



PLANNING & TRANSPORTATION COMMISSION MINUTES

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September 5, 2002
SPECIAL MEETING – 7:00 PM
City Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL: 7:05 PM

Commissioners:
Annette Bialson, Chair-absent-conflict
Michael Griffin, Vice-Chair
Karen Holman
Kathy Schmidt- absent
Bonnie Packer
Phyllis Cassel
Patrick Burt

Staff:
Steve Emslie, Planning Director
Lisa Grote, Chief Planning Official
Wynne Furth, Senior Assistant City Attorney
Alison Kendall, Consultant Planner
Zariah Betten, Executive Secretary

Commissioner Griffin: I would like to call to order the September 5, 2002 Special Meeting of the Planning and Transportation Commission. Would the Secretary please read the roll? Thank you.

I would like to point out for the record our Chair, Annette Bialson, had to absent herself this evening due to a conflict she has with the main agenda item.

I will now open the Oral Communications.

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

Commissioner Griffin: I don't see any cards so we will move on down the agenda to our New Business, Other Items.

1 **CONSENT CALENDAR.** Items will be voted on in one motion unless removed from the
2 calendar by a Commission Member. **None.**

3
4 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional
5 items added to it up until 72 hours prior to meeting time. **None.**

6
7 **UNFINISHED BUSINESS.**

8 **Public Hearings:** None.

9
10 **Other Items:** None.

11
12 **NEW BUSINESS.**

13 **Public Hearings:**

14 .
15 Commissioner Griffin: The public hearing for this item is closed so I will not be accepting white
16 cards. So we will begin the South of Forest Coordinated Area Plan – Phase 2. This will be the
17 final recommendations to City Council. Would the Staff please make that presentation.

18
19 **Other Items:**

- 20
21 1. **South of Forest Coordinated Area Plan – Phase 2:** Final Recommendations to City
22 Council.

23
24 Ms. Lisa Grote, Chief Planning Official: Thank you very much Vice-Chair Griffin and
25 Commissioners. We are here tonight to talk about your final recommendations that would be
26 forwarded on to the City Council regarding the SOFA 2 area. I did want to point out that the plan
27 that you received in your packet and you will be considering tonight is the Planning and
28 Transportation Commission recommendation only. It was not an attempt to include the Working
29 Group or any other variations of those recommendations that you had seen to date. This was to
30 summarize the recommendation or at least preliminary recommendations that you have made so
31 that you could review those and determine whether or not they accurately reflect your
32 conversations and your decisions.

33
34 I know there was some concern expressed about this Staff Report and that it did not include a
35 detailed analysis of all the various economic studies that had been done and the conclusions that
36 had been drawn from those studies. Since you were a participant in those conversations I did not
37 attempt to summarize those conversations again for you. Those are reflected in your minutes.
38 The summary statements will be forwarded on to the City Council in their Staff Report. So since
39 they have not been participants in that discussion I will summarize the BAE report, the Sedway
40 report that came in in response to that BAE report and then again BAE's response to that report.
41 All of those reports will be attached to the Staff Report that goes to the City Council so they will
42 have full benefit of all that information and the various conclusions that were drawn from it. I
43 did want to point that out, that that information will not be lost along the way.

44
45 Also, we should at the end of tonight's meeting take about five or ten minutes and talk about
46 how you would like to present your recommendations to the City Council. It is currently
47 scheduled to go on October 7. I am anticipating that I will be preparing the Staff Report and
48 giving a Staff presentation which would summarize the Working Group recommendations as

1 well as the Planning and Transportation Commission’s recommendations. I am assuming that
2 Working Group members or a member and a Planning and Transportation Commissioner or
3 Commissioners would like to be part of that presentation or would like to make some statements.
4 So we should talk about how you would like to do that at the end of the meeting.
5

6 I also want to point out that some of the less controversial decisions or topics that you have
7 discussed were included in the draft plan that you saw. A couple of those include additional
8 transportation policies. One is in regard to encouraging and supporting additional timed on-
9 street parking in the area. That was a policy that is added that is not part of your summary chart
10 but that was added to the document. In addition there was a policy added to support and retain
11 the use of the alleys for commercial purposes in the area. That was another topic that you had
12 discussed and wanted included. In addition what had been called “Special Provisions” and
13 became “Performance Standards” there had been a special provision that talked about a 15-foot
14 step back for buildings that were adjacent to historic sites. I took that out based on your
15 direction at the last meeting because it was covered by the compatibility standard that is now
16 required as part of the design requirements. So in response to including that compatibility
17 standard that other 15-foot step back was not needed so I removed it. In addition there was a five
18 foot landscape buffer around perimeters street sides and I removed that based on your
19 conversation and direction to move the buildings and close to the street and as close to the
20 sidewalk as possible. So I removed that and I did want to note that for you because it is not in
21 your summary chart.
22

23 I think probably the best way to cover the rest of the comments is to go over the summary chart.
24 There are ten primary topics that you went through and made recommendations on and we can
25 take those one at a time and then look at where they are reflected in the document and if it is
26 reflected accurately. Also, I know Commissioner Packer had submitted several comments and
27 we can address those as you would like to throughout the discussion because they span a number
28 of different areas within the document. Also you will note that in the attachments to the Staff
29 Report transmitting this document to you were several maps and charts. Attachment A is a
30 summary of the various requirements within the district and within the RT-35 and RT-50 Zones.
31 It does include updated historic resources. I did coordinate with our Historic Resources
32 Specialist and he confirms that these are the most updated resources. It also reflects the
33 buildings that are eligible for seismic bonuses in the area. They have an ‘S’ on them and I think
34 there are four of them. So this is an attempt to reflect the zoning requirements for those two
35 areas. In addition there was a prospective provided by Friedman, Tung & Bottomley and Alison
36 Kendall is here. So when we get to the height and daylight plane requirements especially along
37 Alma, Homer and High as seen from the perspective of the corner of Alma and Homer she is
38 here to help explain those and what the final recommendation is in terms of height and then
39 setback and slope for that and these graphics. So with that I would conclude the Staff Report and
40 say that we are ready to go through on a point-by-point basis the summary chart. I would
41 recommend using the SOFA 2 Discussion Topics Chart, which does summarize each of those
42 topic areas.
43

44 Commissioner Griffin: Thank you. Would any Commissioners like to make any opening
45 remarks before we plunge into this topic item by item? Karen.
46

47 Commissioner Holman: I have a question for Staff regarding the S identified properties that you
48 say are eligible for seismic bonuses. Previously this question had come up several times and we

1 were informed that there were no properties in SOFA 2 that were eligible for seismic bonuses.
2 Can you tell me when this was updated or how this has occurred? This has come up a number of
3 times previously.

4
5 Ms. Grote: If I had said that I apologize.

6
7 Commissioner Holman: You did not.

8
9 Ms. Grote: Okay. I was uncertain as to how many there might be and when I did coordinate
10 with our Chief Building Official, Fred Herman, he gave me the official list. That is what I took
11 these from. So it is a limited number but there are four of them.

12
13 Commissioner Holman: I just want to make sure we are on the same page because it has come
14 up several times before.

15
16 Ms. Grote: I think this is an old list. I think it was created in the late 1970s or early 1980s.

17
18 Commissioner Griffin: Any other Commissioners wish to ask a question of Staff? Phyllis.

19
20 Commissioner Cassel: All of us are having trouble tonight. It was just an observation. As we
21 get down through the formal list I think I have some questions to review the text in body. You
22 asked us to, in our recommendations, to forward the comments that we made on our summary
23 list. I had some other questions that I wanted to reconfirm with the rest of the Commissioners or
24 ask in general.

25
26 Commissioner Griffin: So we can handle those as we go along. Bonnie, how about you?

27
28 Commissioner Packer: I guess my question is the relationship of the first part of the plan, which
29 has all the policies and programs and all the text and discussion and then the technical part of the
30 plan that has the development standards, etc. I wanted to be sure that as we are going through
31 this as Commissioners that we make sure that they mesh, that there is some discussion in policies
32 that reflects the technical aspects that are in Sections Four and Five.

33
34 Commissioner Griffin: Bonnie, could you pull that over a little better?

35
36 Commissioner Packer: Was I not on? In other words I wanted to make sure that what is
37 presented is an integrated document because that is the way I see it. So that when we go back
38 and forth that we are not just looking at a particular number or whatever but that the policies that
39 we try to implement are expressed in text in the first part of the plan. Is that what will be going
40 before Council? I was looking at this document as a final plan.

41
42 Ms. Grote: Right, it is a final plan. I think that what you have been doing in your review to date
43 is just that, looking at the policies, in fact we went page by page through the document and
44 looked at those policies and then what those development standards and design standards and
45 opportunities are intended to do is implement those policies and goals. I think that is what you
46 have been doing throughout your review over the last several weeks. So I believe that part of the
47 review has been done but if there is an inconsistency that you see please tell us and we will work

1 through that. I am hoping that there aren't those kinds of inconsistencies because I think we
2 have really reviewed it very carefully in that regard.

3
4 Also I do want to add, I'm sorry to tag on to what I said earlier, the seismic list has been updated
5 periodically over the years. There were several buildings that as they are brought to the Chief
6 Building Official's attention if they have un-reinforced masonry or if there is other material in
7 there that is in need of seismic upgrade he has added buildings to that list over time. I didn't
8 mean to imply that it has been a static list for the last 30 years it has been updated.

9
10 Ms. Wynne Furth, Senior Assistant City Attorney: That list, as you know, only includes certain
11 kinds of seismically hazardous buildings. It is a smaller set of buildings than those that might be
12 expected to fall down in some kinds of earthquakes.

13
14 Commissioner Griffin: There being no other comments we will get underway with a discussion
15 of the first topic, which is height. I am wondering, Lisa, did you say that you would like to make
16 some comments on this particular item?

17
18 Ms. Grote: Yes, thank you. I did want to just summarize that the height limit in the RT-35,
19 which is Residential Transition 35, is a 35-foot height limit and then in RT-50 it is a 50-foot
20 height limit. I can put the overhead on the projector that is shown in the map in Attachment A.
21 The mustard colored area is RT-50 that is where the 50-foot height limit would apply. Then the
22 orange color is the RT-35 and that is where 35 feet would apply. Wynne was just pointing out it
23 is a standard height definition and measurement, which means it is measured to the midpoint of a
24 sloped roof or to the top of a flat roof.

25
26 Commissioner Griffin: Looking at the text on the map under RT-35 it says, "residential
27 transition up to 35 feet in height at 1.15 base FAR, 1.5 max FAR with one public benefit or
28 TDR". Then I am presuming that is on a PC, that last item.

29
30 Ms. Grote: That is correct. As you look under RT-50 it does say with a PC and we will add that
31 wording to the RT-35 so it is consistent. It is a 1.5 maximum FAR with a PC application and
32 one public benefit.

33
34 Commissioner Griffin: Thank you. Alright, would Commissioners, Phyllis.

35
36 Commissioner Cassel: You were reading this, 1.5 max FAR with one public benefit or TDR, do
37 you mean and?

38
39 Ms. Grote: Actually or TDR because I think the Commission decided that should someone
40 transfer developable square footage onto a site that that was also a way. This would be seismic
41 or history bonuses square footage onto a site that that also could be a way to increase the FAR up
42 to the 1.5 maximum.

43
44 Commissioner Cassel: I think there may be a communication problem. You may need to reword
45 that slightly because it looks like it is public benefit or TDR versus it could be done by TDR or a
46 PC.

1 Ms. Grote: Okay. Yes. Also you will notice a little area of orange along Homer, it is in the RT-
2 50 District but is about a 25-foot section or sliver of orange color. What that means is that for
3 the first approximately 25 feet into this site the building needs to be 35 feet instead of 50 feet.
4 that was in order to maintain the Homer street frontage. This is something that I would like
5 Alison Kendall from FTB to talk about a little bit more because there are a couple of ways. We
6 had talked about trying to maintain that Homer street frontage in a consistent manner. One way
7 is to have this 25-foot step back on a building. You would go up 35 feet have a 25-foot step back
8 and then go up to 50 feet. Another way to do it however is to go up 35 feet have a 15-foot
9 approximately step back with an angled roof at about 60% and that would also accomplish the
10 same thing. It is less of a step back, it is less severe, but it allows you to tuck the fourth story into
11 that roof structure. This what the perspective tries to show is that from Alma and Homer you
12 would then not see that fourth story or see very little of it from a pedestrian perspective. Alison
13 has some additional graphics and discussion for you to consider.

14
15 Commissioner Griffin: Are you saying then that 25 feet would not be necessary, you could do it
16 with a 15-foot step back?

17
18 Ms. Grote: It would be the equivalent of a 15-foot, yes. Instead of stepping back with a flat roof
19 it would be an angled roof starting at about 15 feet back from the edge of the building so it
20 wouldn't be as severe a setback or step back on that fourth floor.

21
22 Commissioner Griffin: So would that alternative then be reflected in the map?

23
24 Ms. Grote: Yes and we should talk about that based on your final. You had asked for a couple
25 of alternatives and a final recommendation. We would actually be recommending that you use
26 the 15-foot with a sloped roof because that allows you a little bit more interest architecturally
27 than just a straight 25-foot offset basically.

28
29 Commissioner Griffin: Alison.

