Club we just  
16 looked at a presentation by Bohannon Development and they are building a renaissance hotel in  
17 Menlo Park right off of Marsh Road on the bay side. By us not having another hotel site like this  
18 we are losing number one, people staying in Palo Alto being able to come here to work. Number  
19 two, we are losing a very valuable resource in terms of the transit occupancy tax. So this site  
20 begins to address that.  
21

22 The second thing that this site begins to address is the pedestrian connection. Again, when it  
23 came to Wilkie Way and the pedestrian connection through the Elk's site and again through  
24 Hyatt Rickey's again we dropped the ball. We have these little fingers that go through the site  
25 and there is no connection for pedestrians.  
26

27 The third thing is that it also addresses the issue of the resident parking. Again, when we put in  
28 those garages at Arbor Real and they were used for storage as opposed to people parking their  
29 cars again the City had fumbled and dropped the ball. People were actually parking out on  
30 Wilkie Way as opposed to on the Arbor Real site. Again, in this plan or what is being proposed  
31 here is that the residents will have to keep their garages clear and use them for only one purpose,  
32 which is the parking.  
33

34 Then the last thing I want to say with regard to again addressing the flaws at the Hyatt Rickey's  
35 site is the density. Arbor Real leans up against El Camino Real. Time and time again members  
36 of the City Council and public have complained about how this high-density housing leans on El  
37 Camino Real, how it leans on Charleston. Well, with a hotel with this height and this density it  
38 is very appropriate to have it up close to El Camino Real. So I think with regard to what is being  
39 planned here on this site this is very appropriate, and then having the residences on the backside  
40 of it as a buffer to the single-family residences works out perfectly fine.  
41

42 I want to address for a second Commissioner Martinez's comment regarding mixed use and  
43 urging that mixed use projects, and I paraphrase your wording here, be more integrated if I  
44 understand and less disjointed. The plan that was proposed here we looked at very closely in  
45 terms of its intergradation and not being disjointed, but in fact that is the success of this plan, is  
46 that we have a density up near El Camino Real with the most intense use closest to El Camino  
47 Real, the higher density. Then with the multifamily housing buffering it towards the single  
48 family that already exists. Then what adds another level of comfort are the little pieces of

1 salvage property against the easement, which again creates another little buffering for those  
2 single-family residences. So I appreciate what Commissioner Martinez said earlier and in this  
3 case I think that the success of the plan that we have here in terms of a mixed use plan is in fact  
4 that there are two distinct physical characteristics on this one site.

5  
6 Then just in closing, I just want to make one other quick comment. I saw something very  
7 interesting with regard to tree protection. It is something that I think perhaps the City Arborist  
8 might want to take a look at along with the applicant and consider. Now there are, I don't know  
9 how to describe them except, it is tubular straw bale. They use it for stopping runoff on sites  
10 especially erosion. I have seen these straw bales used and wrapped around tree trunks. This is  
11 particularly significant when you have very little room to work in. I know the fences work really  
12 great but it is really tough when you have to get in there and do some work close to a tree. So  
13 perhaps it might be worthwhile taking a look at this idea of taking straw bale, this tubular straw  
14 bale, and wrapping it around the tree. It is easy to remove. It is easy to work with. It allows for  
15 a lot of flexibility. That is something that perhaps the City might want to experiment with a little  
16 bit. I know that Council Member Elect Holman is very concerned about the preservation of and  
17 survivability of these trees.

18  
19 Chair Garber: The second, would you like to speak to your second?

20  
21 Commissioner Keller: Yes. First I would like to ask the maker of the motion if the maker  
22 incorporates into his motion making the seven findings that are in the pages 2 and 3 of the Staff  
23 Report.

24  
25 Commissioner Lippert: It is a negative. It is not making those findings, correct?

26  
27 Commissioner Keller: In other words, the motion includes affirming the Staff's statement of  
28 findings. Let me put it that way.

29  
30 Commissioner Lippert: That will be fine.

31  
32 Commissioner Keller: Thank you. However, I would like to make two slight corrections to  
33 those findings. One is on item number 4, it says, the subdivision will be consistent with the site  
34 development regulations of the RM-30 zone. This isn't in the RM-30 zone it is in the CS, RM-  
35 15, and R-1 zones, and therefore that language needs to be corrected. I am not sure what the  
36 calculated allowable density of 56 units comes out to be but I am assuming that you will correct  
37 that to what it really should be. So that is the first correction and I am assuming that the maker  
38 will agree with the appropriate correction there.

39  
40 Commissioner Lippert: That is non-substantive. I will accept it.

41  
42 Commissioner Keller: The second correction is a very minor one. I just want it to be clarified  
43 with respect to number 5, considering Commissioner Holman's question about the 16 protected  
44 trees. A specific statement should be indicated about the disposition of those 16 trees as per the  
45 answer to Commissioner Holman's question. That should be made explicit in the response to  
46 number 5 in terms of the finding issue for number 5. I think that would make it a lot clearer.

47  
48 Commissioner Lippert: I will accept that.

1  
2 Commissioner Keller: Thank you. So with that housekeeping out the way I think I am going to  
3 add a little bit more information to the history that the maker, Commissioner Lippert had with  
4 respect to this site.  
5

6 In particular when we did the rezoning from residential to Service Commercial (CS) zoning we  
7 actually looked at the fact that the parcel was partly RM-30 and partly RM-15. This  
8 Commission previously only rezoned the RM-30 to CS and decided to retain the RM-15 as RM-  
9 15 and not rezone the whole thing as CS. We did that precisely because we wanted a buffer in  
10 the back. So in some sense while I am very sympathetic with the comments of Commissioner  
11 Martinez about mixed use in particular with respect to this particular development we felt that it  
12 was appropriate to have residential to the rear to provide an appropriate buffer between an  
13 intense CS zoning and the R-1 that occurs to the rear of the property. So that is an important  
14 measure here.  
15

16 In addition, I believe if I remember correctly I believe the Motel 6 was already CS zoning and  
17 then only the Palo Alto Bowl was RM-30 and RM-15, but I may not be correct about that. So I  
18 think in some sense this entire collection of parcels is actually a combination of zoning and we  
19 did modify some of that with the expectation that there would be some sort of transition to the  
20 back.  
21

22 I do feel bad, as I mentioned earlier, about the loss of the Palo Alto Bowl. I think that there are  
23 certainly people in the community who feel that we are losing a number of amenities of the  
24 community such as the Palo Alto Bowl and other things that we have lost in the past. We have  
25 to be sensitive to the legal property rights of the owners of the property and their rights to  
26 develop this. I do think that we also have to be sensitive to the fact that this particular  
27 neighborhood is the only neighborhood in Palo Alto that isn't in the Palo Alto Unified School  
28 District. As a result of that this neighborhood tends to get somewhat neglected. It is on the other  
29 side of the creek from the rest of Palo Alto in this area. It doesn't have as much care in things  
30 like safe routes to schools and things like that. So I am cognizant of the issues that are in the  
31 adjacent neighborhood. I do think it makes sense to think about the issues that are relevant to  
32 this neighborhood such as expediting the final design, budgeting implementation of traffic  
33 calming. It is worthwhile that this bike path that occurs in the back of the property is in fact part  
34 of or in some sense helping with the safe routes to schools by allowing students to bike from  
35 Monroe Drive to Cesano Court and then go across on Los Altos Avenue in order to be able to  
36 avoid going along El Camino. I think that is an improvement for safe routes to schools. I think  
37 that I appreciate the developer in terms of providing that bike path and finalizing that.  
38

39 Want the building permit process to understand the phasing of this and which parts of the area  
40 will be closed during that process. The consideration of sidewalks and I understand that the  
41 neighborhood is concerned about improving the architecture hotel frontage that I assume that is  
42 on El Camino. I guess that was addressed by the ARB. I am not sure how much further that will  
43 be addressed. I think that on the whole this is a good project. I notice that Commissioner  
44 Lippert has pointed out the zoning for the 4329 parcel is CS/RM-30 but I do not believe that is  
45 correct. I believe it is CS/RM-15. So when this Map goes before the Council I would suggest  
46 that that be corrected. I appreciate that for at least a little bit of time until the development  
47 happens that people will be able to continue to take advantage of the Palo Alto Bowl. Thank  
48 you.

1  
2 Chair Garber: Commissioners, comments. I will go first. I will be supporting the motion. I am  
3 in alignment with both of the comments made by the maker as well as the seconder.  
4

5 One piece of cleanup. I nodded my head as Commissioner Holman was asking if we had  
6 clarified that Attachments A1 and B had been recognized as to who their authors were. I had  
7 included those as notes to the Commissioners in my process and procedures memo but it had not  
8 been made explicit in the proceedings this evening. So just to be clear, Attachment A1 was  
9 created by Staff and Attachment B was created by the applicant.  
10

11 Other Commissioners? Commissioner Holman.  
12

13 Commissioner Holman: It turns out I have a couple of questions, actually a clarification. Tree  
14 number 17 is going to be removed and which other protected tree is going to be removed?  
15

16 Mr. Chao: Tree 24.  
17

18 Commissioner Holman: Thank you. So, Staff can correct me or clarify for me if this is accurate  
19 or not. So trees that are removed is a security deposit required for those? Here is why I am  
20 asking the question. I don't mean to keep you in the dark there. Just above Planning Arborist  
21 since we are kind of approving this package here as conditions of approval and such too, just  
22 above condition 12 it says the following recommended conditions will also apply to the above  
23 three oak trees, 17, 42, and 55 to be retained. But 17 is not being retained. Then below that it  
24 talks about the security deposits.  
25

26 Ms. French: I can see that condition 9 says that Tree 17 says Staff determined the tree would not  
27 survive the efforts because of poor structure and condition. Therefore the tree shall be mitigated  
28 with a new oak, 84-96 inch box size and location subject to approval by City Staff. It is  
29 acknowledging that Tree 17 is being removed.  
30

31 Commissioner Holman: I understand but if you look on the next page it indicates that number 17  
32 is to be retained. On the next just above the number 12, the following recommended conditions,  
33 and then it says 17, 42, and 55, and as I read it it says that those three trees will be retained.  
34

35 Ms. French: Okay, well clearly we will have to strike that and go through and do a fix it before  
36 we get in the final Record of Land Use Action. We will talk to Dave Dockter.  
37

38 Commissioner Holman: Okay. So my question goes to this and it may involve or may not  
39 involve a friendly amendment to the maker and seconder of the motion. Under security deposits  
40 I guess comfort level would be best to at this meeting list the numbers of the protected trees to be  
41 covered by the security deposit just for clarity. So we can read off those numbers. Then a  
42 question for Staff is security deposit duration. I wasn't supportive of this project for Site and  
43 Design. Some of those issues have been addressed and thank you for the description of those  
44 improvements as the project has gone through the ARB. I appreciate that. The one that is still  
45 and I know ARB had issues with this too has to do with Tree 42. If you look again under  
46 Planning Arborist it says that according to the shading study requested by Staff approximately 25  
47 percent of the leaf area will be permanently impacted by year-round new building shade. An  
48 additional leaf area shaded by shorter periods of solar access all critical to the tree's survival, and

1 then it goes on from there. So where I am going with this is is there a maximum length of time  
2 that a security deposit can be held by the City? This tree has almost a four-foot diameter. If this  
3 tree is going to die it is not necessarily going to do it in two years. I am not an arborist but I  
4 know a little bit. I just can't imagine that a true impact on a tree of this size is going to be known  
5 in two years.

6  
7 Mr. Larkin: Two answers to that. The first is I think for Subdivision Improvement Agreements  
8 we talk about two years from the start of construction but that is for trees that would be in a  
9 different condition. That is not really a condition that – the Record of Land Use Action is what  
10 is going to Council and it reflects the conditions for the Map and for Site and Design and for the  
11 whole project. What is before the Commission tonight is not the Site and Design and these are  
12 Site and Design conditions. So the questions are valid but I am not sure, I think you mentioned  
13 making amendments and putting them out in the findings and that is probably not appropriate to  
14 do as part of the motion tonight. I think the questions are legitimate.

15  
16 Chair Garber: However, your point is noted. For the benefit of Commissioner Holman we had  
17 asked the question early on how we condition this and Don had given us some instruction.  
18 Commissioner Fineberg also points out in item 12-c there is security deposit duration which shall  
19 be a period of two years or five years if it is determined by the Director. So there is some  
20 latitude being given there.

21  
22 Commissioner Holman: I did note that but it is not a given. So City Attorney, is there  
23 something we can do to forward our intentions to the City Council, should the other  
24 Commissioners agree, about these comments?

25  
26 Mr. Larkin: The opportunity to do that was with the Site and Design stage. These are really not  
27 Tentative Map findings.

28  
29 Mr. Williams: My suggestion would be that we just take this back to Dave Dockter and have  
30 him review this and be specific in this condition about what should be two years and what should  
31 be five years. I think that is what we are all going to rely on is Dave's professional judgment on  
32 that.

33  
34 Commissioner Holman: Okay.

35  
36 Chair Garber: Commissioner Fineberg, you had some comments?

37  
38 Commissioner Fineberg: I would like to go back to the discussion because it is going to affect  
39 my ability to make findings on the easement in the back. If I understood it correctly the  
40 easement is on a separate parcel not governed by the subdivision, and it is not something that can  
41 be conditioned or required since there is no nexus. So if we are making the findings based on the  
42 existing parcel do we need to exclude consideration of the easement then? I guess I am just  
43 perplexed that what if it turns out that easement isn't perfected and the bicycle connections are  
44 not in the back? If we can't require it then how do we know the assumptions we are making are  
45 going to happen?

46  
47 Mr. Larkin: Well, the easement is on the map. It actually is part of .....there are two answers  
48 then. A portion of the easement is on the subject property and that can easily be dedicated. The

1 rest is what we would call offsite improvements that would be a condition of approval for the  
2 Final Map. They have agreed to perform those offsite improvements. If they don't, once the  
3 Tentative Map is approved then we enter into a Subdivision Improvement Agreement as I  
4 described before with the applicant. The applicant would submit their proposal for completing  
5 those improvements. If the improvements are not completed by the applicant they are required  
6 to bond and the City would go ahead and complete those improvements. The easement would  
7 have to be perfected and there would have to be some agreement as to how the improvements  
8 would be made before Final Map approval could be obtained.  
9

10 Commissioner Fineberg: So in the consideration today of making the findings can I consider  
11 improvements that are maybe they will happen/maybe they won't happen on another parcel?  
12

13 Mr. Larkin: Yes. Your findings are being made on the condition that the Final Map looks  
14 exactly like this Map in terms of what improvements are there. So yes, the assumption is that  
15 that easement will be there, that the improvements will be made. If they are not able to make the  
16 improvements or the easement isn't there then they won't get their Final Map, they won't be able  
17 to Record their Final Map. Their Final Map has to show these easements because approval of  
18 the Final Map is conditioned on it showing what was approved on the Tentative Map.  
19

20 Commissioner Fineberg: Okay. That allows me to make some of the required findings. That  
21 said, why can I consider offsite improvements to make findings but we can't condition or require  
22 those same offsite improvements?  
23

24 Mr. Larkin: We can't condition it because there is no nexus to require a bike path. We don't  
25 have any justification because of these additional housing units or this hotel is going to require a  
26 bicycle access from Monroe Street across the back of the property. That nexus finding can't be  
27 made so you can't condition approval. You certainly can condition, and again you are making  
28 these findings in the negative. So you are finding that it doesn't violate or you can't find that it  
29 violates the Comprehensive Plan. I don't know that the bike path would be a make or break in  
30 terms of the Comprehensive Plan consistency but you consider the Map that is before you and  
31 determine whether or not you can make the finding that it violates the Comprehensive Plan, or  
32 violates the zoning, or is causing environmental detriment, or any of those findings.  
33

34 Commissioner Fineberg: I had one more. The last issue I am still dealing with in the findings,  
35 on the fourth finding of this project not being growth inducing, I am having trouble with whether  
36 to word it in the negative or the double-negative or the positive, but in just people-speak I find it  
37 difficult to say that this project is not growth inducing based on our Comprehensive Plan and the  
38 EIR analysis that was incorporated into the Comprehensive Plan, and adopted by our Council in  
39 1998. That Comprehensive Plan EIR analysis said anything over about 2,450 houses would  
40 cause significant negative impact and it said anything over that was growth inducing. I  
41 understand we are not tiering our environmental analysis but the Comprehensive Plan itself and  
42 the analysis that supported the Comprehensive Plan said don't build houses over that amount and  
43 we are. If we are doing this based on what was incorporated into the Comprehensive Plan and  
44 adopted by Council and we have exceeded that baseline of housing then these additional housing  
45 units would indeed be growth inducing. That would be for things like traffic, for schools, which  
46 we are not considering tonight, and are not germane to the Map. So I can't find that finding that  
47 it is not growth inducing.  
48

1 Mr. Williams: It is obviously up to the maker of the motion but I was going to say I am not  
2 really sure why we have growth inducing in there. That is not the point of that finding. It is  
3 whether the site is physically suitable for the proposed density of development not whether it is  
4 growth inducing. So I don't think we would have any problem with just taking out those two  
5 sentences.

