



PLANNING & TRANSPORTATION COMMISSION MINUTES

1 =====MEETINGS ARE CABLECAST LIVE ON GOVERNMENT ACCESS CHANNEL 26=====

2 **Wednesday, January 30, 2013 Meeting**
3 **6:00 PM, Council Chambers**
4 **1st Floor, Civic Center**
5 **250 Hamilton Avenue**
6 **Palo Alto, California 94301**

7
8 **ROLL CALL: 6:02 PM**

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10 **Commissioners:** **Staff:**
11 *Eduardo Martinez – Chair* *Aaron Aknin, Assistant Director*
12 *Michael Alcheck* *Cara Silver, Sr. Assistant City Attorney*
13 *Arthur Keller – Acting Vice-Chair* *Amy French, Chief Planning Official*
14 *Mark Michael- Vice-Chair (absent)* *Jaime Rodriguez, Chief Transportation Official*
15 *Alex Panelli* *Shahla Yazdy, Transportation Engineer*
16 *Greg Tanaka* *Robin Ellner, Administrative Assoc. III*

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18
19 **PUBLIC HEARING PROCESS**

- 20
21 *Please be advised the normal order of public hearings of agenda items is as follows:*
- 22 • *Announce agenda item*
 - 23 • *Open public hearing*
 - 24 • *Staff recommendation*
 - 25 • *Appellant presentation (if applicable) – Fifteen (15) minutes limitation or at the discretion*
 - 26 *of the Commission.*
 - 27 • *Applicant presentation – Fifteen (15) minutes limitation or at the discretion of the*
 - 28 *Commission.*
 - 29 • *Planning Commission questions of the applicant/staff*
 - 30 • *Public comment – Five (5) minutes limitation per speaker or limitation to three (3) minutes*
 - 31 *depending on large number of speakers per item.*
 - 32 • *Applicant closing comments - Three (3) minutes*
 - 33 • *Appellant closing comments (if applicable) – Three (3) minutes*
 - 34 • *Close public hearing*
 - 35 • *Discussion/motions/recommendations by the Commission*
 - 36 • *Final vote*

37
38 **Chair Martinez:** Good evening ladies and gentleman, welcome to the January 30, 2013, meeting
39 of the Palo Alto Planning and Transportation Commission (PTC). Secretary Ellner, please call
40 roll.
41

1 Robin Ellner, Administrative Assoc. III: Commissioner Alcheck, Commissioner Keller, Chair
2 Martinez, Vice-Chair Michael, Commissioner Panelli, Commissioner Tanaka. Five present.

3
4 Chair Martinez: Thank you. Vice-Chair Michael had announced previously that he would not be
5 in attendance tonight and we have the privilege of having the esteemed Commissioner Keller as
6 Acting Vice-Chair tonight. We have two items on our agenda and we'll talk about those in a
7 minute, but first we're going to go to oral communications. Before, Secretary Ellner did you
8 have anything to add before you leave tonight?

9
10 Ms. Ellner: Yes. We do have special meeting next week, February 6, beginning at 6:00 p.m.
11 here in chambers on 395 Page Mill Road. So and I believe everybody will be present. That's it.

12
13 Chair Martinez: Ok, thank you.

14
15 Chair Martinez: We're going to go right to oral communications. This is the opportunity for
16 members of the public to speak on any item that's not on tonight's agenda. And we have a
17 number of speakers and they are going to be announced by Vice-Chair Keller.

18
19 Acting Vice-Chair Keller: Thank you. The first speaker is Irving Rappaport to be followed by
20 Ben Ball.

21
22 **ORAL COMMUNICATIONS.** Members of the public may speak to any item not on the agenda
23 with a limitation of three (3) minutes per speaker. Those who desire to speak must complete a
24 speaker request card available from the secretary of the Commission. The Planning and
25 Transportation Commission reserves the right to limit the oral communications period to 15
26 minutes. *8 speakers regarding the parking and traffic issues on Edgewood at Newell*

27
28
29 Chair Martinez: Mr. Rappaport you'll have three minutes.

30
31 Irving Rappaport: How do you do? I live at the corner of Edgewood and Newell, 1500
32 Edgewood Drive, and I appreciate the fact that recently there have been some new signs put up.
33 No parking along Newell, the red lines that have been put on some of the curbs, and the
34 crosswalk work that's been done at Newell and Edgewood. However, it appears to me that this
35 work has not really solved the problem. It's merely shifted the problem along both directions in
36 Edgewood, both north of Newell and south of Newell. Since the work, there has been a solid
37 line of cars parked along my 200 feet of curb on the corner of Newell and Edgewood and the
38 same across the street. I'd say we have a good six cars parked along there every night overnight.

39
40 So I see no reason why the continuing problem with the parking needs to await a decision on
41 what will be done with the bridge or the traffic along Newell. It's a separate problem and I think
42 it could be resolved in the short term. My belief is that the real solution is to require permits for
43 overnight parking on Edgewood as well as further down on Newell if necessary. And then the
44 other part of the solution is to get cooperation from East Palo Alto to deal with its parking
45 problem instead of pushing their problems onto the Palo Alto side of the bridge. Thank you very
46 much.

47
48 Chair Martinez: And thank you.

1 Acting Vice-Chair Keller: The next speaker is Ben Ball to be followed by Angie Ball.
2

3 Ben Ball: Hi, Ben Ball. I live at 1425 Edgewood Drive. I've lived on Edgewood drive for the
4 last 16 years and so I'm acutely and unfortunately painfully aware of the parking crisis that we
5 have. We greatly appreciate the efforts of the Planning and Transportation Commission to allow
6 Jaime Rodriguez to make the improvements that we have on Newell and Edgewood. It
7 significantly is increasing the safety which is a top concern. But like my neighbor Irv Rappaport
8 it hasn't solved our parking crisis, it's just merely pushed the problem deeper into the streets of
9 Edgewood, Newell, and other streets.
10

11 And we've been told that it's going to take months and months to actually come up with a way to
12 solve the problem notwithstanding the support certainly that we have of the Edgewood Drive
13 neighbors who have already agreed to some type of an overnight parking restriction, which
14 we've told is difficult to implement. We all would love a resident parking permit, which we've
15 told is impossible to implement for reasons that appear to be more tied to other areas of Palo Alto
16 with very different constraints and issues to face. And so we strongly encourage you to come up
17 with a much faster solution. It just is, it is creating significant safety hazards in the
18 neighborhood. You'll hear from another neighbor subsequently so I'll let him go into those
19 details, but it just isn't appropriate. We didn't move into this neighborhood to have these types
20 of issues. They are not issues that are created by our neighbors in Palo Alto and it's not
21 appropriate so I strongly encourage you to do something about it immediately. Thank you.
22

23 Chair Martinez: Thank you.
24

25 Acting Vice-Chair Keller: Angie Ball to be followed by Ben Realson? Rieben? Not sure.
26 Thank you.
27

28 Angie Ball: Hi, I'm Angie Ball and I live on Edgewood and I've shared my thoughts before but I
29 just want to emphasize them again. The, as I've said before, I bike or walk with my daughter to
30 school in the morning and am incredibly impressed with the swift reaction that you've had or
31 that Jaime's had in making the corner of Newell and Edgewood feel a little bit safer, but again,
32 the same thing continues as we bike or drive down Newell in the morning. There's cars. I think
33 it goes from Newell and Edgewood probably eight houses back with 3 or 4 cars in front of all the
34 houses. So it's hard to bike down that street. It's hard when the residents are coming over in the
35 morning and getting in their cars and pulling U-turns and speeding away.
36

37 And I've told myself for the last six to nine months I should start taking pictures of all this
38 garbage that I see. And as we went to school today there was a huge broken glass bottle out in
39 the street in front of a black Mustang that parks there permanently that moves every three days.
40 There were forks, there were straws, there was food, lots of garbage. And so I took my daughter
41 to school, came back went out and did some errands, came back after the street sweepers came
42 and I thought I'm going to pull out my phone and take pictures of this. So I took four pictures. I
43 sent them to Jaime. Next time I think I'll take my better camera, but it's, there's a lot of trash
44 and neighbors don't leave trash in front of their neighbors' yards. Neighbors don't leave beer
45 bottles in front of their neighbors' yards. Neighbors don't leave condoms in front of their
46 neighbors' yards. Neighbors don't leave vomit in between other neighbors', in the streets in
47 front of their neighbors' yards. All of these things and more we see daily and I'm going to try to
48 start documenting it so I can prove it. It's just, it's awful.
49

1 And I'm begging for resident or overnight parking. This is not something that any of us want. If
2 we lived a few streets in Palo Alto I want my family to come visit and stay in town and have a
3 place to stay. And your kids have friends that stay overnight, teenagers. So it's not a great
4 option for us. It's not like, "Oh, this is going to make our property more valuable because we
5 have resident parking." We would like to not have any of that, but what we want is the cars to be
6 gone that aren't treating us like neighbors. And this seems the only way that it will happen
7 unless you can come up with a better idea. I'd appreciate it. Thank you.
8

9 Chair Martinez: Thank you very much.

10
11 Acting Vice-Chair Keller: Brian Rieban to be followed by Andy Vought.

12
13 Brian Rieban: Hi, I'm Brian Rieban. I'm not actually a resident on Edgewood, but was asked to
14 come to share an experience I had visiting 1491 Edgewood. This was on the 17th of January at
15 three o'clock. I was visiting a resident there who wasn't home and I was calling him in his front
16 yard and noticed that somebody looked to be about to break in to the next door neighbors' home.
17 So I stood there on my phone and the person got agitated with me there, approached me, wanted
18 to fight, lot of profanities, got in his car, drove away, came back again. Started to call me a
19 "snitch" and was clearly trying to intimidate me not to report it. I reported it to the police and
20 have met with them to identify the person and yeah, just wanted to share that story.
21

22 Chair Martinez: Thank you very much.

23
24 Acting Vice-Chair Keller: Andy Vought to be followed by Derek Anderson.

25
26 Andy Vought: Thanks very much. My name is Andy Vought and I live at 1499 Edgewood
27 Drive, corner of Newell Road. At the last meeting of this Commission on January 9th 12 of my
28 neighbors stood up to tell Commissioners that there was a parking crisis in the Edgewood/Newell
29 neighborhood. 50 guest parkers per night crowd the few blocks directly adjacent to the bridge
30 reducing traffic safety, increasing congestion, increasing garbage levels, and blighting our
31 neighborhood. At the last meeting we asked Commissioners to support City staff in developing a
32 solution for what we believe is a parking crisis.
33

34 Jaime Rodriguez and City staff has been very supportive implementing safety upgrades to the
35 four way stop intersection at Newell Road and Edgewood Drive, including enhanced sign and
36 street painting and the instillation of a limited no parking any time zone. This has demonstrably
37 raised the safety level of the bridge and the Edgewood intersection, which is directly adjacent to
38 my home. Also this morning police overnight had ticketed six vehicles that were in the no
39 parking anytime zone adjacent to my home, which would be then on the north side of Newell
40 between Edgewood and the bridge. So thank you to the entire City team for making these safety
41 improvements.
42

43 However, as was cited the parking problem is actually different. We realize that we were to a
44 certain extent exacerbating the parking problem by addressing some of the safety issues at the
45 intersection, which is why we want to move forward to really address the problem of eliminating
46 the 50 guest parkers. So as mentioned residents have suggested an overnight parking ban for
47 hours similar to those in Menlo Park for the areas directly adjacent to the bridge. We've spoken
48 to the affected citizens as you've heard and we've secured their support. However, instead of
49 acting on this crisis which we've been pushing since October we've been told that this larger

1 parking problem can only be addressed in the larger context of Newell Bridge replacement. You
2 all know that this means no resolution on a timetable which would be acceptable to our
3 community, which sees this as a parking crisis today. So I urge Commissioners to act
4 immediately to find a quicker solution to this acute problem. Thank you very much for your
5 time.

6
7 Chair Martinez: Thank you for stepping up.

8
9 Acting Vice-Chair Keller: And our last speaker on public comment is Derek Anderson.

10
11 Derek Andersen: Hi, my name's Derek Andersen. I'm a technology entrepreneur. I've lived in
12 Palo Alto for the last seven years. I've lived on Arastradero, I've lived on Cowper, Alma, Louis,
13 and I moved to Edgewood about four or five months ago. I've had more interactions with police
14 officers in the last four months than I've had in the last 10 years, maybe 15 years. You know,
15 other than maybe since high school. I seem to know the police officers quite well. I've never
16 called the police; they just, as they did two days ago, they just show up at my door and ask me if
17 I saw what happened next door. Ask me if I saw what happened in the front yard. Ask me if I
18 saw, if I heard what happened when I'm on a business trip.

19
20 You know I got a call from my wife a few days ago. This experience that happened with Brian,
21 she was not scared to death, but she was frightened. Doors locked, two young children inside,
22 and I believe this is in all the places I've lived in Palo Alto, I've never had any issue with anyone
23 or anything until moving to this street. And the only difference that I see between that and
24 anywhere else I've lived is this parking issue that's going on. So I appreciate your time and your
25 service. Thanks.

26
27 Chair Martinez: Thank you very much. That concludes our oral communications and I want to
28 thank you all for letting us know what is going on in your neighborhood and we're listening.
29 We're going to go to our, yes, Assistant Director Aknin.

30
31 Aaron Aknin, Assistant Director: Thank you and good evening. I know we usually do the
32 Director's report towards the end, but we were going to have an update on the topic that was just
33 talked about (interrupted)

34
35 Chair Martinez: Do you all want to stay for a minute?

36
37 Mr. Aknin: So I was hoping that we could just move this one item up since our Chief
38 Transportation Official's here. He can provide an update on what's been done to date, what
39 we're planning on the short term as well as some longer term actions that we could take.

40
41 Chair Martinez: Ms. City Attorney is that permissible?

42
43 Cara Silver, Sr. Assistant City Attorney: Yes that's fine as long as it's ok with the Chair to move
44 that item up.

45
46 Chair Martinez: It is thank you.

47
48 ***DIRECTORS REPORT. – Jaime Rodriguez, Chief Transportation Official gave update on***
49 ***Edgewood/Newell parking and traffic issues.***

1
2 Jaime Rodriguez, Chief Transportation Official: Thank you Chair Martinez and for Brian, I think
3 the gentleman in the black? You're a pretty big guy so I actually wouldn't want to fight you.
4 But with that I did want to actually just take a moment to provide a very quick update regarding
5 some activities that we have been working on on Newell Avenue. We did provide an update to
6 the Commissioners earlier in the week and I think it would be worthwhile to go ahead and
7 highlight those for the community so they're aware of the actions we've been working on.

8
9 So as some of the community members mentioned this evening, the City has been implementing
10 a series of focused intersection improvements at Edgewood and Newell Road in response to the
11 community concerns we've been hearing from residents about speeding, intersection safety, and
12 parking at that area. So the improvements that we've been implementing so far include: no
13 parking at any time restrictions on Newell Road between Edgewood Drive and the Newell Road
14 Bridge. So for that one block segment we did feel that it was appropriate to restrict that parking
15 to make sure those people were kind of coming in and over the bridge into the community into
16 this very first intersection of the city that it be maintained physically for motorists and
17 pedestrians and bicyclists on the roadway. We've also implemented red curb restrictions at the
18 intersection itself, at least on the north half of the intersection to make sure that nobody parks
19 there and pedestrians are very visible to people that are driving up towards the roadway. The
20 other reason for doing that was to actually to highlight the fact that this already is an existing all
21 way stop and we've supplemented that by adding crosswalks to the intersection to make it even a
22 more visible statement.