30
31 Ms. Alison Kendall, Consultant Planner: Thank you Commissioners. I just wanted to point out
32 some of these illustrations which help you understand this concept which we developed
33 specifically for the Homer corridor and looking at the objective of basically producing an effect
34 of essentially a three story building along Homer but allowing the potential to allow up to a
35 fourth floor particularly located along the Alma portion of the site. What we really found, this
36 perspective I think shows it particularly well, is that from the vantage point of a pedestrian on the
37 far side of the street once you achieve something like a 60% slope on the roof or on the daylight
38 plane and if you basically require the height along the property line to be no more than 35 feet
39 you completely hide any fourth floor square footage and you will get the effect of a three story
40 building. In fact one of the things that is nice about this 60% slope is that it's a pretty plausible
41 roof slope so you can actually execute that architecturally in a lot of different ways that look
42 normal and that produce some other benefits in terms of details on the façade and so on. Here
43 you can see one example where we actually have a roof that corresponds exactly to that profile.
44 That could be continued all the way up to the fourth floor, there could be a roof terrace that is
45 sort of cut into that zone. So it could actually be quite a useable zone in terms of outdoor space
46 for a fourth floor unit. The net result would definitely be that you would basically not be
47 perceiving that from a pedestrian viewpoint even if you are on the far side of the street and
48 looking over at the property. So that was really the criteria we were looking for in terms of your

1 recommendation. Also various alternatives that we looked at we recommend the 60% slope on a
2 daylight plane rather than some of the other alternatives that we talked about such as a step back
3 which sort of forces you into a sort of awkward wedding cake kind of a building form potentially
4 with not so many architectural options.
5

6 Just to show you the variant on that a smaller and steeper daylight plan as we talked about on
7 High Street shows just a little bit of that fourth floor from the far side of the street. This is based
8 on the width of High Street. Whereas the 60% slope really completely hides it. So our
9 recommendation and our vote would be to go with a 60% slope which sort of corresponds with
10 something that you would normally find in a California roof form rather than a kind of Swiss
11 chalet or a Parisian mansion or something that would be a bit steeper. So I would be happy to
12 answer any questions that you have about that but we do think that achieve the objectives and
13 produces a building design that we think could be executed on a lot of different styles but
14 basically be very attractive and help to contribute to the appropriate scale of both Homer and
15 Alma streets. This is an example of the potential façade along Alma. You can see the three
16 story portion along Homer and the way that that could step up potentially to four stories along
17 Alma. Are there any questions?
18

19 Commissioner Griffin: Karen.
20

21 Commissioner Holman: What does this do to the view line down Homer? I am thinking if you
22 in the 200 block of Homer or looking back at the 200 block of Homer or in the 200 block of
23 Homer and looking back towards the 100 block of Homer you are aware of the building heights
24 lot deep. So what does this do to the view line as you looking up and down Homer?
25

26 Ms. Kendall: It is true that if you were in front of Whole Foods and looking down in this
27 direction you would see both the three-story portion and potentially depending on what happens
28 in the intervening blocks you might see a portion of the fourth floor. It would basically look like
29 the elevation you were just looking at. But we were really focusing on more the experience of
30 the pedestrian which obviously if you were walking close to the building the experience of the
31 building is really the immediate plane next to you. If you are walking on the far side of the
32 building it is really once again the portion that you see in front of you and that small portion that
33 you can see behind you. So it is true you would see a limited portion of the fourth floor if you
34 could get to the right viewpoint and see it through the trees and so on. That would be
35 predominantly in that block between High and Homer.
36

37 Commissioner Griffin: Comments? Bonnie.
38

39 Commissioner Packer: I like the Staff's recommendation and because we have a lot to do
40 tonight I move that we have a little vote. We should probably do this all through the evening is
41 have little motions and move along from one thing to another so that we can then go on to the
42 next area. So I move that we accept the Staff recommendation on the 60% slope along Homer in
43 the RT-50 area. Is that correct for the daylight plane? That's my motion.
44

45 Ms. Grote: Just for a point of clarification, this 60% slope and daylight plane issue only applies
46 to those two parcels along Homer in the RT-50 Zone.
47

48 Commissioner Griffin: Pat.

1
2 Commissioner Burt: I think that maybe Bonnie's recommendation on how to proceed has merit
3 but maybe we should just make sure that one, we are in agreement on that approach tonight and
4 second do these need to go through motions and seconds or can we just raise them for consensus
5 of the Commission.
6

7 Ms. Furth: However the Chair wants to do it or if the Commission disagrees with the Chair you
8 can overrule him but it is fine for Michael just to ask for consensus on a point. The real issue
9 here is just clarity in your direction to Staff and at the end you can just make a motion
10 confirming all your earlier directions.
11

12 Commissioner Burt: That is even more expeditious yet. What do you think Michael?
13

14 Commissioner Griffin: I'll ask for consensus. I just want to make sure that before we proceed
15 that everybody said everything that they need to on this height item. Karen.
16

17 Commissioner Holman: Are we looking at only the two parcels there? Okay. I did look at this
18 but I am not in support of it because of the view line down Homer and given what the buildings
19 are that are there. I am not in support of it.
20

21 Commissioner Griffin: If there are no other comments do I have a consensus on the remaining
22 four of us? Good.
23

24 We will move then to the second item, which is the floor area ratio. I would like to ask Lisa to
25 make a few of her comments here.
26

27 Commissioner Holman: Before you go to that the other height issue, I want to make sure this is
28 in the record because I was not in agreement with the other Planning Commissioners on where
29 the 35-foot height and 50-foot height should be. I am in agreement with the Working Group's
30 proposal for where the 50-foot height is allowed with the exception of the PF facility where the
31 public utility is now. That one I would also include as a 50-foot height.
32

33 Commissioner Griffin: Alright the record will show that difference of opinion. Bonnie.
34

35 Commissioner Packer: I maybe jumping around but it is a height related issue. It is on page 53,
36 where there are some special regulations for PC districts. It was 5-B. I think some language was
37 picked up from the Zoning Code about parcels that are near residential areas and that the height
38 has to be 35 feet. You might want to look at that and see whether that provision really makes
39 sense in the context of the SOFA plan. If you have a PC and in the PC it says it can't be more
40 than 35 feet or 50 feet and none of the RT Zone is next to – it is weird because it says for all
41 other uses the maximum height has to be – anyway we could get into this thing if it is next to
42 another residential use. You might want to look at that and see if it is really necessary in the
43 context of these RT Zones.
44

45 Ms. Furth: I think that is something that we need direction on. This is from the generic PC
46 Ordinance and the question is what do you think is appropriate for these nine blocks. Set height
47 standards and as I recall they are not allowed to exceed the height standards for the PC, right?

1 That is one of the things that is invariant. So if you believe the height standards you set are
2 adequate then you don't need this.

3
4 Commissioner Griffin: Bonnie.

5
6 Commissioner Packer: Well, that is why I don't think we need this because it could create
7 confusion especially in the RT-50 Zone. In the event the RT-35 area has an RM unit on it then
8 the RT-50 has to be 35 feet. I will just raise it to the other Commissioners. This is in the context
9 of a PC anyway.

10
11 Ms. Grote: So what you would then essentially be saying is if in the RT-35 area or in any area if
12 a PC application is made they could not as part of that PC apply for any kind of additional
13 height. They would be held to the 35 feet and they could vary the FAR but they could not vary
14 the height. So that is acceptable if that is the direction you would like to go.

15
16 Commissioner Cassel: Let me see if I understand where we are. I am a little confused. Are you
17 saying that we don't need to have this piece?

18
19 Ms. Grote: It says here that the maximum height within 150 feet or applicable PC districts shall
20 be 35 feet provided, however, that for a use where the gross floor area excluding any area used
21 exclusively for parking is at least sixty percent residential, the maximum height within 150 feet
22 of these RM districts shall be 50 feet. So what this would imply is that if the building was 60%
23 or more residential that it could in fact go to 50 feet and in fact you don't want it to you want it
24 to remain at 35 feet. So I would agree that you probably want to take this out.

25
26 Commissioner Cassel: I am thoroughly confused by this paragraph. I don't know if we have to
27 get into it now but it makes no sense.

28
29 Ms. Furth: These are standard PC we have spent a lot of time thinking about this. I think it is
30 clear to us all that we have to keep debugging the ordinance that inconsistencies are going to
31 keep popping up.

32
33 Commissioner Cassel: Let me ask a question. If we have established a 35-foot limit why would
34 we want to have in these areas another set of ordinances that says?

35
36 Ms. Grote: You wouldn't which is why I think this is an oversight. We should have taken it out.
37 It has been pointed out so we will take it out.

38
39 Commissioner Holman: I want to thank Bonnie for bringing this up. I had a question there too.
40 Do we need to keep the first two and one-half lines of that sentence? Where it starts, "provided"
41 then drop off the rest of it.

42
43 Commissioner Packer: No because we have an RT-50 Zone. If we kept that in there then it
44 would defeat the purpose of the RT-50 Zone in some instances.

45
46 Commissioner Holman: You are right, I see, yes.

47
48 Commissioner Griffin: Pat.

1
2 Ms. Furth: You have already established a set of height standards that are tailored to these
3 particular blocks, particular frontages. You have dealt with their proximity to certain kinds of
4 residential development. That is how you picked what color should go where among other
5 things and you are also encouraging mixed-use throughout this area, which means that
6 everybody is going to be next to residential. So we seem to have thrown in some stuff we
7 shouldn't have.

8
9 Commissioner Burt: Just a couple paragraphs earlier on the same page under B-3 there is talk
10 about the daylight plane of the original district should not be exceeded. We didn't really have a
11 discussion, to my recollection, of daylight planes in this area.

12
13 Ms. Furth: Incidentally that reference to original district is to the RT-35 and the RT-50.

14
15 Commissioner Burt: Okay, not the underlying or historic district?

16
17 Ms. Furth: No.

18
19 Commissioner Burt: Okay, maybe that should be clarified so folks like me aren't confused.

20
21 Ms. Furth: I suppose it is different in the R-2 but we can think about that later.

22
23 Commissioner Burt: So all we are saying here is that what was established for daylight planes in
24 the specific SOFA 2 areas supercede this. What are those daylight plane requirements, if you
25 might summarize them?

26
27 Ms. Grote: We had talked about the roof slope, part of what we just went over for those two
28 parcels on Homer, and that was considered the daylight plane. We had talked about allowing
29 some encroachments into the daylight plane. We did not recommend a specific number, a
30 specific linear footage that could encroach into the daylight plane. What we would be proposing
31 is that if encroachments into that daylight plane are out from that slope our proposal is that they
32 be subject to ARB/HRB review and they would determine whether or not the distance, the
33 length, the amount of encroachment is appropriate given the building design. So that would be
34 the Staff recommendation.

35
36 Ms. Furth: Incidentally, it seems to me that all of Section B-5 needs to come out. I assume that
37 is your direction.

38
39 Commissioner Griffin: Are we ready to proceed? Lisa, if we could have your comments on the
40 floor area ratio, topic number two, please.

41
42 Ms. Grote: Basically maximum FAR in the RT-35 District would be 1.15:1 and in the RT-50 it
43 would 1.5:1. Of that total FAR .4:1 in both the RT-35 and RT-50 districts could be in non-
44 residential use. Of that non-residential use square footage .25 up to a maximum of 2,500 square
45 feet could be in office use. The remainder of that non-residential square footage or that .4 could
46 be in other permitted commercial uses and that would include retail, personal service and the
47 other listed permitted commercial uses as shown in the table but there are a variety of them. So
48 it is not exclusively retail it is a variety of commercial uses. Then the remainder of the either

1 1.15 or 1.5 FAR depending on what district you are in must be in residential use. In addition, the
2 office would be limited to either .25 up to 2,500 square feet and they could be in the Planning
3 Commission's recommendation on the ground floor as long as they are not street facing and as
4 long as they are designed to be converted easily to retail or other permitted commercial uses. So
5 that is a summary of your recommendation.

6
7 Commissioner Griffin: Questions?

8
9 Commissioner Cassel: As I looked at this having a week behind us, I was wondering when we
10 did this 2,500 square foot maximum we don't have any relationship to that. So a large lot has the
11 same limitations as a small lot. What does that do to us? What kind of problems does that
12 create? If you own a big lot with a lot of frontage then you have one space and if you own a
13 little one or several little lots then you get sever 2,500 square foot spaces.

14
15 Ms. Furth: There are no minimum lot sizes as I recall in this plan. So people can split their big
16 lots into little lots to get more office.

17
18 Commissioner Cassel: That might create problems with other things.

19
20 Commissioner Griffin: Karen.

21
22 Commissioner Holman: To address Phyllis's point I really appreciated what you brought up last
23 time or the time before last about a CUP. You brought up an example of something that I think
24 the area could use. So if there was a CUP allowed for a larger than .4 for a non-office use, say
25 for instance a plant nursery, I think there ought to be accommodation for that. As long as it is a
26 unique use and not just a CUP for 15 hair and nail salons to come but if it is a unique service that
27 provides a benefit. Wynne is shaking her head like we can't do that.

28
29 Ms. Furth: You are going to need to give me a different category of what it is you want to have a
30 conditional use permit for. We can arrive at some of what you are talking about as you tell us
31 more about it but basically we can't be in the business of guaranteeing no competition. We can
32 say we are not going to give you a CUP we already have one of those.

33
34 Commissioner Cassel: So my suggestion was in retail, a CUP would be needed if it was larger
35 than the maximum space.

36
37 Ms. Furth: So you would permit a larger retail use than .4 on a site under certain circumstances.
38 So us about what it is that would make you want to issue that and then we can turn those into
39 standards. One of the things you are telling me if you are talking about a nursery you are talking
40 about a low intensity use. That is one of the characteristics of nurseries is that they take up a lot
41 of space in terms of both customer and staff.

42
43 Commissioner Cassel: I was thinking about basic neighborhood services retail services that
44 won't fit in 2,500 square feet.

45
46 Ms. Furth: It is not 2,500 square feet.

1 Commissioner Cassel: I was asking a different question than Karen was, the other one had to do
2 with retail.
3

4 Commissioner Griffin: Karen, would you want to reiterate your point here and address Wynne's
5 comment?
6

7 Commissioner Holman: I don't know exactly how to address Wynne's legal issue because we
8 can't have a non-competition category here.
9

10 Ms. Furth: Maybe I came in too soon. The first thing you were saying is that you want more
11 flexibility than this proposal allows. You want more flexibility for different uses that are
12 presently prohibited or larger uses or what is it that you think would be better with more
13 flexibility?
14

15 Commissioner Holman: Ideally it would be unique uses and you are saying that we can't do that.
16 What I would definitely not want to attract is regional uses. I wouldn't want that to be what we
17 are allowing larger FAR for.
18

19 Ms. Furth: It is not uses that aren't presently allowed it is bigger versions of those uses, is that
20 right?
21

22 Commissioner Holman: Correct. Some of those uses that are allowed currently though I think
23 could be regional draw uses. So I don't know how to dance this line here.
24

25 Commissioner Cassel: Well, there is no way to ban people from coming from a distance for a
26 store especially the more unique it is the broader the base.
27

28 Ms. Furth: Regional draws are, a really good needlepoint shop is a regional draw.
29

30 Commissioner Holman: This is a citywide issue. I don't think it would be appropriate for the
31 SOFA, as much as I love Restoration Hardware it wouldn't be appropriate to have a Restoration
32 Hardware, not to pick on anybody here, at the corner of say Addison and High Street. It would
33 create an awful lot of traffic so how do we avoid that but still leave some flexibility for beneficial
34 services?
35

36 Commissioner Griffin: Pat, do you want to comment?
37

38 Commissioner Burt: Yes, I would say that we may have preferences but I am not sure that we
39 can zone to avoid things that would stipulate all of our preferences. If we say we value our local
40 serving hardware but we don't think Restoration Hardware would be appropriate there I would
41 agree with you that that would not be appropriate but I don't think it is also appropriate for us to
42 try to create zoning that would differentiate between those two. I guess it is not so much
43 appropriate as it is not feasible.
44

45 Ms. Furth: One of the things we did discover when we were going through all the retail
46 preservation work and also the previous efforts on Middlefield for those two neighborhood
47 serving areas is that 2,500 square foot limit was adopted because in previous struggles with these
48 issues the Council and Planning Commission decided that size was the best proxy. That was the

1 best way for addressing this issue. Lisa and Steve may have more ideas, there are some kinds of
2 uses that are pretty low intensity but that take up a lot of space. Probably auto repair is one and
3 nurseries is another. I don't know if they have some suggestions.