6  
7 Commissioner Lippert: Would you like to make a friendly amendment?  
8

9 Commissioner Fineberg: I would like to make a friendly amendment that to strike from the  
10 findings number 4, the two sentences to strike the following. The proposed density of the  
11 development is not considered growth inducing with respect to service and utility infrastructure  
12 or with respect to access. The project will also have a less than significant impact on traffic  
13 demand.  
14

15 Chair Garber: Maker?  
16

17 Commissioner Lippert: I have no problem accepting that language.  
18

19 Chair Garber: Secunder?  
20

21 Commissioner Keller: That's fine.  
22

23 Chair Garber: Commissioner Fineberg, anything else?  
24

25 Commissioner Fineberg: That's it.  
26

27 Chair Garber: Staff could you confirm I had gotten a question from Commissioner Holman but  
28 let me start it off and if necessary she can finish it. If these various approvals that we have been  
29 speaking about specifically regarding Tree number 42, were these part of the initial Site and  
30 Design Review when it was initially heard by the Commission or are these new or in addition to  
31 the conditions of approval?  
32

33 Ms. French: I am going to ask the applicant to respond as the Project Planner is not here tonight  
34 to have those details.  
35

36 Mr. Chao: Yes, the trees considered to be removed were in the initial Site and Design Review.  
37 So Tree 17 and Tree 24 were always proposed to be removed.  
38

39 Chair Garber: Commissioner Holman.  
40

41 Commissioner Holman: My question isn't which trees were proposed to be removed then and  
42 which ones now. It is were these conditions of approval before the Commission? I am not  
43 remembering for sure because we are saying that the time to address it was then but if they  
44 weren't before us how could we have addressed them? We couldn't have addressed them in toto  
45 because some of the information that is in here was not known at that time. So that is why I am  
46 asking what really is our purview and what isn't.  
47

1 Mr. Williams: There were conditions of approval before you and Dave's conditions are always  
2 done in the first go around. We can go back and go upstairs and find those but I am sure that  
3 those conditions, Dave's conditions. Now I agree there are some other things that have  
4 transpired since then. These are pretty standard language conditions from Dave and we need to  
5 have him go back and look and make sure like that 17 isn't reflected as being retained and that  
6 kind of thing. We would have had these conditions before you as part of the Site and Design.  
7

8 Commissioner Holman: My concern is all of the protected trees but my particular concern is  
9 about Tree 55. I thought that that shade study had been done at the ARB post this meeting.  
10

11 Mr. Williams: Right, that large one that is true there were changes on that.  
12

13 Commissioner Holman: So we wouldn't have known the impacts on that tree specifically when  
14 this was before us for Site and Design.  
15

16 Mr. Williams: Right.  
17

18 Ms. French: There were modifications during the Architectural Review process of those three  
19 meetings. The applicant can speak to this too. Where the building was physically brought back  
20 to provide more sunlight and address some of that mitigation. So the project itself, the design of  
21 the building itself improved the life expectancy of that tree. I don't know if there is a comment  
22 that the applicant wants to make to that or if you want to hear from them.  
23

24 Commissioner Holman: I watched part of that meeting and do appreciate that and understand  
25 that. My point was not to try to belabor this, but my point was that we didn't know because we  
26 didn't have a sun shadow study of that tree when it came to us. We didn't know the impacts that  
27 were identified at the ARB so we didn't know exactly what these conditions of approval should  
28 have been because we didn't have full information. So if that makes any sense.  
29

30 The reason I bring it up is because this Commission has struggled before sometimes with divided  
31 or sequential review and sequential non-review. So that is why I bring up this issue, not to  
32 belabor the item.  
33

34 Chair Garber: Commissioner Keller, you had a comment and then let's get to a vote.  
35

36 Commissioner Keller: So quickly is there a Development Agreement regarding the hotel for  
37 greater than 30-day occupancy for hotel use?  
38

39 Mr. Williams: No there isn't.  
40

41 Commissioner Keller: Thank you. I think that in some sense if the Negative Declaration had  
42 been a Mitigated Negative Declaration with increased traffic then one of the traffic mitigations  
43 could have been the issue of the bike path could have been a proposed mitigation, in which case  
44 it would have been conditioned on that. That is just a hypothetical to throw that in the mix.  
45

46 It would be helpful when things like this come before us a number of times, I don't think we  
47 want to waste a lot of paper to give us copies of the previous reports and things like that but it  
48 would be helpful if the Staff would bring a copy of all of the Staff Reports and CMRs or

1 whatever is appropriate to the development and also a copy of the minutes in case questions like  
2 this arise they can be addressed. That would just be helpful as a standard practice in general.

3  
4 Ms. French: Thank you. It is a standard practice. My Planner is not here tonight and I  
5 apologize for missing it.

6  
7 Commissioner Keller: Okay, thank you.

8  
9 **MOTION PASSED** (6-0-0-1, Commissioner Tuma absent)

10  
11 Chair Garber: Commissioners, let's vote on the motion as stated. All those in favor say aye.  
12 (ayes) All those opposed? The motion passes unanimously with Commissioners Holman,  
13 Martinez, Fineberg, Garber, Keller, and Lippert voting yea and Commissioner Tuma absent.

14  
15 We will take a five-minute break and then we will start with item number two. Thank you all.

16  
17 Okay, item number two is 1700 Embarcadero Road. A request by Stoecker & Northway  
18 Architects, Inc., on behalf of Wu-chung Hsiang and Vicky Ching, for rezoning to Service  
19 Commercial with a Site and Design Review Combining District [CS(D)], approval of a Variance,  
20 and approval of Site and Design Review for demolition of an existing restaurant and construction  
21 of a four story hotel and restaurant. Would Staff like to make a presentation?

22  
23 Before we do that Commissioner Holman has a brief statement.

24  
25 Commissioner Holman: Yes, one of the applicants sits on a Board that employs me so I have to  
26 recuse myself from this item and wish you all well.

27  
28 Chair Garber: Commissioner Holman, thank you. Staff, a presentation.

29  
30 **2. 1700 Embarcadero Road (Mings Restaurant & Hotel)\*:** Review and recommendation  
31 of requests for: (1) an Amendment to the Zoning Map to Change the Zone Designation  
32 from Planned Community (PC) to Service Commercial (CS) with the Site and Design (D)  
33 Combining District, (2) Site and Design Review of the proposed restaurant and hotel  
34 building, and (3) a Variance to allow a greater setback (less than the 50% "build to"  
35 requirement) along a portion of Embarcadero Road. Environmental Assessment: An  
36 Initial Study has been completed and a draft Negative Declaration has been prepared in  
37 accordance with the California Environmental Quality Act (CEQA) requirements.

38  
39 Ms. Jennifer Cutler, Planner: Good evening Commissioners. The proposed project before you  
40 tonight is the replacement of the Mings Restaurant at 1700 Embarcadero Road. The proposal is  
41 for a new hotel, which would include a portion for the restaurant. This application includes three  
42 aspects: the rezoning of the property from a PC zone to CS(D); a Site and Design Review; and a  
43 Variance.

44  
45 When this project came before you a year ago it was conceived as a new PC zone but based on  
46 comments received at that time the proposal has been revised to be a rezoning to Service  
47 Commercial rather than Planned Community. The Service Commercial matches the  
48 Comprehensive Plan designation for the area with a Site and Design Combining District due to

1 its location in proximity to the Baylands. Today's hearing is to consider the appropriateness of  
2 the proposed zoning as well as to conduct the Site and Design Review and consider a Variance  
3 for setback requirements. Any recommendation for approval of the Site and Design will be  
4 contingent upon the successful rezoning of the property of course, but the two processes are  
5 being run concurrently for this project.

6  
7 The Commission's review of the Site and Design is for the purpose of ensuring four objectives  
8 are accomplished by the project. The full text of these objectives are included in the Staff Report  
9 but in summary they are to ensure that the proposed use will be compatible with the surrounding  
10 area and uses, that the design will be based on sound environmental and ecological principles,  
11 and that the use is in accordance with the Comprehensive Plan. One of the guiding documents  
12 for Site and Design in this area is the Baylands Design Guidelines. The purpose of these design  
13 guidelines is to provide specifics for new construction within the Baylands as well as some  
14 general direction to projects in the vicinity of the Baylands. They emphasize muted natural  
15 colors, horizontal lines, low fences and signage, and design for practicality.

16  
17 In discussion with the applicant Staff has recommended that the part of the design that will have  
18 the strongest impact when it comes to using the Baylands Design Guidelines is the landscaping  
19 and signage at the street corner where it can create a gateway along with the newly constructed  
20 building and Baylands themed landscape on the opposite site of East Bayshore Road. The  
21 project's relationship to the Baylands and how it works with the Baylands Design Guidelines  
22 will be described in more detail by the applicant as well.

23  
24 One element that Staff would like specific comment from the Commission tonight is on the issue  
25 of the existing street trees along East Bayshore Road. The existing trees may not be the most  
26 appropriate species for the location due to the excessive cropping that has been necessary due to  
27 the overhead power lines and the high maintenance of those street trees species that are there at  
28 the moment. This development may be the appropriate opportunity to replace the trees with  
29 more appropriate species that will be more appropriate to the overall site design and to the  
30 Baylands Design Guidelines. The applicant has expressed their willingness to follow the City's  
31 requirement either way.

32  
33 The Variance request for this project is from the build to requirements. These requirements in  
34 the CS zone apply both to the front and street setbacks and require that the building be built to  
35 the edge of the setback for a certain percentage of the length. The proposal is for the building to  
36 be placed along the edge of the PG&E easement, which is an 80-foot setback from East  
37 Bayshore Road. This meets the requirements for street side since the building is built as close to  
38 the property line as is possible given that easement. The Variance is requested for the location of  
39 the building in relation to the front setback. Rather than being located within ten feet of the  
40 sidewalk the proposal would be 30 feet setback to be in keeping with surrounding sites. Draft  
41 findings can be found in the Staff Report.

42  
43 We have the architect, several representatives for the applicant here. They are ready to make a  
44 presentation and discuss more about the project, and Staff is available to answer any additional  
45 questions.

1 Chair Garber: Thank you. Let me just remind members of the public that if they would like to  
2 speak on this item to fill out a card. The applicant, would you like to make a presentation? You  
3 will have 15 minutes.  
4

5 Mr. John Northway, Stoecker & Northway Architects: Thank you. We came about a year ago,  
6 we listened to you, we conferred with Staff, and we are back following your recommendations  
7 for a zone change rather than a PC. I am going to be very brief. I want to briefly introduce our  
8 project team. The project architects are Clare Malone-Pritchard, and Cynthia Munoz. Our  
9 landscape architect is Jerry Mitchell. Wu-chung Hsiang and Vicky Ching are here. We will all  
10 be available to answer your questions after the presentation. I am going to turn it over to Cynthia  
11 because she knows how to work all that I would go blank.  
12

13 Ms. Cynthia Munoz, Stoecker & Northway Architects: Hello, I am pleased to provide you with  
14 this overview of the proposed project. In this slide we have an aerial photo. Here is the project  
15 site with Mings Restaurant. Embarcadero Road runs along the north of the property and East  
16 Bayshore Road along the west. To the west are a recently completed office building and the  
17 Audi and Honda dealerships sit to the east. Across the road to the north and to the south are  
18 some older office buildings. The Palo Alto Municipal Golf Course and the airport sit along the  
19 east of the property down Embarcadero Road. As you can see we are cutoff from direct access  
20 from the Baylands although we are very close. These properties prohibit a direct connection to  
21 the Baylands.  
22

23 You can see the shadow of the electrical tower that currently sits at the corner. The power lines  
24 run north-south and continue for quite a distance. The 60-foot PG&E easement sits here, and sits  
25 along the five-foot wide public utility easement. Currently you can enter the site from both  
26 Embarcadero Road and from East Bayshore Road.  
27

28 Here is a footprint of the proposed hotel superimposed on this site. In terms of site circulation  
29 we are keeping the main vehicle entrance at the southwest corner of the property along Bayshore  
30 and away from the main traffic along Embarcadero. Another reason for keeping the main site  
31 entrance at this location is the owners have consulted with a feng shui expert and the feedback  
32 they received was that to counter the effects of electrical tower which is a fire element the main  
33 entrance to the hotel needed to be located as far away from it as possible. It was important that  
34 the entry be fairly centered on that elevation, placing at the corner of the building for example  
35 was not sufficient.  
36

37 Service vehicles we proposed to have access to this site off of Embarcadero Road leading onto a  
38 secondary driveway and a loading zone for deliveries is planned right inside that service  
39 entrance. The trash recycling area is planned for this southeast corner of the property.  
40

41 At the corner of the site the plan will be to plant the area with species native to the Baylands.  
42 Mings would develop an outdoor dining area facing this corner as well making this a more  
43 attractive and welcoming area. The restaurant would be accessible from the interior of the hotel  
44 as well as from the outdoor plaza area.  
45

46 There is a central courtyard, which would house a pool, gazebo, and outdoor seating areas for  
47 guests. We currently have planned bicycle parking near the restaurant entrance as well as near

1 the main hotel entrance. A decorative paving pattern would lead guests entering the main drive  
2 to the main hotel entrance.

3  
4 We decided to back the four story portions of the building against the adjacent commercial  
5 properties, and stepped the building down to two stories towards the corner of the property. This  
6 presented us with opportunities to have planted gardens on top of the roofs on the two story and  
7 three story portions.

8  
9 This is a schematic layout of the one story underground parking garage. The first floor and  
10 second floor have the same footprint while the third floor steps back some, and the fourth floor  
11 steps back even more. The roof plan illustrates some potential areas for photovoltaic panels.  
12 The intent is for any rooftop equipment to be concealed by a surrounding equipment screen. We  
13 also use the equipment screen to provide sun shading to the building by incorporating a deep  
14 horizontal element to it.