23
24 Some other work that is still pending that will happen over the hopefully end of this week, but
25 definitely by early next week is actually there'll be a restriping of the yellow center lines on
26 Newell Road. It might have happened today. I didn't see it this morning, but that's one of the
27 last pending works of the near term improvements we're going to be making. There is some
28 active utility reconstruction work happening on Edgewood south of Newell Road. That is going
29 to keep some of the other red curb restrictions and fourth legs of a crosswalk to happen until that
30 work is done just because the road's being opened up and destroyed. But once that work is
31 completed in the next month we'll go in and finish that work. We're also getting ready to
32 schedule some community meetings with the residents on and along Newell Road at the end of
33 February, early March as soon as we can book a room at the adjacent Duveneck School to begin
34 discussions on implementing focused traffic calming improvements on Newell Road between
35 Channing and the Newell Road Bridge.

36
37 But lastly just for your references we are in the process of expanding the scope of the Newell
38 Road Bridge to include a larger traffic impact analysis study for the various options to
39 reconstruct that bridge. And we're also including as part of that a focused parking analysis in
40 and around Newell Road to help identify parking preservation program projects that can be
41 implemented as part of mitigation independent of any other parking concerns that are happening
42 around the community. Implement some improvements either immediately or with the project to
43 support parking preservation within that community. So with that thank you very much for the
44 opportunity to speak and for the residents that are here as Chair Martinez mentioned we are
45 listening and we do want to thank you guys for working with us calmly and patiently as we
46 implement these solutions for you.

47
48 Chair Martinez: I have a couple of questions from the Commission. Commissioner Alcheck.
49

1 Commissioner Alcheck: Do you think that the Planning Department sufficiently understands the
2 difference between let's say this parking issue and the parking issue downtown? Do you think
3 that we understand how those two... I'm curious to know if you think we understand how those
4 two problems are different.
5

6 Mr. Rodriguez: I don't know what you all think, but I will say that there's definitely a difference
7 in the parking impacts that I think are being experienced by the residents in and around Newell
8 Road that are being experienced those in downtown. And every community that experiences
9 parking preservation or parking impacts experience them for different reasons. And with the
10 case here on Newell Road we will be definitely sharing some of the parking occupancy that
11 we've been starting to collect at our upcoming meeting in early March.
12

13 Commissioner Alcheck: I just sort of want to follow up because it's my impression that we have
14 a daytime parking problem in downtown and we have an evening parking problem near Newell.
15 I think that the remedies are different and I sort of hear what you're saying about traffic calming
16 and street striping, but I'm not sure we have at least a plan to address the parking issue. And I
17 think that we need to study that. We're sort of dancing around it and I want us to address, I think
18 the Planning Department should address the parking issue as well as the traffic calming issue.
19

20 Mr. Rodriguez: Thank you Commissioner. I have just one more comment if it's ok? We are
21 going to be again holding some community meetings later this month and what my suggestion
22 would be is that we're not really in a position to share anything with you tonight. We don't have
23 any data to share; it's not an agendized item. But really we do want to follow the process we do
24 follow with all of our community projects and we really want to outreach to the community to
25 develop solutions together really before we bring it to the Commission so that when you do
26 speak on any topic you have more information to help you better make more informed decisions.
27 And we just need to have that opportunity with the residents on and along Newell Road. I think
28 that we can definitely come back to you in March if you're interested following the rest of our
29 community meetings.
30

31 Chair Martinez: And Jaime what's the timeframe for dealing with the 50 cars? Can you give that
32 some perspective?
33

34 Ms. Silver: Excuse me, Chair Martinez. Cara Silver, Senior Assistant City Attorney. We can
35 have some leeway here, but this really isn't agendized as a separate agenda item. We were just
36 moving up the director's report in terms of reporting on planning projects that are within the
37 Planning and Transportation Commission's purview and this separate item on Newell Road will
38 definitely be agendized at a later time.
39

40 Chair Martinez: Ok, I appreciate that, but that's a question that I really want to be put on that
41 agenda. Commissioner Keller can you phrase your question within what is appropriate here?
42

43 Acting Vice-Chair Keller: Sure, I remember some time ago there were complaints adjacent to the
44 Arbor Real project, in the one located El Camino and Charleston. And there was spillover
45 parking from a Palo Alto multifamily development that the adjacent neighborhood complained
46 about parking on their neighborhood. And I'm wondering the extent to which addressing the
47 complaints of nighttime parking is something where we need to think about the fairness of that
48 neighborhood. I think Charleston Meadows is the name of that neighborhood if I remember
49 correctly and this neighborhood at Edgewood and Newell and if there's some policies we need to

1 think about in terms of dealing with overnight parking with spillover whether they're across
2 boundaries, but spillover from multifamily residential properties into single family residential. I
3 wonder if that's an issue that we need to look at in a larger context or we should look at
4 piecemeal neighborhood by neighborhood. Can you respond? Do you want to respond to that or
5 not?
6

7 Mr. Rodriguez: Commissioner Keller I'm really not in a position to respond to a focused or
8 broader question without collecting more data and having a larger community context
9 discussion. I definitely think Newell Road is a great project to come back to you for this
10 discussion because we are and have been committed to working with the community, but as Cara
11 mentioned we're not ready to discuss that with you tonight.
12

13 Chair Martinez: Ok. We're going to... sure.
14

15 Acting Vice-Chair Keller: Am I correct in assuming that when we deal with that that we will
16 separate out the issues of the speeding impacts and people using the bridge to quickly get to
17 work and the safety issues of that, which are separate from the safety issues of overnight parking.
18 They are related, but they're somewhat separate. Is that right?
19

20 Mr. Rodriguez: Commissioner Keller we're in the process of collecting data in and around the
21 Newell Road area and I think as we prepare and begin to analyze that data we will work with the
22 community and bring forward different elements of discussion around Newell Road. There are
23 some that are very specific to the Newell Road Bridge Project that we're just not going to be
24 ready to prepare even with the near term that's going to have to happen with that project, but we
25 are committed to again working with the Newell Road residents in the early March timeframe
26 and coming back to you shortly thereafter to present our findings and consider hopefully your
27 support for projects.
28

29 Acting Vice-Chair Keller: Thank you very much and thank you for your indulgence Chair.
30

31 Chair Martinez: Ok and I'd like to thank members of the neighborhood for coming down tonight.
32

33 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional
34 items added to it up until 72 hours prior to meeting time. *None*
35
36

37 **NEW BUSINESS.**
38

39 California Avenue Transit Hub Corridor Streetscape Improvements Project - Update on
40 California Avenue Street Alignment and Request for Planning and Transportation Commission
41 Input on Street Lighting Options for California Avenue
42

43 Chair Martinez: We are going to move onto our first agenda topic and that is the
44 recommendation by Planning Department to implement a ground floor overlay on the... no, isn't
45 it the other first? Oh, I apologize. Ok. Sorry. I will stop there. We're going to hear from staff
46 regarding the status of the California Avenue Street Improvement Projects and related topics.
47

48 Aaron Aknin, Assistant Director: Thank you and good evening honorable Chair and Planning
49 Commission. Before I turn the project over to Transportation staff I wanted to go over several

1 reasons why the Planning Commission, the Planning and Transportation Commission is looking
2 at this item tonight. So if we go to the first slide I think there's three primary reasons that you're
3 here tonight. The first is just to get a general background and get up to speed on where we're at
4 in terms of the Cal Ave Streetscape Project and we're going to highlight a lot of the progress that
5 has been made since July of last year. The second thing is to highlight some of the minor street
6 alignment issues that have been resolved and that are ongoing within the Cal Ave area.

7
8 And the third and probably where most of the discussion will be tonight is around introducing
9 street lighting upgrades to this project. And this is something that has come up in numerous
10 times which Transportation staff will get into, but why it's important; I think it's important for
11 both the planning and the transportation aspects of the Commission. From a planning standpoint
12 looking at lighting is, asks the question whether lighting is an important aspect to a vibrant
13 downtown type area. And given where the lighting conditions are, will adding additional
14 lighting, improving the lighting area make it a more vibrant area consistent with the Comp Plan
15 policies that we have. And then from a transportation standpoint it's primarily a pedestrian
16 transportation issue in that is the current level of street lighting safe for pedestrians in the area
17 and if not is improved lighting going to improve the situation consistent with the various Comp
18 Plan policies?

19
20 If we go to the next slide, these were included in there. I won't go over all of them because there
21 are in front of you in writing and up on the screen right now, but as you can see these are just a
22 handful that we picked out from our Comp Plan that relate to vibrant areas as well as
23 transportation issues so I would encourage you to look at those. So with that I will turn it over to
24 Jaime for continuing this presentation.

25
26 Jaime Rodriguez, Chief Transportation Official: Thank you very much Aaron. Tonight's the
27 remainder of the presentation will actually be provided by our consultant team. We're going to
28 have David Gates & Associates and Candy from RBF to talk about the next set of slides. And as
29 we begin the lighting element Shahla Yazdy who is the Project Manager for Transportation on
30 the California Avenue Streetscape Project will actually discuss for us the lighting. So with that
31 I'm going to hand it over to David Gates to kind of walk you through kind of the background and
32 kind of where we've been over the last several months in relation to the design of the California
33 Avenue Streetscape Project.

34
35 David Gates, Consultant: Good evening, good to see you again. So since we last saw you we
36 had several schemes. Those schemes have been coalesced into what we call the "modified
37 hybrid." The modified hybrid has since gone through a series of meetings in the community
38 soliciting input and basically rearranging the pattern of that modified hybrid. So what I want to
39 do tonight is kind of walk you through some of the, what I'll call an evolution of that particular
40 plan. Actually there are rather minor changes so that the large idea of traffic calming, road diet,
41 pedestrian vitality, places to sit, outdoor uses is still very much intact.

42
43 So reminding you the nature of the site, working our way from El Camino Real over and every
44 time I hit this it's going to bring on another element. Keep in mind the darker color trees are
45 existing; the lighter colored trees are proposed. The enhanced paving is kind of in that beige
46 tone. You'll see the red dots which is art that has been kept in place in almost all cases. You'll
47 see existing lights; you'll see existing walls and all of those elements really basically are intact.
48 So what happens is, the bike corrals we were a little short on bikes on the north side so we've
49 added bike corrals in this location. We've added accessible parking. So again that particular

1 spot we could create an accessibility and good access for it. The bus stop has been relocated so
2 we pulled in the curb line at that point which allowed the bus to pull in. Sorry this is a little
3 slow. The other bus stop is a key one right at the El Camino. So those elements are all part and
4 parcel, subtle changes to that particular piece of the street.
5

6 So the Joanie's Café requested a little bit of additional outdoor eating so we took the special
7 paver, pulled it across and created a nice larger node sitting out at that corner. Moving then to
8 the next strip and reminding you this is sort of the central area so that it will become the readily
9 blocked off zone so that the striping in the middle of Cal Ave is to demark an area that will be
10 pedestrian on many occasions as well as a traffic zone. Again all the same criteria; see the same
11 patterns. So we got a sidewalk widening by the nature of how we took the curb line, pulled it
12 south. It reduced the crossing distance at the crosswalks. Bus relocation right at that zone. New
13 planting island, again with a pop out so we can get a new tree and again we're matching the
14 species of trees that are there now with one exception. We're adding the colorful Crepe Myrtle
15 to bring theatre. So you can see the addition of those. Another bike corral, which is a grouping
16 again of the bike parking areas. We took the crosswalks and reordered the geometry so they
17 weren't random angles across the street so that they were more architecturally aligned with the
18 patterns of the street.
19

20 Moving on to Birch to Park Street, again more of the same. You see the existing conditions
21 pretty much intact. Another bike corral, another nice grouping. Keeping in mind we still have
22 isolated bike parking along; this is just a new location for it. The existing brick walls we had an
23 opportunity by reorganization of our patterns to keep the brick walls which are there now some
24 of which have artful granite stone sitting in front for seating, also retained. Another bike corral.
25 Accessible parking again.
26

27 The final leg, which is the Park Boulevard to the Plaza, again minor changes. We relocated the
28 loading zone. This is, and again these comments and changes are coming with a lot of time spent
29 with the community a lot of direct inputs, folks with direct knowledge about how the service was
30 actually happening out there and they had some very good advice. So this was relocated onto
31 Park. The motorcycle parking was added. Angle parking changed as partly result of getting the
32 bicycle movement, but angle parking was transformed into parallel parking and the bike route
33 which changed the width of the street allows the bike moving in the westerly direction to stay in
34 the plaza. Bikes moving easterly toward Caltrain would stay in a sharrow on the street. And
35 then there's an opportunity for a bike share location, which would be a grouping of bikes sitting
36 at the far end where the bike lockers actually sat before. At this point I'm going to turn it over
37 to Shahla unless you have questions at this point. We'd like to get into the lighting component.
38

39 Chair Martinez: Commissioner Keller.

40
41 Acting Vice-Chair Keller: Yes, could you go back to the previous slide? Yes, it looks like where
42 it says, "Relocated loading zone," I assume that that's Park Boulevard in the southerly direction.
43 Is that right?
44

45 Mr. Gates: Yes, it's on the easterly side, so it would be the northerly direction.
46

47 Acting Vice-Chair Keller: And what I'm wondering is, is there a left, a dedicated left turn lane
48 from westbound California Avenue onto southbound Park Boulevard? Or is that, it's hard to

1 read what's going on there. So I know there's a dedicated turn lane going at the northbound Park
2 Boulevard, but I'm wondering if there's dedicated turn lane onto southbound Park Boulevard.

3
4 Mr. Rodriguez: Thank you Commissioner Keller. On California Avenue today there isn't an
5 existing dedicated left turn lane to turn you onto Park. It's an all-way stop intersection so you
6 turn onto southbound Park from the one lane and this configuration is maintained through this
7 alignment here. And the approach on Park and also again is one lane, an all-way stop that you
8 can then once you're stopped have right of way you can turn left or turn right.

9
10 Acting Vice-Chair Keller: So what I'm wondering is the dedicated, you have the dedicated left
11 turn lane onto northbound Park Boulevard, which is a short street that only goes for two blocks
12 before it's blocked off. Is there a reason that that left turn lane is there?

13
14 Mr. Rodriguez: As part of the early on community outreach with the residents and the merchants
15 in the area they identified that left turn lane as an important element to help sustain operations
16 into the Mollie Stone's Market. I keep saying Mollie Stumps, I got to correct myself here; the
17 Mollie Stone's Market. And so we maximized the length of that left turn lane to get you from
18 California onto Park Boulevard North, onto Park Boulevard to the north of that. That was
19 actually a community requested element that we felt was appropriate to include in the project.

20
21 Acting Vice-Chair Keller: Alright, thank you.

22
23 Chair Martinez: Can you describe the, not the bicycle parking, but the circulation enhancements
24 that are part of this plan?

25
26 Mr. Rodriguez: I'm sorry Commissioner, can you repeat the question?

27
28 Chair Martinez: Yeah, I didn't hear or can find the description of how bicycle circulation along
29 California Avenue has been improved over what it is today and I'd like you to just review that
30 for us.

31
32 Mr. Rodriguez: Thank you Commissioner for clarification. So California Avenue today again is
33 a four lane roadway and one of the elements of the project includes a lane reduction down to two
34 lanes. And so the proposed project includes wider, wide lanes, but one lane per approach of
35 California Avenue for approximately 15 feet travel lanes. And the concept for the operation,
36 bicycle operation of California Avenue is that there will be a share the road or sharrow roadway
37 markings to encourage bicyclists to ride kind of in a certain kind of path on the roadway and also
38 then to remind motorists that they're sharing that right of way with vehicles. The 15 foot lane is
39 again a very, very wide, fairly comfortable lane and so that is something that we do feel is an
40 enhancement over the existing condition that exists today where the lanes vary in width from
41 about 9 to 10 feet.