4
5 Commissioner Griffin: Pat?

6
7 Commissioner Burt: I would just like to remind us that if I understand it correctly under the
8 proposal that we have right now under no circumstances would it allow a retail use above 2,500
9 square feet.

10
11 Ms. Grote: You wouldn't allow an office above 2,500 square feet.

12
13 Commissioner Burt: Office, that's correct, but not a retail about .4 FAR. Is that correct?

14
15 Ms. Grote: That is correct. We do need to discuss the nonconforming uses. If one
16 nonconforming use and this is jumping ahead a bit but if a nonconforming, over .4 office or other
17 kind of commercial use were to convert to a conforming retail use, we propose that that would be
18 allowed. You could do that conversion if it is a nonconforming existing situation. You couldn't
19 build a new situation like that but you could convert a nonconforming overage of FAR from a
20 commercial or office use to a retail or other permitted use.

21
22 Commissioner Burt: So the example I was going to use of our two major retail establishments in
23 this area of Whole Foods and Palo Alto Hardware could come in in the future, something
24 comparable to that, if they were to convert an existing nonconforming use or in some other form
25 of commercial use. In fact both of those two buildings were formerly commercial uses. But we
26 couldn't have construction of such a property here even under a conditional use permit. My
27 sense is that we want to create for future Commissions and Councils some flexibility that will
28 allow for those kinds of uses to come in here if they were deemed appropriate through a
29 conditional use permit. That is my sense. I would like to hear the feelings of other
30 Commissioners and Staff on that.

31
32 Commissioner Griffin: Bonnie.

33
34 Commissioner Packer: I would like to come back to why we were concerned about office and
35 retail. Going back and looking at the policies there was a concern that we keep neighborhood
36 serving retail in the Emerson/Homer intersection around there. These sections, four and five
37 don't address those particular streets anymore. I wonder whether we want to talk about this limit
38 on size just with respect to Homer and Emerson and be more flexible on the size of not retail
39 because retail is a .4 FAR in any event, but a little bit more flexible in the other uses, the office
40 uses elsewhere in the SOFA area. That is one thing I would like to point out. The other thing is
41 that these restrictions in 5.040, that is where this is all laid out in the use categories on page 40,
42 that applies for RT-35 and RT-50, however, if an applicant comes in under PC and wants to do
43 something different. This could force an applicant into a PC arena in order to get the larger
44 office or the larger retail because the PC the way we have it setup right now talks about the
45 maximum floor area and doesn't talk about the mix exactly to the decimal point.

46
47 Ms. Grote: I believe this Commission had recommended and I believe the Working Group did
48 recommend as well that while the Working Group is not in favor of PCs but should a PC be

1 allowed that it be allowed for residential use. So the extra square footage that someone would be
2 requesting is for residential use not for a different mix of or more commercial or office use.

3
4 Ms. Furth: The driving factor, there was the issue of neighborhood serving retail and those size
5 limitations that come from other parts of the zone but the driving factor on the FAR ratios as I
6 recall is the jobs/housing issue.

7
8 Commissioner Packer: I agree with that but we should then perhaps look at the PC language and
9 make sure it states that because I don't think it is that clear.

10
11 Ms. Furth: You are right we should strengthen that.

12
13 Commissioner Burt: Bonnie, can I ask a clarification on something you just said a second ago?
14 You said that we wanted to have greater flexibility on the office. Did you mean office or did you
15 mean other commercial than office?

16
17 Commissioner Packer: I don't know I am raising that up. If we want the flexibility on office
18 maybe just to keep the .4 FAR but the 2,500 square feet or keep the .25 but not put a cap of the
19 2,500 square feet. It is .25 or 2,500 whichever is smaller. So the only time you could meet the
20 .25 is if you have a 10,000 square foot lot or less. That gets you 2,500 square feet. So if you
21 have anything more than a 10,000 square foot lot you can't take advantage of the size of that lot
22 for a slightly larger office. Somebody may say well I have an office and it is 3,000 square feet
23 how can I get it, what flexibility is there for me if you have a 30,000 square foot lot it would be
24 .1 FAR for 3,000 square feet yet that would not be allowed. So that is what I am talking about,
25 that kind of flexibility outside of the Homer/Emerson area where people wanted to make sure we
26 had the neighborhood serving retail.

27
28 Commissioner Burt: I would not support that.

29
30 Commissioner Griffin: Phyllis.

31
32 Commissioner Cassel: I would not support that. I think this has been very carefully worked out
33 to try to keep down the commercial. We went through this before to small businesses for the
34 most part. I was simply concerned about some retail and I was concerned to have some
35 clarification on the 2,500 square foot maximum. I don't think it is in this spot, I think it is as you
36 go down farther it says it is per lot. I was somewhat concerned. Was there any per acre, per lot
37 per acre? Something or other in that spacing as an added clarification rather than trying to redo
38 the whole sense of what was going on.

39
40 Commissioner Griffin: Would anyone else like to comment? Karen.

41
42 Commissioner Holman: I wouldn't support that either. Not only that, I will just simplify this by
43 withdrawing my comments about the CUP. Pat convinced me there are other opportunities
44 perhaps for that so I will drop that.

45
46 Commissioner Griffin: I am going to say that the sense of the Commission then Bonnie is
47 probably not in support of that aspect.

1 Commissioner Burt: There were several things that were discussed here. Certainly the sense of
2 the Commission is not in support of a degree of latitude for a CUP for office. What we had
3 started off discussing before Bonnie moved into that arena was whether we wanted to provide
4 greater latitude for a CUP for a larger retail establishment just under a CUP circumstance. I
5 think that we still need to discuss. Steve, I think wanted to comment.

6
7 Mr. Steve Emslie, Planning Director: I just wanted to echo Wynne's earlier comments about the
8 genesis of the smaller square footage as kind of a benchmark as a way to regulate. When you
9 think of this conditional use you have to think that it is a use that you are basically accepting but
10 it has physical characteristics that require an extra degree of restriction on it. It is very difficult
11 to say yes or no when you have two uses and you may like one and dislike the other but they
12 have the very same physical characteristics. What you don't like is the fact that it may be owned
13 by someone at a corporate level or not locally owned. Those are very difficult to regulate. In the
14 world of land use regulation the objective is to find physical characteristics. In this case we think
15 that restricting it to the smaller size is a way to reinforce more locally, more neighborhood
16 oriented businesses versus the larger national tenants that tend to want to occupy more space.
17 We think that is a good dividing line in a very objective way that is very defensible to keep the
18 businesses more locally and neighborhood serving.

19
20 Commissioner Griffin: Karen.

21
22 Commissioner Holman: Just one last little question about that. So traffic generation or trip
23 generation isn't a good way to be able to draw a line either?

24
25 Mr. Emslie: Yes, it is a very good way and you can make a distinction on that basis but there
26 could be the very popular local businesses that draw a lot of traffic and that could be perceived as
27 a good thing as you are drawing from your local neighborhood. That is a physical thing but if
28 you do get two that are very similar it is very difficult to say yes to one and no to another. I just
29 want to add that as an area of caution.

30
31 Commissioner Burt: Steve, can you then review a little bit about the discretionary latitude that
32 exists under CUP and to what extent a CUP would not enable the City to select certain preferable
33 compatible uses that may exceed the .4 FAR for a retail establishment?

34
35 Mr. Emslie: The most defensible decision that you would make to turn down a conditional
36 permitted use is one that you could not devise conditions to properly offset the negative impacts
37 associated with that. Say you allowed a smoking plant you couldn't come up with enough
38 conditions to reduce the air quality impacts. You could turn that down because you are not able
39 to reduce that impact. That is an extreme example but you cannot legislate the negative effects
40 of that use adequately enough with written conditions. Then you would turn it down.

41
42 Commissioner Burt: So let me frame this question in a slightly different way. Why wouldn't a
43 CUP work for the circumstance we were discussing?

44
45 Mr. Emslie: It would except that you would be very hard pressed to discriminate between
46 similar uses. I would say it would be very difficult, and Wynne definitely jump in here, to prefer
47 a Palo Alto Hardware over a Restoration Hardware assuming they have very similar

1 characteristics, they have similar trip generation. There is a consistency of use that make it very,
2 very difficult legally to pick one over the other.

3
4 Commissioner Burt: But under the proposal we have we wouldn't allow a Palo Alto Hardware.

5
6 Ms. Furth: Not the construction of a new one. This plan as you have it written is geared to
7 direct new construction to residential space.

8
9 Ms. Grote: It also encourages the reuse of existing buildings. If an existing building which is
10 exceeding that allowed FAR wants to convert to the retail use it can. So it encourages adaptive
11 reuse of existing buildings.

12
13 Ms. Furth: I think that it is very difficult to use a conditional use permit to permit a larger
14 version of something as opposed to one use compared to another. I am sure there are
15 circumstances in which it could be done but I certainly agree with Steve that the kinds of
16 distinctions that you have been talking about aren't the kinds of distinctions that we think you
17 can make legally.

18
19 Commissioner Cassel: Okay, I will withdraw my suggestion at this time. I think we should
20 watch it and see how it goes.

21
22 Ms. Furth: It is interesting to look at the permitted and conditionally permitted uses. One of the
23 conditionally permitted uses there is a transportation terminal, a bus station I guess. If there are
24 uses that you think should be allowed that we have left out we can expand that list. If there are
25 particular kinds of service uses or retail service uses that you think need to be treated differently
26 in terms of the amount of space they take up, I don't know if we should have a different standard
27 here.

28
29 Commissioner Cassel: I think we should watch this because I am really concerned that we may
30 want in fact some spaces that are larger than this. I don't know what they are but we are going to
31 have to see a little bit what happens and see whether some things do convert. If the goal is to
32 keep spaces that are there in order to not convert over and build new spaces.

33
34 Ms. Furth: So the way it is written if you want a bigger one you are going to use an existing
35 building. If you are going to build a new building it is going to be housing.

36
37 Commissioner Cassel: I think it is something we want to be aware of.

38
39 Mr. Emslie: One thing to keep in mind, if you are building a new space you are going to have to
40 park it and it is going to be very difficult to achieve even the .4 FAR and still adequately park it.
41 So in a lot of respects it is a self-enforcing provision especially for retail because it is all driven
42 by parking. It is not even so much the City required parking, as you know, retailers often have
43 higher parking standards than cities will require. So in all likelihood that is going to be the real
44 driving force in terms of the size.

45
46 Commissioner Griffin: Bonnie.

1 Commissioner Packer: Since we are on the subject of these uses I have two questions. The uses
2 in category three cannot have a street frontage so I am wondering if there would be an exception
3 for their entryway. On page 40, Section 5.040, the text below. I wonder if they can't have a
4 street frontage can they have a doorway that goes behind.
5

6 Ms. Grote: Yes, they can. They can have an entry point from the street, yes.
7

8 Commissioner Packer: So we may want to say except for the entry. Then there is a requirement
9 that even if they are there on the ground floor and they are in the back they have to be able to be
10 converted to retail and I wonder if that is really doable. So that seemed like a little bit of a
11 conflict.
12

13 Ms. Grote: It is doable it would most likely mean that an existing street facing retail or personal
14 service use is going to expand into that office use that is tucked in the back.
15

16 Commissioner Packer: Then the other question. I agree with the emphasis of the plan is to focus
17 on residential. We say that the uses in category three, the medical, professional and general
18 business uses, cannot be on the ground floor except in certain circumstances. So we are pushing
19 them up on floors that may otherwise be used for residential. I don't know if this is a problem.
20 We are keeping them small it is true but we had a discussion about maybe we should not have
21 any nonresidential above the ground floor. I don't know, maybe that is not a good idea. That
22 was something we had discussed the last time. I think in our last meeting we had discussed the
23 possibility of prohibiting commercial uses either retail or office above the ground floor and yet in
24 this uses conditions, the medical and professional office uses are not allowed to be on the ground
25 floor except in certain circumstances. So we are pushing new office uses above in space that
26 could otherwise be used by residential. Again, these are no more than 2,500 square feet so
27 maybe it isn't a big issue but I wanted to throw that out.
28

29 Ms. Grote: Actually the Commission's discussion evolved to allow those uses on the ground
30 floor again if they are non-street facing and easily convertible to retail and other permitted uses.
31 So that actually evolved from a position of not allowing them on the ground floor at all which
32 would in essence have elevated them to the second or third floors to allowing them on the ground
33 floor. So I think the Commission's position has built in some of that flexibility that you are
34 desiring.
35

36 Commissioner Burt: Lisa, I think maybe can you walk us to where in the plan that change is
37 reflected? I do see on page 40.
38

39 Ms. Grote: It is on page 40, section C, in addition to the above restrictions uses in category three
40 shall not have a street frontage when located on the ground floor. All such uses shall be
41 designed to be convertible to retail use. Then D is medical, professional and general business
42 offices shall not be located on the ground floor except for such uses, which have been in
43 continuous existence since the date. This is modeled after our retail ordinance, retail and other
44 protected uses in the commercial districts. Then number five, D-5, except if they do not have a
45 street frontage and are designed to be convertible to retail use. So it does allow them on non-
46 street facing ground floor locations when convertible to retail.
47

48 Commissioner Griffin: Wynne.

1
2 Ms. Furth: I do have a concern about the way this is articulated right now. I apologize for not
3 being involved in the conversation for a while. We are all familiar with sites where there are
4 suites in the back that never make sense as retail particularly in older buildings or larger lot or a
5 lot of different situations. I think you looked at a lot of that when you were looking at the
6 Middlefield projects where some portions of some buildings don't appear to be suitable for retail
7 uses. But one of the things that could be a problem in trying to apply this is how big should the
8 modesty panel of retail or residential in front of the office use have to be if we simply say that
9 they don't have a street frontage?