15  
16 The following are some prospective views of the concept for this building. This is a more  
17 detailed depiction of our concept for the building as viewed looking towards the property corner.  
18 Here are some less detailed massing models that we put together. Here again is a view looking  
19 at the property from the corner. This is the southwest corner looking towards the main entry as if  
20 you were entering the main driveway entrance. Here is the southeast corner, this is the main  
21 entrance, and this is the side facing the car dealerships. Here is the northeast corner, so this front  
22 would be parallel to Embarcadero Road. Here is the south view looking straight at the main  
23 entrance. The west view, so this is the side that is parallel with Bayshore Road. Here we just  
24 superimposed the massing model on some streetscape photos.

25  
26 In the interest of trying to see what if any visibility there might be of the project from the  
27 Baylands we chose to look back towards the property from several locations in Bixby Park.  
28 Here is an enlarged aerial map indicating the approximate locations of where I stood looking  
29 back towards the project site. What I did after parking my car I decided to head up this path  
30 noting that there was a high point and then decided to continue down where the path dips and  
31 then reaches another crest, then thought that it would also be beneficial to head downhill to get  
32 past the mound of the dump to see what I could see looking back at the project site. So here is  
33 from point one looking back approximately towards the direction of the site. As you can see  
34 what I found was that the mound created by the dump pretty much obscures what I could find of  
35 the site, which was nothing. Likewise as I headed further south down the path. Here is where I  
36 start to head downhill towards this flat path. I stopped and looked back and approximately the  
37 project site sits behind this area. The key was I was trying to find the electrical tower on the  
38 corner, which we approximate to be about 102 feet tall, and our building is half that height. So I  
39 couldn't see the tower so I would assume that our building would be not visible from this site.  
40 Again, here is where I am on the lower walking path looking back toward that same site.

41  
42 So drawing inspiration from the Baylands our concept is to use stone veneer in a natural tone to  
43 establish a strong horizontal base. The upper two floors and mechanical equipment screen would  
44 be finished with an exterior insulation finish system and we plan to use colors that would  
45 compliment the natural tones of the Baylands. To accent the corner of the building near the site  
46 entrance and the main hotel entrance we plan on incorporating accents of colored and decorative  
47 glass. We would plan to have deeply recessed windows to provide some shading along with  
48 incorporating horizontal aluminum shades.

1  
2 Specific plantings for the site and rooftop gardens are being developed and Jerry Mitchell, the  
3 landscape architect is here to provide you with a brief overview of the concept.  
4

5 Mr. Jerry Mitchell, Landscape Architect: The hotel landscape consists of a number of different  
6 components. The first one as Cynthia mentioned would be the perimeter plantings, which will  
7 have a very strong Palo Alto Baylands theme. There will be a meandering path in this area with  
8 educational signage and other Bayland type plantings, which will match the site across the street  
9 that has quite an extensive Bayland landscape.  
10

11 The entry road has a very strong pattern as does the porte-cochere. This was done to really  
12 strengthen the sense of arrival at the hotel and direct people. There is fire access around the edge  
13 of the porte-cochere and then out this way. Also fire access right here, this has all been worked  
14 out with the Fire Marshall.  
15

16 The entrance to the restaurant in this area consists of a vehicular turnaround and then concentric  
17 circles of different colors of concrete, which is kind of a feng shui approach to creating a nice  
18 warm entry into the restaurant as those concentric circles blend into the entrance to the  
19 restaurant, which has its own little courtyard which will have a very subtle water feature right at  
20 the entrance and seating for guests.  
21

22 The interior courtyard has a four-lane lap and swimming pool. There is a spa. It is enclosed  
23 with a regulation five-foot fence. Some of it will be an open metal fence. Portion of it will be a  
24 wooden fence. There will be an outdoor pavilion here, a shade sail type with a barbeque for the  
25 guests. Then there will be a meandering path along this edge and as Cynthia mentioned a  
26 loading zone right here. I think that pretty well covers the landscape concept.  
27

28 Mr. Northway: We are basically done with our formal presentation. Since Amy turned the lights  
29 down would it be helpful to you for Cynthia to show you again the Baylands colors and the stone  
30 colors? They were kind of washed out so whatever you would like.  
31

32 Chair Garber: If there are questions or a request we will have you do it. Otherwise we will  
33 move forward. Thank you. We have two members of the public that would like to speak.  
34 Commissioners, again I am suggestion that we go to the public first before we move with our  
35 questions and comments. You will have five minutes. Robert Moss followed by Ron Barton.  
36

37 Mr. Robert Moss, Palo Alto: Thank you Chairman Garber and Commissioners. This is a  
38 significant improvement from the initial proposal. It looks a lot better. The orientation on the  
39 site is more reasonable.  
40

41 One of the things that concerned me with the original proposal was that there were supposed to  
42 be buildings and access and things right under the power lines and that has been moved back. So  
43 the safety issue is no longer a problem.  
44

45 There are a couple of things you probably ought to take another look at just to be sure everything  
46 has been handled properly. One of them is the change of the trees. Now, as you know we have  
47 had some issues recently about trees. I think it is not a bad idea if we are going to be  
48 redeveloping this site to take a look at what we want to put in there in terms of trees, and make

1 sure that we have an adequate and compatible group of trees both along Embarcadero and along  
2 Bayshore, and also have some of them scattered throughout the property itself.

3  
4 The second question I have, kind of, is access to the restaurant is kind of an afterthought. You  
5 go down an entry and you go down I guess you could call it a driveway but it is really parking,  
6 and you get down to the restaurant and drop people off I guess or turn around and come back  
7 again. I can see some logic to it but it just strikes me as being a little bit awkward for people  
8 who are not hotel guests to get in there and use it. Unless you have adequate signage people are  
9 not going to be able to find it. That is just something you can take a look at and see whether the  
10 restaurant can be connected to the driveway and the parking a little bit more effectively.

11  
12 I also was a little bit surprise the restaurant is going to be about one-third the size of the current  
13 restaurant. I thought the current restaurant was fine and am surprised they are cutting it back that  
14 much but they know what they are doing so I guess that is right.

15  
16 The other I guess you would call it a question is the access along Embarcadero where it was  
17 talked about that being for fire access only. Isn't there an actual entrance right at the right side?  
18 It goes up into Embarcadero so people can come in and go around from the top in as well as  
19 coming in from Bayshore and going around. If that is an entrance and people can come in from  
20 Embarcadero you might want to take a look at the traffic pattern because you can get people  
21 going in both directions at the same time and I am not sure that the drive area is wide enough.  
22 So just a matter of traffic circulation and how it would be more effective and safer.

23  
24 Otherwise, as far as the design of the building it is lovely. I think it is going to be a very nice  
25 addition to the community.

26  
27 Chair Garber: Thank you. Ron Barton our last speaker. You will have five minutes.

28  
29 Mr. Ron Barton, Carlsen Audi: Hello. We have some concerns about the Variances being  
30 granted. We have already received numerous complaints from consumers about how hard it is to  
31 visually see our dealership and these proposed trees and some of these other changes are going to  
32 have a negative impact on people seeing our location. It is going to have a major impact upon  
33 us. That is just our comment.

34  
35 Chair Garber: Thank you. Mr. Barton, one of the Commissioners has a question for you.  
36 Commissioner Keller.

37  
38 Commissioner Keller: My understanding is that the Variance is so that the hotel is further away  
39 from Embarcadero Road than would be required. In other words, the requirement would be ten  
40 feet from Embarcadero Road and now it is going to be about 30 feet from Embarcadero Road.  
41 What exactly are you suggesting?

42  
43 Mr. Barton: The building is going up and they are going to be planting trees in front of the  
44 building according to the tree plan.

45  
46 Commissioner Keller: So what is it that you would like to see? I am not sure what your request  
47 is.

1 Mr. Barton: Our concern is that the City put in a power box by us and now you can't see our  
2 signage. You have a very short, brief span of time to see our signage. Putting these trees in, in  
3 five years is going to make it much harder to see our location. With this Variance the building is  
4 going to be much taller than it is now. It is going to be pushed back a little bit but it is going to  
5 be substantially taller. It is going to be four stories and we feel it is going to have a negative  
6 impact on us.

7  
8 Commissioner Keller: So I am still not clear on exactly what changes you would like to be in  
9 this proposed development.

10  
11 Mr. Barton: We would like – some of the current landscaping in front of Mings doesn't interfere  
12 with our operation. These trees in front and on the corner of the tree line in five to six years  
13 those are going to be large trees.

14  
15 Commissioner Keller: So am I understanding you that you are complaining about the trees on  
16 the property line.

17  
18 Mr. Barton: On the Embarcadero side, yes.

19  
20 Commissioner Keller: On the property line between the driveway and your property, are those  
21 the ones you are complaining about?

22  
23 Mr. Barton: The ones from Bayshore to Embarcadero would be those four trees that are not  
24 there now, those ones being planted.

25  
26 Ms. French: We can certainly study that when it gets to the architectural review.

27  
28 Commissioner Keller: Then you are complaining about the four trees on Embarcadero but you  
29 are not complaining about the trees on the property line between the subject parcel and your  
30 property.

31  
32 Mr. Barton: We won't know until we find out what kind of trees those are going to be.

33  
34 Commissioner Keller: Okay. So I am assuming that you will bring your concerns to the ARB in  
35 addition where those are stressed in more detail.

36  
37 Mr. Barton: Yes sir.

38  
39 Commissioner Keller: Thank you, sir.

40  
41 Chair Garber: Thank you. We will keep the public meeting open if there are any other questions  
42 of the speakers. Commissioners, I have lights from Commissioner Lippert. Commissioner  
43 Lippert.

44  
45 Commissioner Lippert: I have two questions here. What we are looking at are two parcels.  
46 They are not being combined are they?

47

1 Ms. Cutler: The two parcels will be combined by removing that property line so that this will be  
2 all one parcel.

3  
4 Commissioner Lippert: Okay, so the porte-cochere is not going to be straddling a property line.

5  
6 Ms. Cutler: Correct, it will be all one parcel.

7  
8 Commissioner Lippert: Okay. What is the double line there? Why is there a double property  
9 line? Is there a little piece of salvage in there or something? It looks like two lines there.

10  
11 Ms. Munoz: It looks like one line is a property line and then there is indicating an existing  
12 easement that will be abandoned for some existing electrical boxes that will no longer be used.

13  
14 Commissioner Lippert: Okay. Then I had another question regarding the PG&E easement  
15 where the primary power lines, the big kahuna towers are going to be traversing the property. It  
16 has been my experience where primary power lines are concerned the utilities have the right to  
17 come in and they butcher the trees. So the ones in the parking lot, what is going to happen with  
18 regard to those? Are those going to be subject to PG&E being able to butcher them? How do we  
19 control the growth in such a way that they don't feel obliged to do that?

20  
21 Ms. Munoz: We were given limitations from PG&E on types, sizes specifically of trees that we  
22 could plant there and we were planning to keep within that parameter. Jerry could probably  
23 answer that.

24  
25 Mr. Mitchell: We are limited to trees no higher than 15 feet within that easement.

26  
27 Commissioner Lippert: Okay and you found a suitable palette that is going to work in there?

28  
29 Mr. Mitchell: We also have a shade ordinance to try to fulfill so we need trees that will spread  
30 but not be over 15 feet. That is going to take some maintenance as well as a careful choice of  
31 trees.

32  
33 Commissioner Lippert: I guess that is where I am going with my line of questioning. You are  
34 caught between a power line and a ..... Our ordinance is that every ten cars you are supposed to  
35 provide a shade tree. Those are supposed to be adequate in order to shade the automobiles.  
36 Then you have the power lines. So my line of questioning really is how are you going to make it  
37 so that it is something that is substantial and something that somebody is going to want to park in  
38 that is going to look good, but it is not going to wind up getting butchered by the utilities.

39  
40 Mr. Mitchell: Well, we are going to select trees that will tolerate pruning. They will have to be  
41 kept down to 15 feet and then spread as wide as we can get them. We have not made a final  
42 choice in trees yet.

43  
44 Commissioner Lippert: Can you give me a peek as to what you are talking about doing there?  
45 Or just thinking out loud.

46  
47 Chair Garber: You would like him to speculate on his tree choices?  
48

1 Commissioner Lippert: Yes, just talk about it a little bit. They made some choices on colors and  
2 finishes. I am not inclined to dig into that too deeply.

3  
4 Mr. Mitchell: Well, I guess I am not understanding the question.

5  
6 Commissioner Lippert: Any thoughts on tree choices, what you are considering? What you are  
7 looking at? What you are thinking about?

8  
9 We are looking at a project here which is particularly close to the Baylands so the idea here is  
10 that we want it to blend in with the Baylands, but we also have a lot of physical constraints. So  
11 what I am looking for is how are we going to make it so that it works so that it is an inviting  
12 place and yet it blends in with the adjacent environs.

13  
14 Mr. Mitchell: That is one of the design problems. At the intersection where I pointed out that  
15 we would like to have some meandering paths and a little berming done in addition to the  
16 Bayland planting. Typically the Baylands are somewhat treeless. So if we really want to use  
17 that as a theme that particular area is not going to have too many trees in it. That conflicts with  
18 the shade requirement so we can't carry that idea 100 percent along all of the parking areas,  
19 which we have to shade. Other than that I don't know what I can say about tree choices. That is  
20 something that once we get into construction drawings that is when we will really start making  
21 some choices of plant materials.

22  
23 Commissioner Lippert: Jennifer.

24  
25 Ms. Cutler: I just want to insert that those kinds of details will be required prior to going to  
26 ARB. A full landscape plan as well as specific species of trees will definitely be required.

27  
28 Commissioner Lippert: I appreciate that and I understand it. Where I am going and maybe Amy  
29 understands a little bit better because of your landscape architecture background, is here we have  
30 one of the most beautiful open spaces in Palo Alto and we are putting a hotel use in proximity to  
31 that. The architects have done I think a really great job in terms of working out the sight lines, in  
32 terms of how we view this building from the Baylands. As you know across the street we have a  
33 project that was built and there were some existing eucalyptus trees and eucalyptus trees are  
34 nonnative to California and it is a tree that is antithetical to the Baylands and the environs there.  
35 They have grown, and matured, and they look nice, but the idea here is we are looking at this  
36 anew and we have some site constraints. I am interested in understanding what the thinking is  
37 behind the process that is going to get you the right tree selection. You, as a landscape architect,  
38 do you have any ideas as to what those trees might be?

39  
40 Mr. Mitchell: Well, the evergreen elm has been one that we have been focusing on for parking  
41 lot shading. In fact there are some out there along Bayshore Road. The City Arborist has  
42 proposed that those be removed. It is not a set thing. So it would give us more latitude in  
43 treating that area as a Bayland. But that is tree that we are strongly thinking about.

44  
45 Chair Garber: May I?

46  
47 Commissioner Lippert: Sure.

1 Chair Garber: Are there trees that are a part of the Baylands that are recommended for the  
2 Baylands that would be appropriate to use here?

3  
4 Ms. Cutler: There is a list of species of different types of plants that are appropriate to the  
5 Baylands. That has been shared with the applicant. It doesn't dictate that these are the only  
6 species that can be used but it does give guidance and suggestions for those types of things. So  
7 they will definitely be working with that when they finalize what types of species to use on the  
8 site.

9  
10 Ms. French: I would add too that due to the need for 50 percent shading of the parking lot we  
11 would be expecting to see a shade study that would also inform the types of trees, as the  
12 applicant has mentioned.

13  
14 Mr. Mitchell: One thing I want to say again, your own City guidelines for Bayland point out  
15 very strongly that the Baylands don't have very many trees. So there is sort of a conflict here  
16 where we have to compromise and try to shade the parking areas and at the same time maintain  
17 the character of the Baylands. We will have the tree selections made for the ARB and we will  
18 have some definite recommendations at that time.