42
43 Chair Martinez: Ok, thank you. Anybody else? Ok, let's go on to the proposed lighting.

44
45 Shahla Yazdy, Transportation Engineer: Good evening Chair Martinez, Commissioners. My
46 name is Shahla Yazdy. I'm here to present the lighting element for the project. So one
47 consistent comment that we kept hearing from the community and the business merchants along
48 California Avenue was the need for additional lighting on California Avenue. The street lights

1 provide, that were recently upgraded to LED's and they do provide lighting for the street, but
2 what's lacking is the sidewalks where there's businesses and so pedestrians can walk safely.

3
4 The lighting for this project is an unfunded element. It was never included in the grant proposal,
5 but again we've been hearing from the community and we, this is something that we feel that it
6 would be good to include as part of the current project that we're proposing. The existing
7 streetlights are over 40 years old. They are older and it is again the lighting, they don't provide
8 adequate lighting for the sidewalks and the pedestrians. And again the luminaries were recently
9 upgraded to LED's in 2012. And the photo that you see on the right is just a snapshot of the
10 current streetlights out there.

11
12 So the California Avenue lighting we want, the proposal tonight is to request that we consider
13 adding lighting to the current project scope. We do have options that I'd like to, I'll go over
14 next, but as part of including the lighting with the current project scope would reduce disruption
15 if we were to go in and do this at a later time. The first option, Option 1 would be to paint the
16 existing street poles and just basically leave the streetlights as they are, maybe change the
17 luminaries and the heads on the lights and also to add a pedestrian scale lighting in-between.
18 Second option would be to replace the existing poles with a combination street light and also
19 pedestrian light, which I have a photo that I'll be showing to you next. The third option, 2B that
20 we call it, is to replace the existing poles, but at a more tighter spacing so the streetlights are
21 about 100 feet apart currently so we probably move them to 75 feet.

22
23 The Option 1 to the left is you'll see the snapshot of the existing streetlights and we'd keep those
24 and again paint them to match the proposed pedestrian scale lighting that you see on the right
25 side. So that would be kind of placed in between strategically between the existing streetlights.
26 And the Option 2 would be the proposed streetlight that has the combination of the street and
27 again the pedestrian that would be lighting the sidewalk.

28
29 So this is to show you the existing streetlight configurations. So the orange, this is the layout
30 that we have now, the existing streetlights. There's about 35 lights currently on California
31 Avenue. And the option now to keep the existing streetlights and to add the pedestrian lights in
32 between, we're estimating for it to be a cost about \$800,000. And this would include design and
33 construction of the light poles. The second option that we have is to replace the existing
34 streetlights as they are in the same location and replace them with the combination of the
35 pedestrian and streetlights. A cost with this, for this would be up to about a million dollars and
36 the total count would be 37. The third option would be to replace the existing lights but at a
37 tighter spacing so you'll see that there existing streetlights would be placed as you see them so
38 we could let 75 feet apart. And the cost would be about \$1.2 million. This just, this slide shows
39 you the options that we'd have with the street pole. We would have receptacle lighting so we'd
40 have the opportunity to hang banners and hanging baskets. These are decorative elements that
41 would be available as an option for the streetlights.

42
43 Also I'd like to go over the next steps for the project. Following tonight's meeting we are
44 scheduled to go to the City Council meeting for March 4th. On February 21st we are scheduled to
45 go to Architectural Review Board (ARB) as a preliminary review to go over the streetscape
46 elements and the landscaping for the project. Through the spring we are committed to go over
47 the construction staging and the business preservation plan development with the merchants.
48 That will be an ongoing discussion once we have finalized the project scope. And we're
49 scheduled for final approval and authorization to bid to come back to both Planning Commission

1 and also the Council in June with going out to bid in the summer of 2013 with construction to
2 begin in the fall.

3
4 So tonight the recommended lighting option is to, we'd like the Planning Commission to forward
5 a recommendation to the City Council to include street lighting elements into the current project
6 for the California Avenue Streetscape Project. And the option that we're recommending is
7 Option 2A, to remove and replace the existing streetlights at a cost of \$1 million. And I will
8 open it up to questions and comments. Thank you.

9
10 Chair Martinez: Can you clarify, to remove and replace Option 2A is to replace them at 100 foot
11 spacing?

12
13 Ms. Yazdy: It would be the exact same locations which are about 100 foot spacing.

14
15 Chair Martinez: And the height of them would be identical, or?

16
17 Ms. Yazdy: That's something that I think we would be working with the design, the electrical
18 designer on and also going through the ARB process to make sure that we have enough lighting.
19 So it all depends, so if we go with the lower height we can maybe have spacing that's further
20 apart, but the current I believe the street pole that we have shown can be at a lower height, yes.

21
22 Chair Martinez: And do you have any idea what the spread of the light is at the 100 foot spacing?

23
24 Ms. Yazdy: I believe we had some proposed numbers. If you have the current lighting I'll bring
25 Kande Bahmani with RBF Engineers can go over kind of lighting that we've... (trailed off)

26
27 Chair Martinez: Thank you.

28
29 Kande Bahmani, RBF Consulting: Good evening Chair Martinez and Commissioners. We are,
30 we have made some assumptions based on the minimum requirements by the IES. So we're
31 using the one foot candle average and we're using a 4:1 average to minimum ratio as a
32 maximum. And the sidewalks we're using .3 for the candles. And the 100 foot spacing works
33 and the height that we've assumed right now is about 25 to 30 feet for the street lighting and
34 about 10 to 12 for the pedestrian lights.

35
36 Mr. Rodriguez: Chair Martinez, if I could just add. I think that as we continue to work on the
37 design if we get that support from the Commission and the City Council, I do think we'll
38 probably end up with the existing poles again they're at 30 feet today. They are definitely
39 standard highway type of pole. We are probably something that might be a little lower at about
40 25 feet that can be our preference that's a consistent comment that we kept hearing from the
41 community as well that one, the lights are older, but also that they're just so high and so we do
42 feel that with this project is that we have an opportunity to reduce that pole to about 25 feet, but
43 also again add that lower pedestrian scale that really lights up the sidewalk and at that 100 foot
44 spacing we were pretty confident that we could get a good light distribution to make those kind
45 of sidewalk environments very comfortable for the community.

46
47 Chair Martinez: Ok well thank you for that. We're going to open the public, why don't we hold
48 and open the public hearing. Do we have any members of the public to speak on item one?

1 Acting Vice-Chair Keller: Yes, the first speaker is Herb Borock to be followed by Terry Shuchat.

2
3 Herb Borock: Good evening Chair Martinez and Commissioners. This proposal on the street
4 lighting is a segment of a larger project, the California Avenue Streetscape Project, and as such
5 discussing it separately is a violation of the California Environmental Quality Act (CEQA) that
6 prohibits segmenting a project for environmental review. That project, the segment of the
7 project that the Council had previously seen and approved is currently before an appellate court.
8 It was fully briefed as of October 18 of 2012. So far there's been no further progress other than
9 the best guess of the Court at this time is that they'll be returning the file to the superior court on
10 March 7th. So this proposal to come before the City Council on the current schedule would seem
11 to indicate to me that it's trying to get it to the Council before they get the ruling from the
12 appellate court on the Streetscape Project minus this segment.

13
14 But regardless of what happens at the appellate court level, staff is just inviting another lawsuit
15 for violating the California Environmental Quality Act by segmenting the project in this way. If
16 the Council had the street lighting proposal before it at the same time as it was reviewing the rest
17 of the project it may very well have made a decision differently than the one it would make by
18 doing them separately and it certainly would have a different budgetary decision before it than it
19 had at that time. At that time it clearly did not have any money lined up to do the entire project
20 and both of its segments, which is probably an indication of why it was segmented. Once again
21 it is going after the money that has motivated the staff and the Council to violate the California
22 Environmental Quality Act. And I suggest since this project does violate that law that you
23 should take no further action on it. Thank you.

24
25 Chair Martinez: Thank you Mr. Borock.

26
27 Acting Vice-Chair Keller: Terry Shuchat to be followed by Robert Moss.

28
29 Terry Shuchat: Hi, I'm Terry Shuchat; I'm a property owner and a business owner on California
30 Avenue. I'm one of hundreds of people who were totally opposed to this project, but it appears
31 to be going before the City it's going to progress, it's probably going to happen and even though
32 we have hundreds of people who are opposed to it, I've heard of absolutely no one who's
33 opposed to changing the lighting. The lighting on California Avenue is very, very old fashioned.
34 It's referred to as "freeway lighting." It looks old. It's way too high and it seems that since the
35 City has great plans on redoing the street, making the street look beautiful that it only makes
36 sense to change the lighting also. To bring the height of that lighting down and to make the
37 sidewalk safer certainly seems to make a lot more sense now.

38
39 Jaime hasn't brought up, but I've heard at some meetings we've had that the reason for also for
40 doing the lighting now is that the sidewalks are going to be pretty well torn up and the lighting
41 conduit is old on California Avenue and this would be just an excellent opportunity while the
42 sidewalks are already being torn up to in turn replace the conduits for the lighting. So I and I'm
43 sure, as I said I've heard absolutely zero objections to redoing the lighting and there again as a
44 property owner, a business owner, I think that it would be safer with new lighting and would
45 certainly definitely improve the looks of the Streetscape Project.

46
47 Chair Martinez: Thank you.

48
49 Acting Vice-Chair Keller: And our final speaker is Robert Moss.

1
2 Robert Moss: Thank you Chair Martinez and Commissioners. The thing that's bothering me
3 about this project is the way it seems to keep escalating and the cost keeps going up and up and
4 up. When it was originally proposed one of the selling points was that the \$1.175 million dollar
5 grant from Santa Clara Valley Transportation Authority (VTA) was going to be most of the cost
6 of the project and now we're talking about \$3.4 million without the cost of the lampposts, which
7 brings us up close to \$4.5 million. Also, I'm not convinced that all of the costs are included
8 because when the City Council moved to widen the sidewalks Steve Emslie told me that because
9 of the relocation of the sidewalks the curbs and the gutters the entire street would have to be
10 reconfigured because you'd be destroying the gutters, the storm drains, and the slope between the
11 crest of the street and the drains, which makes water drain. He thought that would cost at least
12 \$800,000 to \$1 million dollars. And I don't see that as one of the expenses on here.
13

14 So we're probably approaching \$5 million for this project and staff is talking about half a million
15 dollars of the existing costs not including the streetlights not being funded by anything and then
16 going to the Capital Improvement Fund and taking out that money. About \$1.5 million. As you
17 know we have a backlog of Capital Improvements in Palo Alto a minimum of \$250 million
18 depending on how you look at it they could be closer to \$300 million and this just adds to it.
19 And taking away from the Capital Improvement pot to do additional decoration on California
20 Avenue strikes me as an unwise use of City funds.
21

22 So what could we do with \$5 million? Well that would pay most of the cost of rehabilitating the
23 two fire stations which are in serious need of upgrading. And given the choice between making
24 the fire stations safe and more useable or making California Avenue look nice, I would vote for
25 the fire stations. So I think you ought to go back and take another very careful look at all of the
26 costs for the California Avenue Project and all of the funding options and make sure that we're
27 not just keep on building up the cost and building up the expenses and having no place to go
28 except taking it out of our very, very sick Capital Improvement Fund.
29

30 Chair Martinez: Thank you Mr. Moss. Commissioners let's keep the public hearing open for a
31 bit. I may have some questions of our speakers. Ms. City Attorney can you talk a bit about sort
32 of the legal side of this project?
33

34 Cara Silver, Sr. Assistant City Attorney: Yes, thank you. Cara Silver, Senior Assistant City
35 Attorney. And I did want to respond to Mr. is it? I think it was Mr. Borock who made the issue
36 about, who made the point about the CEQA segmentation. And there is currently a Mitigated
37 Negative Declaration (MND) that was approved for this project by the City Council. That
38 Mitigated Negative Declaration is currently the subject of some litigation. It, the adoption of the
39 MND was found to be sufficient by the trial court, but now the issue is on appeal and until the
40 appellate court or unless the appellate court sets aside the trial court's decision the MND is
41 currently operative and it's operative as of this time. The MND did discuss various streetscape
42 improvements such as street furniture and that type of thing. It did not specifically address
43 streetlights, but staff has analyzed this issue and since this is just a simple replacement of an
44 existing streetlight we have not determined that there are any environmental effects that would
45 give rise to additional environmental analysis and so the MND for the overall project is sufficient
46 for moving forward.
47

1 Chair Martinez: Can I ask you a question about that? If we are going to replace streetlights
2 someplace in another part of the City, another three blocks, would that require an environmental
3 review of any kind?
4

5 Ms. Silver: Typically those types of replacements are categorically exempt. Almost all of our
6 streetlight replacements and street paving projects and sidewalk projects are always categorically
7 exempt.
8

9 Chair Martinez: Ok and then one last question on this. Does this street lighting project have to
10 be, I know the, I understand the, you don't want to rip up the sidewalks a second time, but does it
11 necessarily have to be part of this? Because it makes it more complicated. Can it be a separate
12 project?
13

14 Ms. Silver: It certainly could be a separate project. I think there are some economic and
15 construction issues that I'll defer to Jaime on.
16

17 Mr. Rodriguez: Thank you Cara. Yes Commissioner, Cara's actually correct here in this
18 particular case we're actually trying to just make sure we're providing the project to the City in a
19 timely manner in this specific case concrete for sidewalks is very expensive to reconstruct and
20 you can't get the same look and finish if you have to go and saw cut it later to re-allow for the
21 new conduits to be reconstructed. And so we're trying to actually just make sure that we are
22 capitalizing on the work that's already going to be taking place and as Mr. Shuchat mentioned
23 earlier as part of his public comments is, the sidewalk will already be destroyed, meaning it will
24 be ripped up already, the ground will be expelled it's a very simple cost savings measure for the
25 City to offer this as an element of the project now versus later.
26

27 Chair Martinez: Mr. Chief Transportation Official, I don't think we can call this project timely,
28 so I beg to differ. Commissioner Panelli had a comment or question. I'm going to let him go
29 first.
30

31 Commissioner Panelli: Thank you Mr. Chair. My question, well the overarching question I have
32 is what problem are we trying to solve with this project? I think I heard maybe three or four
33 different objectives and so I want to be clear that I understand what they are. One is pedestrian
34 safety, would that be accurate?
35

36 Mr. Rodriguez: Yes Commissioner Panelli. The specific recommendation to add lighting would
37 be specifically to help illuminate the pedestrian zone of the roadway.
38

39 Commissioner Panelli: Ok, but it sounds like also there were some other driving forces behind
40 what the community, the community's reason for asking for some of this. Some of it is
41 marketability to make it a more pleasant place. It seems like and the reason I'm asking this
42 question is what were the other options that were considered beside the 1, 2A, and 2B? For
43 example, smaller but more frequently placed lighting standards or planter box lighting because
44 now we're adding so much more vegetation. So maybe you could give a little bit of color behind
45 the thinking there.
46

47 Mr. Rodriguez: Thank you Commissioner. I'll try and answer that question and if I stray please
48 reel me back in. So there's definitely a lot of elements to a streetscape project and lighting is a
49 great opportunity to compliment all the other work that is already happening with the project to