10
11 Ms. Grote: We don't have a depth requirement for the design retail space. I think what we had
12 determined at least so far is that the 2,500 square feet was going to be small enough that it was
13 not going to be the majority of the use however it was designed. It was going to be subordinate
14 to the other non-office commercial uses. We did not design in a minimum depth for retail.

15
16 Commissioner Griffin: Pat.

17
18 Commissioner Burt: What do we have in the University Avenue area for depth of retail?

19
20 Ms. Grote: Again, we don't have a minimum depth for the retail use on University or in any of
21 the GF areas Downtown.

22
23 Commissioner Burt: That seems to work pretty well the way it is.

24
25 Ms. Grote: It does. I think it would be very difficult to start designing in minimum depths.

26
27 Ms. Furth: It is probably incentive to have a viable something or other at the front. That
28 generally takes care of it for us.

29
30 Mr. Emslie: There is a certain geometry for retail spaces that is industry standards so that it is
31 fairly apparent that minimum depth of a retail space would be adequate. I think Staff could tell
32 when it is a rouse between someone trying to bootleg an office and a viable retail space.

33
34 Ms. Furth: My only proposal wouldn't be to put in numerical standards but to pass some
35 language in here so that the Staff could say no, that is not a real retail space.

36
37 Commissioner Burt: So do you have recommended language to achieve that?

38
39 Ms. Furth: If that is an acceptable principle we will put in some language.

40
41 Commissioner Griffin: Karen.

42
43 Commissioner Holman: I have a different take on this as you might recall. My approach is not
44 to allow any new general office anywhere in SOFA 2 most especially south of Homer and none
45 at all on the ground floor north of Homer. My real preference would be no new office anywhere
46 in the SOFA 2 area as we have a glut of office and given the jobs/housing imbalance. Allow the
47 existing offices to remain and flip back and forth but no new offices period. That takes care of
48 all of this problem with this discussion.

1
2 Commissioner Griffin: I am going to see if we have a consensus here developing because we
3 want to keep this moving. I think the item that I would like clarification from Lisa is whether or
4 not your intent is to add some verbiage as suggested by Wynne to clarify this last point.
5

6 Ms. Grote: We can certainly do that if that's the Commission's direction, yes.
7

8 Commissioner Griffin: Does that appeal to at four, five, all right, so we have four of us in favor
9 of that point of view. Karen.
10

11 Commissioner Holman: Also for number five going back to the FARs and number five in the
12 grid chart that we have. I was recalling that the Commission had also agreed with Working
13 Group to allow no new ground floor office along Homer and Emerson. Could I get clarification
14 on that from the other Commissioners? That was my recollection in reading back. The Working
15 Group recommendation says no new ground floor office along Homer and Emerson. What is
16 here for the Planning Commission recommendation is ground floor office permitted everywhere.
17 That doesn't differentiate between existing and new.
18

19 Ms. Grote: That was my recollection of your discussion at the last meeting.
20

21 Commissioner Griffin: That is the way I remember it as well.
22

23 Commissioner Holman: Could I pose this to the Commission then to prohibit any new ground
24 floor office along Homer and Emerson?
25

26 Commissioner Griffin: Comments?
27

28 Commissioner Packer: I think there are so many restrictions on ground floor office, the size,
29 they have to be in the back, that I think it is covered. I think there is enough protection.
30

31 Commissioner Burt: Excuse me, under the Working Group plan there could be ground floor
32 residential behind a street facing ground floor retail. The concept if I am recalling right, the
33 concept of the Planning Commission was that by requiring that any new office that would be
34 permitted even under the Working Group plan would actually allow it to be on the ground floor
35 we would then be enabling a future conversion to retail if the economic viability lent itself to
36 that. It says the ground floor office permitted everywhere but may not be street facing and must
37 be convertible to retail. The members of the Working Group had talked about the desirability of
38 having these properties be convertible and so in my mind the Planning Commission
39 recommendation creates the potential for future greater retail viability than does the Working
40 Group recommendation. I think that is why we moved the direction we were not because we
41 favor the office. If we were going to permit office then we wanted to permit it in a way that
42 would allow and encourage future conversion to retail of that ground floor office.
43

44 Commissioner Griffin: Karen.
45

46 Commissioner Holman: I am truly baffled by this conversation or the direction of this
47 conversation because we talk about jobs/housing imbalance and yet we are allowing new office.
48 The conditions that exist in SOFA 2 now are due to exactly what we are talking about now is

1 allowing new office to come in and yet be able to be converted to retail later. What we talked
2 about previously was allowing existing offices to flip back and forth but not allow new offices. I
3 know I was a proponent of both of those. I am much more restrictive when comes to general
4 office. You want the services there and the retail there to support the neighborhood but I am
5 really baffled as to why if we were trying to get housing why we were talking about allowing
6 more new office. That is my perspective.

7
8 Commissioner Burt: Wasn't, even under the Working Group plan, new office permitted in the
9 Homer and Emerson corridor but not at ground floor?

10
11 Ms. Grote: That is correct. There would be no new ground floor office along Homer or
12 Emerson and then no new ground floor general business office south of Homer. So there was
13 some allowance for new ground floor office south of Homer if it were medical and professional
14 only not general business office.

15
16 Commissioner Burt: So as the Planning Commission recommendation reads does it allow
17 general business office in those areas?

18
19 Ms. Grote: You would allow ground floor office everywhere whether it is general business,
20 medical or professional, limited to 2,500 square feet and non-street facing and convertible to
21 other uses.

22
23 Commissioner Packer: I thought it said that medical, professional and business offices shall not
24 be located on the ground floor.

25
26 Ms. Grote: Except.

27
28 Commissioner Packer: So new medical, professional and general business offices would not
29 come into the ground floor.

30
31 Ms. Grote: Except if you look under D-5 it says, except for such uses which do not have street
32 frontage and are designed to be convertible to retail use. That is what was discussed.

33
34 Commissioner Burt: So another way to say it might be that those forms of new office are
35 allowable provided that they are convertible to retail.

36
37 Ms. Grote: Correct.

38
39 Commissioner Cassel: Let me try arguing this from a different way. We are talking about new
40 ground floor here and the goal in what Pat was trying to say and what I agreed with last time was
41 if you are going to allow .4 total you want to keep it down on the ground floor where it is more
42 apt to convert to retail than allowing it upstairs where once it is upstairs it cannot convert to
43 retail. So the goal here was to prefer having whatever you had in terms of office on the ground
44 floor so that it had some opportunity to convert.

45
46 Commissioner Holman: I absolutely agree with that. My argument is though that we don't need
47 any more new general office. That is my argument. It doesn't bring anything to this area. We
48 have plenty of general office there that exists. We are looking for housing and more services.

1 So that is my argument. I appreciate what you are saying about ground floor office, put them on
2 the ground floor so that if they were to convert and you allowed it they could become retail. I
3 am saying that we don't need the general office period.
4

5 Commissioner Cassel: I would say that a medical use is a service.
6

7 Commissioner Burt: There is a valid distinction here that I don't think we are zeroing in on.
8 What I think is at the heart of what Karen is raising as an issue is one that I think we should
9 consider and that is to differentiate between general business uses and the other permitted uses in
10 category three which includes medical, professional and then it says general business uses. So
11 the question is within the constraints that we have a consensus of preferring that if we have new
12 office in these areas that it be on the ground floor provided that it be designed in a way that is
13 convertible to retail should that allowable new office in the retail corridor only include general
14 business office? I think that is the sub-question that should yet address.
15

16 Commissioner Griffin: Does that state your concern?
17

18 Commissioner Holman: What are you considering the retail corridor?
19

20 Commissioner Burt: South of Homer on Emerson. Lisa, can you help me on that?
21

22 Ms. Grote: The retail corridor is Homer and Emerson as defined in the plan.
23

24 Commissioner Burt: So I think we have a good concept that whatever office is allowed probably
25 should be driven to the ground floor rather than above provided that it is designed in a way that
26 allows for future conversion to retail. That can encourage retail. Now what sort of offices we
27 should allow in the retail corridor I think is a separate question and one that we should yet try to
28 arrive at agreement on.
29

30 Commissioner Griffin: Bonnie.
31

32 Commissioner Packer: A couple of things. I think that we should all look at the definition of
33 what a general business office is and realize that it includes personnel office, little insurance
34 office, travel agencies, that are neighborhood serving types of offices. That is included. We are
35 not talking about the huge law firms because you couldn't do that in 2,500 square feet. so we are
36 only talking about 2,500 square foot offices. A nine-block area is not where we have to have
37 equality between the jobs and the housing. That is absolutely ludicrous. Nobody is showing me
38 and I raised this last week any evidence that small offices are going to bring tons and tons of jobs
39 in these small parcels that are throughout the SOFA area. You are not going to have very many
40 new 2,500 square foot general offices. What might come are neighborhood serving types of
41 general business offices. I think we need to be flexible because sometimes this kind of office
42 might be what pays the piper for the residential development above. We can't create super
43 detailed draconian regulations to address a current economic climate. We have to look at the
44 crystal ball and try to see is this a little bit flexible. I think what you are talking about Pat, what
45 we have right now, what is here right now that says if you have the office it has to go in the back
46 if it is going to be on the ground floor, is good. We may want to say none of these offices above
47 ground floor. We may want to do that as another way to limit but not say absolutely no new
48 office because that is just a little bit too harsh for me.

1
2 Commissioner Burt: That wasn't the question I was posing and you said a number of different
3 things there, Bonnie, and some I may agree with and others I don't. First I was trying to get us to
4 focus on a differentiation between certain types of business services that are conducive to the
5 vitality of this as a neighborhood serving center as opposed to general business office, and we
6 may need to re-look at the definitions of constitutes general business office, but you said that
7 something under 2,500 square feet is not going to be a significant jobs generation. I don't see
8 why a 2,500 square foot office that is used as some non-local serving office just a general
9 business office without being a travel agent or whatever offices or business uses might be local
10 serving I don't see that as less dense in its employment generation than a 5,000 square foot
11 office. So I would disagree on that point. I still think we have a valid question of what sort of
12 businesses we want to have permitted in what we are calling the retail corridor on the ground
13 floor. Maybe Staff could respond to some of the definition questions that Bonnie raised on what
14 sort of businesses would be permitted under general office. Would some of these things that are
15 somewhat local serving be allowed under general office and prohibited under the other category
16 of business services?

17
18 Ms. Grote: Well, typically in the general business office category it does include real estate
19 offices, insurance office, property management, title companies, personnel, travel offices. They
20 are administrative primarily in nature. So that is a business service office.

21
22 Commissioner Burt: I'm sorry, those are?

23
24 Ms. Grote: I'm sorry those are general business office.

25
26 Commissioner Burt: You just said that if they are administrative primarily in nature. Let's say
27 we have a travel office that is a walk-in travel office.

28
29 Ms. Grote: Right.

30
31 Commissioner Burt: Is that a business service or is that a general business?

32
33 Ms. Grote: That is a general business office. It just says that there are services rendered that are
34 customarily associated with administrative office services but we do have these specific office
35 uses such as travel, insurance, property management, real estate.

36
37 Ms. Furth: They are generally paper pushing. There is a big distinction between general
38 business services, which is doing stuff with things.

39
40 Ms. Grote: Yes, furniture repair, boat cleaning, printing.

41
42 Ms. Furth: Commercial bakeries.

43
44 Ms. Grote: Publishing, blue printing. So it is an action oriented with a product as opposed to
45 producing paper.

46
47 Ms. Furth: Or electronic versions of paper.

1 Commissioner Griffin: Would any of the Commissioners, in an attempt to move this item, make
2 a specific proposal that we might discuss in more detail if that is the consensus here?
3

4 Commissioner Cassel: I think it might be easier if we go down through this list, look at these
5 items, see what we think of what is there and then go back and go chapter by chapter through
6 this. Sometimes these connect and sometimes we have agreement on the size or the shape but
7 not on the use.
8

9 Ms. Grote: I think as the Commission was discussing a couple of weeks ago that the entire area
10 is seen as a mixed-use area and that there may not be a need to differentiate so finely between
11 Homer and Emerson and the rest of the district. Uses that would be permitted along Homer and
12 Emerson are retail, restaurants, personal services, residential certainly and there are some other
13 like daycare centers and things like that but those would be the primary uses. Those would also
14 be allowed in other areas in other locations within the overall area. It is a relatively small area. I
15 think the vision for that area is to have an eclectic mix throughout the entire area and you may
16 not want to so finely distinguish those two streets from the other streets with the exception of
17 perhaps Alma and the west side of High where you have said there can be higher intensities and
18 taller buildings. For the rest of it I don't know that you really want to have such a fine
19 distinction.
20

21 Commissioner Holman: I am okay not distinguishing I was hoping the Commission might limit
22 general office that's why I was going for the Homer and Emerson corridors. Under my proposal
23 I wouldn't think that there would be any reason to distinguish between Homer, Emerson and the
24 rest of the SOFA 2 area. I think Alma is considered separately or differently, that general office
25 is allowed there, unless I was asleep somewhere I don't remember that being also the case for the
26 west side of High Street. I thought it was just Alma where the more general office was
27 acceptable.
28

29 Ms. Grote: In the Working Group proposal or where?
30

31 Commissioner Holman: Both.
32

33 Ms. Grote: The office use as recommended by the Planning Commission is allowed everywhere
34 on the ground floor with these certain qualifications and it includes the entire area. For the
35 Working Group it was no new office along Homer and Emerson or south of Homer for the
36 general business office.
37

38 Commissioner Holman: Right, then what was the distinction you were giving the west side of
39 High?
40

41 Ms. Grote: Higher intensity uses, taller buildings, greater FAR.
42

43 Commissioner Griffin: I would like to see if we can't obtain a consensus here to support this
44 item as it has been presented before you despite all of our different takes on some of the different
45 details of it. Nevertheless I would like to see if we can't approve this item.
46

47 Commissioner Packer: I support the way it is written here. I don't support an absolute ban on
48 new offices and I don't think we should, at this point, go into fine tuning what goes on Homer

1 and Emerson and let the market work it out. I think the restrictions that we have or that are set
2 out here by the Staff that reflected our previous discussions are fine. Let's go with that. That's
3 the way I feel.