19  
20 Commissioner Lippert: I just want to note and flag that as an issue or concern on my part when  
21 it comes to Site and Design Review. Maybe John has something to share in addition to that, do  
22 you have any thoughts? I don't want to put you on the spot but you have worked in Palo Alto  
23 long enough.

24  
25 Mr. Northway: I think that basically we will sit down with the Staff and with Dave Dockter.  
26 Jerry has a huge amount of expertise. It is a conflict but we will work it out and we have to meet  
27 the requirements of shading and we have to meet PG&E's requirements. I am quite confident we  
28 can do it with the help of everybody involved here. As for me selecting a tree, I can't keep a  
29 flower alive so you don't want to talk to me about this.

30  
31 Commissioner Lippert: I am in the same boat as you. I can't keep a plant alive either but if I  
32 don't mention it then my wife will get on my case.

33  
34 Chair Garber: Commissioner Martinez followed by Keller.

35  
36 Commissioner Martinez: Thank you. Before I forget I know that the Carlsen Audi has a very  
37 kind of low profile to the street. I would suggest as a good neighbor that prior to going to ARB  
38 that you do some sight line studies and try to work out an agreement or kind of a win/win  
39 situation that you can do all you can with the placement of trees, and other issues to try to be a  
40 good neighbor.

41  
42 Can I talk about land use?

43  
44 Chair Garber: This would be an excellent time to do that.

45  
46 Commissioner Martinez: Thank you. I am a little bit troubled by this site plan. The feng shui is  
47 important and I respect that but the idea of having the entrance to a hotel on the back is just bad  
48 urban design. One of the public speakers mentioned that the circuitous entrance to Mings, which

1 is by the way right near the fire, really begins to open up that PG&E tower as being an important  
2 sort of symbol. It seems to me, and I now all architects say this so I apologize in advance, if the  
3 entrance was off Embarcadero, the building was flipped, and the hotel and the restaurant shared a  
4 common entrance that it would be more invigorating to the street. It would add something to this  
5 pretty sort of not very interesting intersection right now that it doesn't have. I like the building  
6 design. I think it is very attractive. I think when you say insulated panels you mean GFRC. Is  
7 that what is going to go above?  
8

9 Ms. Munoz: What you might more commonly hear is EFIS, the foam insulation behind and then  
10 the stucco on top of it.  
11

12  
13 Commissioner Martinez: It's okay. Is that a green product, by the way?  
14

15 Ms. Munoz: We are looking at companies that incorporate green production methods, so yes.  
16

17 Commissioner Martinez: So Styrofoam is green all of a sudden.  
18

19 Ms. Munoz: Well, some of it is insulative properties in terms of how it helps with the  
20 mechanical system. So we are looking at all aspects of the materials we are choosing.  
21

22 Commissioner Martinez: Okay, I appreciate that.  
23

24 The other issue, the setback Variance I think that is okay. I think at some point we are going to  
25 want to look at the whole issue of commercial setbacks. We seem to come across this often  
26 where a building wants to move in and out in relationship to the sidewalk or the public way for  
27 aesthetic reasons if nothing else. It seems to me that these formulas that require 50 percent of  
28 this or no more than five feet away from this are sort of not very good predictors of what the  
29 situation calls for. I think we want to sort of begin to look at some flexibility that we are not  
30 looking at, a call for a Variance in each of these commercial situations. That is just an aside, but  
31 this points to that problem and in my short tenure here we have come up against it a couple of  
32 times before as well.  
33

34 I just really think that that tower and the big circle and the double-loaded parking really call  
35 attention to something, which I think is not very attractive. If this became the back of the  
36 building and this parking where there I don't think you would have many people looking for the  
37 hotel entrance because they drive by this big circle driving up to the entrance to the restaurant  
38 and then having to double back to find the porte-cochere. It just seems like it could be a much  
39 more dynamic element. It is the place people are coming and going where there is a limousine  
40 picking up and dropping off people, where people are waiting for the taxi. It invigorates the  
41 street and to put it on the backside of the building I don't think serves the commercial interest of  
42 the hotel and it certainly doesn't serve the City as really giving us something sort of happening at  
43 this corner. I will pick up a couple of other things later on. Thank you.  
44

45 Chair Garber: Thank you. Commissioner Keller followed by Garber.  
46

47 Commissioner Keller: Thank you. So first I am wondering if the applicant has any comments  
48 with respect to the member of the public mentioning about restaurant signage and access.

1  
2 Mr. Northway: Actually in the previous design that was a comment that was also made by ARB.  
3 We actually have done quite a bit that will emphasize that entry to the restaurant. Of course  
4 there will be signage that will be quite clear directing people.  
5

6 Commissioner Keller: Thank you. One of the things that is interesting to me about this is the  
7 notion of the address of the property. It is my understanding that the address of property is  
8 Embarcadero Road. Therefore people who Google it or look at other maps sources to find out  
9 where this is, I notice you have an aerial Google map that must have been while the site across  
10 the street was under construction. So I guess you can date when the maps were done. People  
11 would drive along Embarcadero Road and presumably they will see some signage for the  
12 restaurant because the restaurant fronts on Embarcadero Road. Their natural tendency is not to  
13 turn on East Bayshore to approach a property that is on Embarcadero but in fact to go on  
14 Embarcadero and notice that essentially they have gone a little bit too far and they turn up the  
15 driveway in order to go to the restaurant they will have hook all the way around. So to me there  
16 is something weird about that in terms of how you get to the restaurant because essentially you  
17 are going all the way around.  
18

19 The second thing is that something similar is true regarding the issue of the hotel except instead  
20 of going all the way around to get to the hotel people will go down Embarcadero Road, go on the  
21 driveway off of Embarcadero Road, and then go into the porte-cochere the wrong way, from the  
22 back end if you will. So that indicates to me something about the notion that it is not clear  
23 whether signage itself is sufficient for the problem. Maybe talking about the entrance of the  
24 hotel being away from the fire element of the PG&E tower does an entrance parallel off the  
25 driveway, parallel to East Bayshore against the Audi property, would that satisfy the needs of  
26 being away from the fire element and having the entrance on that side, which is where people  
27 would naturally go. Then you could have as some people or I think a member of the public  
28 mentioned, and also Commissioner Martinez mentioned the idea of combining those entrances  
29 and having the entrances of both of them be on the driveway off of Embarcadero Road. It does  
30 provide that synergy, makes more consistency from that point of view there in terms of that  
31 being an entrance to both of them. That being the way that I think most people are going to  
32 drive. It is only when you have been there one time and you know that you are going all the way  
33 around that you are going to figure out that the best way to go is on East Bayshore. So that gives  
34 me some pause.  
35

36 One of the things about the current restaurant is that it has a lot of, if you will, meeting room  
37 space and gathering spaces. I notice the new restaurant is considerably smaller than the old  
38 restaurant, and that there is a fairly small meeting room space within the hotel. I don't know  
39 enough about the business currently but that seems to be something that is disappearing that I am  
40 not sure – I am just wondering about that community – obviously, I realize it is a private facility,  
41 but in some sense it is a community resource that various events can take place at that side of the  
42 restaurant. I am wondering the extent to which that makes a chance to support.  
43

44 There was also a question with respect to fire access to Embarcadero Road. I am assuming that  
45 is only emergency access. Is that correct? That yellow portion is emergency access and not  
46 accessed by regular vehicles. I am seeing nods from the architects.  
47

1 Mr. Northway: That is correct, and that has been negotiated with the Fire Department. Even  
2 though it is outlined in yellow it will be essentially a grass type area that the fire trucks can drive  
3 over but it will not look like a road.  
4

5 Commissioner Keller: It looks like there are some bollards along the edge of that too keeping  
6 people from going through that.  
7

8 Mr. Northway: Yes, and the reason that the driveway entry is down, part of it is the design  
9 element but in working very closely with the Traffic Department that other driveway is just too  
10 close to the main intersection for traffic to think that it can work. I have worked on several  
11 projects that are corner projects. The reason that it is an Embarcadero Road address is because  
12 the City has a policy to make life simple that the short side of the site is the front and back. I  
13 have worked on corner projects where we have moved the entry around and it is possible to  
14 change the address. We probably would be pursuing that because your comments about the  
15 clarity of it are on but there are some very good technical reasons why coming in off of  
16 Embarcadero really doesn't work from a traffic standpoint.  
17

18 Commissioner Keller: Thank you. So maybe a note about potentially changing the address  
19 makes sense.  
20

21 This subject property is in a flood plane and I am not sure how the flood plane is being  
22 addressed. I looked at the EIR study and it mentioned something about the flood plane but it  
23 didn't indicate whether the ground floor of the building is above the base flood elevation. So I  
24 don't see where that is.  
25

26 Mr. Northway: The ground floor, the habitable spaces are all above the flood plane elevation  
27 and the entry elevation to go down into the parking garage is also above the flood plane  
28 elevation. FEMA allows you in commercial projects to do that. So the entry to the ramp is  
29 above the flood plane level and then it is okay to have a parking garage beneath the ground.  
30

31 Commissioner Keller: Right. Is there any raising of the ground floor?  
32

33 Mr. Northway: Yes, the site will be raised to meet the flood plane requirements.  
34

35 Commissioner Keller: How much will it be raised?  
36

37 Mr. Northway: I will have to ask.  
38

39 Ms. Likens: Just very roughly from street level to first floor finished floor it would be in the  
40 range of about three and a half to four feet to get finished floor of first floor a foot above the  
41 flood plane level.  
42

43 Commissioner Keller: Thank you. I suggest that that information be put in the Staff Report that  
44 goes in the future to note that this is being raised above. That information is useful.  
45

46 In terms of the tree canopy over the parking lot let me ask Staff a question. Let us just  
47 hypothetically say that the proposed tree shading study winds up not meeting that requirement of  
48 50 percent shading within so many years. Does that require a Variance?

1  
2 Ms. French: That is a good question. Don't have an answer.  
3

4 Commissioner Keller: Okay, thank you. It seems to me then if you look at the parking that is  
5 identified. I guess that is C2 that identifies the parking. There is another one that identifies the  
6 parking and trees. I guess the better one is A5, is that right? It appears that you have a bunch of  
7 trees that are along the frontage road of East Bayshore, and then there are some trees that are in  
8 the .....

9  
10 Ms. Likens: Sheet LD1.1 towards the back might be a better reference.  
11

12 Commissioner Keller: Thank you. LD1.1. Then there are some trees that are in little sort of  
13 fingers that come into the parking lot. It appears that if the neck that goes from the parking lot  
14 into the road on the East Bayshore shore side, if that neck were narrowed so that the cars parked  
15 were a little bit closer to the circular area you could support more fingers going into the parking  
16 area, and those fingers would support additional trees that can provide additional shading. So  
17 that is something that can be considered in terms of this structure.  
18

19 I think it is amusing in some sense that the restaurant is near the fire element. I guess there is a  
20 lot of fire going on with restaurant, hopefully not in the restaurant, hopefully only in the cooking  
21 portion.  
22

23 I would like to follow up on Commissioner Martinez's comments regarding the build to lines. I  
24 agree with the idea of having additional flexibility regarding build to lines. To me the issue of  
25 build to lines I would actually like more recessing. I think that the El Camino Design Guidelines  
26 of building tall buildings pushing up against the street doesn't provide a wide enough sidewalk  
27 anyway. I think that the question with respect to whether effective sidewalk includes the  
28 distance of the street trees I think is an open question that we should address with respect to the  
29 El Camino Design Guidelines. It seems to me that the intent of the build to lines is so that we  
30 don't see a sea of parking between the building and the street. If somebody were to recess the  
31 building from the street and put landscaping there that is not really objectionable. The idea from  
32 my point of view of the build to lines is so that we don't have buildings that are recessed 50, 100  
33 feet or whatever, and a sea of parking in front. Now I realize that because of the PG&E  
34 easement on East Bayshore that necessarily you can't put anything under there so you might as  
35 well put parking there. The increased setback on Embarcadero Road and landscaping on there  
36 that seems to be a net benefit not a detriment. It seems to me that if you think about for example  
37 Alma Street and some other streets have I believe a 30-foot scenic setback for that street and I  
38 would encourage us on the part of our rezoning to put a similar setback along Embarcadero Road  
39 east of 101. Essentially that is what is there now and we want to maintain that landscaping  
40 buffer in the front and not bring it up against the street. So in some sense if this had the scenic  
41 setback that it should have there wouldn't need to be a Variance. I do think that the issue here is  
42 that if people want to put landscaping in and not parking I think that the idea of the build to lines  
43 is really not to have a row of parking. I think that needs to be taken into account in terms of how  
44 that ordinance is considered in the future. Thank you.  
45

46 Chair Garber: Thank you. On page 20 of the EIR there is discussion regarding parking. I was  
47 wondering if Staff could walk us through the support of the reduction of the parking by the 25 or  
48 26 percent, and how they got there.

1  
2 Ms. Cutler: So the code allows for certain reductions in the number of parking provided for the  
3 hotel rooms below the one-to-one in cases where you have multiple uses on the site. In this case  
4 it seems appropriate that certain areas like the meeting room, the small 200 square feet of retail,  
5 the small exercise room. These are spaces that are pretty clearly going to be used in connection  
6 with the hotel and so having extra parking provided for those I think that is the kind of mixed use  
7 that can allow for a reduction in parking. You wouldn't need extra parking for those.

8  
9 Then the same kind of thing can be said to a slightly lesser degree for the restaurant. It seems  
10 quite likely that in this location a lot of the visitors to the hotel will be using this restaurant as  
11 there really isn't anything else in the close vicinity when visiting. There also likely will be a  
12 number of the guests that come via shuttle and other modes of transportation. So the code does  
13 allow up to a 75 percent reduction in the parking required for those spaces based on mixes of  
14 uses. In this case the restaurant has been reduced in size and things like that. So a full 75  
15 percent reduction does not seem appropriate. The type of reduction that is proposed by the  
16 applicant however, which I believe is a 40 percent reduction in the number of spaces for the  
17 rooms, a 25 or 26 percent reduction overall, is a better balance for this site.

18  
19 Commissioner Lippert: Excuse me, Chair.

20  
21 Chair Garber: Yes, go ahead.

22  
23 Commissioner Lippert: A clarification, there is no EIR. You are talking about the  
24 Environmental Checklist.

25  
26 Chair Garber: Yes, I apologize, thank you. Sorry for the titling error there. On the setback  
27 question do we know how far back the buildings are that are across Embarcadero from this  
28 building? Do we know how far those are set back, or does the applicant?

29  
30 Ms. Munoz: Unfortunately I don't have the dimensions with me. Would you like me to just put  
31 up the aerial to just get a visual of that?

32  
33 Chair Garber: Yes, let's take a look at that. Okay that is helpful. Thank you.

34  
35 Commissioner Martinez, a question for you. I am interested in your thought regarding the  
36 enlivenment of the street. Here is my question though for you. We don't really have a  
37 streetscape the way that we do for instance along El Camino or one of our other shopping streets  
38 here. We have the office building that is across the street and we have these other sort of  
39 enclosed sort of offices. The way that the site is zoned there is precious little opportunity to have  
40 those sorts of experiences here. Would that change your thinking about how this site might be  
41 utilized by this project at all?

42  
43 Commissioner Martinez: Looking at the aerial plan I can agree that there isn't any pattern for  
44 the setbacks and the open space but it does exist. I think it suggests that the proposed building is  
45 sort of out of sync with what exists around it, especially if you look to the Carlsen site. I think it  
46 would be fairly drastic to impose a similar kind of setback. I think it would all but kill the  
47 project. That being said, I still believe that if our attitude is to create a kind of parkway kind of  
48 environment an increased setback would be appropriate.