1 allow that roadway element to be more visible during the evening hours, to highlight those
2 streetscape elements that have been added. Street lighting is not just the pole; it's the type of
3 light that's added onto the roadway that provide the effects that we might be looking for within
4 this corridor. It's the illumination of the roadway, it's the illumination on the sidewalk, and we
5 really are just trying to be responsive to the community in this case. That's why we're here
6 tonight, is the community has been very clear to us saying we just want to make sure that it is
7 clear we have heard them every time and this is really our last opportunity.
8

9 And if we don't add the lighting in now we definitely can't meet our design date. Well, basically
10 like if we don't add it we'll meet the design date, but if we were asked to then add lighting say in
11 April we definitely won't meet our design date. So we really need to get, to make that
12 determination kind of now early into this calendar year so that RBF and Gates have an
13 opportunity to finish that civil plan correctly so we can bid it out rather than trying to do this as
14 an addendum after we award the project we would pay a lot more money later. And so that's the
15 driving force here, just trying to take advantage of the design, make sure it's part of that so we
16 get a price for the community.
17

18 Commissioner Panelli: Ok and let me just follow that part up because one of the things that I
19 highlighted in the report is that because you're going to be cutting up the sidewalks and the
20 existing underground conduit and wiring of the streetlights are aged, right? So the idea is hey,
21 we're going to tear these up, we may as well replace while we have, while we've opened it up so
22 we don't have to go back and do it again. And my question for you is if we didn't replace any
23 of the lighting how much longer would that conduit, underground conduit and wiring last before
24 it would have had to been replaced anyway?
25

26 Mr. Rodriguez: Thank you Commissioner. Street light facilities usually have a useful life of
27 about close to 50 years. In this particular case the conduits that are on California or under
28 California Avenue in this case are already 40 years old. They are rigid steel conduits smaller
29 than two inches, about an inch and a half conduit size. The conductors that are in those conduits
30 are also aged. We actually did look at whether or not those conduits could be reused such as just
31 pull out the old cables, put new ones in, and we actually can't do that in most cases. We also
32 have a design standard in the City where we try to put new conduits in at about 18 to 24 inches
33 depth below the sidewalk. In this case they are as shallow as eight inches so we actually
34 do run the risk even with demolition of the existing sidewalk that we actually may damage the
35 existing conduits as well.
36

37 Commissioner Panelli: Ok and let me just, I'll summarize it here, but I just want to make sure
38 I'm drawing the right conclusion here, which is as part of this between \$800 and \$1.2 million
39 proposed spend, there's some percentage of that that if we didn't entertain deferred maintenance
40 we'd have to replace, we'd have to spend in the next 10 years anyway. Is that a fair way to
41 characterize it?
42

43 Mr. Rodriguez: Yes it is, and if I may just take advantage of the opportunity to have the mike
44 again, when we looked at the various options of lighting configurations we did analyze two.
45 Again one is just leaving those existing pole standards in place and repainting them to get them a
46 little bit of a different look and simply just adding additional lights in between, but one of the
47 reasons why we did recommend against that first option is because one of the consistent
48 community comments that we do hear from the community, specifically the merchants and
49 property owners along California Avenue was that they wanted to preserve the storefront

1 visibilities within the corridor. There was a lot of concern about having pole clutter on the street
2 and we didn't highlight it as part of the presentation but there's again 35 existing lights and if we
3 add in just lights in between that with all the other furniture now the sidewalk does begin to look
4 very busy and you get to have a little more of a fence like effect kind of looking down the
5 corridor because you see pole, pole, pole, pole and although that would definitely achieve the
6 benefit that we would be looking for with this project, which is the pedestrian sidewalk lighting
7 then that would have a different impact even though it's a cheaper solution.

8
9 Commissioner Panelli: Yeah it starts looking like a bunch of parking meters, right?

10
11 Mr. Rodriguez: You said that, not me.

12
13 Chair Martinez: Certainly. Before we go on, Assistant Director Aknin do you want to talk a bit
14 about sort of the rest of what's going on? Like for example the California Avenue Concept Plan
15 and how would the progress of that and how that fits into the overall development here. Just
16 give us a brief update.

17
18 Mr. Aknin: Sure, and I haven't been intimately involved with this, but I could give you kind of a
19 broader overview. As you know concept, there's two concept plans that are going to become
20 part of the General Plan. And the California Avenue Concept Plan is one of those and what
21 we're doing tonight even though the California Avenue Concept Plan has not been adopted yet
22 there has been a community input process and nothing that's proposed tonight is inconsistent
23 with what's been heard during that community input process. Now the environmental review of
24 the California Avenue Concept Plan is going to be go hand and hand with the general, with the
25 Comprehensive Plan and that environmental review will start over the next few months. So I
26 think the short story of it is everything that's being proposed as part of the streetscape alignment
27 is consistent with what's shown within that Concept Plan at this time, but the Concept Plan even
28 has greater and more broader type improvements for the area.

29
30 Chair Martinez: Thank you for that. And before we go forward with comments and questions,
31 Ms. Yazdy? Did I say that right? Can you just give us a summary of the preferred Option 2A
32 not only the replacement of the light standards, but the other parts of the lighting plan that will be
33 part of this million dollars or whatever the number's going to be as part of the lighting part of
34 this? Do you have that?

35
36 Ms. Yazdy: Sure, yes. Let me just I'll bring back the layout that kind of shows the, so the
37 bottom option, Option 2 we're calling it, is that we would replace the existing streetlights with
38 basically the new combination pedestrian/streetlights. So they would pretty much go exactly
39 where they are and again, the same spacing as they are now and in addition to lighting up the
40 street the pedestrian, the sidewalks would also be lightened up as well. And the street we have a
41 couple of street pole, street lights options that we've picked out. Again they will have to go
42 through ARB review and we will be doing that February 21st. And I can show you the photo.
43 It's to the right where you see the combination pedestrian and streetlight option that would also
44 have the opportunity to hang banners or hanging baskets from them also as a streetscape feature
45 if we choose to.

46
47 Chair Martinez: And the total number of those light fixtures is again?

48
49 Ms. Yazdy: I'm sorry.

1
2 Chair Martinez: The total number of light fixtures that are part of that package is?

3
4 Ms. Yazdy: 37.

5
6 Chair Martinez: 37. And they'll be no... I'm saying it, but a question, like bollards or street
7 lighting or lighting at people, places, gathering places or anything like that?

8
9 Ms. Yazdy: That's a very good question. Thanks for bringing that up. In addition to providing
10 street lights for the pedestrians and also the street the poles will have power outlets for additional
11 lighting during events for the central plaza location, festive lighting, so it will provide that
12 additional pole power to do so. Also the one important element of the fact that we're widening
13 the sidewalks, the current streetlights are with the widened sidewalks the current streetlights
14 would be in the middle of the sidewalk. So with, if we do replace the streetlights what we can do
15 is actually move the streetlights out closer towards the curb, which would give more space for
16 the sidewalk for tables and benches and streetscape elements to be placed.

17
18 Chair Martinez: And Mr. Landscape Architect how does that fit with your plan?

19
20 Mr. Gates: Sorry, could you repeat that?

21
22 Chair Martinez: Oh I just wanted to know whether in your landscape design whether you've had
23 thought about the lighting and this placement of lighting and does that work adequately with the
24 landscaping plan?

25
26 Mr. Gates: Yeah, actually it's a vast improvement if we bring the lighting down those species
27 will grow above so the lower the light in the future it will be much more efficient for us and we
28 have actually got the trees spaced based on the lighting and as she mentioned if the light poles
29 get pulled out to the street that's going to help us separate the pedestrian lighting from the street
30 lighting and pull it away from the trees again. And I believe we do have some limited number of
31 niche lights that will sit in the walls, in the new walls, which will actually create some limited
32 pools of light at crossing areas as well. So it's a big help from a landscape point of view.

33
34 Chair Martinez: Good. That's what I was looking for. Sorry to bogart the time Commissioners.
35 Commissioner Tanaka.

36
37 Commissioner Tanaka: Yeah, so first of all it sounds like this is some good forward thinking. So
38 thanks for bringing this forward. A couple of quick questions; first question is, of the three
39 different options can staff talk about in terms of light on the sidewalk and street which option
40 gives us the most light on the sidewalk and street? Do we know that?

41
42 Ms. Yazdy: That would be the option that we're recommending. They are I guess the spacing
43 that we have right now and some of the really basic studies that we've done with the lighting we
44 feel that this option, the combination streetlight and pedestrians would provide adequate lighting
45 for the sidewalk. And anything more would be really just provide extra clutter and definitely not
46 enough, I mean the lighting could be satisfied with this option.

47
48 Commissioner Tanaka: Ok. The only reason I was asking is if I just do the math on wattage,
49 now wattage not equal to lumens, but let's just use watts as an example. The first option is like

1 40, almost 5,000 watts, right? And then the second option is 37,000 watts, 3,700 watts. And so I
2 just in terms of like pure wattage the first one is, by far the most light, but I was just trying to
3 understand why the second option would be more light. I just, I don't know if staff could talk a
4 little more about that?

5
6 Ms. Yazdy: I guess, I'm sorry I misunderstood. It wouldn't provide more light; it would be
7 adequate light to light the sidewalk I must have I misunderstood your question. So the second
8 option would provide enough lighting for the sidewalk. The first option is to just provide, it
9 would be just a lot of lighting in between the existing.

10
11 Commissioner Tanaka: Ok, and is there also plans to run communication to these lights as well
12 in case you wanted to have finer control or is that... where you're laying your conduits and
13 cable?

14
15 Mr. Rodriguez: Thank you Commissioner Tanaka. I think you're referring to like data cables, is
16 that what you're referring to? It isn't something that we'd actually planned. We actually are
17 pretty familiar with the cities that have done similar things and actually have not found very
18 specific uses for them. I know that downtown Gilroy did that. They wired up their whole
19 downtown and they have never once been able to use that option.

20
21 Commissioner Tanaka: I see. Ok. Great, thank you.

22
23 Chair Martinez: Commissioner Alcheck, further questions, comments?

24
25 Commissioner Alcheck: Ok, so I want to start by saying that I feel like your presentation does
26 make the case that this is an ideal time to improve the lighting on Cal Ave. I want to highlight
27 that according to the staff report the project is half a million dollars over budget and you're
28 talking about adding another million two. So we're talking about nearly two million dollars over
29 budget and I wasn't involved in this project in any capacity because I came, I'm so new, but I
30 don't often criticize our Planning Department, but I really want to stress that I think that in this
31 business budgeting is a very important skill. I just, I mean we're actually not talking about
32 Option 1 versus Option 2 versus no option. Really, no matter what we'll have to spend it looks
33 like \$800,000. There is no option where we don't do anything, which really means that the cost
34 differential is potentially \$200,000 or \$400,000 because there is no zero thousand dollar option.
35 Am I right? There's no decision that the City Council could make that nothing would happen.

36
37 Mr. Rodriguez: Thank you Commissioner Alcheck. That actually is an option. If we don't want
38 to do lighting, we definitely don't have to do it. We just didn't present that as an option for you,
39 but it is an option on the table so thank you for clarifying (interrupted)

40
41 Commissioner Alcheck: Would those lights still have to move or they could stay where they're
42 at?

43
44 Mr. Rodriguez: Thank you. If we don't add lighting to the project lights would just stay where
45 they are and the point that Shahla was trying to make is in the areas where we're doing the
46 majority of the widening, specifically at that first block of California between El Camino Real
47 and Ash that's where the largest amount of widening does occur along the south side of the street
48 so if we don't move the poles, the poles then end up that are existing end up being more in the
49 middle of the sidewalk. And they'll do a great job of lighting up the sidewalk at that point until

1 the trees get a little bigger, but then we might light up the roadway. That's actually a point that a
2 lot of the merchants have been making to us and again it just hasn't been an element of the
3 project for us to be able to add in.
4

5 Commissioner Alcheck: Yeah so if I could just follow up, that just, I mean to be honest your
6 answer just further frustrates me because if it's such a no brainer I cannot imagine that they
7 wouldn't have discussed this at the time they were making the decision about this project as a
8 whole. And that's sort of my broader point. From outside this Commission as just a citizen of
9 Palo Alto when this project was being discussed it sounded wonderful to me. But at what cost,
10 right? Everything has a cost. And if we're talking about \$6 million streetscape improvement or
11 \$3 million streetscape those are decisions obviously the City Council has to make, but it just sort
12 of seems like how is it possible that this project go this far along without the discussion of street
13 lighting and now that essentially the project's been approved and for good reason now you're,
14 now we're coming to a point where we're talking potentially a million and a half dollars or a
15 million dollars. And it just, I can't comprehend a scenario where anybody's sort of happy with
16 that kind of decision making.
17

18 So again, I do think it's an ideal time to deal with this lighting. It sounds to me like ripping up
19 concrete 10 years from now would be a mistake and obviously we can't leave them where
20 they're at because they are going to inefficiently light this new wonderful area. That being said I
21 am a little disappointed because I would like, I think the City Council should make these
22 decisions with all the information and what you're telling me is it's a no brainer and it seems so
23 obvious; at the same time no one was discussing this when they were making this decision that
24 seems like a failure on the part of the Planning Department. So I think in general you guys do an
25 excellent job, but this is an important skill and I think that we should learn something from this.
26

27 Chair Martinez: We're kind of reversing roles here because I want to defend the Planning
28 Department, but I'm going to put that on hold for now. Commissioner Panelli do you have
29 further comments? Well we're going to wrap it up pretty soon so... Yes, Acting Vice-Chair
30 Keller, please.
31

32 Acting Vice-Chair Keller: Thank you. So I was going to ask a question first about CEQA. So
33 let me follow that up. There's a question that was answered earlier that was raised by the Chair
34 was the issue of segmenting, but one part that was brought up by a member of the public was the
35 issue of budget and although Commissioner Alcheck is right that the Council sort of made a
36 decision that to fund some of it and then sort of like the camel's nose and more of the camel
37 winds up under the tent in the morning, the whole camel winds up under the tent in the morning.
38 But the, but to what extent is that a CEQA question? Does the Council not having studied the
39 degree of the budget of the overall project is that, is budget at all a CEQA question?
40

41 Ms. Silver: Commissioner Keller CEQA is triggered by any discretionary action, so the
42 budgeting does trigger CEQA and then you need to look at whether that budgetary action will
43 have environmental impacts. So in this case a budgetary action is discretionary so CEQA is
44 invoked, but our analysis is that the Mitigated Negative Declaration already covers the overall
45 project and that the addition of or the replacement of streetlights does not trigger any other
46 environmental impacts that haven't already been studied in the MND.
47

1 Acting Vice-Chair Keller: I think I didn't phrase my question in a clear enough way. To the
2 extent that the project cost \$3 million or \$30 million, which it hopefully doesn't cost \$30 million,
3 but just as an example, does the cost of the project is that effect the CEQA analysis?
4

5 Ms. Silver: No, it typically doesn't.
6

7 Acting Vice-Chair Keller: Thank you. So therefore the fact that the City Council didn't know
8 the total cost of the whole project that somehow increased, that's not a CEQA question?
9

10 Ms. Silver: That's generally correct unless the cost of the project increased because additional
11 elements that would have significant environmental impacts that weren't analyzed were the
12 cause of the increase.
13

14 Acting Vice-Chair Keller: So would it be fair to say that it's the elements themselves that trigger
15 whether or not there's a CEQA question, not the cost?
16

17 Ms. Silver: Right. That's correct.
18

19 Acting Vice-Chair Keller: Thank you. The next question is with respect to the interaction of the
20 trees and lights. So when the trees were cut down on California Avenue and then they were
21 replaced, they were replaced basically in the same spots and now the curb is being extended.
22 And when the curb is being extended with the light fixtures being placed at the new curb will
23 there be shadows behind the trees that are inset further from the, in other words where the inward
24 tree wells are?
25

26 Mr. Gates: The photometric metric pattern will certainly change, but one of the reasons we're
27 going for a high/low is that you come below the canopy for the pedestrian to put it on the
28 sidewalk and you go ultimately below the canopy but in the middle of it for the first 7 years to 10
29 years so that ultimately in mature form we're getting very good distribution of streetlight which
30 is [brighter] different than pedestrian light which is lower and more in character. So the ideal
31 position is next to the street but low, close to the sidewalk. So we'll be in a better position than
32 leaving them where they are now.
33

34 Acting Vice-Chair Keller: So you won't get shadows behind on the sidewalk lighting behind the
35 trees that are set inward?
36

37 Mr. Gates: The trees that are there now will be inset, but a 12 foot high light in the very short
38 time your existing trees are going to be canopy above that, so that's why the lower pedestrian
39 scale will give us a very good foot candle on the sidewalk even though they're upward a little
40 more than what the trees are today.
41

42 Acting Vice-Chair Keller: Thank you. The next question is with regard to in terms of the cost
43 and I'm not asking you to answer this for now, but when you go to City Council it would be
44 helpful to distinguish between the cost of replacing the conduit with modern conduit, which
45 arguably is a accelerated maintenance job as opposed to deferred maintenance from the cost of
46 replacing the lighting which is more of an improvement. So in some, just for discussion's sake
47 say about \$600,000 to replace the conduit and \$400,000 for the new lighting then really that's
48 \$600,000 of accelerated maintenance and \$400,000 is the actual improvement. And that might
49 affect how the budget is considered.