4
5 Commissioner Cassel: I would like to go with what is here.

6
7 Commissioner Griffin: Pat, do you have a vote on this? Karen?

8
9 Commissioner Holman: You have heard my opinion already. Just to reiterate I would not
10 support new general office or new general business office anywhere in SOFA 2. That would be
11 my ideal.

12
13 Commissioner Burt: I think my inclination would be to go with what the Commission had been
14 recommending except in the Homer and Emerson corridor that it should be business services as
15 the permitted office. The reason I am struggling is that when I look the definitions there are ones
16 among the general office that I would characterize as more akin to business services, a local
17 travel agent, a local insurance agent. So that is why I am struggling. I think our definitions
18 aren't aligned at the right place. We all see walled buildings that have gone up in this area and
19 places down at Midtown where we have investment houses that create a very sterile street there,
20 now we are not talking about street face on these so that's the qualifying aspect of it. I would
21 like to see the retail corridor if it is not retail that the businesses that are on that ground floor be
22 ones that create a neighborhood vitality. I am not sure that other Commissioners support that
23 position but that is my inclination.

24
25 Commissioner Cassel: I think as we go through the policy sections we will see that some of that
26 is enforced in the way the building is designed. That is going to be very critical. It is not the
27 use, the building may be empty for a very long time and it may be offensive to some people but
28 the thing that is most offensive is they pick the Venetian blinds and they close them and you
29 can't see anything in it so it creates a wall around the building. If it had open curtains, put a sign
30 up so people can see people inside and it wouldn't seem so bad. It is the wall effect and I think
31 we are trying to deal with that in the design.

32
33 Commissioner Griffin: If you would permit me, I wish to join Bonnie and Phyllis in supporting
34 the text as it is written. Under those circumstances that would be a three to two vote and if we
35 could now end our discussion on this item I would also like to point out that we have been at this
36 90 minutes. If it would be appropriate at this time to take a break. Yes?

37
38 Commissioner Packer: Just a quick question for Wynne. This has to do with uses. We have a
39 uses committee, the definitions of the uses that you are concerned with Pat we are all concerned
40 with. So my question is when the ZOU is updated will it apply to this?

41
42 Ms. Furth: I think we need to discuss that when you come back from your break. It is going to
43 be an issue that applies throughout the discussion.

44
45 Commissioner Griffin: That being the case we will take a seven-minute break.

46
47 Let's see if we have consensus on item number three, PC Districts. Steve would you like to sub
48 for Lisa?

1
2 Mr. Emslie: Basically this works from the Planning Commission direction that allows PCs with
3 caps in the RT-35 it would be up to a 1.5 FAR with 1.15 being the base and up to 2.0:1 in the
4 RT-50. The conditions on which the PC would be granted would be determining whether or not
5 at least one or two of the listed public benefits were present. One public benefit would be
6 required to be present for the RT-35 PC and two would need to be present for the RT-50 2.0:1
7 FAR.

8
9 Commissioner Cassel: I have just one question and that has to do with the daylight plane limits.
10 That question came up to us and off the top of my head I didn't remember what those daylight
11 plane limits were in the RT-50 or is it just the same as they were in the 1.5?

12
13 Ms. Grote: In the RT-50 there are two daylight plane issues or places where daylight plane
14 would occur. One, is those two lots along Homer where we talked about 15-foot step back and
15 the 60% slope. The other is along High at that is again 35 feet at the property line and then a
16 45% slope back to 50 feet. That was depicted in a graphic that was at your places two weeks
17 ago.

18
19 Commissioner Cassel: But there are no others?

20
21 Ms. Grote: That is correct. There are no other daylight plane because in the RT-35 everything is
22 at 35 feet and then the other place in RT-50 is along Alma and there isn't that need for the
23 stepping back or angling back along Alma.

24
25 Commissioner Cassel: The alley? The south side of that lot?

26
27 Ms. Grote: No, there wasn't identified a need for a daylight plane there. On both sides of that
28 alley it is going to be up to 50 feet so there is not a difference in the height on either side of the
29 alley.

30
31 Ms. Furth: The development standards should all be, for RT-35 and RT-50, should all be on
32 pages 37, 38 and 39. So that is where you should find them.

33
34 Commissioner Griffin: All right, Commissioners having looked at this item do we have a
35 consensus to approve this item as it has been presented to us in the Staff Report? Karen.

36
37 Commissioner Holman: I have a couple of suggestions. I have flipped back and forth on PCs it
38 is really a tough one for me. Number three, childcare, I am thinking that it might be helpful to
39 make that public childcare. Number four, public open space, I would prefer not to have paved
40 open space. We talked about plazas, which actually I thought we were eliminating but it still
41 shows up in the plan a lot, I would like to make that permeable or green public open space, if that
42 would be agreeable to the other Commissioners. I will just go through these three things and
43 then see how the Commission feels about them. Then the other thing is we don't have and
44 maybe this is an opportunity to start a penalty system for noncompliance of PCs. Sometimes
45 they are inspected and sometimes it is on a complaint basis. It takes Staff time to go do that. I
46 think it would be important and appropriate to put in a penalty, I am not going to try to define
47 what it should be, but put in a penalty for noncompliance of PCs.

1 Ms. Grote: Actually, yes, in Chapter 1868, which is the PC chapter in the Zoning Ordinance
2 there is technically a penalty in that we can revoke the PC if there is a consistent noncompliance
3 with uses or other requirements of the PC we could technically revoke it and return it to its
4 underlying zoning. I understand your point.
5

6 Commissioner Holman: Practically speaking, that never happens and there are occasions where
7 different uses are put in place and Staff has to go and then really what happens is a hand gets
8 slapped and use has to get re-implemented to come in compliance with the PC but I am thinking
9 that some other kind of penalty might be appropriate.
10

11 Ms. Grote: There are administrative compliance orders, perhaps.
12

13 Ms. Furth: These are zoning violations that are no different than any other zoning violation.
14 Having a bootleg business in your house for example. There is a provision that they are
15 supposed to be inspected every three years by the City.
16

17 Commissioner Griffin: I am sorry I can't hear you.
18

19 Ms. Furth: There is a provision already existing that the Building Department is supposed to go
20 out and inspect all PCs every three years to see that they are in compliance. Part of the reason
21 for having that is to make it clear that the City has the right to go inspect. Some of the recent
22 PCs that we have written the City Attorney has added a provision where they consent to
23 inspection particularly where we are concerned whether internal spaces are being used for
24 residential or office purposes in mixed-use projects. I think that the full range zoning code
25 violation procedures that we have are applicable here and I think we have the same difficulties in
26 that we are going to have to prove violation of the law. So I recommend against putting in
27 special penalty provisions here. I think we need to keep it in mind when we are doing the
28 Zoning Ordinance Update and talk about are there better things we can do in code enforcement
29 but that has been a continuing effort to develop ways of dealing with violations. I don't think
30 that PCs are different from other violations in our experience.
31

32 Commissioner Burt: I am comfortable with Wynne's explanation on that. I was interested in
33 Karen's recommendations. It seems that the public childcare may be an appropriate clarification.
34 As far as the public open space being green I don't know if folks are familiar with a pocket park
35 on Laurel Street in San Carlos, it is their main street, that was created on what I guess is at most
36 a 5,000 square foot lot. It is has become the downtown little mini park. It is a great example of
37 the sort of thing that we would love to see created. It is not entirely green space but it is at least
38 50% green space. I don't know whether that would work under all the PC constraints but I
39 certainly am open to something that would move us more toward mini parks as opposed to
40 purely plazas. So I do want to consider that more. Then on number five, as I was thinking about
41 this more, which is neighborhood serving retail space that is one of the public benefits for a PC
42 in the RT-35 and we already have in the RT-35 essentially that is where a, I want to make sure I
43 am remembering this correctly, the commercial space in order to get the .4 commercial space
44 FAR .25 of that has to be retail. Am I stating that correctly?
45

46 Ms. Grote: You can have up to .4 in commercial use. There is the office limitation, which says
47 it is up to 2,500 or .25 percent but you don't have to do the office. You can have the whole .4 in
48 other types of permitted commercial use.

1
2 Commissioner Burt: Right, but if they merely complied with those other permitted uses on the .4
3 or the balance of the difference between .25 of office and the .4 allowable commercial, so .15 of
4 office, they would be meeting their public benefit requirement for PC. Is that correct?

5
6 Ms. Grote: No.

7
8 Commissioner Burt: It says for an RT-35 district one of the following public benefits must be
9 provided and one of those is neighborhood serving retail space.

10
11 Ms. Furth: They could do purely office and residential.

12
13 Commissioner Burt: Okay, but they could also do a residential plus .4 of commercial of which
14 .15 would be retail and that satisfied all the PC requirements. Am I reading this correctly?

15
16 Ms. Grote: I think you are and you may want to take out neighborhood serving retail as a public
17 benefit. You would then have five public benefits to choose from, it would be one of five, and
18 take out that neighborhood serving retail.

19
20 Commissioner Burt: I think we have given the incentives for the retail in the FARs. If the
21 Commission agrees.

22
23 Commissioner Griffin: Karen.

24
25 Commissioner Holman: Actually Bonnie has her hand up. Can you clarify what you mean by
26 below market rate space for community nonprofit services? Can you just clarify what you mean
27 by that? What your intention is with that one please?

28
29 Commissioner Packer: Cheap rent.

30
31 Commissioner Holman: As opposed to having a room that is made available for public meeting
32 spaces that is free. So you are differentiating. So it wouldn't be a for free service that you are
33 looking for.

34
35 Commissioner Packer: These are PCs. These are going to have to come before us, or whoever is
36 on the Planning Commission. At that time you look at these things and see if as a PC you can
37 work with it. We may want to say that these are examples or that these are goals, it could be
38 free, it could be below market. You may have to balance it with the project. It is just that we
39 can't design the particular PC in this plan. We are giving suggestions and that is why I would
40 oppose that it be green, that it be public, that we don't try and micromanage it, that we create
41 these as suggestions. Maybe the preceding sentence for this is that these are examples of the
42 kinds of PCs against which the decision-making body can test the beneficial aspect of the
43 proposed public benefit that the developer is proposing. In other words, if they come up with
44 some other idea that we haven't even thought of like a tutoring program for kids or something
45 and it isn't on here but they say it is similar to this list. That is what I am trying to say.

46
47 Commissioner Griffin: In that circumstance it seems like the text does not convey that point of
48 view.

1
2 Ms. Grote: That is correct. What the text says is that it must be one of these five public benefits.

3
4 Commissioner Griffin: So consequently if it is the sense of the Commission that these be
5 suggestions then we need to change the way this is stated.

6
7 Commissioner Burt: I don't think that was the sense of the Commission. Bonnie, when Karen
8 asked this question I think it is entirely appropriate and reasonable that we establish clarification
9 as to what we mean. I don't think it is appropriate to dismiss that question and go off on a bunch
10 of tangents on it meaning umpteen different things. Let's talk about what we mean.

11
12 Commissioner Griffin: Alright would someone like to?

13
14 Commissioner Cassel: I think the intent of giving a list was because people in the community
15 have been very concerned believing that PCs have been granted for art projects. Already that is
16 what they see everyday and they don't remember whether that was two feet or five feet or 50 feet
17 that were granted. So there was a tendency explicitly to take out art as one although that had
18 been explicitly included in the past. I think we need to keep them fairly broad. It is lovely to
19 have space underneath that is green and filters properly, I agree, but if you have a parking lot
20 underneath and that is the only way you can provide the parking lot you aren't going to get that.
21 So in that case I think we need to keep it broader. This is a nine-block area and specific cases are
22 going to happen where we are trying to get greater intensity and where we are hoping to get
23 some underground parking. So these public open spaces, we are going to be very fortunate if we
24 get them and we need to be pretty broad in them.

25
26 Commissioner Griffin: Karen, did you want to elaborate?

27
28 Commissioner Holman: I am not trying to micromanage. What I am really trying to do is get
29 intention out there. My intention would be that, and I think you can Phyllis, get greenery on top
30 of parking garages.

31
32 Commissioner Cassel: I thought what you meant by that was that it had to have nothing
33 underneath it to make green open space. That is where we are getting into problems of real tiny
34 detail here. That is the problem with an interpretation of a detail that I think is difficult.

35
36 Commissioner Holman: So you were taking my word of permeable as meaning that there
37 wouldn't be a parking garage under it.

38
39 Commissioner Cassel: Right. That is what I am worried about in getting into tiny details here.

40
41 Commissioner Holman: No, I am just trying to discourage – my intention is to get more
42 permeable, yes, but if there is a parking garage under – and I think grassy areas are more
43 appropriate to this area than plazas as I have stated before because they are hardscape and it is a
44 transition area to a more residential neighborhood. So my intention is to read permeable/green
45 space, something like that. That is my intention and maybe Staff has a better way of phrasing
46 that. Then childcare, the reason I was saying public is because I didn't want a public benefit
47 being something that a residential project came in and provided childcare only for their facility
48 and consider that a public benefit.

1
2 Ms. Grote: So your definition of public benefit doesn't necessarily mean nonprofit, as long as it
3 is open to the general public it could be a for profit establishment. Okay.

4
5 Commissioner Griffin: Because the language is set up the way it is naming these specific items
6 and we have reduced by one the public benefits, we are taking out item number five for example,
7 does anyone wish to propose a substitute benefit in the place of number five?

8
9 Commissioner Burt: No, I don't see a need for that unless somebody has a good idea on it. I
10 would like to see if Staff has any recommended verbiage that would at least encourage the public
11 open space wherever possible to have shall we say green elements to it without prescribing it as a
12 rigid mandate.

13
14 Ms. Grote: Would something like "well landscaped public open space" suffice?

15
16 Commissioner Griffin: Whatever "well landscaped" means. I am pretty empathetic to both you
17 and Karen's wish to have landscape instead of hardscape but by the same token if you have a
18 small restricted area that is impacted by very many people you will quickly pack over and pretty
19 well destroy any grass that is trying to grow in a small spot.

20
21 Ms. Furth: We wouldn't interpret "well landscape" to mean having grass necessarily.

22
23 Commissioner Griffin: Say it again please.

24
25 Ms. Furth: We wouldn't interpret "well landscaped" to mean that it had grass necessarily. We
26 might make everybody look at William White's movie on pocket parks before they make their
27 submittals.

28
29 Commissioner Burt: What does Staff think one, conceptually about this and two about verbiage?