1  
2 Chair Garber: I agree actually with all of that. I suspect that the Carlsen site is probably not  
3 built out to the degree that it could be if it were to be improved. I actually wasn't thinking about  
4 the setbacks specifically I was thinking about your comments regarding creating more life along  
5 the street, the combing of the entrances of restaurant and the hotel, and the moving of the  
6 entrance to the corner in order to create a higher level of intensity and visual intensity I am  
7 assuming. Whereas the other sort of experiences along these two streets, Bayshore and  
8 Embarcadero, are actually more office park-like as opposed to something that has a big retail or  
9 restaurant focus or continual focus. Are you following my thought here?

10  
11 Commissioner Martinez: Yes. If anything it sort of reinforces what I was saying. This building  
12 or this site is kind of a gateway. The use is very different from even the retail uses nearby,  
13 definitely different from the offices, which really don't have a presence. Even for the vitality of  
14 the hotel and restaurant themselves kind of hiding how you get to them, obscuring the address. I  
15 think Commissioner Keller's comment about the Embarcadero address is right on. I think they  
16 would be foolish to change the address when there is a freeway exit with that name on it. It  
17 guides people right to the hotel. I think engaging the fire element more and putting the entrance  
18 to the hotel there, or as I suggested putting it on the opposite side where it still gets some  
19 exposure and suggests some activity to the street would both be appropriate. On the back it just  
20 seems poor city design. It may work for their individual purposes of separating the restaurant  
21 from the hotel and not mixing the patrons, or whatever their sort of programmatic goals are, but  
22 it doesn't work from a city design point and that is really all I am addressing.

23  
24 Chair Garber: Okay, thank you. We have a follow up from Commissioner Lippert.

25  
26 Commissioner Lippert: If I might be permitted to answer the same question. I see it a little bit  
27 differently. What I see is as you exit Embarcadero Road off of Bayshore you come across the  
28 freeway there the openings in the two buildings actually become a gesture or a definition of an  
29 entrance to the building. That is what you see as a vehicle. The fact that they have put a circle  
30 there, and a turnaround, denotes that that is a drop-off point or the entrance to the building. Most  
31 people would think, yes that is the entrance to the building. However, when you come into the  
32 driveway that is off of the frontage road you are confronted with two choices. You actually  
33 come to a fork in the road so take it. You can either go to the left and go to the restaurant or you  
34 can go straight ahead and go to the porte-cochere. It doesn't diminish the procession of the  
35 building. All that it does is it makes it confusing initially but it is later clarified because there  
36 really is only one main entrance to the driveway which is off of the Bayshore Road. Even if you  
37 were to take the first immediate driveway off of Embarcadero Road it would bring you around to  
38 the porte-cochere. You don't have any choice but eventually you would wind up at the  
39 restaurant. You would know to go around the building. So to me the gesture of the front of the  
40 building is the opening of the two buildings and that they do not touch.

41  
42 The only criticism that I have and that really is an ARB issue, it is not a Planning Commission  
43 issue, is that I would want the front of that building to be maybe the façade to be on a radius with  
44 that circle to thereby reinforce in plan what you see vertically. So that is really my only criticism  
45 with it.

46  
47 I just want to add one other element to this, which is the Menlo Park gateway project that is  
48 being proposed for Marsh Road by Bohannon Development they don't have any frontage off of

1 Marsh Road. They don't have any frontage for the hotel off of Bayshore Freeway. You have to  
2 exit Marsh Road and you have to make a right hand turn onto either Constitution or  
3 Independence before you actually get to the front door of the hotel or the health club that they are  
4 proposing. Right in the middle of the site they have light manufacturing. That is sort of all that  
5 light manufacturing and parking is shrouded by these buildings that sort of surround it. This is a  
6 much more preferable solution.

7  
8 Then I have some comments that I would like to make also after you finish.

9  
10 Chair Garber: Actually I am done but Fineberg was ahead of you. Commissioner Fineberg.

11  
12 Commissioner Fineberg: I would like to start by talking about some of the impacts of what  
13 being in the flood plane means. I am looking at the vertical elevations in various photos and they  
14 are all showing flat ground. I know we are not necessarily going to get the answers tonight but if  
15 you are starting on East Bayshore in a car at grade, about four feet above sea level, and by the  
16 other side of the PG&E right-of-way and the parking lot for the restaurant you come up maybe  
17 200 feet. You are going to have make a four feet rise in grade and so what you are going to be  
18 confronting from East Bayshore is a hill up into the property. Then if you took the fork to the  
19 restaurant is it going to stay up or is it going to go down? So is the property going to appear  
20 hilly? If you continue to the porte-cochere I would assume it stays up at the eight feet above sea  
21 level. Then as you go around – so is that going to work?

22  
23 Ms. Munoz: We have actually started to look at that in more detail with our civil engineer.  
24 Basically when you do enter the main driveway it will be a ramp up to get you close to the level  
25 of finish floor. Then if you took the fork to the hotel that porte-cochere area stays relatively  
26 level, and then starts to gradually slope back down as you go around the backside of the building.  
27 Then in terms of the approach going towards the restaurant we definitely want to minimize the  
28 cross-slope on the parking area and then work the berming and the Baylands planting concept  
29 into the edges of the property and the landscape area to bring grade back down to sidewalk level.

30  
31 Commissioner Fineberg: So that comes to my next point. For the trees that have to go in you  
32 just mentioned you would use berming and bringing it back down to grade at the edge. Will  
33 there be any raised elevation at the edge of the property along East Bayshore where those trees  
34 with the maximum height of 15 feet will be? I am asking that not for the legal definition of how  
35 the City considers grade but is it 15 feet from the top of the new grade because that is some  
36 distance from under the power line? So is the tree really going to really have to be 12 feet or 13  
37 feet or 10 feet?

38  
39 Ms. Munoz: That is a good point. We would want to clarify that with PG&E. The nice thing is  
40 that the trees being planned are as close to the sidewalk as you are nearing back down to natural  
41 grade so that might work to our benefit.

42  
43 Commissioner Fineberg: Okay, thank you. I would agree with Commissioner Martinez's  
44 comments that sometimes our Variances don't appear to apply in all situations. I would agree  
45 that this one size fits all is not working. If there is one place where I have seen physical  
46 constraints on a property that legitimately justify a Variance this is it. Having a PG&E high-  
47 tension line running on the substantive street-face of the property with a required 80-foot setback  
48 that is huge. So I would concur that a Variance to accommodate that, that is a significant

1 limitation on the property. I am one of the first people to criticize when the requirements for  
2 Variances are trivialized. So this is one that I could see supporting coming down the road.

3  
4 One of the other questions I have is about the parking reductions. Presumably when the  
5 standards were made for parking reductions they understood that hotels are more than simply a  
6 collection of bedrooms. Hotels include amenities for the guests like exercise rooms, restaurants,  
7 meeting rooms, and that there weren't blinders put on and that those standards for parking  
8 assumed certain amounts of other uses. So I am baffled by why we are willing to reduce those  
9 reductions without reasons to justify that there is something of substance other than there is a  
10 slightly different use somewhere else in the property. If this was let's say in the Downtown area  
11 half a block off University I would understand that there would be a decreased demand for  
12 parking because there are good shuttle buses serving it, there are walkable restaurants, there is  
13 nightlife, there are amenities, there is public transit, there is Caltrain. This is a site that the only  
14 way you are going to get to and from that except for maybe a few of the employees and a few of  
15 the people visiting the guests this is an area that is going to be served by cars. Almost every trip  
16 that every guest, restaurant or hotel, is going to be via car. So under-parking this site will  
17 undermine the economic vitality of the business, will create spillover traffic and parking  
18 problems on the adjacent frontage streets and areas where there is parking. So I think we need to  
19 carefully explore whether the reduction in parking is prudent.

20  
21 I would agree with comments that the access to the restaurant and the back entrance seems a  
22 little different than we are used to. I am not sure the right way to address that but maybe if there  
23 is something that can be done within the structure that makes the entrance more prominent. I  
24 don't know if it is a setback or different materials. Just so that it is not something hidden down  
25 the back and so that there is way finding. The classic example for me is getting out of the  
26 basement of this building. There are little tiny signs that you have to look for otherwise you can  
27 drive around in circles and it is all just this monotonous same-looking thing, if that can be  
28 avoided so that it is clear when you come in. I don't know if that means something that  
29 announces the beginning of the porte-cochere so people don't dive down into the basement if  
30 people are looking for the registration desk. Some extra thought on that I think would benefit the  
31 site design.

32  
33 The last thing I want to talk about is site dewatering during the construction of the basement. It  
34 is too early yet but I would like to see it addressed for the later stages. In that area, maybe Staff  
35 can give a better estimate, one maybe three miles due south of there are some significant plumes  
36 of toxic groundwater that are known to be migrating in a generally northward direction. That is  
37 under several projects we have already built on. They have been identified and we know where  
38 they are. I would like to know if there is any knowledge of what a safe distance is when you pull  
39 groundwater that we not be pulling those plumes further north.

40  
41 Ms. Cutler: The project submittal did include a phase one, which was also used as reference in  
42 the environmental document because that is definitely something that we look at. Those experts  
43 did find that it was sufficiently far away from other sites in the area. There wasn't anything  
44 close enough that that was of concern.

45  
46 Commissioner Fineberg: Were those findings based on average conditions in general areas or  
47 specific for what is the groundwater table there and where the known toxic sites are.

1 Ms. Cutler: My understanding is that the first part of their research is to determine where the  
2 toxic sites are in the vicinity and what is known about those sites. So where the plume is or  
3 where it is traveling would definitely be considered as part of that research.  
4

5 Commissioner Fineberg: Thank you.  
6

7 Chair Garber: Commissioners, we have done one round of everyone. We are coming up to  
8 Commissioner Lippert again. I would like to try and get out of here in the next hour or so if that  
9 is possible.  
10

11 We have three things that we need to consider, whether to adopt the Negative Declaration, two  
12 whether to approve the Site and Design Review, and three our action on the Variance. So if we  
13 can begin to focus our comments on those three things that would be helpful.  
14

15 Ms. Cutler: I would like to add that there is also the rezoning that should also be considered.  
16

17 Chair Garber: Thank you, sorry. Four, yes. Commissioner Lippert.  
18

19 Commissioner Lippert: Well, I will begin by saying that I believe the rezoning on it is very  
20 appropriate. We had reviewed this earlier. It was looked at as a PC and we had actually as the  
21 Planning and Transportation Commission had recommended that they look at rezoning  
22 especially since now we have a hotel guidelines or zoning. So I think that is very appropriate.  
23 They took our comments very seriously and they actually gave it substantial thought before  
24 returning to us. So I have to comment the applicant first of all for enduring and doing that.  
25

26 With regard to the Variance I am in complete agreement. I think that the 80-foot setback with  
27 regard to the PG&E utility easement is a major encumbrance on the property and as such it is a  
28 physical constraint that I would definitely entertain in terms of supporting your Variance request  
29 here.  
30

31 Regarding the Negative Declaration again I don't have any problem with the environmental. I  
32 think it is apropos.  
33

34 The only other comment I really have is with regard to the trees along Embarcadero Road. I  
35 think that that can be mitigated simply by looking at the density of those trees in terms of their  
36 height. Maybe it is something that is a particularly tall tree with not a lot of low hanging  
37 branches. That would help mitigate the problems in terms of the Carlsen site being obscured by  
38 them. I don't think that that's really a problem here even if they were lower trees. We currently  
39 have those wonderful eucalyptus trees as we come off of the Bayshore Freeway. I don't have  
40 any problem seeing through those to see the building that is there or seeing what is beyond it. I  
41 don't think that these trees are significant enough that they are going to create a problem. Maybe  
42 there is a way to make the neighbor happy and I think that as I say, good fences make good  
43 neighbors.  
44

45 So those are really my comments and if we return back I would be happy to make a motion.  
46

47 Chair Garber: Commissioner Keller.  
48

1 Commissioner Keller: Yes, thank you. I have a couple of further questions. They both relate to  
2 page 20 of the Environmental Checklist and I also take Commissioner Lippert's correction that  
3 this is not an Environmental Impact Report. The first thing is in terms of traffic on page 20 it  
4 says the proposed hotel will cause an increase of 72 new PM trips which is above the threshold  
5 for the traffic impact assessment. Then it says the calculated increase in delay of the PM hour  
6 was less than two seconds at both intersections. What is the LOS at that intersection, at the  
7 intersection of Embarcadero and East Bayshore?

8  
9 Ms. Cutler: Which intersection was that?

10  
11 Commissioner Keller: I believe the relevant intersection is Embarcadero and East Bayshore.

12  
13 Ms. Cutler: Okay. Give me a moment and I will see if I can find it in the traffic report.

14  
15 Commissioner Keller: Please. While you are figuring that out I will ask my second question. It  
16 states in the document here it says allow for consideration of a 40 percent reduction in required  
17 parking for hotels in the CEQA document. I believe I heard some comment about, I am finding  
18 it, talking about a reduction of 75 percent. So I am confused.

19  
20 Ms. Cutler: I can clarify that if you would like.

21  
22 Commissioner Keller: Yes.

23  
24 Ms. Cutler: There are a number of different percentages that are floating around through the  
25 report in terms of the reduction of parking. The allowed reduction in the number of parking  
26 spaces for the hotel rooms per code, the maximum is 75 percent. The proposed reduction in the  
27 parking spaces for the number of rooms would be 40 percent approximately. The reduction in  
28 the overall parking is actually just 25 percent of the overall, the 222 required parking spaces. So  
29 that is how we have those three different numbers floating around.

30  
31 Commissioner Keller: Well, yes.

32  
33 Chair Garber: Commissioner Martinez.

34  
35 Commissioner Martinez: What is the hard number? You gave the percentages but what is the  
36 actual number of cars reduced?

37  
38 Ms. Cutler: So the requirement is 222 spaces total for everything combined. The proposed  
39 project is providing 166 spaces. So that is a 56-space reduction.

40  
41 Also to respond to the earlier question from Commissioner Keller the existing and background  
42 Level of Service in the AM hour for the intersection of East Bayshore Road and Embarcadero  
43 Road is C. For the PM hour the existing is C, but the background which is based on expected  
44 projects in the area over the next few years while this is being developed that actually goes down  
45 from C to E based on the background activity not on this project.

46  
47 Commissioner Keller: First of all I am totally surprised that this intersection is actually currently  
48 C. Whenever I try and drive through this intersection between almost five o'clock and six

1 o'clock if I can get through at a C level of delay I am totally floored. So I am skeptical about  
2 that personally. Didn't you say the current is C in PM?

3  
4 Ms. Cutler: The existing is C both AM and PM.

5  
6 Commissioner Keller: So first of all, independent of whether it is C or not, which I think it  
7 probably isn't, you said that the expected is E, right? That the future projected is E.

8  
9 Ms. Cutler: The background numbers that they provided here gives a Level of Service of E.

10  
11 Chair Garber: Forgive me, meaning that if there was no project in three to five years it would be  
12 E.

13  
14 Ms. Cutler: Precisely.

15  
16 Chair Garber: Thank you.

17  
18 Commissioner Keller: Now, correct me if I am wrong, but my understanding of the City of Palo  
19 Alto's significance for traffic thresholds is if it is D or greater and the increase is one second or  
20 more in critical delay then that is considered significant. If it is D or greater and it is increased  
21 by at least one second of delay that is considered a significant from the City of Palo Alto's  
22 Traffic Significance Thresholds. Am I correct or incorrect on that?

23  
24 Ms. Cutler: The increase in delay that is shown here for that PM hour is 1.3 seconds it appears.  
25 Off the top of my head I don't what the increase limit is.

