

## Question 10

### Questionnaire for City Council Candidates 2009

#### Palo Alto Neighborhoods (PAN)

*Terminology:* "the City" refers to the government of the City of Palo Alto.

**Development impacts:** The City has been criticized for allowing developers to understate the impacts of their projects, and thus avoid paying for measures to reduce the problems created. How much of a problem is this? What changes are needed?

[G] Larry Klein [www.ReelectLarryKlein.com](http://www.ReelectLarryKlein.com)

Four years ago when I ran for Council I was critical of the Arbor Real (Hyatt Rickey) project. Indeed, one of the reasons I chose to run was to help us avoid a repeat of that project. As bad as I thought of it then it has in my view turned out even worse. One of the additional problems is that many of the residents there have chosen to use their garages for storage and park their cars on the streets. We now face some challenging planning opportunities in the East Meadow/Loral neighborhood. We need to have zoning and planning there which will preserve the opportunity for small and startup businesses to locate in Palo Alto and any housing must reflect the lessons we have learned from Arbor Real and similar projects.

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[H] Leon Leong : [www.leonleong.com](http://www.leonleong.com)

Inclusionary zoning ordinances provide for 15% - 20% of a development to be allocated to Below Market Rate units; this has given Affordable housing advocates more incentive to push for higher density in development so that there will be more BMR units.

Environmental groups have pushed for higher density developments to support mass-transit.

Unfortunately this created several issues: parking overflow into neighborhoods, traffic congestion on arterial streets, higher school enrollment than originally predicted, and financial stress on city budget resources.

With the experience of adding 2500 housing units over the past 12 years, the city needs to re-calibrate it's zoning to the reality learned – are the number of parking spaces allocated enough? does the ratio of school age kids per unit need to be increased? Etc.

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[I] Corey Levens : [www.electcoreylevens.com](http://www.electcoreylevens.com)

Whether the problem described is real or perceived, the fact is that most Palo Altans believe the problem exists and is widespread. And whether the problem is the greed or carelessness of developers, or the necessary reaction to the City's laborious, ponderous, and frustrating review process, the fact is that the process for reviewing projects, the so-called "Palo Alto Process," is very much at the heart of the problem.

Make no mistake, if a developer understates, for whatever reason, the impact of their project, a mechanism for penalizing the developer must be instituted and implemented. Equally important, however, is to reform the Palo Alto process for reviewing projects so that good, well-planned projects do not languish and risk cancellation for other reasons, such as a failing economy (Alma Plaza and, perhaps, the JJ&F project). Worse, we do not know how many projects were never brought to Palo Alto in the first place because the investors and developers did not want to deal with the Palo Alto Process. Palo Alto no longer has the luxury of assuming

every developer has to, or even wants to, come to Palo Alto. We compete for projects the same as every other community on the Peninsula. We must make certain that the best of those projects are brought to Palo Alto.

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[J] Gail Price

Each development project and proposal has unique strengths and weaknesses as it goes through the review and planning process. Professional staff review and analyze the types and degree of development impacts as part of standard review prior to presenting these projects to the Boards, Commissions, and City Council (depending upon the project). While not a full proof process, the CEQA process does provide a systematic structure for analysis of impacts and requires that appropriate mitigations be identified (and a mitigation monitoring plan prepared in some instances) depending upon the size and types of project. A full and complete project review incorporates staff, community, and elected officials concerns as part of the process. In a significant number of projects, architecture and design, building size, configuration, generation, parking and access and egress are major concerns.

With the number and variety of projects within Palo Alto, I believe we have a fairly good system of anticipating what likely development impacts might be and how they can best be addressed. To improve our understanding of this, it might be appropriate to 1. Complete a study comparing estimated impacts with the actual project impacts for a selected number of projects and 2. Examine “best practices” in other communities regarding impact identification and methods used to successfully address impacts of various types of development. These findings could inform our current review process and result in improved analysis of future projects.

An ongoing and serious concern is the potential impact of residential development on our schools. In other communities, there is a more formal process of seeking input from the school district regarding how schools will address the generation of new students into the district schools. I would recommend that clearly examine what charter cities. School impact fees for residential and commercial properties are established by the state and do not cover the average costs of providing educational services per student.

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[K] [Greg Scharff](http://ElectGregScharff.com) : [ElectGregScharff.com](http://ElectGregScharff.com)

At times, this has been a problem. Developers have often employed Planned Community Zoning to obtain projects that they otherwise could not get by promising community benefits that are not perceived by our community to justify the increase in density. Each proposed development project needs to be assessed in light of its impacts on the community and its negative impacts mitigated.