30
31 Ms. Grote: I think "well landscaped" is a broad enough term that it would allow for greenery, it
32 would allow for decorative pavement, decorative features in an area potted plants, planter boxes
33 and things like that. It allows a variety of things.

34
35 Commissioner Griffin: Bonnie.

36
37 Commissioner Packer: This is just to maybe broaden this a little bit and I don't know how it is
38 going to be interpreted but if we added instead of the provision for neighborhood serving retail
39 space we added a last item that said a public benefit of comparable value. That gives the
40 decision-makers the question of is this as good as a pocket park. We don't know what in ten
41 years the public may think is a good thing to have as a public benefit. There may be some other
42 need that we can't conceive of right now. Right now we are at a loss to think of what to add to
43 this. That way if we say a public benefit of comparable value, not monetary value but value to
44 the public.

45
46 Ms. Grote: Comparable benefit.

47
48 Ms. Furth: A comparable benefit I think is as far as we can go.

1
2 Commissioner Packer: That gives a sense to the applicant and the decision-maker that they can
3 go a little bit beyond this list if any one of these four isn't going to work for that site.
4
5 Commissioner Griffin: Sounds like that is a PC for a PC. You give a wild card for a wild card.
6
7 Commissioner Packer: Right now our PC requirements are so broad that this is an incredible
8 improvement in my opinion.
9
10 Commissioner Griffin: Karen.
11
12 Commissioner Holman: I appreciate what you are saying Bonnie and I think that makes sense.
13 It does make it more restrictive than what we have now. One other thing that I think we should
14 be doing and perhaps this is a ZOU item also, but we should be reviewing the PC Ordinance
15 much more regularly so that we can address what cultural changes and what environmental
16 changes come up so that we can address these rather than letting the market come in and then
17 pursued for something that maybe isn't as good a public benefit.
18
19 Commissioner Griffin: Wynne.
20
21 Ms. Furth: Yes. I suddenly realized the stuff about leafy open space actually belongs, which is
22 in the vision section in your policy section about what kind of and that is where it is. So when
23 you are looking at these PC benefits you are going to go back to the SOFA 2 vision quest and see
24 if it implements it. That is where you talk about you want leafy spaces, you need greenery down
25 here, you want a lot of trees.
26
27 Commissioner Cassel: That is where we go back to page 32 to pocket parks, plaza and courts.
28 You add some of that into that.
29
30 Ms. Furth: It may already be there. You have tons of language in there about trees.
31
32 Commissioner Cassel: We have tons of trees everywhere, that's nice, but design guidelines for
33 private property, pocket parks, plazas and courts doesn't happen to mention what Karen is
34 talking about. In this piece as we go through this and what is hard is Bonnie tried to get us to do
35 this earlier and I got frustrated with it but what is hard is to go back and say is that covered back
36 in our text.
37
38 Ms. Grote: And it is. It is in program L-1 on page six and it says, "Develop comprehensive
39 TDR and other desirable characteristics and uses including pocket parks and other public open
40 space."
41
42 Commissioner Cassel: Right but she is saying she would like to see in that some greenery and
43 that isn't in either of those pieces.
44
45 Ms. Furth: We could add language if you wanted saying that leafy well-landscaped green spaces
46 are particularly needed and desirable or something like that.
47

1 Commissioner Burt: If that were added to either the vision section or the policy section then I
2 would be fine with what we have under the PC recommendation as public open space as defined
3 elsewhere.

4
5 Commissioner Cassel: That way when they look at this they can refer back to what we mean by
6 that.

7
8 Commissioner Burt: So I would like to see us explore Bonnie's suggestion on whether we want
9 a wild card in the public benefits. Within the Working Group one of the terms that was used was
10 a significant public benefit. Now we do have public benefit of comparable benefit, is that what
11 we are saying?

12
13 Ms. Furth: A comparable public benefit. Again you could tie it back in. That implements the
14 SOFA 2 vision.

15
16 Commissioner Burt: I think that that implies that it has to be a significant benefit that is
17 consistent with the plan vision and I would be comfortable with that as a way to give latitude to
18 things that we aren't specifically envisioning here.

19
20 Commissioner Griffin: Karen, what do you think about that?

21
22 Commissioner Holman: I think that makes sense. What are we going to have as far as a
23 revisiting of this? I presume we are not going to be revisiting this regularly. You said vision
24 quest, the only thing we didn't do as part of the SOFA process is maybe a Rhobes course.
25 Should be come back maybe every two years and look at the PC aspect of this?

26
27 Ms. Furth: Planning can talk about this but I will give you my opinion which is you have a
28 Zoning Ordinance Update to do and you look at the PC ordinances when you look at PCs. That
29 is self-correcting in that way. There is plenty of power to say yes or no under these ordinances.
30 Now the yeses or nos that will be said will depend upon the decision-makers ultimately but I
31 don't think you are going to be successful in giving much more direction. You have a lot of
32 direction here compared to anything we have had before. The other thing you need to remember
33 is that you have constrained the FAR, the height and the daylight planes so you have already told
34 people what it is you are looking for. It is not this wide-open thing that the usual PC is. The
35 SOFA 2 PC is a much more defined creature. People that own property can probably tell you
36 exactly what you have prescribed.

37
38 Commissioner Holman: Well that was exactly why I raised the question earlier about whether
39 we want to do it as a part of the ZOU because this PC is much more restrictive that is why I
40 posed the question of do we want to revisit it because we don't know what.

41
42 Ms. Furth: You may want to but you are not going to have time to.

43
44 Mr. Emslie: You are scheduled to review the whole PC process as part of the ZOU. That is
45 already in your work program so that will happen. I agree with Wynne that a review of how the
46 PCs are going is going to be mute. I think that any project that rises to the level that would even
47 contemplate a PC would clearly be something that the Commission would be well aware of, Staff
48 would be well aware of so any Commissioner could inquire as to how this is working. If there is

1 an issue we could always give you a verbal report at a Planning Commission meeting. So I think
2 there is lots of time and opportunity for feedback for testing. You can check in with us as we go
3 through and as development proposal arise and they come to your attention.

4
5 Commissioner Griffin: Okay. I would like to move this item now. If Commissioners are
6 satisfied with the two modifications that we have made to this list, one the leafy glade green
7 space and the wild card item to provide a valuable public benefit. Do we have a consensus on
8 the Commission that this item can now be approved as amended by these two additions?

9
10 Commissioner Holman: Yes. How do the other Commissioners feel about the public childcare?
11 That was the other item that I raised.

12
13 Commissioner Griffin: Were there any comments on the public childcare?
14

15 Commissioner Packer: I really don't think it is necessary for childcare to work. They will be
16 open in order to get the business and the teachers. I don't know. I think again when the
17 decision-maker looks at the proposal for the childcare facility as opposed to just a little baby
18 sitting arrangement.

19
20 Commissioner Burt: So what is the harm of adding that clarification in?
21

22 Commissioner Packer: Probably none. Okay.
23

24 Commissioner Griffin: Good.
25

26 Mr. Emslie: It will be childcare open to the general public.
27

28 Commissioner Griffin: There we are. Well we have consensus on that item.
29

30 So I would like to move to item number four. Did you have a question that you would like to
31 interject?
32

33 Commissioner Packer: Just one little small thing, this is for Wynne. This is related to PCs. In
34 the section on the establishment of Planned Community Districts the whole process I think a
35 clear reference to the section we just
36

37 Ms. Furth: What page are you on?
38

39 Commissioner Packer: This would be page 59. A real clear reference that when the applicants
40 submits a development plan it shows that it is conforming with the requirements of this section
41 that we just agreed to, 5.110. In the process there is a clear reference to this.
42

43 Ms. Furth: Are you saying we should add one?
44

45 Commissioner Packer: It doesn't say in the development plan. This was just lifted from the
46 existing zoning ordinance. It doesn't clearly refer to the requirements in Section 5.110. So you
47 might want to look at that and see if it is. I don't want to take anymore time here.
48

1 Commissioner Griffin: Good, thank you. Would you please proceed Lisa?
2
3 Ms. Grote: The next item is parking. The recommendations from the Commission have been to
4 allow reduced parking, which would be available with a Transportation Demand Management
5 program. The parking requirement would be as outlined primarily on page 47 and 48 of the
6 document. Then also that a reduced parking amount up to 20% of the requirement could be
7 granted for joint use parking and that would be in a mixed-use project.
8
9 Commissioner Griffin: Karen, do you want to make a comment on this? Sorry. Bonnie.
10
11 Commissioner Packer: I probably should have brought this up in connection with FARs.
12 Defining what kind of parking is included or not included in the FAR calculation. Remember
13 that came up?
14
15 Ms. Grote: I do recall and we tried to capture that in the definition of gross floor area and that
16 we would not count parking that is four feet or less above grade in the floor area calculation. Let
17 me check to see what page that is on.
18
19 Commissioner Packer: I was looking for that and I didn't see it in the plan so maybe it is buried
20 somewhere. I think it should be up front somewhere that is clear for the applicant.
21
22 Commissioner Burt: I had a couple of parking questions. Sorry for jumping in.
23
24 Ms. Grote: We will add it up front and let me continue to try and find it. I believe it is in here
25 we talked about that a great deal.
26
27 Ms. Furth: We can restate it in this chapter too so that it is clear.
28
29 Commissioner Burt: I had two parking related issues. One is related to this podium parking.
30 What are the chances that ARB is going to approve a proposal that has podium parking? My
31 understanding is that they don't think much of it and we may put it in the plan but that they
32 aren't very likely to support designs that have it.
33
34 Ms. Grote: If it is a permitted design, if it is a permitted feature the ARB will not be able to deny
35 it. They won't be able to turn it down if it is something that is permitted. What they may be able
36 to do is make it look better, to landscape it better, to have better materials around it. In fact they
37 have reviewed other podium parking in SOFA 1 and did in fact approve it and made some very
38 good suggestions about how to make it look better in those cases.
39
40 Commissioner Burt: Good. Then my second question has to do with tuck-in parking. Is that the
41 correct term?
42
43 Ms. Grote: Tuck-under parking is sometimes as referred to at grade parking that is tucked under
44 a portion of the building. So the grade level is parking and the first floor comes over it to a
45 certain extent.
46
47 Commissioner Burt: As I recall when we were reviewing the first Creamery project one of the
48 features that was viewed very favorably by the neighborhood merchant, Palo Alto Hardware,

1 was that there was tuck-under parking in the alleyway. The notion was that that would address
2 significantly the tendency for people to want to park at grade. Without that there would be a
3 greater competition for on street parking if we allow these kinds of densities that we are
4 advocating in order to increase the housing supply and that the Commission has supported then
5 are we going to create a potential detriment of greater competition for the on street parking
6 which is already very limited in this neighborhood? Currently as the plan is proposed I believe
7 tuck-under parking counts against the FAR. So my question for the Commission is should it
8 count against the FAR or should all of it count against the FAR or should there be some amount
9 of tuck-under parking that is exempt from the FAR in order to try to reconcile these competing
10 interests? One is to increase housing density and the other is to not be harmful to existing retail
11 and to create essentially an incentive to mitigate that harm.

12
13 Commissioner Griffin: So in Alison's prototype where she showed tuck-under parking then it
14 did count against the FAR?

15
16 Ms. Grote: In most of Alison's prototypes it showed podium parking and we did not count it in
17 the FAR because it was designed to be that four feet or less above grade. So we did not count
18 that into the FAR calculation and that was podium. For the tuck-under parking, which is fully
19 above grade but partially covered by a second floor of a building, that is a different situation.
20 That is fully visible. Currently in the Zoning Ordinance if it is primarily enclosed it is counted as
21 FAR. If it is primarily unenclosed then it is not counted as FAR but in those cases because there
22 is a back obviously because it is the building and then there is a top because that is also the
23 building so there is a cover it means that the sides, the two ends, have to be open in order for it
24 not to count as FAR. If they are closed at the ends then it counts as FAR because then it is
25 primarily enclosed. It goes on a strictly mathematical calculation. If the full back is closed and
26 the top is closed then it means both sides and the front have to be open for it to be unenclosed.

27
28 Commissioner Griffin: Karen.

29
30 Commissioner Holman: In my head I am getting pictures of buildings growing and column
31 supports be given for buildings and surface parking be provided and it not be counted as FAR.
32 So I am a little concerned about the proposal respectful as I am of your concerns I am concerned
33 about that proposal unless you would really limit it to an absolute strict number of parking places
34 or something like that.

35
36 Commissioner Burt: I agree that that's the downside that it has the potential to increase the mass
37 of the building and consequently I think that if we do allow some encouragement for the tuck-
38 under parking that we should put some constraints on it so that it is not a carte blanche to
39 increase the mass of the building beyond what we would think is appropriate.

40
41 Ms. Grote: I would also add that you may want to consider what it does to the streetscape itself.
42 It tends to put holes in the streetscape so that there would not be that continuous building
43 frontage. You might have either an entrance to a parking area or parking itself right along the
44 street.

45
46 Commissioner Burt: I am sorry I didn't explain this well enough. What I was envisioning was
47 on alleyways. I should have included that as a caveat on this so that it does not harm the

1 streetscape or as Karen just said, behind buildings but in a way that it is not on the street face. I
2 would certainly agree with that as well.

3
4 Commissioner Griffin: Phyllis.

5
6 Commissioner Cassel: Can I go on with another question and think about that a minute?

7
8 Ms. Furth: You do have a whole bunch of parking policies on page 31 and they do talk about
9 having short term parking which can be seen as accessible parking outside underground garage
10 storage. That I think is how this plan tried to address that issue of having really convenient
11 accessible parking while still dealing with the issue of wanting to screen parking if not trying to
12 create what feel like unsafe spaces because they cannot be secured.

13
14 Commissioner Burt: I agree. I was really a very strong advocate of inclusion of that language. I
15 think that that language diminishes the need for how much tuck-under parking is need. So that
16 goes to the point of I don't think we need to have a carte blanche exemption from FARs but we
17 may want to within certain limits allow tuck-under parking where it is not harmful to the
18 streetscape. That is what I would like us to consider and I realize that it is something that
19 Commissioners may need to digest for a minute and we could move on and look back to that but
20 this is our last crack at it and if there are things that we didn't get previously and they were the
21 right thing to do then we still need to struggle with them tonight.

22
23 Commissioner Griffin: I would like to have a little feedback from Staff on consequences and
24 unintended consequences of this sort of thing. Have you had a chance to noodle this around a
25 little bit?