26  
27 Mr. Williams: It is four seconds of delay or 0.01 in the increase in volume over capacity. Is that  
28 what you are asking? What the delay increase is of significant threshold?

29  
30 Commissioner Keller: Yes, not one second, but four seconds?

31  
32 Mr. Williams: Four seconds or one-one hundredth of an increase in the volume over capacity  
33 ratio for the intersection.

34  
35 Commissioner Keller: Okay. By the way, I have been looking all over the City web site for that  
36 actual significance threshold and I can't find it anywhere. The only thing I could find was a  
37 Staff Report proposing what it should be and not any document saying what it actually is.

38  
39 Mr. Williams: I will ask Julie if we can't make that available because she has all that stuff.

40  
41 Commissioner Keller: The best thing I could find is a Staff Report from 2003 I believe it was or  
42 something like that, which indicated that it was one second of delay.

43  
44 Mr. Williams: I think it was proposed at one point in time to be that but that is not what we  
45 have.

1 Commissioner Keller: Okay, thank you. So what you are saying is this is less than four seconds  
2 and less than one percent additional traffic. Is that right? Less than one percent increase in  
3 traffic.

4  
5 Ms. French: It is .01 increase of volume over capacity.

6  
7 Commissioner Keller: Okay.

8  
9 Mr. Williams: The document you have, the Mitigated Negative Declaration when it looks at  
10 these various things has all the significance criteria in there. So on item (h) in there says if it  
11 causes a local City of Palo Alto intersection to deteriorate below Level of Service D and it causes  
12 an increase in the average stop delay for the critical movements by four seconds or more, the  
13 critical volume to capacity ratio to increase by 0.01 or more. Then item (i) says if it is a local  
14 intersection already at Level of Service E or F if it deteriorates and the average stop delay for the  
15 critical movements by four seconds or more. Then again the next one, regional intersections are  
16 also four seconds or 0.1.

17  
18 Commissioner Keller: Thank you. So what is the measure of the increase in V over C?

19  
20 Mr. Williams: For this intersection you mean?

21  
22 Commissioner Keller: Yes.

23  
24 Mr. Williams: I don't know. That would be in the traffic study somewhere I assume but I don't  
25 have that.

26  
27 Chair Garber: Do you want to have them get back to you on that?

28  
29 Commissioner Keller: Well, you are looking for that.

30  
31 Ms. French: We have it.

32  
33 Ms. Cutler: We have it.

34  
35 Commissioner Keller: Please go ahead.

36  
37 Ms. Cutler: So for East Bayshore Road at Embarcadero the increase in V over C is .005 for the  
38 AM and .005 for the PM.

39  
40 Commissioner Keller: Thank you.

41  
42 Ms. Cutler: You are welcome.

43  
44 Commissioner Keller: There is an inconsistency here still that I am confused about. On page 5  
45 of the Staff Report it says that the request is for 40 percent of the number of parking spaces on  
46 hotel rooms and 75 percent reduction is allowed. However, in the Environmental Checklist form  
47 it says in about five lines from the bottom of the paragraph starting 'The building,' three  
48 paragraphs from the bottom. It says but allow for consideration of up to 40 percent reduction in

1 required parking for hotels. So I am still confused. If this site is 40 percent here and the Staff  
2 Report says the site requested 40, and then the Staff Report allows 75 percent. I am still  
3 confused as to the degree of consistency of those.  
4

5 Ms. Cutler: Yes, it looks like that 40 percent in the environmental document is probably a typo.  
6 It may be that that was based on reductions that are allowed by the Director in a separate part of  
7 the parking code. I don't have the zoning parking requirements right here in front of me, but  
8 there is a table that are allowed reductions by the Director. So it may be that that is where that  
9 40 percent came from. Amy is going to take a look at that for me.  
10

11 In the section of the table that is specifically talking about the required parking spaces for hotels  
12 within that table, that line there, that is where it actually specifically says up to a 75 percent  
13 specifically for the hotel rooms.  
14

15 Commissioner Keller: Okay, well that is useful. I am hoping that probably one of these days we  
16 will revisit the Parking Ordinance if only to look at multifamily residential like the Arbor Real  
17 project and the adequacy of parking there and relative to neighborhoods. So we might want to  
18 look at this as well.  
19

20 Mr. Williams: I would suggest that we stay up tonight and do that.  
21

22 Commissioner Keller: I don't think it is agendized so it will be a little difficult to do.  
23

24 Chair Garber: Okay. Anything else? Commissioner Fineberg.  
25

26 Commissioner Fineberg: I would like to come back to the discussion about the intersection of  
27 Embarcadero and East Bayshore. Recently there were some metering lights turned on at the  
28 onramps to 101. I know they were turned on at Oregon. Were they turned on also at  
29 Embarcadero? So does this traffic analysis include that recent change in condition?  
30

31 Mr. Williams: I would be surprised if it includes it. Probably wouldn't know what the impact is.  
32 If the impact is what Caltrans predicts it would be an improvement. They are in the process of  
33 monitoring how those are working. Our traffic engineer as well as Caltrans is looking at  
34 monitoring that. In the couple of weeks it has been on now it seems to be functioning well and  
35 there are not excessive backups being created any more so than existed before certainly. But I  
36 don't know and again I would be kind of surprised if they looked at that. We could certainly ask  
37 them.  
38

39 Commissioner Fineberg: Okay, so if that could be flagged for some attention to see if it has  
40 created any situation that has changed since the intersection measurements were made.  
41

42 Then I want to also come back to the parking and the Director's reduction of parking. In the  
43 Staff Report on page 5 it talks about the reasons for the reductions. It says, "This reduction is  
44 requested based on Section 18.52.040 Table 2, which allows for a reduction of up to 75 percent  
45 of the spaces required for guest rooms upon approval by Director based on parking study of  
46 parking generated by the mixes of uses." When they talk about mixes of uses do they mean the  
47 services in the hotel for hotel guests like restaurants and meeting rooms or are they talking about  
48 true mixes of uses as defined by our code and mixed use buildings?

1  
2 Mr. Williams: I think in the hotel they are not talking about mixed use buildings like the other  
3 kind of reduction. I think they are mostly talking about the things where there would be some  
4 overlap between the hotel guests. They would use the restaurant some, they would use the gift  
5 shop, whatever gym facilities, and things like that that otherwise would generate trips to and  
6 from. It is an acknowledgement that they are not the only ones that are using that especially like  
7 a restaurant. So I think what we need to consider is what are those facilities, and as Jennifer was  
8 saying some of them seem to be almost wholly supportive of the guests, others particularly the  
9 restaurant would be used by the guests to some extent but would also clearly be used by the  
10 community at large. So the study should take into account the fact that some of those reductions  
11 relate very directly and some of them less directly, and we need to all feel comfortable that that  
12 balance is struck. That is why it provides the flexibility but I do think for the hotels it is really  
13 supporting the guests of the hotel and the employees of the hotel, but it is not mixed with  
14 residential or mixed with retail necessarily type of thing.  
15

16 Commissioner Fineberg: When the standards were implemented and there were minimums put  
17 in place for parking spaces per number of rooms did they not consider or did they not assume  
18 that hotel guests would require amenities? So are we double reducing? One it was factored  
19 when we made the standard, and two now we reduce again.  
20

21 Ms. Cutler: We are actually counting those extra amenity spaces in terms of if you look at the  
22 table that calculates the number of parking spaces that is required. That 222 includes not only  
23 the space per room but also the number of spaces that would be required for that 200 square feet  
24 of retail and each of the other uses, of the restaurant as well as the retail, the gym, the meeting  
25 room, all of those things were actually added together. So we are not reducing it double. We  
26 added everything together and then from that we are considering reduction.  
27

28 Commissioner Fineberg: I would see the sort of double reduction not coming from – I agree  
29 with the methodology in your calculation. The place I would see the reduction is when the  
30 standards were established did they already assume that you would have a hotel guest come and  
31 there would be a restaurant, and they would go from the hotel room to the restaurant. So the  
32 standard for the required parking assumed they would go to the restaurant or was it strictly if  
33 there is no other amenity in the building and there is only a hotel only with restaurants and then  
34 you calculate the separate areas separately?  
35

36 Mr. Williams: I think the latter. I think that they did not. I mean the one per room was not  
37 assuming that there would a restaurant and there would be sharing of some of the amenities, and  
38 all that kind of thing. I think you could also argue that one per room, well there are also  
39 employees too so it really should be more than one per room, but I think it balances out because  
40 you rarely have 100 percent occupancy either, so one was sort of determined as the number.  
41

42 I will tell you that when we did the Parking section of the Zoning Ordinance Update that was one  
43 use that we really wanted to target looking at because this is goofy. This language here, I don't  
44 know if I have seen that kind of language in other ordinances with the 75 percent of all this stuff.  
45 So we wanted to survey other communities and see what they had and we just ran out of time  
46 and didn't get to look specifically at hotels. Maybe we would have spent more time if we knew  
47 we had so many of them on the drawing board a few years later.  
48

1 Commissioner Fineberg: Okay. The last item on that parking issue is has there been or should  
2 there be consideration of any TDMs and would they be viable given this site of the property?  
3

4 Ms. Cutler: The idea of having a TDM was something that we considered but felt really would  
5 be appropriate if there had been found to be some potential impact from traffic and  
6 transportation. Since the studies for that showed that there wasn't going to be any kind of  
7 potential impact there there wasn't any kind of connection that we could make in terms of  
8 requiring any kind of TDM.  
9

10 Chair Garber: Commissioner Lippert and then Martinez.  
11

12 Commissioner Lippert: On a follow up on the parking again. I just want to make a couple of  
13 comments here. Number one, in a hotel particularly a business hotel generally you have multiple  
14 guests that are coming together, often times traveling together, but then they stay in separate  
15 rooms. So again that would support a reduction in terms of the parking because let's say going  
16 to the hotel and you haven't really increased the number of cars associated with that group.  
17 Especially since businesses have become very tight in terms of traveling these days.  
18

19 The second comment I wanted to make is generally associated with a business hotel that is  
20 located in a remote location like this, I don't know who the operator is but my assumption is that  
21 there would be some sort of shuttle bus to connect the hotel with the Downtown of Palo Alto and  
22 being able to get around. Yes, the train station, and even the Research Park. So maybe that is  
23 something that the applicant would want to address early on and include it in as part of the report  
24 that there would be some sort of shuttle bus. We can't condition it but it would definitely  
25 support the parking reduction right up front.  
26

27 Then the second comment I wanted to make is with regard to the operation and my assumption is  
28 that it will also be the current restaurant that is there. That is a lunchtime destination. Well some  
29 people might be in the hotel rooms at noon but not me. The idea is that hotel guests generally  
30 check-in in the evening sometime between three and five, maybe even as late as six or seven at  
31 night. During the daytime hours there are very few guests in their hotel rooms. They are out  
32 doing business or whatever. So the people that are arriving for lunch and using the restaurant  
33 there it is what we have in terms of the dual parking on residences and commercial spaces. It is  
34 very similar. So again that would support the parking reductions. So that is how I could see and  
35 I could begin to support parking reductions there.  
36

37 Then one last comment going back to the shuttle bus. If the shuttle bus did go to the Palo Alto  
38 Train Station that in its way would be sort of a mini Transportation Demand Management  
39 Program because people that lived in Redwood City, Mountain View that were working in the  
40 hotel could be picked up by the shuttle bus and brought to the hotel to work, and they don't need  
41 to bring their cars.  
42

43 Chair Garber: Commissioner Martinez.  
44

45 Commissioner Martinez: Thank you. The reduction of 56 parking spaces is kind of a lot. I am  
46 sympathetic that there is a way to sort of manage it to make it work. Commissioner Lippert is  
47 more creative than I am at that. This restaurant is not a hotel restaurant. That sort of gives me  
48 pause to whether we are sort of inviting something that could be a disaster. It is a popular

1 restaurant at lunch and dinner. The number of spaces that are being asked to be reduced could  
2 really create problem both for the City and for the uses there.

3  
4 I am not used to business hotels sort of being sort of transit friendly. My experience is they are a  
5 lot of cars. The opportunity for car sharing might be after people arrive there on their own to go  
6 to an event but usually they arrive on their own. It may be less than ten percent that opt to do car  
7 sharing. So I would really ask the applicant to look for opportunities to increase the parking and  
8 maybe try to get the reduction down to 25 cars. Something really that has a little bit of a  
9 pressure relief to it.

10  
11 I had a couple of other comments that I will make now. I am still not convinced at all that this  
12 entrance on the back, the porte-cochere on the back, is a viable option. I am intrigued by the way  
13 Commissioner Lippert has described the sort of way finding of sort of being able to see an  
14 entrance that is not really the entrance when you approach, and then go to the fork in the road  
15 and perhaps only have a 50 percent chance of getting it wrong. It just seems to me that a circle  
16 by the tower is pretty powerful and it wants to draw people to that as an entrance. If not, don't  
17 have it there. I think it is important as a sort of an urban design element if you make it work for  
18 what it is, but if it is a suggestion that this is sort of the entrance to the facilities and you don't  
19 have to think about it I think that is kind of the wrong assumption. I don't think it works for city  
20 design to have those kinds of symbols that really mislead you and require signage to point you in  
21 the right direction. I think that shows a weakness in the design. So I would really advocate this  
22 fire entrance to be fired up a little bit more and serve the hotel, serve the restaurant, serve as the  
23 entrance to the facility even if the parking for the hotel has to be a little bit farther away. Thank  
24 you.

25  
26 Chair Garber: Could I ask the architects to walk us through the entry sequence and give us  
27 perhaps maybe a little better feel as to what it is we will see and maybe address some of the  
28 issues as to how the massing of the building works at the corner, etc.? That might help the  
29 Commissioners get a better feel for what the experience actually is.

30  
31 Ms. Munoz: You mean as for instance a guest of the hotel how they would approach?

32  
33 Chair Garber: Sure. I am talking very experientially here and maybe that will help our  
34 conversation a little bit.

35  
36 Ms. Munoz: Sure. I totally neglected to even use the model that we brought so maybe that  
37 might help. I will go grab that and bring it back to the microphone.

38  
39 Chair Garber: You can use the portable microphone right there if that will help.