1
2 In, it was also mentioned by a member of the public about storm drains as not being included.
3 Are the relocation of the storm drains and how they feed into the storm drain system, is that
4 budgeted for or is that something that will have to be added on as an addition?
5

6 Mr. Rodriguez: Thank you Commissioner Keller. The design does actually include today
7 protection of the existing storm drains say from rooftops that currently spill out into the gutter
8 today and there are several locations where we actually need to relocate storm drains to maintain
9 flows and actually be able to get that water into the storm drain system. So that is budgeted as
10 part of the project.
11

12 Acting Vice-Chair Keller: Thank you and I assume that also includes an analysis of where the
13 roadway goes in and out and the curb goes in and out that there's not going to be ponding of
14 water with no place to go.
15

16 Mr. Rodriguez: Yes, that's correct Commissioner.
17

18 Acting Vice-Chair Keller: Thank you. One thing that was in the staff report that wasn't in the
19 diagram that you have up there on the screen in page, is that one of the choices was something
20 that looks like a bell and I would just discourage use of that particular design because that's a
21 motif for El Camino Real's bell and we don't, I don't think we want to use that motif on
22 California Avenue because it's not El Camino Real. If we were redoing lighting on El Camino
23 that would actually be a good idea, but on California I would not use that design off of El
24 Camino Real.
25

26 As a side issue Mountain View when they redid they apparently did not relocate the lights, the
27 streetlights and theirs are shorter though, but on the other hand there's some situations where you
28 wind up with a light pole in the middle of the sidewalk which is odd and sometimes people bump
29 into them so this is actually a good thing that we're relocating them. As, on slide 12 you
30 mention Options 1, 2, and 3, but in the staff report I think they're 1, 2A, and 2B. So Option 2 is
31 really Option 2A so I assume that when this goes to Council you'll correct that.
32

33 And finally let me get to the Comp Plan process. So the, what I understand is that when the
34 Comp Plan is evaluated for CEQA we're going to take the whole Comp Plan and bring it to
35 CEQA analysis. Excuse me?
36

37 Mr. Akinin: You take the entire Comp Plan and analyze it within a CEQA document.
38

39 Acting Vice-Chair Keller: Or are we going to analyze parts of the Comp Plan and parts later?
40 How are, are we going to segment the Comp Plan analysis for Environmental Impact Report
41 (EIR)? How's that process going to work?
42

43 Ms. Silver: For the updated, updates to the Comp Plan we are planning on doing one single
44 CEQA analysis. However the Concept Plan for California Avenue is on a more quick schedule
45 and it is also relevant to another project in the pipeline, 395 Page Mill. And so our current
46 thinking is that we will do a joint EIR for 395 Page Mill and the California Avenue Concept Plan
47 in advance of the overall Comp Plan EIR.
48

1 Acting Vice-Chair Keller: So when would the Comp Plan EIR happen? What's the timing of
2 that?
3
4 Mr. Akinin: It'll kick off within a few months. The EIR scoping portion of it. And then the EIR
5 process will go through the remainder of this year and into early next year.
6
7 Acting Vice-Chair Keller: And how does that affect our process for getting our Housing Element
8 approved because that's I think part, the important thing that's part of the Comp Plan, right?
9
10 Mr. Akinin: Well the Housing Element is for the previous housing cycle, correct? So, yeah, so
11 that's being done with the Negative Declaration as a stand-alone document.
12
13 Acting Vice-Chair Keller: Ok, that's useful to know. And that means that all of our work on the
14 various elements of the Comp Plan either have to happen as part of this, either they have to
15 happen in advance of the Comp Plan review, the Comp Plan EIR or they don't happen this cycle.
16 Is that the idea?
17
18 Mr. Akinin: So repeat that again?
19
20 Acting Vice-Chair Keller: Sorry. We are doing a bunch of elements of the Comp Plan, redoing a
21 bunch of elements, updating a bunch of elements. Either those elements get finished and are
22 included in the EIR for the Comp Plan Update or they miss the boat and don't happen at this
23 cycle.
24
25 Mr. Akinin: Correct or you'd have to amend the Comp Plan later and review those
26 environmental, review it environmentally at the same time.
27
28 Chair Martinez: Can I add my two cents here? It's my understanding we only are doing an EIR
29 for the mandated elements and not Governance, Business, Community Services I think. So not
30 all of the elements of the Comp Plan are subject to the EIR. Ms. Silver, is that correct?
31
32 Ms. Silver: Some of the elements like Governance probably don't have any environmental
33 impacts so that's probably something that doesn't need to be included in the EIR.
34
35 Acting Vice-Chair Keller: Thank you. So, but the important thing is that the Cal Avenue
36 Concept Plan is going to be studied separately from the rest of the Comp Plan.
37
38 Ms. Silver: Given the current schedule that appears to be the case. That may change over time,
39 but that's staff's current thinking.
40
41 Acting Vice-Chair Keller: Thank you. I'll just say one thing, I don't know if the new member of
42 the public came in and wishes to speak before...
43
44 Chair Martinez: I think we're just going to move on. We're running out of time. It seems to me
45 that this project came before the Commission in a timely manner. When I was a young
46 Commissioner Alcheck, full head of hair, no grey... and to kind of address some of the criticisms
47 that the Commissioner raised about Planning it was presented as a project that was going to be
48 funded by a VTA grant, but I think the Council chose this opportunity of leveraging that grant to
49 make it a more important project for the public by widening the sidewalks and I think that it is

1 also now at this point asked us to really look at the lighting as part of that project too. I think one
2 thing if I'm not mistaken that the new Americans with Disabilities Act of 1990 (ADA) standards,
3 which are going to be the federal standards, which are going to be incorporated into the new
4 update to the California Building Code are not going to permit lighting standards in the middle of
5 sidewalks. As was mentioned those are things that people with limited vision walk into,
6 especially at night. So I think we're in a situation where this is a great idea to do it. The
7 reasoning to do it is correct and if that weren't enough we have no choice.
8

9 So Commissioners, really quickly now taking a minute or two we're supposed to give a
10 recommendation on staff's recommendation of the option and if any of you have anything further
11 to say about that I'd like to limit it to recommendations for what's been offered and not further
12 questions or comments about the Comp Plan or anything else. Commissioner Panelli I trust you
13 to start that discussion.
14

15 Commissioner Panelli: Yeah, thank you and by the way as I predicted, as I predicted
16 Commissioner Keller brought up what my last follow up point was going to be. So thank you.
17

18 I'd like to echo the sentiments that I've heard from several of the other Commissioners, which is
19 the project makes sense. The option that you're recommending makes sense. I think the
20 frustration that I've heard voiced here and I will echo it, is the cost overruns. And when I hear
21 about a million here, a million there and after having served on the Infrastructure Blue Ribbon
22 Commission (IBRC) I know how much deferred maintenance we have. I know what our catch
23 up is. I know what our keep up is and I get very, very concerned because I know that this
24 million dollars is coming from somewhere else. I just don't know what's not getting done to
25 make this project happen. So that's my simple comment.
26

27 Chair Martinez: Commissioner Tanaka, any recommendations?
28

29 Commissioner Tanaka: Yes. I'm also in favor of having the lighting, I'm just thinking about
30 Option 1, 2, and 3, or 2A, 2B. I'm not sure which way to call it. And I actually go to Cal Ave
31 quite a bit. I bike along Cal Ave quite a bit and I actually find it kind of dark now so the current
32 lighting, I hate this use, "watts," but the current lighting's I think is 7,500 watts. And so even
33 though Option 3 is a little more expensive I'm leaning that way because it seems to be brighter
34 versus this Option 2. So that's my thoughts.
35

36 Chair Martinez: Commissioner Alcheck. Commissioner Alcheck any last comments or?
37

38 Commissioner Alcheck: Yeah. In case I wasn't clear, I think this is an ideal time to do this
39 project and I just can't imagine a scenario where we devote the resources we are to this
40 improvement and then replace wonderful brand new light posts in the location that's not ideal.
41 So I think that when you have the opportunity to do something you should do it exactly the way
42 you want it to be done and the way you think it's perfectly suited. So I actually think that this
43 more expensive option, which would essentially mean removing and replacing the existing
44 streetlights in a slightly different but more preferred location is the option that we should
45 encourage the City Council to choose because after they've approved that project ideally this will
46 be a perfected street. So that being said, that's all I have to say.
47

48 Chair Martinez: Commissioner Keller.
49

1 Acting Vice-Chair Keller: Yes, so firstly let me say that I'm opposed to the do nothing option.
2 And secondly I'm opposed to the, to the stay at Option 1. Whether we go with Option 2A or 2B
3 or not to be... or Option 2 or 3 should depend on the lighting study that's done and see whether
4 there's adequate lighting on the street and on the pavement, on the sidewalk. And if there is
5 inadequate lighting then it's not clear whether it should be 37 or 48 or but actually design it
6 where you need the more lighting based on where it's short and understanding where the trees
7 are and that. So I'm not going to choose between Option 2 and 3 because that should be a choice
8 based on the particular lighting that exists. And we have been successful in identifying grant
9 funding from the VTA for this project. We've identified funding for improvements based on the
10 vehicle license tax, vehicle license fee revenue. And I'm hoping that the City Council will
11 somehow identify some grant funding to do the rest of this project and that would be a good
12 thing for the City Council to identify so that we don't rob from Peter to pay Paul.

13
14 Chair Martinez: Thank you. I would be willing to bet, not much, but I'd be willing to bet that
15 somewhere in the CIP list that there's a project to replace street lighting here. So I don't think
16 we're robbing anyone I think we're just moving it ahead on the scale. My theme for tonight for
17 both of our items is the streets are for the people. This is going to be a huge street improvement
18 for the people, for the business. You visit any other small city in California and across this
19 country that has done a project like this and it has made a huge difference. Next time that this
20 project comes before us I'd like to see not Transportation reasons for doing it from the Comp
21 Plan, but things from our Complete Streets and sitting places and the Land Use Element or
22 sustainability policies that really underscore the importance of doing projects like this.

23
24 I support 2A. I think that I would ask you to look at perhaps even lowering these lights down
25 from 25 feet and I wanted to comment on Commissioner Tanaka's question about the amount of
26 wattage or that when the lights are lowered you're not comparing apples with apples anymore.
27 That you're going to get substantially better light from even 25 feet and I think 22 feet might be
28 even better and closer to a better lighting situation for the pedestrians using California Avenue.

29
30 I want to thank staff, thank our consultant. Great job. I like the plan and personally I support it
31 going forward. Thank you. Let's take about a 10 minute break. Oh yes, let's close the public
32 hearing and thank you all for coming tonight. About a 10 minute break.

33
34 **Commission Action:** No Commission action, directed staff to pursue lighting.

35
36 **Public Hearing**

37
38 2. Rezoning to Apply the Ground Floor (GF) Combining District (Section 18.30(C) of the
39 Municipal Code) To Properties in the 600 Block of Emerson Street

40
41 Chair Martinez: We are going to continue on with the Item 2, a public hearing to consider
42 rezoning to Ground Floor (GF) Combining District a portion of the 600 Block of Emerson Street.
43 And we are going to be with a staff report from our, what is your title now?

44
45 Amy French, Chief Planning Official: Chief Planning Official, please.

46
47 Chair Martinez: From our eminent Chief Planning Official. Thank you.

1 Ms. French: Good evening Chair and Commissioners. We have before you a proposal to rezone
2 the 600 Block of Emerson Street to add the Combining District called Ground Floor (GF). And
3 this came from the Council through a colleague's memo that was discussed as reflected in
4 minutes provided to you in your report and summarized a bit in the report. The focus that the
5 Council wanted staff to go to was this Emerson Street, it was somewhat of an urgent request to
6 get right on it. There is some concern of some stores perhaps flipping to office. There's been
7 one store that has gone that way Fraiche and that went to an office, office space. There's another
8 store that's the florist that is winding down and there's some interest there. And so it is a vital
9 street. It provides restaurants and some retail shops. It's a corridor that leads folks from the
10 parts of downtown to Whole Foods. It's an active walking area. There's a hotel on the way on
11 the corner there of Hamilton and Emerson. So it's an exciting little strip of retail and restaurant
12 and some office.

13
14 So there's an existing office there. One of the offices is 625 to 631 Emerson. That particular
15 address we did have a call from the property owner, Jim Thoits, who asked about what rights,
16 what does this mean, so I kind of explained that first of all that particular site is a Category 2
17 Historic Building. It has grandfathered office. Grandfathered is a term from our Zoning Code,
18 Chapter 18.18.120, that's the section, and it allows continued use of office. If it goes 12 months
19 or more vacant then it's subject to changing to a conforming use. So going with the Ground
20 Floor zoning if it were vacant for 12 or more months it would be subject to going to the allowed
21 or conditional uses in that district. Another concern that people might have of putting a GF
22 overlay would be if somebody decides to go from office to retail then you can't go back to
23 office. So if a conforming use retail goes in there then it's hard to go from, you can't go from
24 retail back to office in the GF overlay.

25
26 There are provisions about replacing facilities that have nonconforming uses and you can
27 actually replace such facilities as long as you don't increase the floor area for the nonconforming
28 uses: height, envelope, lot coverage, that sort of thing. So basically there's a draft ordinance that
29 reflects tonight's date that would be changed to the 13th. We were trying to get folks here from
30 the street. We did send out some notices. We had an outreach meeting where two property
31 owners attended. So we're hoping the word gets out and some people might come to the meeting
32 on the 13th. So we were suggesting opening the public hearing and continuing to that date but
33 having a full discussion tonight on the thoughts you might have on the extent of the Ground
34 Floor overlay. The map that's attached called Exhibit 1 to the draft ordinance shows the
35 properties that staff supports the Ground Floor overlay addition.