26
27 Mr. Emslie: We have and there are a couple of considerations. Security. Alleys are not and
28 there is the prototypical dark alley so we need to be careful in making sure that these spaces are
29 open enough and well lit to give you a sense of safety especially if they are going to be used for
30 retail. That is going to be very important for the desirability of these. As Lisa mentioned it is
31 really the degree to which these become enclosed. They can have a roof and they can be
32 enclosed on up to two sides with building and not count towards FAR. I think that is also a
33 factor that contributes to the openness of this space and the usability of these and the perception
34 of safety in the tuck-under parking. So you might consider if you do want to allow this to have
35 maybe some standard that promotes a limited amount of enclosure and really more of a visibility
36 aspect to these. Another factor I can think of is they are really perceived as very private. They
37 will look like somebody's private garage. It may not be readily apparent to a retail customer that
38 it is okay to park there. There are certain psychological signs that it even though it is available it
39 just doesn't work because it has a real private kind of appearance. I think having a certain
40 degree of openness is important and I think that is important too to help mitigate the mass and
41 bulk of it because clearly it is volume of space that is going to contribute to the overall
42 appearance and mass and bulk. So I think having some sort of openness standard would be
43 something for you to consider.

44
45 Commissioner Griffin: So if I understand it correctly it is already taken care of though. If we
46 are saying that as long as the tuck-under parking does not have ends then it doesn't count against
47 the FAR and consequently we may be pursuing something that is already dealt with.

48

1 Commissioner Burt: If you envision a building that you have a side of a building and then an
2 alleyway you would have a group of tuck-under spaces.

3
4 Commissioner Griffin: Further down the alley?

5
6 Commissioner Burt: Wherever, it might be on the edge of the building. Does it really look right
7 to have that cutout from a side view, say from Channing Street, that is not a wall of that building,
8 that does not look like it is part of the architecture? I am not sure that we would want to say the
9 only way you can have tuck under is if you have this big cutout there.

10
11 Commissioner Griffin: I have seen this done, if you had a screening effect, in other words if you
12 have a cinderblock fixture that is open and you wind up with a semi obscured end piece.

13
14 Commissioner Burt: I just don't know if we can go into architectural details tonight. I think we
15 can hit the concepts.

16
17 Commissioner Cassel: Well it is a brand new concept for me and it has a lot of implications and
18 we haven't talked about it before. I have a sense that we are trying to design something to meet
19 a specific need with a specific owner.

20
21 Commissioner Burt: It is a concept that I think is one that we would want to look at throughout
22 the plan area. I am not looking at it as a narrow utilization. I think the security aspect that Steve
23 mentioned is an important concern although I think that in this case the property owner is going
24 to be concerned with that. We do have another question too. Does it need to be open to the
25 public? That is another sub-question of this. If it were for residents but they would choose to
26 utilize that versus competing for on-street parking it still might serve the same purpose of
27 continuing to make the on-street parking available for other general public uses.

28
29 Commissioner Cassel: Having considered that I think what we would be trying to do is
30 encourage people to go with more podium parking or underground parking by incentivizing that.
31 If you then go up to tuck-under parking and I have never seen good looking tuck-under parking
32 but if you do that you have dropped your incentive for going underground. I think that was the
33 purpose of not counting that space was to incentivize the underground or the podium parking.

34
35 Commissioner Packer: I agree with what Phyllis said and I am thinking about the irony of
36 wanting to incentivize the above ground space for parking by not including it in the FAR. At the
37 same time we want to have incentives for residential units. Why not not include residences in
38 the FAR? Are cars more important than people when you look at the irony of it. So I think we
39 should leave well enough alone. There are wonderful design guidelines for alleyways on page
40 25 and all the parking design guidelines on page 31. They give a lot of ideas for ways you could
41 use surface parking. The other thing to keep in mind is that people will find greater incentives to
42 use public transit when it is hard to park. The easier we make it to park the less likely they are
43 going to use the shuttle or whatever improved public transit we get in this town. So keep that in
44 mind. We don't have to always provide parking for every instance. We want to encourage
45 people to be discouraged about using their automobile because it is too hard to park. That is why
46 I never drove to San Francisco it was too hard to park.

1 Commissioner Burt: I would just like to add to that though that this neighborhood already has a
2 parking deficit. What we have proposed here as a Commission is an increase in the FAR density
3 beyond what the Working Group had recommended in order to achieve our objectives of
4 providing additional housing for this area. This concept is one that is designed to try to mitigate
5 the negative impacts that might go along with that. So if we bear in mind that we already have a
6 deficit, we are not talking about a circumstance where we have surplus parking and we are going
7 to keep it surplus and discourage use of transit. So I think we need to keep that circumstance in
8 mind and my motivation is to try to mitigate the impact of the one desirable social goal that we
9 are trying to promote here without creating an unintended negative consequence on another goal
10 that we have for this area which is to support the retail vitality.

11
12 Commissioner Griffin: I would like to see if we can't terminate this item and keep going. We
13 have a lot more left on our plate tonight. So Karen if you want to make a last comment here that
14 would be appreciated.

15
16 Commissioner Holman: Because parking is so complex there are a few issues. One is
17 something that I think Bonnie brought up a couple or seven meetings ago about SOFA, which
18 was providing short-term parking. I can't remember what Bonnie suggested but I was thinking
19 short term parking along Homer and Emerson and maybe where there are existing retailer
20 services to provide, and I am not the expert here, a minimum number at least of short term, like
21 30-minute, parking spaces there as well. In addition I had mentioned at one of the meetings and
22 I talked with Steve about this previously too to require a 40% TDM program with all existing
23 and new business to help relieve some of the traffic and parking congestion that Pat is talking
24 about. My concern about reduced parking requirements here is as Pat said it is an area that
25 already suffers from not enough parking as it is and while Bonnie makes a point that if it is hard
26 to park people will take alternate transportation. A lot of times in this neighborhood if it is hard
27 to park people will just park in the neighborhood. So I think maybe a TDM program might help
28 relieve that and the short term parking while that might push some cars into the neighborhood it
29 is also going to help support the services, I believe. So those would be some of my
30 recommendations. The other thing about the reduced parking that I have concerns about is we
31 need to decide if we are transit oriented development or if we are a mixed-use development. I
32 have long said that if it is a mixed-use development reduced parking doesn't, the premise is
33 incorrect because if you are near transit you want people to leave their cars at home and take the
34 train for instance. So the residential people are not taking their cars out of the building when
35 workers are bringing their cars into the building. So the premise needs to be specified here. If
36 you want people to reduce the parking requirement for development and it is a transit oriented
37 development then it seems to me that the premise would be that they have to comply with some
38 kind of transit management system or program.

39
40 Commissioner Cassel: What we are working on is number four, it says what we recommended
41 was reduced parking available with a TDM program and reduced parking up to 20% available
42 with joint parking. What it doesn't do is come to your level of 40% and I am not sure we can do
43 that. I am not sure that no matter what we do that will happen but I think that part of it that you
44 wanted is basically what we were supporting. Correct? Then you have to go back over to page
45 47 and look at what ways we were talking about doing that and whether that is reasonable. I
46 think I hear you saying Karen is that you don't want us to do the reduced parking of up to 20%
47 with joint use. Is that what you are saying on that one? You don't want us to do a reduced
48 parking program but you want it to be very specific in numbers.

1
2 Commissioner Holman: Correct.

3
4 Commissioner Cassel: And more so than what we have talked about and you these numbers in
5 this document are not adequate. Then you are saying you don't want us to have reduced parking
6 up to 20% for joint use parking.

7
8 Commissioner Holman: Correct. I am saying we need to have a plan that is going to work.
9 There is confusion it seems to me between whether it is a mixed-use area or if it is a transit
10 oriented area. The other point that I would make just to put another thing out there is if I
11 remember correctly, even for the lower FARs reducing the parking requirement doesn't enable
12 more units it just is fewer parking spaces.

13
14 Ms. Grote: Actually a couple of things. One is of the TDM program and a reduced parking rate
15 for a mixed-use facility that is close to transit. The premise is that the people that live there are
16 not taking their cars away from the site but people that work there are also not bringing cars in.
17 They are coming via public transit so they don't need the parking space because they are not
18 using their car to come into that building. They are getting there via public transit. So that is the
19 premise behind a reduced parking rate for a mixed-use commercial/residential project near a
20 transit center. There are a couple of other things. One is this 20% reduction available for joint
21 use parking is something that is currently allowed in Title 18.83, which is the Zoning Ordinance.
22 It is a reduction that is approvable by the Director based on parking studies that show there is in
23 fact a viable program in place and that the use doesn't need those additional spaces. So that is
24 something that is just carried over from the existing code. Also I would like to point out that for
25 those projects that are exclusively commercial, which would not include residential uses there is
26 only a five percent reduction with a TDM program. So the really larger reductions of 20% are
27 for those project that have the residential component.

28
29 Commissioner Cassel: That is consistent with the Working Group plan as well.

30
31 Ms. Grote: Actually, parts of it are consistent with the Working Group plan. The Working
32 Group did not want to see reduced parking across the board for residential units or with a TDM
33 program. They wanted to see the requirements in Title 18.83, which is our standard parking
34 requirements, applied.

35
36 Commissioner Holman: Lisa, I appreciate your first explanation and that is not how I have read
37 the reduced parking in here. It just talks about shared parking which to me and how I read this is
38 that some go and some come and that is not the premise I think we ought to be applying here.
39 What you explained makes sense but I think the plan needs to be clear that that's what is being
40 proposed.

41
42 Ms. Grote: We can look at the wording and clarify that.

43
44 Ms. Furth: We want to be clear. It is not one of those ones where the restaurant goes come
45 down and use the parking after the office goes leave for example, not that kind of shared use.
46 There is another premise incidentally which is that the number of cars per household drops one
47 hopes in a transit oriented or transit accessible area. Typically we have more cars than drivers in
48 household and you change that ratio.

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Commissioner Griffin: One hopes anyway.

Commissioner Burt: I would like to add to that that the rationale for a reduction from either a mixed-use or a transit oriented development is well established. What we have here is both. So instead of your concern, Karen, about it has to be either or instead I reason that it is cumulative. You have a reduction as a result of it being mixed-use and a reduction as a result of it being transit oriented. It is not a reduction due to the transit orientation because it is mixed-use it is both things together that cumulatively create a greater reduction in the parking demand than either along would do.

Commissioner Cassel: Can I suggest that we see how many of us agree with this parking item number four so we can move along? I think we have about ten or 12 items tonight at it is now almost ten o'clock and we need to get through this.

Commissioner Packer: I agree with it.

Commissioner Griffin: Phyllis.

Commissioner Cassel: I agree with it and I agree with changing this language here. It says if car-share and I think that was what the intent was, it is joint parking.

Commissioner Burt: I agree with the language as well.

Commissioner Holman: I still have a question for Staff. Does reduced parking for the residential aspect actually get more living units? I thought at the lower densities it did not?

Commissioner Cassel: Can we make a motion so that we can come to consensus so that we can move along?

Commissioner Holman: I will just leave that concern out there and just be on record with that. That's fine with me.

Commissioner Griffin: Thank you. So we do have consensus because I am joining with the other four. Karen, do you want to join us?

Commissioner Holman: I left my concerns on the table and I will just leave it at that right now.

Commissioner Griffin: Alright. Now we are ready for item five, ground floor office.

Ms. Grote: I think you did do ground floor office. You wrapped that into your conversation about FAR earlier this evening.

Ms. Grote: You are now on number six which is the nonconforming uses and facilities. Your recommendation has been to allow nonconforming uses to remain as the same type of use except that nonconforming office use may change to retail use or other permitted non-office use and later return to that office use should it not be successful in the permitted use.

1 Commissioner Griffin: So I am going to ask Commissioners again if we have consensus on this
2 item. I would like to move it and so I am going to ask, Bonnie are you in favor? Phyllis? Pat?
3

4 Commissioner Burt: I certainly am and I just would like for the minutes to reflect the rationale
5 the Commission had previously discussed which is that this is intended as an encouragement by
6 allowing conversion to retail with the potential that it would eventually revert to office. It will
7 create a greater number of circumstances where office might convert to retail and that is our
8 motivation.
9

10 Ms. Furth: Just as a point of information we have to correct some of the wording we wrote to
11 actually make the text and the plan reflect your direction which we will do.
12

13 Commissioner Holman: Two things. I think the Working Group recommendation here I believe
14 is miss-stated. The Working Group, unless I am reading this incorrectly, the Working Group
15 didn't require nonconforming uses to become compliant. Am I reading that incorrectly?
16

17 Ms. Grote: What this basically says is that nonconforming uses and facilities shall conform to
18 18.94 which states that yes, they can continue but that if they are vacated for over a 12-month
19 period then they must become conforming uses. They can roll over if they are not vacated, they
20 can roll over from one conforming use to another.
21

22 Commissioner Holman: Thanks for the clarification. Consistent with my previous comments
23 my comments on this are that I don't agree with this just because I want to limit it to existing
24 non-conforming uses and facilities may remain as the same type except that these existing
25 nonconforming office uses may change to retail uses and later return to office use. The word
26 'retail' I think there is some inconsistencies in here language wise. Should that retail word be
27 changed to non-office commercial?
28

29 Ms. Grote: It should. I think throughout the summary chart especially we have used retail as a
30 shorthand for meaning non-office commercial use. We can change the summary chart to be less
31 specific and more general.
32

33 Ms. Furth: I have a question about only existing nonconforming uses because there won't be any
34 more new nonconforming uses until you change the zoning again.
35

36 Commissioner Holman: What a point.
37

38 Commissioner Burt: So with that clarification, Karen, what is your feeling on this?
39

40 Commissioner Holman: I am fine with it as long as the word 'retail' just for consistency
41 purposes changes to non-office commercial if the other Commissioners are in agreement with
42 that.
43

44 Commissioner Griffin: Alright, so Pat are you in favor of the revised wording? Alright then we
45 do have consensus on this item. We will move to item seven.
46

47 Ms. Grote: That has to do with residential densities and maximums and minimums. In the RT-
48 35 the maximum density for residential would be 30 units per acre. In RT-50 it would be 40

1 units per acre. For senior housing or affordable studio apartments it would be in RT-35 40
2 dwelling units per acre and then in RT-50 50 dwelling units per acre. We are recommending and
3 the Commission has recommended implementing a minimum density as well. In RT-35 it would
4 be 15 dwelling units per acre and in RT-50 20 dwelling units per acre. That is to ensure that at
5 least half of the allowed density is achieved on individual sites wherever possible.
6