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[L] Nancy Shepherd: [www.electNancyShepherd.com](http://www.electNancyShepherd.com)

Without knowing the specific project that this question points to, I understand that the Hyatt Ricky’s development was built inside the parameters of the comprehensive plan without accommodation or zoning change. Yet, the impact of parking has spilled over into the original neighborhood along Wilkie Way resulting in a permanent and undesirable outcome which may have been understated by the developer and city planners unintentionally. I would like to see all projects of this size available on the City website for public preview and comment so that members of the community can question the assumptions. Design review should be carefully managed by planning commission and/or council so that Palo Alto maintains its local vision and character. We need to think thoughtful and carefully about growth and stick to Comprehensive Plan ideals.

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[M] Brian Steen

I believe PA Planning staff and the Planning and the Transportation Commission does excellent work to identify impacts and to specify appropriate mitigations. However, I'm critical of late hour "microphone negotiations" with Council members that amends staff and PTC recommendations.

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[N] Mark Weiss: No response from candidate to this question.

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[A] [Dan Dykwel](http://www.dandykwel.com) : <http://www.dandykwel.com>

I don't of any specific projects where this has been proven. If this behavior is occurring, it needs to be brought to the attention of the city manager so he can manage his staff appropriately. I would expect any such understating to be noticed first by the planning and transportation commission.

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[B] Victor Frost: No response from candidate.

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[C] Chris Gaither

Even with the overly analytical development process the city uses in order to decide which projects are ultimately approved, neither the city or developers can anticipate all future impacts of the approved projects. This is impossible. There is no such thing as perfection and avoidance of all risks. I don't see the above as a problem simply because the city really does take its time in "general" before deciding to approve a development project, and the city attempts to look at as many potential facets as possible. Hence the unusual length of time most development projects hurdle when facing the city for development approval. Unfortunately, in the past three years we have seen some projects get built that in the eyes of most residents are not the greatest of ventures. Most people wonder how and why they were approved. In addition, at times the city is presented with great opportunities for retail and housing development with resulting revenue potential, and by either not approving these projects; taking too long to approve them; or demanding more than the developer can and should provide, we then lose out in time and money and on much needed services provided by the development.

The change that is needed is in the overall development approval process between the commissions and the city council with respect to time and demands on the developer. A developer can only anticipate so much with respect to the future impact of their project. And, if impact understatement is perceived as a problem, the city should have staff to research and project all impacts the developer must address, and not put the concern and onus on the developer to project every future risk.

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[D] Tim Gray : [www.vote4Gray.com/](http://www.vote4Gray.com/)

We need to honor the Comprehensive Plan. Any exceptions to the Plan can only be made where the benefit to the "greater good" is obviously demonstrated. The "swiss cheese" specialty zoning that we have allowed is diluting our schools, and degrading neighborhoods. I know we must grow, but we must have objective and empirical standards to assure that project don't just mitigate their impact, but actually provide a net gain to our community. Our City must not hand over its destiny to outside forces.

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[E] John Hackmann

Potential impacts of development should be discussed and decided in clear, unambiguous terms that are objective, that is, state specifically what the developer has to do so that the city has a concrete, numeric measure of whether the objectives were met or not.

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[F] [Karen Holman](http://karenholman.org) : [karenholman.org](http://karenholman.org)

Impacts from development are sometimes not well mitigated. Some basic things that can be implemented to address the issue are:

- Require that conditions of approval and mitigation measures are in place prior to occupancy. Buildings can now typically be occupied without mitigation measures being implemented for long periods of time, thus negatively impacting the quality of life of residences and businesses.
- Require penalties for non-conformance to conditions of approval and mitigation measures. There are currently no penalties for not providing them or not continuing them other than correction of the condition which is sometimes hard to enforce and does not act as a deterrent to reoccurrence.
- Require annual or semi-annual reporting and/or inspection to insure the continuation of conditions of approval and mitigation measures.
- Better recognize that development impacts do not stop at the property line, meaning that existing conditions in the area should not be ignored when considering allowances for parking requirements, for instance. Example: Alma Plaza project was granted a reduced parking requirement even though the apartments next door are underparked and already create spillover parking.

One way traffic impacts are not well determined is that Palo Alto does not use existing conditions to determine intersection performance, but rather assumes full occupancy for even unoccupied buildings. Other communities use existing conditions which is by many accounts more in accord with the California Environmental Quality Act requirements for determining impacts. Palo Alto should update its methods.

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