40  
41 Ms. Munoz: Okay, so the idea is that as you come down East Bayshore and enter following this  
42 patterned driveway the idea is that if you are going to the hotel entrance we are trying to do  
43 exactly what Commissioner Fineberg was talking about in trying to find a way architecturally to  
44 emphasize the main entrance of the hotel, and treat it in a way that draws your attention there.  
45 We also feel that as you approach this main driveway you are following this pattern that is very  
46 deliberately leading you towards the hotel entrance. There are also opportunities in this enlarged  
47 drive porte-cochere area to emphasize with some kind of feature that also kind of enhances your  
48 view down this driveway. So then when you enter the main entrance you are greeted by a large

1 double story lobby and can see through to the courtyard. So that is the kind of sequence that we  
2 see. If you need to turn around after you dropped your passenger off this allows for a turnaround  
3 to go back and into the parking garage. So that is one idea there.  
4

5 Chair Garber: Let me just interrupt while you are there. If I am taking that left hand turn having  
6 just come off of 101 and going down Bayshore, what causes me to know to take that left hand  
7 turn?  
8

9 Ms. Munoz: From Embarcadero?  
10

11 Chair Garber: Sure.  
12

13 Ms. Munoz: Well what we plan to do in terms of monument signage, and I know this is maybe  
14 perhaps getting to your point of a weakness needing to use signage, but we would want to place  
15 the monument sign for the hotel very deliberately close to the driveway entrance. We also  
16 architecturally are trying to really architecturally emphasize this corner of the building as  
17 something more dramatic and that would again draw you towards this side as the main hotel  
18 entrance.  
19

20 Chair Garber: I am going to interrupt briefly. In your elevations of the Bayshore you have  
21 indicated an area near the corner that is to be for signage. How does that work? That is on the  
22 building itself I mean.  
23

24 Ms. Munoz: Oh right. So the idea in terms of signage we would want to place a freestanding  
25 monument sign here near the driveway entrance. We also have an opportunity on the building  
26 for some hotel signage close to again drawing it all towards this end of the building. Any hotel  
27 related signage to draw you here.  
28

29 Chair Garber: I think Commissioner Martinez has a question.  
30

31 Commissioner Martinez: You started along Bayshore not at Embarcadero coming off the 101,  
32 and from where I sit that entrance to the courtyard is so powerful and then you have that lovely  
33 PG&E tower sort of also kind of the little Eiffel Tower of the Embarcadero. You have all of that  
34 happening right there at that corner. Why would I want to turn right and go away from that?  
35 Isn't that sort of drawing me into the hotel? So aren't you sort of working against that?  
36

37 Ms. Munoz: Well, I definitely see your point but I can also see that this is trying to give you a  
38 slightly different experience as a destination once you enter the site. Then this becomes more a,  
39 it is not a point that I would actually want to see a lot of traffic. I would rather have this be an  
40 attractive place where I have a little bit of calm and have this nice seating area as opposed to  
41 having this be this hub of cars driving in and out, even though I totally understand your point. I  
42 can see this working nicely as well.  
43

44 Chair Garber: As a caution to Commissioner Martinez and I can be counseled by Staff here,  
45 short of there being an issue with the zoning and how the land is being used we have limited  
46 impact as to direction in terms of massing, etc. Am I correct here? I mean we could create  
47 suggestions for the ARB to go and look at some of these issues, yes?  
48

1 Ms. Cutler: You are reviewing this in terms of Site and Design as well as the rezoning. As the  
2 Staff Report describes the area that the Planning Commission is supposed to be focusing on is  
3 the use, and making sure that the way the site is going to be used, so there is a bit of site planning  
4 in that, the way the site is going to be used is appropriate for the surroundings.  
5

6 Chair Garber: But we have on other projects given a list of concerns that we would like the ARB  
7 to address, which we can pass on.  
8

9 Ms. French: Absolutely. I do want to make sure you have got in front of you the Site and  
10 Design Review findings in the Record of Land Use Action daft under Section 5. There are four  
11 findings. One to ensure construction and operation of the use in a manner that is orderly,  
12 harmonious, and compatible. It is also on page 2 and 3 of the Staff Report so you probably read  
13 that through in the Staff Report. So there is that compatibility.  
14

15 Chair Garber: Yes, got it. I think actually gives us enough leeway to have these conversations.  
16 Commissioner Martinez, anything further? If you don't, I do.  
17

18 Commissioner Martinez: No, but I have tried very hard not to say anything about the building  
19 design. So I am aware of that problem.  
20

21 Chair Garber: Sure go ahead.  
22

23 Commissioner Lippert: I just want to make one other follow up observation. I appreciate your  
24 acknowledgement of the way I view the project even though we may differ. One of the things  
25 that I also find very refreshing about having the porte-cochere on the backside of the building is  
26 that a fault with a lot of architecture today is that a building doesn't address all sides. In fact you  
27 wind up with a side that orphan or drab or dead, and just is not inviting at all. Now maybe that is  
28 the purpose of having a backside of a building is to say that this is not the front, but in this case  
29 because it is such a prominent building located with a lot of area around it it is going to be highly  
30 visible. So having the entrance on the backside may not be such a bad thing because it does in  
31 fact create an interest around all sides of the building. The weakest side of course being the side  
32 that faces the Porsche dealer.  
33

34 Chair Garber: Commissioner Keller, you have a light.  
35

36 Commissioner Keller: Yes, thank you. The first comment that I am going to make is that I can  
37 understand the idea of way finding from East Bayshore. I am pleased with the idea that there is  
38 going to be a monument sign on East Bayshore because I can tell you coming from South Palo  
39 Alto crossing over onto East Bayshore from San Antonio Road I almost miss Mings because  
40 there are a bunch of driveways before it and I never figure out which is the right driveway. So I  
41 am glad that is being corrected.  
42

43 I can understand that the fork once you enter the property from East Bayshore knowing whether  
44 to turn left to go to the restaurant or turn right to go to the hotel I think that can be easily dealt  
45 with with onsite signage.  
46

47 I think the part that hasn't really been addressed is the person coming from 101 or crossing over  
48 101 on Embarcadero Road. That person seeing an address of 1700 Embarcadero Road is going

1 to stay on Embarcadero Road and not know to turn right. The image that I am having in my  
2 mind is if you ever drive on highway 17 down to Santa Cruz, somewhat before you reach Santa  
3 Cruz, before you reach Scotts Valley there is this huge sign that says Clair's Retreat three miles  
4 to the left. I am sort of imagining that there would be some sort of sign saying if you want to go  
5 to this hotel or restaurant turn right from Embarcadero onto East Bayshore, because that is  
6 essentially what you are telling people to do. I am not sure who is going to know to do that. I  
7 think people are going to go straight on Embarcadero Road and they are going to see the hotel or  
8 restaurant and figure out that they have to enter through the side, the driveway on Embarcadero  
9 Road, and just keep going around on that route. I am not sure exactly how to address that but I  
10 think that is what most people are going to do because they are not going to know to turn right on  
11 East Bayshore.

12  
13 That being said, actually I think that some people will turn right on East Bayshore and those are  
14 the people that realize that that intersection is so clogged that you can turn right more easily than  
15 going straight. So maybe the bad traffic will encourage people to turn right because you can do  
16 that free right turn without waiting for the light. Six of one/half a dozen of the other.

17  
18 The second thing I am sympathetic with the comments of Commissioner Martinez with respect  
19 to parking. Taking a look at the underground parking in sheet A6, can we put that up on the  
20 screen? If you look at that it is sort of this Delta shape if you will the Greek letter Delta shape.  
21 It is sort of parallel to the arrangement of the building. It is not clear why the parking lot has to  
22 parallel the shape of the building. If one were to take the diagonal portion on the left and replace  
23 that with two sort of vertical portions on the map and in some sense create three arms these all  
24 being underground I am wondering why that is not a feasible thing to do which would provide  
25 more underground parking and address some of the deficit.

26  
27 Ms. Munoz: If we were to do that we would actually encroach into the public utility easement  
28 and the PG&E easement. We were specifically told we had to keep the basement wall a very  
29 specific distance away from the public utility easement. So this exactly meets that and follows  
30 the building footprint. So we basically tracked the building wall all the way up and down.

31  
32 Commissioner Keller: Okay. So you essentially can't build under the easement.

33  
34 Ms. Munoz: We cannot.

35  
36 Commissioner Keller: You can however build under to the left inside the interior of the triangle  
37 and you can build to the right of the triangle adjacent to the Audi dealership. I am wondering if  
38 there is a way to reconfigure that so the building basement goes beyond the building envelope  
39 and allows for more parking that way.

40  
41 Ms. Munoz: We did look at schemes that did exactly that but we were trying to be sensitive to  
42 constructability and construction costs, and have the basement follow the building footprint. So  
43 this is where we ended up.

44  
45 Commissioner Keller: I appreciate that. Thank you. So a couple of comments about that. First  
46 of all, I do recognize that some people will arrive here using shuttles. I do realize that some  
47 people will leave here using shuttles. I think that that is unlikely to be the case for those using  
48 the restaurant. They are either onsite using the restaurant or they are offsite driving. Do we

1 know whether this hotel is going to have stays of 30 days or less or stays greater than 30 days  
2 with a Development Agreement? Has that been determined yet?

3  
4 Ms. Cutler: It will be required to meet the current code. Anything more specific than that has  
5 not been discussed.

6  
7 Commissioner Keller: So do we know the answer to that?

8  
9 Mr. Northway: There are no plans at this time to have anyone there longer than 30 days. In your  
10 thinking about parking although Wu and Vicky would love to have 100 percent occupancy as  
11 would the City, I think we all know realistically hotels are not 100 percent occupied.

12  
13 Commissioner Keller: Thank you. I think Commissioner Fineberg has a follow up.

14  
15 Commissioner Fineberg: Will the rooms still have kitchen units in them?

16  
17 Mr. Turner: Yes. The basic idea and Wu would like to speak to you a little further about it, he  
18 can do it now or later, the basic idea of who will stay here will be people who will probably be  
19 here for maybe a week or ten days. That is why the ability to have a kitchen in the room, that is  
20 the kind of market they are looking for. Wu can add more to it either after when we have the  
21 three minutes of if you would it right now.

22  
23 Commissioner Keller: I would invite her to address us right now.

24  
25 Chair Garber: Sure, why don't you take this as the formal opportunity to respond to any of the  
26 public comments or anything else?

27  
28 Mr. Wu-chung Hsiang, Applicant: Thank you. Vicky and I own this piece of land. Now, at the  
29 moment when you come to Mings in fact it also comes from the back. It is impossible to drive in  
30 from Embarcadero Road because the one way if you take the front you cut a big – you see we  
31 have the front door there. We always come in from the back. It is impossible to come in from  
32 there.

33  
34 About the restaurant, we actually thought about abolishing the restaurant if necessary. Because it  
35 will be very expensive to build a parking lot of two levels. Impossible. So we actually thought  
36 about that but then everybody said we have to keep Mings. We only kept a quarter of the size of  
37 Mings. So what we will do if necessary, if the restaurant is doing well, very well, then we have  
38 valet parking. We can get valet parking because the times changed. You see only the  
39 lunchtimes are sort of busy now and we can't have that. Dinnertime we can always have valet  
40 parking or something. So therefore for the cost of building the underground, because Palo Alto  
41 would not allow us to build higher, so that is the only way we can keep the size of the parking lot  
42 like this.

43  
44 Then I will add something else. We are Chinese. We build this hotel basically thinking Chinese  
45 companies from China will come visit us. So it is called extended stay but we really we agree  
46 with the City, we allow only a few of them to stay for 30 days but most of them maybe a few  
47 weeks. So therefore the exercise room and other things are very small. Because the labor costs

1 are so expensive it is impossible to sustain that. So if people come from China or something  
2 they may rent a car or something and they can stay a little longer. So that is what our hope is.

3  
4 So we know the constraints. We would like to have more parking spaces. At one time we tried  
5 to design two levels down but then the expenses would be doubled. So I appreciate all your  
6 comments.

7  
8 There is one more thing. Why we have the restaurant over in the corner there and why come to  
9 the back. I will say something you guys probably will not believe. We asked a feng shui guy. I  
10 don't believe in that but my wife does. So in fact the restaurant over the corner there next to the  
11 tower that is fire. The Chinese said a restaurant going there is okay. According to our feng shui  
12 guy they should come from the back and you see it is open larger. That is what the fortune  
13 comes from. So I thank you for.

14  
15 Chair Garber: One moment sir. Commissioner Keller. I thought there was another question.

16  
17 Mr. Wu-chung Hsiang: Feng shui means to the Chinese that when you build a building, you do  
18 something, there is a way to set your rooms, and where the wind and water come from. That is  
19 what the Chinese do but you guys probably do not believe that. For Chinese that is very  
20 important. We are going to get guys visiting us mostly from China or from Taiwan or from here  
21 you see. Okay?

22  
23 Chair Garber: Thank you.

24  
25 Mr. Wu-chung Hsiang: Thank you.

26  
27 Chair Garber: Back to Commissioner Keller.

28  
29 Commissioner Keller: Thank you. Actually whether I believe in feng shui or not is not relevant.  
30 I can point at a story of somebody I know who told me the story about a building in Singapore,  
31 which had very low rents because it had bad feng shui. So an American company went in and  
32 decided that is a great place, low rents, let's put our offices over there, and none of the Chinese  
33 wanted to visit those offices. So I certainly am sympathetic with the idea that good feng shui is  
34 important, in particular for the clientele that you have in mind.

35  
36 I do think that is certainly interesting and worthwhile to consider. I think that in light of the  
37 comments about the reduction in parking and the likelihood that degree of restaurant use that  
38 occurs within the hotel versus outside the hotel it may make sense, and I would certainly  
39 recommend that we condition the reduction in parking on a suitable Transportation Demand  
40 Management Program, and whether that can be met by the shuttles or by valet parking. I think  
41 that is certainly appropriate, but we don't have any way to require that without having TDM  
42 measures. I think those are perfectly reasonable and achievable measures, which I am  
43 presuming, or my understanding is the applicant is going to do anyway. So I think that is quite  
44 reasonable. Thank you.

45  
46 Chair Garber: Commissioner Lippert, perhaps a motion to organize us?

47  
48 **MOTION**

1  
2 Commissioner Lippert: I will try to make a motion but I have a comment first. I do see another  
3 way of getting around the parking issue. Again, this has to do with hours of the day and being  
4 able to share parking. Perhaps the property owners might be able to enter into an offsite parking  
5 agreement with the adjacent office building that during evening hours when the hotel is maxed  
6 out they would be able to simply park there. Then we know the next day that usually early  
7 people leave the hotel to go on and do their business. That is an excellent idea, Commissioner  
8 Keller. Perhaps the adjacent properties have an offsite agreement for using the commercial  
9 office parking for restaurant parking during evening hours.

10  
11 So with that what I would like to do is move that the Planning and Transportation Commission  
12 recommend the City Council adopt the Negative Declaration and environmental assessment and  
13 approve the requested zone change to Service Commercial with a Site and Design Review  
14 Combining District, CS(D), and approve the Site and Design Review and Variance application  
15 for development of a four story hotel and restaurant on the property located at 1700 Embarcadero  
16 Road subject to the conditions of approval on findings in the Record of Land Use. I would like  
17 to add to that that the Staff work with the applicant in terms of working out the under-parking  
18 constraints either through a Transportation Demand Management Program or an offsite parking  
19 agreement for the overflow on the adjacent commercial office buildings.

20  
21 Chair Garber: Do we hear a second?

22  
23 **SECOND**

24  
25 Commissioner Keller: I will second.

26  
27 Chair Garber: Commissioner Keller seconds. Would the maker like to address his motion?

28  
29 Commissioner Lippert: No, I think we have had enough discussion here. I have heard from all  
30 of my Commissioners and hopefully we have addressed the most significant issue here, which is  
31 the parking. I entertain any other amendments that my Commissioners would want to make to  
32 see this project move forward.

33  
34 Chair Garber: The seconder?

35  
36 Commissioner Keller: I understand that the intent of the discussion of the maker, Commissioner  
37 Lippert, in terms of Transportation Demand Management, if you will Transportation Demand  
38 Management or Parking Demand Program in some sense dealing with one or the other to address  
39 the parking issue. That is my interpretation of Commissioner Lippert said.

40  
41 I am going to address something that I have not addressed already and that is that I appreciate the  
42 photographs taken from the Baylands, and particularly from Bixby Park the height there. That  
43 addresses a major concern that I had about the sight lines and the degree to which a 50-foot  
44 building would be visible from Bixby Park. I trust the applicant being able to say that they  
45 couldn't see the very tall story pole of the PG&E tower. If they are not able to see that then I  
46 presume that they wouldn't have been able to see the much shorter 50-foot building for the hotel.