36
37 So I know at the pre-commission meeting there was a question about why is this not a taking.
38 And so if there's an interest in that basically we did this back in 2009 so I'll direct you to the
39 map. Up here we removed the Ground Floor overlay which was a lessening of restrictions on
40 these green reflected parcels. We added the Ground Floor overlay on these parcels and these
41 parcels. These parcels are abutting this Emerson block here. So that was not considered a
42 taking. Again, if a zoning district changes and there's an existing legal nonconforming use
43 created from that zone change that use can remain. So it's not a taking in that sense because it's
44 not, we're not amortizing the uses. And I'm here for questions. I'm sad that we don't have any
45 of the property owners that I thought might be coming tonight.

46
47 Chair Martinez: So we don't really have to make any recommendation or vote or anything
48 tonight.
49

1 Ms. French: That's correct.
2
3 Chair Martinez: We're going to give you some feedback.
4
5 Ms. French: Please.
6
7 Chair Martinez: And hopefully we'll get some property owners either to write in or to come and
8 give us their view on how this would affect them. Could you talk about other blocks downtown
9 where there's a Combining District and how well that is served property owners and the City and
10 residents?
11
12 Ms. French: Sure. Well again I go back to the 2009, where if you see here on this map that's up
13 on the screen that we have the pink properties which are the Ground Floor Combining Districts.
14 This is the core of the downtown where in 2009 it was decided that this was the important area
15 that should remain primarily retail and services and not have those ground floor offices.
16 Whereas it was determined that these outer yellow areas were kind of on the boundaries of that
17 core and could, the market forces could come and go and have some flexibility. I think if
18 answering your question that darker pink that was added, the GF was placed that was, that's a
19 movie theatre and that was something that was seen as important to retain that movie theatre
20 certainly and not have that go office. It's a value in the community and its serving the
21 neighborhood. Some other areas that were seen as important to add the GF overlay was this area
22 here which is across from some other retail and a GF Zone.
23
24 I think ground floor retail, personal services the list is attached to the ordinance of allowable
25 uses, permitted uses, and conditionally permitted uses. The conditionally permitted uses in the
26 GF Zone include gyms, commercial service, commercial recreation. So a yoga studio, a gym
27 might also fit nicely with retail and personal services, that kind of thing. I'm not sure if that
28 answered that.
29
30 Chair Martinez: Not exactly, but I'll ask it again later on in a slightly different way. Let's open
31 the public hearing. Do we have any speaker cards?
32
33 Acting Vice-Chair Keller: No we don't have any speaker cards for tonight.
34
35 Chair Martinez: Fine, then I'm going to close (interrupted)
36
37 Acting Vice-Chair Keller: No, we keep it open till next time.
38
39 Chair Martinez: Till when?
40
41 Acting Vice-Chair Keller: I think we're supposed to keep the public hearing open and then
42 continue it for next week. When it comes back before us.
43
44 Chair Martinez: Oh, yes.
45
46 Acting Vice-Chair Keller: So we don't close it at all.
47
48 Chair Martinez: That's an exception. City Attorney, please?
49

1 Cara Silver, Sr. Assistant City Attorney: Yes, at the conclusion of your discussion I'm assuming
2 that you'll want to just make an announcement that this is being continued to February 13th and
3 the public hearing will remain open until that time.
4

5 Chair Martinez: Ok, excellent. Ok then Commissioners, comments. I'm going to start with
6 Commissioner Alcheck.
7

8 Commissioner Alcheck: Ok, so I have a few, some questions and comments so maybe we can
9 engage. Ok, so obviously the determination of the best use for a parcel is subjective to some
10 extent and doesn't therefore coincide with the highest value that you could obtain per square foot
11 for that parcel. I'm assuming that the Council Members who sort of wrote that memo have made
12 this subjective decision about how they feel about what the best use is for those ground floor
13 square feet. One of the thoughts that I had was that and I know there's a legal definition for a
14 taking, but one of the thoughts I had was that if we restrict the use here in a way that we
15 subjectively feel is preferred we are in a sense taking some value away if that use doesn't reflect
16 the use that could command the highest dollar on the market. So if office space is going to get
17 their property owners \$7 a square foot and retail is only going to get them \$5.50 to some extent
18 it's a taking.
19

20 And I understand that they can be legal non-conforming and if they can get a tenant in every 12
21 months they can continue for the rest of their lives I'm assuming, but one thing I'm wondering is
22 if it would be possible the next time we review this, to have information regarding how many
23 square feet each one of these parcels has on the ground floor versus other floors. Are these
24 single story buildings? Are they second and third floor buildings? I think it would be also
25 helpful if we to some, I know this is very subjective too, but I would sort of like to know the age
26 of these parcels or the buildings on these parcels. Because if they're exceptionally old and
27 they're single story and these individuals have the intention of redeveloping, I'm just sort of
28 curious to know if this change will likely encourage a lot of development because now an owner
29 is sort of interested in increasing his office space and he can't do it on the ground floor so he's
30 going to build another couple stories. I'm just curious. So I think it would be interesting to
31 know the age of the various buildings.
32

33 I guess kind of a greater discussion about why it's not a taking would be helpful. I'm sure that
34 there are a lot of intricacies to that discussion, but I think we can handle it. I think we can handle
35 that level of detail. At least I know that if we can't handle it you'll be able to distill it in a way
36 that we can so... (trails off)
37

38 Chair Martinez: Are you done?
39

40 Commissioner Alcheck: Yeah, I mean unless you think that would be possible?
41

42 Ms. French: I have no problem providing the data that you're asking for and I think if we can
43 provide a handout on the takings and a clarification as to how that applies in this case hopefully
44 that will address your questions.
45

46 Commissioner Alcheck: And I guess drawing on my fellow Commissioners' experience and
47 yours that anybody can really comment on this is this perceived to be something that's going to
48 be highly contentious? Do we expect a lot of... (trails off)
49

1 Ms. French: I think, we've sent out notice cards for outreach meetings. We sent notice for this
2 meeting. The Council has pretty much initiated this change and so my, I suspect that it's not
3 controversial otherwise we would see a few people here and we'll wait till next time and see if
4 somebody comes next week at the point of decision, but... (trails off)

5
6 Chair Martinez: Alright. Commissioner Tanaka, questions or comments or do you want us to
7 come back?

8
9 Commissioner Tanaka: So I guess one thing I was thinking about as and your deliberation about
10 it is whether this is a taking of property rights or not is, can there be a concept of having a bonus
11 for having retail on the bottom? Some sort of incentive?

12
13 Ms. French: There could be. In the CD District there is currently the capacity for receiving
14 transferable development rights that are in the code now and currently those carry with them up
15 to 5,000 square feet per site free of parking spaces associated. So there is, and there is kind of a
16 one-time bonus as well. There's some Americans with Disabilities Act of 1990 (ADA) bonuses
17 for making existing facilities into ADA compliant. So there are some bonuses currently
18 available to any CD owned property that isn't over its maximum Floor Area Ratio (FAR).

19
20 Commissioner Tanaka: Ok because I think from the public point of view I think having retail on
21 the bottom, having a very vibrant downtown is to the benefit of the public, but from the property
22 owner point of view I understand that that could be viewed as a taking because they get less rent
23 perhaps. So perhaps one way to kind of balance it is to have perhaps these Transportation
24 Demand Management (TDR) rights that allow them to in some ways get compensated for that so
25 that they benefit and the public benefits by having a more vibrant downtown. So perhaps that
26 could be contemplated and some sort of structure can be proposed that might work.

27
28 Ms. French: Sure and I'd be happy to clarify in a report what bonuses there are available to these
29 properties and the bonuses that wouldn't change by this action.

30
31 Commissioner Tanaka: Yeah or what bonus might, what new bonus might be necessary to
32 actually let's say there's currently an office there to incentivize the owner to convert or if we do
33 have this overlay what would be fair for the affected property owner. I actually don't know what
34 rents are in downtown Palo Alto, but that would be actually interesting to have a list of what is
35 the retail rental rate and what is the office rental rate. I know this is a little bit always in flux, but
36 it would be good to understand what is the value difference between the two. Thank you.

37
38 Commissioner Alcheck: If I could just quickly add something I think it would also be
39 (interrupted)

40
41 Chair Martinez: You have to be recognized by the Chair. I'm actually going to come back to
42 you. Commissioner Panelli.

43
44 Commissioner Panelli: Thank you Mr. Chair. First I want to say I understand why Council or
45 some Members of the Council brought this up. There are aesthetic reasons for it; there are
46 vibrancy reasons for it. Office space generally isn't alive in the evenings and it's hard to have a
47 thriving downtown area if you don't have life on those ground floors. Totally makes sense.
48 Also makes sense economically from the City's perspective. Most offices don't generate sales
49 tax. Storefronts do. So I understand that and I understand what the concerns about property

1 rights and taking. I'm definitely sensitive to that, but what I, the point I'm going to try to make
2 here is that this is where we are looking at things through a microscope yet they are so
3 interconnected.
4

5 When we talk about things like building height and density if you talk to some of these retailers
6 and I have, a lot of their complaints are that their businesses are Friday and Saturday businesses
7 and they don't have enough business on those other four or five days a week to sustain their
8 business. And so I think the real answer is, is there a way that the highest and best use for these
9 properties that we want to maintain as retail storefronts is there a way for us to make those the
10 highest and best use? And I think one of the only ways to do that is to have a much more vibrant
11 life downtown so that you have a vibrant daytime weekly activity. Restaurants serving the
12 working public and then you also have a vibrant nighttime activity, nighttime activity seven days
13 a week. And the only way to do that is to get certain kinds of people, probably singles or
14 childless couples to live downtown and spend downtown and keep these businesses alive. And
15 so I hate having this kind of a conversation about this one block of a street when we're not really,
16 when I think planning I want to think big and I want to, I want us to make decisions holistically.
17 And so I, this is where I struggle because I think there's a way to make the retail use the highest
18 and best use, but the only way to do that is to have a better master plan that somehow allows us
19 to have more dwelling density downtown. Thanks.
20

21 Chair Martinez: Assistant Director, you had some comment in this regard.
22

23 Aaron Aknin, Assistant Director: Yes, good point Commissioner Panelli. I think what we have
24 here is both kind of a short term action and then a longer term vision that has to develop. The
25 Council when they were initially discussing it they had this discussion should this be a broader
26 ground floor protection ordinance passed or should it just be focused on this one area. I think
27 they made the decision and the recommendation to move forward that this one stretch was the
28 most susceptible to conversion in the short term and that something needed to be done now in
29 order to stop that.
30

31 Phase two is the Downtown Development Cap Study, which the Commission provided input on
32 earlier in January and that's going to take a more comprehensive look at a number of things,
33 everything from building heights to economic studies on what is the amount of retail that is
34 viable in the downtown area? What's the amount of housing that's viable and how are they all
35 connected? You take out too much office you're not going to have that daytime population in
36 order to support the retail. You don't have enough housing you don't have the nighttime support
37 of businesses. So you're correct, they all interplay together and I think really taking a look at a
38 comprehensive approach is going to be key over the next year. In the short term though the
39 direction was hey, let's take a look at this one block and let's make a recommendation to change
40 this on this one block and then we'll also include this one block in our overall study as well in
41 the long term, but in the short term to stop conversions let's do this now. Thank you.
42

43 Ms. French: I'd also like to add something in that. That hotel that's coming on the corner might
44 help a little bit with some of those restaurants during the rest of the week. I'm just guessing.
45

46 Commissioner Panelli: My point wasn't necessarily just for that stretch of Emerson. I'm talking
47 about all the businesses downtown and especially the places where you see a high amount of
48 turnover. You know Mantra's gone and it didn't, it lasted not quite as long as it could have so
49 I'm talking about more holistically. Anyway, thank you.

1
2 Chair Martinez: Vice-Chair.
3

4 Acting Vice-Chair Keller: Thank you. So firstly on the block of Emerson we're referring to on
5 one side of the street there are two restaurants, Mantra's being replaced by a new restaurant,
6 Tacolicious that's under construction and there's also the Gordon Biersch that's a restaurant
7 that's bringing vibrant, these restaurants do bring some foot traffic. I also notice that there's
8 actually I'm not sure the status of this but in front of what used to be Mantra/Tacolicious there's
9 actually the sidewalk is cordoned off with, and I'm not sure the status of that whether it's
10 supposed to be cordoned off or that going away?
11

12 Ms. French: I can answer that. That's the tenant improvement for Tacolicious. That's under
13 construction.
14

15 Acting Vice-Chair Keller: No I'm not talking about that. There's, when Mantra was there, part
16 of the sidewalk, approximately a third was enclosed in barricade (interrupted)
17

18 Ms. French: Yeah that was, if I may? Outdoor seating for Mantra. I believe they had because
19 they had service of alcohol they were doing some kind of Alcoholic Beverage Control (ABC)
20 required barrier in order to have service outside.
21

22 Acting Vice-Chair Keller: And that's going to continue or not?
23

24 Ms. French: Well Tacolicious would have to go through that review with the City and the ABC
25 to provide an alcohol barrier and have the tables and chairs looked at, encroachment permit.
26

27 Acting Vice-Chair Keller: So there are other, the restaurants on University Avenue don't have
28 barriers and are they prohibited from serving alcohol on the street? On the sidewalk?
29

30 Ms. French: Yeah, some of them do and some of them are on the property itself, the private
31 property. There's not a lot of places where they are actually on City right of way, but there's a
32 whole process for that. City right of way encroachment permits, ABC barriers, and there's
33 certain things that they can and can't do so it's kind of a conversation that I'm not ready for all of
34 that right now.
35

36 Acting Vice-Chair Keller: Ok well La Strada and Joya are on the sidewalk and I believe they
37 serve alcohol to the tables on the sidewalk so I'm not sure why there's barricade on Emerson and
38 no barricade on University. So perhaps when this comes back you can explain that.
39

40 Mr. Aknin: Yeah we can do that. I mean a lot of these permits are issued through the
41 Department of Alcoholic Beverage Control so we'll check on what their standards are, but my
42 understanding is that you need at least I think a three and a half foot barrier between where you
43 serve alcohol and where the public right of way is so it might be dependent on where the chairs
44 are, whether they're on private property or not, but yeah, we could look into that.
45

46 Acting Vice-Chair Keller: And on the other side there is Buca di Beppo and Empire Tap Room
47 so there is some degree of foot traffic generated by these. And when you have gaps in this then
48 it sort of kills the foot traffic because foot traffic doesn't like going in front of things that are not
49 retail. People like walking by retail and that's one of the reasons if I understand correctly that

1 CDC Zone requires that the buildings be pedestrian friendly, that they be ground floor friendly
2 and does that mean they be capable of having ground floor retail or does it mean that they just
3 have to be compatible with people walking by?
4

5 Ms. French: Yes so the CDCP regulations without the GF require that the design of the building
6 accommodate retail. In other words we don't want to see people blocking things off and shutting
7 away from the street and the pedestrian visibility. So even if you had an office the P Combining
8 Districts requirements and the CDC requirements are that there's some exposure, there's some
9 display windows even if there's office or something else besides retail there.
10

11 Acting Vice-Chair Keller: And so for example when 180 Hamilton if that goes forward that's in
12 CDCP, but no longer in CDC GFP and therefore the ground floor has to be compatible with
13 retail. Is that the idea?
14

15 Ms. French: So 180 Hamilton is the Hotel and they're going to have a restaurant at the ground
16 floor. I'm not sure which one you're (interrupted)
17

18 Acting Vice-Chair Keller: So maybe I'm wrong. I mean 135 Hamilton or is it 125 Hamilton?
19 The parking lot that's (interrupted)
20

21 Ms. French: That doesn't have the GF overlay that has the CDC. So yes they do have display
22 windows even if it's office on the ground floor.
23

24 Acting Vice-Chair Keller: And if you, the former Waterworks which was an office until, it looks
25 like it's vacant now, the former Diddams, these were in CDC GFP so how did they get turned
26 into office for a couple of years?
27

28 Ms. French: That's an anomaly and was not portrayed as a conversion to office. That's a long
29 story, but they were not authorized to have office. That's color, yeah.
30

31 Mr. Akinin: And I could actually add to that. We, it's vacant now. The leasing agent put up an
32 advertisement for that and we actually made contact with the leasing agent in order to basically
33 have them revise their listing to show that there are ground floor requirements.
34

35 Acting Vice-Chair Keller: Ok, thank you. So what kind of issue in terms of taking happened
36 when the property along Hamilton that was converted from, as to which the Ground Floor was
37 added in 2009 from Fraiche to I guess Inhabiture?
38

39 Ms. French: Yes, so if I may the properties from 200 to 240 Hamilton that received Ground
40 Floor Combining District in 2009, that's the stretch you're referring to, so I'm sorry now what is
41 your question about that?
42

43 Acting Vice-Chair Keller: What considerations were done at that time in terms of what was
44 required in order to do that and in terms of potential takings issues?
45

46 Ms. French: I don't recall the questions about takings at that time in 2009. I can come back with
47 minutes as to what the conversations were on that.
48

1 Acting Vice-Chair Keller: Were the property owners complaining about it or were they ok with
2 it?

3
4 Ms. French: Well the Thoits brothers own 200 to 228. That stretch was designed as retail on the
5 ground floor with office above. The 230 to 238 is the Reposado and so that was a restaurant at
6 the time and is today. The only kind of, the only site that's been a bit of a question on that is 240
7 Hamilton. It was a retail shop as well there was this Waze thing next to it (interrupted)

8
9 Acting Vice-Chair Keller: Waze is there now.