1 I am assuming that the 50-foot building is 50 feet above the raised grade. So when the grade is  
2 raised by three or four feet or however many feet it is raised by that the height is 50 feet  
3 measured from the new grade not from the original grade. So I don't think that that changes the  
4 visibility because the PG&E tower is still much higher, but it is worthwhile to note that raising  
5 the grade does raise the building slightly above the 50-some odd feet above the original grade.  
6

7 I think in some sense we have a project here that as many design projects are over constrained  
8 and it is kind of hard to satisfy all of the needs here. I think that there are a number of challenges  
9 that the ARB is going to have to address. One of those challenges is way finding. How do you  
10 figure out where the entrance of the hotel is, and if something can be done in terms of the  
11 monument sign and other way finding signs within the property for East Bayshore, particularly  
12 since there is some bike parking, which I think is great. Way finding for bikers so that they  
13 know how to get to the overpass over 101 and know how to get to the bike paths in the Baylands  
14 I think would be important amenities on the property that should be considered.  
15

16 I do think that some solution to the problem of drawing people onto East Bayshore rather than  
17 onto Embarcadero Road entrance, some solution to that is going to have to be found with respect  
18 to this. Although if you are coming down East Bayshore in the logical northerly direction it  
19 makes sense, you see this entrance, you go in there, but if you are coming from anywhere else  
20 you won't know that that entrance is there. So visual cues of some sort would be helpful. I don't  
21 suppose you would want a big arrow pointing in the southern direction along the edge of  
22 building but something would be quite useful.  
23

24 It is interesting that we have two hotel projects that we are reviewing today. This does say  
25 something about the fact that we did change the CS zoning in order to encourage the creation of  
26 hotels. I am hoping that the fact that some hotels have been built recently, the Rosewood, the  
27 hotel project that was being mentioned by Commissioner Lippert with respect to Marsh Road  
28 and 101 indicates that there is still a viable opportunity for hotels.  
29

30 I look forward to eating at the Mings Restaurant when it reopens and I am sure a large segment  
31 of the community will miss it in the years that it is under construction.  
32

33 Chair Garber: Commissioners, discussion. I will go. I am in support of the motion. I do believe  
34 that the findings for the Variance can be found such that the property does enjoy the privileges of  
35 other properties in the vicinity and is within the same zoning district.  
36

37 I would like to ask for a friendly amendment that Staff engage the applicant to study the impact  
38 of the trees along Embarcadero relative to the impact on neighbor's signage.  
39

40 Commissioner Lippert: I accept that. That was one of my comments earlier on.  
41

42 Commissioner Keller: Fine with me.  
43

44 Chair Garber: Okay. Perhaps a second one and that is that the trees in the parking lot be found  
45 from the Baylands Master Plan Tree List and/or as recommended by the City Arborist or agreed  
46 to by the City Arborist.  
47

1 Commissioner Lippert: Yes, I think that is definitely a problem area and I agree with your  
2 amendment.

3  
4 Commissioner Keller: Likewise.

5  
6 Chair Garber: Relative to the entrances and the issue of way finding I do not disagree with a  
7 number of the comments that Commissioner Martinez in particular had, however I do believe  
8 that the issue of trying to enter the site from Embarcadero is problematic. I do believe that the  
9 way that I read the building is contrary to the way in which I am hearing the applicant is  
10 expecting the building to be used. I find it more difficult to reconcile myself whether that is a  
11 planning problem or if you will a cultural one. So I am erring in favor of the applicant here in  
12 that I am not finding anything explicit that is contrary wise to the intent of the zoning and will  
13 trust that the use of the property will be made clear both by the architecture as well as the likely  
14 occupants.

15  
16 So with that I think I will also look forward to some if not friendly amendments then potentially  
17 a list of things that we might forward onto the ARB for their particular attention to be paid to,  
18 which we may have other additions to. So Commissioner Martinez and then Commissioner  
19 Lippert.

20  
21 Commissioner Martinez: I believe those conditions have been fairly well stated by  
22 Commissioner Keller and also by the Chair. The problem of way finding is going to be a  
23 challenge. I do want to say that contrary to popular belief I do support this hotel in Palo Alto. I  
24 think it will be a great asset to this part of the city. Without commenting about the design I think  
25 it is a good start.

26  
27 I want to also acknowledge that the cultural significance of the entrance is important. If there is  
28 confidence that that will work I am all for it. I think the model addresses my concern about the  
29 importance of the Embarcadero side. I think the way it steps down, the way it opens up, the way  
30 it is different from the other sides of the hotel on the most significant corner of the project makes  
31 that work. I think you will have a challenge in keeping hotel visitors from wanting to go in that  
32 way and use up all the parking for the restaurant that is on that side, but I think you will find a  
33 way to make it work.

34  
35 It is a good project. I want to reinforce the recommendation that the ARB challenge the  
36 applicant to come up with a signage program as necessary but not dominant to make this project  
37 work. In other words, I don't want to see signs everywhere I want to see them where they  
38 absolutely have to be. With that I am going to say that I am supporting the motion. Thank you.

39  
40 Chair Garber: Commissioner Lippert and then Fineberg.

41  
42 Commissioner Lippert: I just want to make a couple of brief comments here for the  
43 Architectural Review Board. The first thing is that I don't think yours is the first hotel that has  
44 an Eiffel Tower element out in front. In fact, this is much more desirable than the one in Las  
45 Vegas.

46  
47 Again, for the Architectural Review Board and for the applicant the two-story element I think  
48 could be a very powerful gesturing element to Embarcadero Road especially greeting people as

1 they come off of Bayshore Freeway. What I think would be helpful to study or just take a look  
2 at is not only the façade and trying to get the circular element to be expressed in some way to  
3 that end that is facing the frontage road, but also I think there is an opportunity here to create  
4 greater connection between the courtyard and the roof terraces. Specifically what I am thinking  
5 about is perhaps there could be some sort of external staircase that comes up from the courtyard  
6 around the face of the building, and then returning on the outside of the building and connecting  
7 up with the roof garden, thereby connecting that negative space with the positive space that is on  
8 the roof. I think that could be a really great asset or piece of punctuation both for creating more  
9 interest on that façade as well as creating a procession of some kind for the guests at the hotel as  
10 they come through swimming pool court. So that is just a comment.

11  
12 Regarding your palette of materials I have one minor suggestion. When it comes to using an  
13 EFIS system you might want to look at a new product, Icenene, which is a soy-based rigid foam  
14 product. I don't know if it comes in boards or not. It is a sustainable material.

15  
16 Chair Garber: I have a couple of other things to add to the ARB's list. First of all, in response to  
17 a number of the comments for the ARB to look specifically at the way in which the open corner,  
18 the massing of it to see if that is going to meet their review.

19  
20 Also, to look at the entry itself on that façade relative to its size. Is it strong enough to compete  
21 against the potential left turn? Are there opportunities to emphasize that decision through  
22 landscaping, through gateway sorts of elements that go into that secondary parking lot that leads  
23 you to the restaurant, etc.? It seems to me there are a variety of different strategies that they may  
24 want to have some suggestions regarding that.

25  
26 Commissioner Fineberg and then we will get to our vote.

27  
28 Commissioner Fineberg: I will be supporting the motion. I believe the findings are present for  
29 the zone change, the Site and Design Review process, and the Variance process.

30  
31 One quick clarification just to make sure there were no misunderstandings of an earlier comment  
32 I made. When I referred to the poor way finding and the drab basement that one drives around in  
33 circles, in this building I meant here at City Hall. I was not referring to this building, the project  
34 that you are applying for. So just to make sure that nobody thinks that was about the project.  
35 Thank you.

36  
37 Chair Garber: Commissioner Keller.

38  
39 Commissioner Keller: I want to add one more thing for the ARB review. That is to consider the  
40 arrangement of tree coverage over parking, and in particular the idea of adding additional fingers  
41 separating parking spaces more frequently to allow for tree coverage. I think that could be done  
42 without major changes to the design. Thank you.

43  
44 **MOTION PASSED** (5-01-1, Commissioner Holman recused, Commissioner Tuma absent)

45  
46 Chair Garber: All those in favor of the motion as stated say aye. (ayes) All those opposed? The  
47 motion passes unanimously with Commissioners Martinez, Fineberg, Garber, Keller, and Lippert  
48 voting yea, and Commissioner Tuma absent and Commissioner Holman recusing herself.

1  
2 Okay. That ends item number two. Thank you very much for hanging in there with us. It is  
3 now ten minutes of eleven o'clock. We have two sets of minutes to approve. The minutes of  
4 October 21 and 28, may I have a motion to approve those?

5  
6 **APPROVAL OF MINUTES:** Minutes of October 21 and 28, 2009

7  
8 **MOTION**

9 Commissioner Lippert: Move to approve.

10  
11 Chair Garber: Thank you. Seconded by?

12  
13 **SECOND**

14  
15 Commissioner Fineberg: Second, with corrections I sent to Zariah.

16  
17 **MOTION PASSED** (5-01-1, Commissioner Holman not participating, Commissioner Tuma  
18 absent)

19  
20 Chair Garber: Thank you. I am seeing no other hands. All those in favor of the approval of the  
21 minutes say aye. (ayes) That passes unanimously.

22  
23 **REPORTS FROM OFFICIALS/COMMITTEES.**

24  
25 **COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.**

26  
27 Chair Garber: We have a report from Commissioner Lippert who would like to report on his  
28 long night with the City Council. Commissioner Lippert.

29  
30 Commissioner Lippert: I have five items to report on so I am just going to give them a minute  
31 apiece and zip through them. The first one is 801 Alma Street. We did not make a  
32 recommendation on that. We reviewed a PC project and we also reviewed an EIR. The project  
33 that went forward on 801 Alma Street totally different project, it went in. It was just basically  
34 BMR housing and they used SB 1818 as their criteria for doing it. There was a lot of discussion  
35 about sending it back to the Planning Commission. Part of the reason for sending it back to us  
36 had to do with SB 1818 or what is the alternative?

37  
38 Mr. Larkin: It is the Housing Density Bonus law.

39  
40 Commissioner Lippert: Yes, the Housing Density Bonus law. The issue was that they had  
41 looked at the setbacks and being one of those entitlements that they were allowed to take. In  
42 other words, as one of the concessions. So the City Council had a discussion with regard to well,  
43 because they are asking for multiple setbacks and they are asking for parking reduction, and they  
44 are asking for additional height that is really more than three concessions here. So what is really  
45 going to happen is that at some point we are going to be looking at that and determining whether  
46 multiple setbacks count as one or whether one setback counts as one, another setback  
47 encroachment counts as another setback.

1 Mr. Larkin: If I can interject, there are a couple of things that are related to that project, not  
2 directly related to the project, but related to the Density Bonus law that will be coming back.  
3 One of the issues that were brought out at the meeting was that under the state law we are  
4 required to have an ordinance determining how we implement it and we don't. So two things are  
5 going to be happening, one will be a study session to talk generally about the law, and following  
6 the study session we will be coming back with an implementing ordinance that will hopefully  
7 address some of these issues about how we determine concession thresholds and that sort of  
8 thing.  
9

10 Commissioner Lippert: Again, I think it is important that the Planning and Transportation  
11 Commission know how the Council stood on this. Originally there was a motion by Burt and  
12 Klein to send it back to us. There was a substitute motion. The substitute motion prevailed. The  
13 vote was seven to two in support of approving the project and moving it forward.  
14

15 The next item that we saw on the same agenda was the County improvements to Oregon  
16 Expressway. What is significant here is that they did accept our language for lane configuration  
17 on Middlefield Road including preserving the trees. They also accepted our crossing at Ross  
18 Road as well. I think we had done some very good work there. It was virtually unanimous that  
19 they accepted it without much controversy at all. In fact, a number of citizens thank me  
20 afterwards and commended us on our work as well.  
21

22 California Avenue trees, we took no action or made any recommendation on that but we did have  
23 voluminous comments. So what I did was sat down with Curtis and I basically summarized our  
24 comments both pro and con, and what our concerns were down to a one-page report. I just read  
25 them and didn't attribute them to any one Commissioner. They were just comments. Council  
26 moved on doing the tree replacement in February. They felt that it was important that there be  
27 some greenery on California Avenue, that it will be done in phases, and that one of the  
28 discussions centered around phase two. They were assured by Staff that phase two would return,  
29 those are all the road improvements and bicycle racks and news kiosks and street furniture, and  
30 lane reconfiguration. That would all come to us in the springtime. So they will do the planting  
31 in February and then as things begin to bloom we will probably be seeing that.  
32

33 Item number four was the Downtown CDC and GF zone. This I think is where we were not I  
34 think at our best. Because we parsed our recommendations I think we weakened our voice. We  
35 had taken apart and we took five different pieces, or six different pieces, elements and voted on  
36 them individually. Because of that there wasn't really a cohesiveness to what we were  
37 presenting. Now we did come forward with recommendations and I presented them, but I had to  
38 present them as individual parts. With that we were split on a number of items, it was a three-  
39 four vote. So again when you think about three-four it also weakens our voice again because it is  
40 not really a clear majority. What it is is if something wins and it wins only by one person in  
41 terms of the recommendation moving forward well, there are nine City Council Members. So I  
42 encouraged them to accept the items that we were unanimous on and to center their discussion on  
43 the split votes. The weakest of that was of course was the rezoning of Alma and Kipling  
44 properties in terms of taking out the GF, the Ground Floor Retail Overlay. They felt that was  
45 removed and so along Alma, along Hamilton that block there .....

46  
47 [off mike conversation]  
48

1 Commissioner Lippert: So the Ground Floor Overlay is going to be removed from that. The  
2 properties over on Kipling were also identified as such. Two Council Members that voted  
3 against it were Kishimoto and Schmid. They didn't have an alternative motion but they felt it  
4 was important to keep the ground floor retail element in place. The vote again was seven to two.  
5

6 Then the last item is 164 Hamilton, which was the condominiumization of the Facebook  
7 building. They accepted the Planning and Transportation Commission recommendation without  
8 discussion. I did not need to make a presentation on that.  
9

10 Then one last item, they did have a study session on high-speed rail and I don't really need to  
11 report on that. It was basically a study session and no action was taken.  
12

13 Chair Garber: Thank you very much. I don't think we have anything else. Presuming that  
14 Commissioner Tuma is back in health he will be our rep for December.  
15

16 Our next meeting is December 2, 2009.  
17

18 **NEXT MEETING**: Special Meeting of December 2, 2009 at 6:00 PM  
19

20 Chair Garber: Staff do we have anything else we need to pay attention to? Otherwise  
21 Commissioner Keller will have the last word.  
22

23 Commissioner Keller: I appreciate the Housing Density Bonus law coming back to us.  
24 Actually, the City Attorney's comment that we are supposed to have an implementing legislation  
25 that is actually the first time that I have heard that. When we did deal with it some time in the  
26 past I don't remember hearing that we were required to have such an implementing legislation.  
27

28 Mr. Larkin: We are required to have it. The consequences of us not having it are only that it  
29 leaves a lot of vagueness as to how we apply it but we are still required to comply with the  
30 statute regardless of whether or not we have an implementing ordinance.  
31

32 Commissioner Keller: Thank you. I just didn't realize that we were supposed to have one. So  
33 that is useful and important news.  
34

35 Also, I understand that the metering lights have been turned on on Oregon Expressway and  
36 Embarcadero Road onto southbound 101. Two things about that. I am wondering how the  
37 report of that, the success of that will happen, and the follow up to that, A. B, whether there will  
38 be any studies about the potential redirection of traffic from Oregon Expressway to Charleston  
39 because there will be no metering lights on the entrance from Charleston onto southbound 101.  
40

41 Mr. Larkin: We will pass your questions along.  
42

43 Commissioner Keller: Thank you.  
44

45 Chair Garber: Happy Thanksgiving everyone. See you in two weeks.  
46

47 **ADJOURNED: 11:02**  
48