10
11 Ms. French: So that, before the GF that was whatever it is and remains so. Again if it's
12 nonconforming it continues to be nonconforming in the GF category. There is an application on
13 file for the 240 Hamilton property if that's an interest.

14
15 Mr. Akin: But in terms of what the previous concerns, we could bring those back to you in our
16 next report. We could do a little research.

17
18 Acting Vice-Chair Keller: Thank you that would be helpful because obviously the issues we
19 dealt with for that addition should be similar to the issues we deal with now so to the extent that
20 it wasn't an issue then it may or may not be an issue now. So I'll close with two things. One is
21 could you explain why the property that used to contain the cleaners at the corner of Forest and
22 Emerson why that property isn't being added?

23
24 Ms. French: Yes. So that property I enumerated some of the reasons in the staff report. It is at a
25 corner where all four corners are currently office use. So that's not a retail use that needs
26 protecting at this time. It was designed as a drive thru dry cleaner. It was converted to a
27 conditional use, through Conditional Use Permit (CUP) to a recreation facility, commercial
28 recreation. They moved on and then it went to office. And I think the property owner who did
29 come to the outreach meeting and was talking about coming tonight was concerned and asked
30 that we not include that in the Ground Floor restrictions. I think for the same reason staff
31 enumerated in the report. It's not really a retail corner; all four corners are not retail. It's not a
32 building that's conducive to retail as currently configured. It's likely to have a historic aspect to
33 it, so modifying the building is going to be, you know I don't think the owner plans to modify
34 the ground floor of the building. And there may be some other reasons, but we did have some
35 input from a couple of property owners and that was one of the property owners that came.

36
37 Acting Vice-Chair Keller: Well I, just let me finish this and then I'll move on. Yes, I would
38 prefer that if this project, if this property is redeveloped with a bigger some multistory building
39 that it be ground floor retail because it would connect will all the stuff next to it and if it's not
40 redeveloped and it continues as office, it can continue that way because it's a legal
41 nonconforming use. So I would suggest that that be included in the future. Thank you.

42
43 Chair Martinez: Ms. City Attorney I would like you to brief us on the City's right to provide
44 zoning for its parcels.

45
46 Ms. Silver: Sure. Cara Silver, Senior Assistant City Attorney. The City has very broad police
47 powers in this area. It's very common for cities to adjust zoning ordinances as time goes by.
48 Cities frequently upzone to further allow development and likewise downzone to reduce
49 development potential on properties. It's rare that a zoning decision such as this rises to the level

1 of an actual taking that would be compensable under the Constitution. Generally what courts
2 look at when they decide whether a zoning regulation constitutes a taking is whether the
3 regulation would deprive the property owner of all economically viable uses on the property. So
4 it's a pretty, it's a pretty tough standard to meet and we don't think that this particular zoning
5 action gives rise to a taking but we will come back at your request with additional information on
6 the taking principles.

7
8 Chair Martinez: Thank you. I don't believe that the proposed rezoning is either subjective nor is
9 it a taking. It's not subjective in that I don't believe that we are deciding something that is quite
10 arbitrary. I believe the staff's consideration for the retail uses of the street are quite well
11 founded. That as an urbanist you just have to walk down the street and you feel it's one of
12 potentially the best retail centers downtown. There is so much that could be done on a street like
13 this, you know, lighting of the trees, festivals, closing of the street, making it more of a
14 pedestrian place.

15
16 The retail is there. The retail is an important element of downtown. It may be this year that
17 office rents are higher than retail. It may be in two years that offices slump like they did five
18 years ago and throughout the Bay Area and retail values are higher. I objected when we first
19 considered allowing offices in ground floor retail because I don't think we can project what the
20 economy is going to want to do with the space, but I think we can make good land use decisions
21 about what the downtown, what creates this great retail downtown as Commissioner Panelli
22 pointed to, based on the adjacencies, the quality of the nearby retail, the connections from one
23 place to another. And this one makes absolutely good sense to continue on the path of the
24 ground floor retail overlay.

25
26 I would like to second Commissioner Keller's point. You can make the case that every building
27 on this block is historic. And to single out this former dry cleaning building as not appropriate, I
28 think is a mistake. We're getting into sort of spot zoning for the purpose of accommodating an
29 individual owner or a current use that I think is totally inappropriate. As we walked by there this
30 evening we saw the possibility of outdoor dining on the corner under that triangle, the removal of
31 these ugly parking spots, creating a gateway from, what direction is that, south? To this really
32 potentially vibrant downtown area. Our Economic Development Director's talked about a place
33 for to attract young people that don't want to live in the City because there's nothing like this for
34 them. This is a perfect kind of place and it doesn't have to be a beer garden on the top of 160
35 foot high building. It could be right in what we have right now.

36
37 So I would like us in our next round, perhaps our final round to get back to looking at not these
38 esoteric legal issues about what's being proposed, but really considering what staff has and the
39 Council has asked us to consider and comment on. And that's the idea of rezoning the 600
40 Block, one block, a few buildings, to ground floor retail and get comments on whether what the
41 staff has proposed could be enhanced as Commissioner Keller has suggested or really there are
42 things that really should limit the amount of ground floor retail in this area. I haven't heard that
43 yet, but I'd like us since it's coming back to us in two weeks to offer some comments to staff to
44 consider like Commissioner Keller did, that suggest that maybe the plan needs, can be refined to
45 make it an even stronger or more reasonable plan as it can be. So I'd like to go back to
46 Commissioner Alcheck. You want to give a round of comments?

47
48 Commissioner Alcheck: First I apologize for speaking out of turn.

1 Chair Martinez: I do it all the time.

2
3 Commissioner Alcheck: Ok. My quick addition that I wanted to say earlier was please add to
4 this report specifics about each parcel as to which ones are legal, would be legal nonconforming
5 as a result of this decision. And like I said earlier I'd like to know how many floors each of these
6 parcel's buildings have. So if for example it would be helpful to know how many would actually
7 be put in that position.

8
9 Just since we're making our last round here I do think this is, I mean I think there is subjectivity
10 to this. And to be clear as a land use attorney I'm extremely familiar with the takings concepts.
11 I just think that including that sort of analysis in these reports which we make public and we give
12 to the public helps them understand why it's not. And if a public individual makes a very
13 dramatic or passionate statement about how this is extremely burdensome on themselves we can
14 sort of refer to material that reflects that. So that's why I think that was important to include and
15 really it's for everyone's benefit.

16
17 And then I want to agree with Chair Martinez and Commissioner Keller. I think it's sort of odd
18 that that corner is, because it's nonconforming now or would not, if we included that it would be
19 a legal nonconforming use and it's sort of odd that we're not including it. And I think they have
20 a very strong point that it would be the preferred zone even for that corner if it wasn't for the
21 individual who's not happy with the idea. And I guess I want to say that if we, if you come back
22 and say all the ones that we're considering are actually already retail, so we're really just
23 protecting it, then I would argue that to some extent if we included the ones that are not currently
24 retail like this corner unit, we're sort of increasing the value of office ground floor on that street
25 for any unit. Because they have to go 12 months with a vacancy and it sort of artificially
26 increases the value of office space on that street because there's no other option, right?

27
28 And I think we're going to kind of hit a wall in how much office space there is so office space is
29 just going to continue to get more and more expensive. And so I just want to argue that if we
30 allow these ground floor spaces to continue to be office under this zone by allowing them to have
31 this sort of 12 month period that they can, if they can find office they can keep doing it. I don't
32 know if we're ever going to really achieve that result that we want because again we're
33 artificially increasing the value of office space by ensuring that none of the competitors when
34 they go vacant on that street who are currently retail can have office space. So I just, I wonder to
35 myself how effective this is. If we include that corner property he never has a vacancy that's
36 greater than 12 months it'll never be a retail. If he can get more dollars per square foot than
37 retail and I imagine that office space will get more valuable there as a result of the fact that we're
38 going to have less and less available office space. So I just want to throw it out there and the
39 reason why I mentioned that is because at the end of the day if we decide that we want this to be
40 retail, are we really not accomplishing that goal by having that "loophole" for existing parcels.
41 So I think that would be good to have kind of a greater discussion on that.

42
43 Chair Martinez: Commissioner like I said I always, I interrupt all the time myself. And I, that
44 corner property is a one story building. To me it looks vulnerable to be demolished with a new
45 multilevel building of offices above it. If we rezone it, the ground floor will be retail. So I think
46 there are other aspects to this. I think we're in an office boom in this community right now that
47 hasn't always been the case. It may not always be the case. And you know we think that office
48 is in such demand that it will just always be that way, but 10 years ago that wasn't the case.

1 So we can't zone and then rezone back and then rezone again. We made that mistake before and
2 now we're trying to correct for some of these mistakes I think. This is a solid location for retail.
3 It can get even better with some public improvements like we talked about on the last item and
4 the strength of retail downtown is probably the most vulnerable thing we have going for us right
5 now in another very strong downtown. Commissioner Tanaka.

6
7 Commissioner Tanaka: So I just want to start off saying that I also agree that these two parcels
8 that were excluded I think makes a lot of sense to have it be continuous and to actually include
9 them in this proposal for all the same reasons that were mentioned before.

10
11 And I guess my last comment really is about so this may not legally be taking, but I think to what
12 Commissioner Alcheck's been saying in terms of well, because of this loophole it'll never
13 change to the desired retail use. And so I think that's also why I was speaking earlier and I
14 wasn't really thinking about it from the legal point of view whether we have to compensate
15 people, but it was more to give people incentive to say, well look if we actually put retail there
16 then we could get some sort of bonus, some sort of incentive so there's some sort of mechanism
17 that would encourage this change to retail versus people indefinitely keeping it office. So that's
18 what I think at the next time this comes around to us, I think for staff to think about what kind of
19 incentives can be made to encourage this use or this conversion back to retail I think would be a
20 good thing. Thanks.

21
22 Chair Martinez: Thank you Commissioner. Commissioner Panelli.

23
24 Commissioner Panelli: Yeah I want to just pick up on where Greg left off and actually ask my
25 esteemed colleagues here, if the comments you made about the corner property that used to be
26 the drycleaner also applies to Congressperson Eshoo's office, because we didn't talk about that.
27 But I think Commissioner Tanaka just mentioned it.

28
29 I'd also just like to reiterate my comments from before which is I think the best way for us to
30 avoid any contentious issues and solve the problem is to just make sure that we have such a
31 vibrant daytime and nighttime seven day a week viable traffic, sufficient traffic, viable traffic for
32 these retail establishments to do well and make that effectively the highest and best use. I think
33 that's the best way for us to accomplish these goals.

34
35 And then the last point I wanted to make was simply for Chair Martinez. I think when
36 Commissioner Alcheck said it was subjective I don't think he meant that the idea of a ground
37 floor retail zone was subjective or extending it is subjective. But where I do think there is
38 subjectivity right now because we don't have any data is how big should that GF Combining
39 District be? How many blocks, how many streets should it be? And I do think that's subjective
40 because we don't know, we don't have the data to say what the right economic balance is. And
41 it sounds like we're going to try to do something on that order, but we don't have that today. So
42 I think that's, that's how I interpreted his comments. Thanks.

43
44 Chair Martinez: Good point. Vice-Chair.

45
46 Acting Vice-Chair Keller: Thank you. So the first comment I'm going to make is that
47 contiguous retail is the most likely to be vibrant retail. And when you have retail that's isolated
48 it means that people have to take a special trip to get there; they're not going to be, it's not going
49 to be as pedestrian friendly. So it seems to me important to retain the retail we have because

1 every, of the properties that converts from retail to office puts pressure on the other properties to
2 be converted from retail to office because it makes those other properties less viable as retail. So
3 for me the issue is not let's convert all the retail. For me the issue is let's retain the degree of
4 vibrancy that we already have by making sure that if it's retail it stays as retail and if ever, and
5 the office if it ever becomes retail it stays as retail.

6
7 Now I understand that Commissioner Alcheck being in the real estate business understands this
8 much more than me. I'm just a computer scientist, but I'm curious about the idea that if a
9 property is, if somebody doesn't want their property to be vacant for 12 months in order for it to
10 turn into retail that they raise the rent on it? It seems that if the rents are too high then it will stay
11 vacant for 12 months and therefore you need to keep, if the property owner wants to keep it as
12 office they have to keep the rents low enough so that it stays as office because otherwise when it
13 gets vacant for 12 months it will have to be retail. So maybe I don't understand that, but that's
14 what I think is there. On the other hand what it does do is it says it may put more demand for
15 office because there's a limited amount of it. But the fact that it can't be vacant for more than 12
16 months puts some limitation on that.

17
18 The next thing is I don't know whether GF is compatible with CDS. Can you apply GF overlay
19 to CDS?

20
21 Ms. French: It would be the first CDS GF downtown property if you went with that in Eshoo's
22 office, but it does allow Chapter 18.30(C) is the Ground Floor Combining District and it does say
23 it's intended to modify the uses allowed in the CD Commercial Downtown District and sub
24 districts, so the CDC is the district we usually see it applied to. The CDS is another such
25 downtown commercial district. So it can be. This would be the first.

26
27 Acting Vice-Chair Keller: Ok, thank you. So, clearly with 203 I think is a no brainer for that to
28 be added from my perspective for that to be added to the GF Zone. I don't think that there's any
29 justification for that makes sense. I think that that should be, if it gets redeveloped and I don't
30 see how that, I'm not sure that it would be a historic building, but if it were redeveloped and it
31 was office it could stay office, right? So I think that that being ripe for redevelopment and even
32 useable as a ground floor restaurant should be added to Ground Floor.

33
34 With respect to the other side I am sympathetic with the idea of making, adding that. The fact
35 that it would be a new precedent adding GF to CDS means that it requires a little bit more
36 thought. But on the other hand those storefronts are pedestrian friendly in the sense and
37 therefore at one point in time more of those offices all the way around were retail or so they were
38 designed as retail. They were retail. So on the basis of that I think it's worthwhile considering
39 them as being retail, as adding them to GF. I do think that at least the half of the block that's in
40 the corner as opposed to the part that's on High, but I do think that it makes sense to add that.
41 But they as long as they stay office use they would stay that way so I'm not sure we need to
42 incentivize things to become retail. It's just that we don't want to go the other way because that
43 loses retail. And I am curious to hear from Commissioner Alcheck after the Chair recognizes
44 him. But I would say that I am very supportive of the idea of doing the Ground Floor overlay. I
45 think it retains this as a vibrant district otherwise it's in danger of being lost. Thank you.

46
47 Chair Martinez: Ok, I'm going to allow Commissioner Alcheck to have the last word here.
48

1 Commissioner Alcheck: I don't want to labor on, but I guess if I can be concise and clear, I'm
2 not against this idea. I just piggyback on Commissioner Panelli's statement is these
3 "restaurants" need lunchtime traffic. Lunchtime traffic is generated not by local residents
4 because they are at work probably elsewhere or in downtown Palo Alto. So there needs to be
5 sort of this mix of office and ground floor retail service/restaurant. And one of the issues here is
6 how many of these parcels are single story. When you have sort of this multistory environment
7 then we have all these office workers coming to lunch on the ground floors of all these office
8 buildings. I guess I want to say I support this, but I want to also suggest that we can't be against
9 growing up and also hope that these restaurants do well.

10
11 As someone in the business I think you could probably appreciate this even not being in the
12 business you cannot will a restaurant. That's the hardest business there is. The person who
13 manages a restaurant has to be all in. It's tremendous work. There's even in the best locations
14 they have tremendous turnover. So I would love it if we had a greater diversity of restaurants.
15 We have seven yogurt shops. So there are uses at work and in the marketplace there's demand
16 and it gets met. And my point earlier was that if we limit office space, existing office space
17 becomes more valuable and to some extent existing retail becomes more valuable because if
18 office space grows those people need a place to eat and existing restaurants in some degree
19 become more viable. And so there is sort of this marketplace that determines which restaurants
20 should survive and which shouldn't and which retail should survive and which shouldn't. So I
21 support this. I think we need to create this, but I also support kind of greater density and I think
22 that's what Commissioner Panelli was suggesting to you and I think they go hand in hand.

23
24 Chair Martinez: Thank you. A great city has great pedestrian spaces and that's assuming
25 restaurants alone. So I really support this proposal. I would support it if every parcel on this
26 block was to be included in the GF overlay including those precious Victorians because I think in
27 other cities we've seen like along Union Street in San Francisco, Victorians being very special
28 kind of boutiques and jewelry stores and things like that, not restaurants. So I would support
29 really a strong overlay for this block and I think it really has the opportunity to not only protect
30 what we have there, but really help be a model for other streets, Waverly and some others that
31 are really at a very similar situation where we have these blank spaces along our walks to, that
32 are being filled by something other than retail. So with Commission consent we'd like to
33 continue this to February 13th.

34
35 MOTION

36
37 Acting Vice-Chair Keller: So moved.

38
39 SECOND, VOTE

40
41 Chair Martinez: Second? All in favor, aye (Aye). Passes unanimously. Thank you on that.
42 Yeah, with Commissioner Keller making the Motion and Commissioner Alcheck seconding.
43 Thank you for the record.

44
45 MOTION PASSED (5-0, Vice-Chair Michael absent and one open chair)

46
47 **Planning & Transportation Commission review**

48
49 ***APPROVAL OF MINUTES: December 12, 2012 and January 9, 2013***

1 *(Commissioners to receive electronically)*
2

3 Chair Martinez: And move on to approval of minutes for December 9, 2012 and what's the other
4 date? Excuse me, December 12, 2012 and January 9th. Any comments, corrections?
5

6 Commissioner Panelli: I'd like to vote on them separately because I was here for one and wasn't
7 here for the other.
8

9 Chair Martinez: It has been noted in the past you do not have to be present to vote on them, but if
10 you choose not to that's fine. So we will first take up the December 12, 2012 minutes.
11

12 MOTION

13
14 Acting Vice-Chair Keller: So moved.
15

16 Chair Martinez: Moved by Commissioner Keller.
17

18 SECOND

19
20 Commissioner Panelli: I'll second.
21

22 VOTE

23
24 Chair Martinez: Second by Commissioner Panelli. Those in favor, aye (Aye). Ok it passes
25 unanimously and the Motion maker and seconder are on record.
26

27 MOTION PASSED (5-0, Vice-Chair Michael absent and one open chair)
28

29 Chair Martinez: Now for January 9, 2013. Any comments, corrections? I see none.
30

31 MOTION

32
33 Acting Vice-Chair Keller: So moved.
34

35 SECOND, VOTE
36

37 Chair Martinez: Ok approval moved by Commissioner Keller, second by Commissioner Tanaka.
38 Those in favor, aye (Aye). Ok that's how many? Four voting in favor, Commissioner Panelli
39 abstaining.
40

41 MOTION PASSED (4-0-1, Commissioner Panelli abstained, Vice-Chair Michael absent, and
42 one open chair)
43

44 ***REPORTS FROM OFFICIALS/COMMITTEES.***
45

46 Chair Martinez: Ok now reports. We had kind of a partial report from our Assistant Planning
47 Director. Anything more to add?
48

1 Aaron Aknin, Assistant Director: I will continue the report now. A few things that have come
2 before the Council in the last month that I think are important for the Commission to know the
3 AT&T had a number of applications for a distributed antenna system, basically small cell towers
4 within residential neighborhoods on telephone poles. They've gone through a number of phases.
5 This was phase three and phase four. They were approved by the Director. That approval then
6 was appealed by a number of neighbors. That went to the Council on consent and it was
7 approved by the Council on consent so that phase three and phase four are moving forward.

8
9 The, let's see what else do I have here? On the January 20, the third meeting within or the
10 second meeting within January, the Rail Corridor Study went to the Council for the second time.
11 It had previously gone to the Council back in November. At that time when the Council
12 reviewed it they wanted the text updated primarily related to two projects, the High Speed Rail
13 Project as well as the Caltrain Modernization Improvements. It got sent back to the Rail
14 Committee. Those changes were made, the Rail Committee once again forwarded it on to the
15 Council and the Council did approve it.

16
17 What was incorporated into the Comp Plan was a Vision Statement into the existing Comp Plan
18 that we have now and it was incorporated by resolution. Greater more detailed Comp Plan
19 policies will most likely be incorporated into the Comp Plan Update. So at this point it was just
20 a Vision Statement that was incorporated. Now that's important. We have several, one
21 important environmental review for Caltrain Modernization coming up, so it's important that
22 was incorporated into our existing Comp Plan because when the Caltrain Modernization
23 Environmental Impact Report (EIR) goes forward they have to take into consideration all our
24 guiding documents and all our adopted documents and the fact that this is incorporated in by
25 reference is an important step.

26
27 That's a good segue way to the Comp Plan itself. As the Commission knows for several years
28 now the full Commission as well as the subcommittee, a subcommittee process reviewed a
29 number of the Comp Plan elements. Let me pull up a note that I have from, that Steven sent
30 earlier regarding timeline for moving forward we will be taking forward a Comp Plan update,
31 scheduling update to both the Commission and to the Council within the next couple months.

32
33 One important step there were two elements that had not been updated yet. That's the
34 Governance Element as well as the Business and Economics Element. We're not going per our
35 last meeting, we're not going to do as detailed a review of that, but we are going someone threw
36 out somewhere between a handful or twenty, about a dozen policies or so or a dozen key points
37 within those that we want to see updated. And those could move forward with the update, but
38 right now I think the key is moving forward with our environmental review focused on the
39 elements that we have reviewed. And as was mentioned earlier in the meeting the Business and
40 Economics Element as well as the Governance Element don't change things enough to require
41 the full on environmental impact review that the other elements require.

42
43 So we're seeing movement this year and we're finally getting forward with, finally moving
44 forward with updating our Comp Plan. As Steven outlined in this memo to me he sees having
45 the first EIR Planning and Transportation Commission (PTC) meeting happening later this fall
46 probably in the November timeframe. And then City Council review going up all the way to
47 City Council review both the EIR and kind of the endgame the EIR as well as the Comp Plan late
48 spring, early summer 2014. I don't know if the Commissioners who have worked on the Comp
49 Plan want to add anything, but I think this would be a good time to do so.

1
2 Chair Martinez: Ok. We've reorganized a bit to accommodate the sort of change of strategies on
3 completing the Comp Plan. Commissioner Keller is still, is now going to proceed in working
4 with staff on finalizing the Transportation Element. Commissioner Panelli is going to work with
5 me, Vice-Chair Michael on the Natural Environment Element, which has to be updated.
6 Commissioner Alcheck is going to work with me, Commissioner excuse me, Vice-Chair Michael
7 on the Governance Element. And Commissioner Tanaka is going to work with me the Vice-
8 Chair Michael on the Business Element. And we're going to do a fairly aggressive scheduling of
9 this. We're going to try to meet every Wednesday on, with one of the groups for the next several
10 weeks till we can get through it. We're planning three to four meetings on each of the elements
11 except for Transportation to try to get the drafts done and back to the full Commission for
12 comment/review.

13
14 This is a team effort. I really appreciate everyone stepping up, especially Commissioner Michael
15 since he wasn't here I assigned him to all of them. No I'm kidding. He very graciously agreed
16 to work with me and the appointed Commissioner on each of these final elements to give his
17 input and help us move it along. So that's it about that.

18
19 Before I forget the interviews for a new Commissioner our seventh Commissioner is next
20 Wednesday the 6th as far as we can tell.

21
22 Mr. Akin: Correct.

23
24 Chair Martinez: Same time as we have our meeting so don't plan to be there.

25
26 Mr. Akin: It will be taking place right next door too.

27
28 Chair Martinez: Maybe we can like put a glass to the wall or something. I don't know if that
29 works. But I would like the applicants if you're paying attention at this late hour to feel free to
30 contact any one of us if you have questions or sort of want further information about what is
31 exactly the Comp Plan or any questions you have about serving on this Commission. I think all
32 of us would be more than happy to talk with you and we wish you all good luck on that.

33
34 Commissioner Alcheck is our resident liaison with the Council this month. Do you have
35 anything to add about that?

36
37 Commissioner Alcheck: I do not. I think (interrupted)

38
39 Chair Martinez: Thank you for your brief report. Commissioner Tanaka anything on your
40 committee?

41
42 Commissioner Tanaka: Well you know the Cubberley Community Advisory Panel continues to
43 be coincidental to our meetings so it was tonight so I can't attend that one. But I am on the
44 School Needs Subcommittee and I know just from that that, and that's on Mondays, that they are
45 progressing forward and running a final report. So we will get that sometime soon.

46
47 Chair Martinez: Very good and yes, Assistant Director.

48

1 Mr. Akin: I had one more thing for the Director's Report after the Comp Plan. As you know
2 there's Association of Bay Area Governments (ABAG) is going through the Regional Housing
3 Needs Assessment (RHNA) process. They allocated Palo Alto 2,179 units for the 2014 to 22
4 housing cycle. There were basically it's a two-step appeal process. The first step is something
5 called a request for revision letter, which essentially goes to ABAG staff for their consideration.
6 We submitted a request for revision letter back in September. It got denied essentially along,
7 there was 14 other cities in that also requested a revision; everyone was not accepted so there
8 were no changes made through that process.
9

10 Our next step is the appeal. The Regional Housing Mandate Committee considered different
11 arguments for appeal and has its focus on one argument that relates to an allocation between the
12 number of units we had versus the number of units that are allocated to the County of Santa
13 Clara. The County of Santa Clara only has 77 units allocated. This is despite the fact that they
14 have Stanford lands that have an entitlement through their General Use Permit (GUP) for up to
15 1,500 units over the next ten years or so including 350 units onto Quarry Road and El Camino
16 Real site that are in proximity to the train station, which is obviously the way that ABAG and
17 Metropolitan Transportation Commission (MTC) are looking for cities to grow of putting higher
18 density housing or putting housing near train stations.
19

20 We've also begun, we've also had discussions with the County and Stanford to see if we could
21 have some agreement worked out outside the appeal process so this discussion is going to the
22 Regional Housing Mandate Committee tomorrow. And then will be considered, the appeal letter
23 itself will be considered by the Council on the February 11th meeting. So I will update the
24 Planning Commission again later when we have an update.
25

26 Chair Martinez: Ok our representative on the Regional Housing Mandate Committee is absent so
27 we have a recommendation are you going to be there and give us a report back? Ok.
28

29 Mr. Akin: Yeah, staff can report back to you on that.
30

31 Chair Martinez: Commissioner Keller has offered to be there. Ok, very good. Commissioners
32 any other reports? Things to say? Yes, Commissioner Keller.
33

34 Acting Vice-Chair Keller: So on, I guess we're going to follow up on the Transportation Element
35 and in terms of getting the results of the what the Council decided in terms of the Rail Corridor
36 Study so I'm available for that and if staff can get what was done on that so I can proceed on that
37 I'd be happy to. The second thing is I would appreciate the opportunity for the Commission to
38 be notified of and the, given the opportunity to give input into the Caltrain Modernization EIR.
39 So to the extent that there's notification of that, it would be helpful for us to know about that.
40 Thank you.
41

42 Mr. Akin: One thing I could add immediately related to that is that the Caltrain it's actually
43 called the Caltrain Electrification EIR, but it's going out on I think starting tomorrow the scoping
44 period will begin. They're going to have four scoping meetings between now and the middle of
45 March including one I believe on February 26th in Palo Alto. So we'll be, we have a Rail
46 Committee meeting also at 8:00 a.m. tomorrow to discuss that as well as a number of other
47 things including agreements between Caltrain and High Speed Rail about how the rail lines will
48 be used so that's another update we could provide back to you, but we've submitted comments

1 before. We're going to have to submit those comments again because you have to submit them
2 during the actual scoping period.

3
4 Chair Martinez: Ok, one last thing. I wrote an e-mail to the Mayor this morning asking to meet
5 with him and the Vice Mayor about our tentative agenda for a joint session. I haven't heard
6 back. This is a little bit different. In the past we've sort of put that together ourselves and then
7 presented it to the Mayor and the Mayor then said, "No, this is what we want to talk about." So
8 avoiding past mistakes I'm going to see if Vice-Chair Michael and myself and Vice-Chair
9 Shepherd and the Mayor, excuse me, Vice Mayor, Vice Mayor Shepherd, thank you, can sit
10 down and we can discuss what would best serve them in a joint session. Because I think that's
11 how we want to approach it. And hopefully that will happen before the next meeting or the
12 meeting after and I will report back to you and we hopefully put it on the agenda so that we can
13 have a discussion about what we want to see on our forthcoming agenda. We don't have a
14 meeting date scheduled yet, so that's also something we want to look forward to.

15
16 So with that if there are no other comments I want to thank you all and meeting is adjourned at...
17 (trails off)

18
19 Acting Vice-Chair Keller: 9:08.

20
21 Chair Martinez: 10:08?

22
23 Acting Vice-Chair Keller: 9:08.

24
25 Chair Martinez: Oh, 9:08.

26
27
28 ***ADJOURNED: 9:08PM***
29