7 Commissioner Griffin: Is this the first instance in our Zoning Ordinances were we have
8 established a minimum?
9

10 Ms. Grote: Yes, it is the first time it has been very clear. In our Zoning Ordinances all the
11 multiple family districts do have ranges such as in RM-15 it ranges from eight to 15 units per
12 acre, in RM-30 it is 16 to 30 units per acre but there is no required minimum. It doesn't say you
13 have to develop at that 15 units per acre or you have to develop at a certain percentage of the
14 maximum allowed. It allows anything within that range. What you are saying here is that you
15 must be at that 15% in RT-35, 15 dwelling units per acre or up and in RT-50 you must be at 20
16 dwelling units per acre or above. So it is the first time there has really been a minimum
17 established absolutely.
18

19 Commissioner Griffin: Karen.
20

21 Commissioner Holman: When I was reading this again I was considering that we might want to
22 add a minimum unit size. Having seen problems with that before. Have I overlooked that and it
23 is here?
24

25 Ms. Grote: You are right. I was thinking there was a maximum unit size, which is 1,500 square
26 feet, but you are right, we don't have a minimum in here.
27

28 Commissioner Cassel: I will speak against that because you can't get them down below a certain
29 size because of building standards. That is pretty small but if you are going to do senior units we
30 have them as low as 250 square feet. I think we are going to get ourselves really constrained if
31 we put a minimum size. Our goal has been to get units smaller. If we have any kind of hope at
32 all of getting them smaller so they can become "more" affordable that if we can put a maximum
33 size on it this is going to be very creative and something very new.
34

35 Commissioner Griffin: Bonnie.
36

37 Commissioner Packer: I agree with what Phyllis says and I agree with all the densities as set out.
38 I just have a question that may kind of help the concern that Karen has about a minimum size
39 and the livability of a unit. There is one whole area that we forgot to address that is the open
40 space requirements. I don't have a particular proposal and I don't want us to have such
41 expansive open space requirements as are in the existing RM-30 and RM-40 districts.
42

43 Commissioner Griffin: Is this part of this item?
44

45 Commissioner Packer: There is no other place to raise it and I thought this was the closest place.
46 I don't want a proposal. Maybe Staff can throw in some language about a certain amount of
47 open space, the balconies and those kind of things, we have nothing in here that spells it out
48 anywhere in the development standards. I think it is an oversight and I think there should be

1 something reasonable in here about the open space that would kind of address the livability of
2 small units.

3
4 Commissioner Griffin: Did Alison deal with any of that in her prototypes?

5
6 Ms. Grote: In the prototypes I believe there were private usable open spaces included which
7 would mean balconies and patios. There wasn't any common usable open space included and
8 that was primarily because of the limited space on most of the sites. Some of the bigger sites you
9 can put in small circulation areas or areas where people could congregate but on the smaller sites
10 there isn't room for that. So there was private usable open space included which is usually a
11 balcony at eight feet deep by ten feet wide or a patio ten by ten, that kind of thing. So we can put
12 those private usable open space requirements in.

13
14 Commissioner Packer: That's all if the Commission has a consensus on that. I just had to find a
15 place to squeeze it in.

16
17 Commissioner Griffin: Pat.

18
19 Commissioner Burt: Well I thought you were pushing common open space and I would like to
20 see us push that as hard as we can. I appreciate that it is difficult to achieve that when we have
21 higher densities but I think it is a very important component. Whether it is a small common
22 garden or even something that could be conceived of on rooftops, we saw that Cedric had some
23 illustrations of some very creative terracing concepts. I don't presume that tonight we can define
24 what those would be but I would like us to emphasize common open space as a constituent of
25 this density and perhaps we would then leave it to the subsequent review to further refine that but
26 I think it is an important component.

27
28 Commissioner Griffin: Would that go under design standards?

29
30 Commissioner Burt: Staff what do you think?

31
32 Ms. Grote: It is usually included under development standards and it is a percentage of the
33 overall site and usually there are some minimum dimensions at least for the private open space
34 not usually for the common open space but for private there are usually minimum requirements.

35
36 Commissioner Burt: I was just going to say that if there is a consensus among the Commission
37 of this as a direction would we feel comfortable tonight just asking Staff to include a greater
38 emphasis on this in the development standards?

39
40 Ms. Furth: I understood you to say you wanted to emphasize usable common open space.

41
42 Commissioner Burt: Correct.

43
44 Ms. Furth: As the desirable feature here. Okay.

45
46 Commissioner Packer: I would think both.

47
48 Commissioner Griffin: Karen.

1
2 Commissioner Holman: Yes and thank you Bonnie for bringing it up.
3
4 Commissioner Griffin: Alright, with that.
5
6 Commissioner Burt: I have another issue under density. We have under the Comp Plan policy
7 encouraging SRO housing. Could Staff repeat for us, if they recall of the top of their heads, the
8 density of our current SRO project at Alma Place in terms of units per acre? We have how many
9 units there and it is how many acres?
10
11 Ms. Grote: It is very high. I am sorry I don't remember. I think it is in the 70 to 80 units per
12 acre range and I don't know the exact numbers.
13
14 Commissioner Burt: That is what I thought. So what we are doing here is we are prohibiting
15 anything similar to that including on this prospective site of the substation. So I am concerned
16 that we don't have any latitude in this language that would really permit an SRO type of unit or
17 something even a bit larger in unit size than the SRO. The FAR on that site is what?
18
19 Ms. Grote: It is about 3.8.
20
21 Commissioner Burt: Okay, so we wouldn't allow that as I think about it then. If we have our
22 FAR limitation at 2.0 then 50 units per acre would be in the neighborhood of what we are
23 allowing here. Okay. I wanted to make sure that we weren't excluding that potential from the
24 plan. So as long as we are not doing that then I am okay with what we have.
25
26 Commissioner Griffin: Then I would like to poll the Commission. Bonnie are you in favor of
27 the way it is set up at the moment?
28
29 Commissioner Packer: Yes.
30
31 Commissioner Griffin: Phyllis?
32
33 Commissioner Cassel: Yes.
34
35 Commissioner Griffin: Pat? Karen? Alright, we have achieved another one.
36
37 So Lisa if you would take through item number eight, historic preservation standards.
38
39 Ms. Grote: I will ask Wynne to take this one.
40
41 Ms. Furth: For item number eight I have to ask you to look at the policies not at the text at the
42 end. I regret that in our various summer excursions I gave some overly quick instructions and
43 we ended up with the wrong procedures in here.
44
45 Commissioner Griffin: Could you quote a page for us please?
46
47 Ms. Grote: Page 67 is the page for the inventory procedures.
48

1 Ms. Furth: Which is what I am telling you are incorrect. In the policies themselves are back
2 elsewhere and they are not incorrect.

3
4 Ms. Grote: They are at the beginning of the document on page 20.

5
6 Ms. Furth: The policy you adopted for SOFA1 is that all National Register eligible buildings
7 have to be treated in compliance with the Secretary of the Interior's Standards. The result tends
8 to be even more inclusive for commercial projects because they have CEQA implications when
9 you do design work on them but these also cover R-2 properties in both SOFA 1 and SOFA 2.

10
11 I should just start with what it says here. The language is on page 20 and page 21. It is very
12 similar to the language that you had in SOFA 1. It talks about the importance of this area and
13 then it says the historic resources in SOFA 2, and those are the buildings listed in Appendix F,
14 shall conform to the Secretary of the Interior's Standards for rehabilitation when undergoing
15 alterations or additions. So that is an affirmative requirement to preserve historic resources. The
16 historic resources list was compiled by Dennis, it includes both buildings that are on the existing
17 inventory and buildings that have been identified by the City's professional consultants as
18 eligible for the National Register or the California Register.

19
20 Commissioner Holman: Actually Wynne it is properties.

21
22 Ms. Furth: You are right it is by address.

23
24 It is possible that there are some buildings that are currently on the inventory that no longer have
25 historic integrity because we have not been through a process of eliminating buildings. They
26 have not be regulated they have just been identified. So if it were the case that a building, and it
27 may be that Dennis already knows that all of these are still historic structures, but the intention of
28 the historic inventory section was to make it clear that if we have a building that is on the
29 inventory that has been so altered since it was put on it that it no longer would be considered
30 historic it can come off. At the same time if somebody wants the benefits of being an historic
31 structure they can apply to be added to the City's inventory. I gave unclear instructions and it
32 looks like we are talking about amending inventory procedures when that wasn't the intent so we
33 will change it.

34
35 Commissioner Griffin: Phyllis, go ahead.

36
37 Ms. Furth: Basically the policy is that historic buildings have to be kept historic.

38
39 Commissioner Cassel: Okay, meeting the historic inventory guidelines are fine. I had two
40 different questions. One is, was it ever considered to make Homer and Emerson especially at
41 that corner an historic district? Did the Working Group talk about that and not do it for some
42 reason? The other is a question on process.

43
44 Commissioner Holman: There was talk on the Working Group early on in SOFA 1 even about
45 making Homer Avenue an historic district. We just never go to it with everything else that we
46 were trying to cover. We didn't get to it.

1 Ms. Grote: I think then as SOFA 2 developed and evolved and the conversations that the
2 compatibility standards were added or standard was added which directly addresses those
3 historic buildings and how new buildings can fit with those historic buildings. Also the Joint
4 ARB/HRB review process was felt to be an adequate way and a successful way of addressing
5 historic resources. So there wasn't further discussion about making Homer an historic district. I
6 think there is an acknowledgment as well that the entire area has some historic qualities and
7 character to it and again the compatibility standard and the review process addresses those
8 characteristics.

9
10 Commissioner Cassel: Okay, then that leads straight into my next question. I think we discussed
11 this to some degree and that is the process here involves this HRB/ARB review which I think we
12 agreed to go along with but then my question was, and I think we never had time to discuss this,
13 we are covering every historic building and every building it touches and that means we leave
14 something like 14 out of 84 properties out of the discussion. It seemed to me that you would
15 want to do all of them or just the historic buildings. It didn't seem to make sense to leave 14 of
16 them out. I went through and counted all the properties and which ones didn't touch anything
17 and there wasn't much left.

18
19 Ms. Grote: I think a couple of weeks ago the consensus at that time was to leave the process as a
20 Joint ARB/HRB review for everything that is either historic or adjacent or directly across the
21 street, opposite, that historic resource. That would leave about, according to some of the
22 counting that we did, 20 or 21 parcels that wouldn't be affected but it is some small number of
23 parcels that would not be reviewed by the Joint Board and would only be reviewed by the ARB.
24 So the question really becomes would you rather recommend that the entire area go through the
25 Joint Board or would you rather recommend that a small percentage of the buildings only go
26 through ARB and the rest go through the Joint Board.

27
28 Commissioner Holman: I think as I stated previously I am okay with the historic properties, the
29 adjacent and the across the street and then the other properties going to the ARB. I don't see any
30 procedural or consistency problems with allowing the other properties just to go to the ARB.

31
32 Commissioner Griffin: I would like to see if we have consensus on this item.

33
34 Commissioner Holman: I am not through with the whole preservation issue about this aspect.

35
36 Commissioner Griffin: Do you wish to bring up another point on this? We all are in agreement
37 on this first go through?

38
39 Commissioner Packer: I am in agreement with this go through. I don't have any problems with
40 the rest of it either for future consensus questions.

41
42 Commissioner Griffin: Thank you for your cooperation. I for one appreciate it. Phyllis, any
43 comments here?

44
45 Commissioner Cassel: No, I think for me I would do the whole thing because it doesn't make
46 any sense to do such a few the other way but I will go along with all of you. I don't want to
47 delay it for that.

1 Commissioner Griffin: Pat, do you have some comments here? Alright.
2
3 Commissioner Holman: It is fine with me too. I do have other questions about this category
4 though.
5
6 Ms. Grote: I think what we did then was go to number 12, which is process, and agree on the
7 process, that it would be a Joint HRB/ARB for those that are historic, adjacent and across the
8 street from historic sites and then an ARB for those that are not in that category. So I think we
9 took care of number 12.
10
11 Commissioner Griffin: I am not following you here.
12
13 Ms. Grote: We will return to number eight which is historic preservation standards and we will
14 continue that discussion but what you just did is come up with a consensus on number 12, which
15 is process. That's great.
16
17 Commissioner Griffin: Now, Karen you had some more on this.
18
19 Commissioner Holman: I do and I actually have an additional thing on process, which again I
20 didn't find in here. The Working Group mentioned and was pretty adamant about and I agree
21 with them that the ARB/HRB get training in compatibility standards prior to this review process
22 beginning. The problems with the first go around with this was that it was a new process and
23 there wasn't a standard, there wasn't training and additionally I think it would be helpful for the
24 ARB to have at least some level of training with the Secretary of the Interior's Standards so that
25 there is a level of understanding from both sides then whatever the ARB thinks that the HRB
26 needs to be trained in but basically training needs to happen so that there is a good clean process
27 for everybody involved.
28
29 Ms. Grote: We would agree with that. The Working Group was very definitely in favor of that.
30 We didn't put that into the plan. That is more of procedural aspect than it is a plan policy or
31 goal. We will certainly implement that as a procedure that goes along with the implementation
32 of the plan.
33
34 Commissioner Griffin: Are there any more items here under historic?
35
36 Commissioner Holman: Yes. On page 20, fourth paragraph under historic preservation, item
37 number two. The first sentence is fine then you go to the fourth line and it starts, "The
38 evaluation would determine if a structure is a cultural resource and identify acceptable mitigation
39 measures." I don't follow that at all. It seems like the evaluation would determine historic
40 eligibility. If it is historic you are not trying to mitigate changes it has to go through a review. If
41 it is not historic then what do you have to mitigate? So I am not seeing how that second sentence
42 applies. Do you follow what I am saying?
43
44 Ms. Furth: I think in this case you have already identified the historic resources. If they are
45 historic resources you are going to apply the Secretary of the Interior's Standards unless the City
46 and the owner determine that it was improperly included. So I think we could take that out.
47

1 Commissioner Holman: But what you have is potential California Register eligible properties
2 here. My thinking is this paragraph is trying to address that. So if you have a potential
3 California Register eligible property then before you do something to it you need to find out if it
4 is an historic resource. That is what I think this is trying to get at and that's why I have difficulty
5 with the second sentence and where it is trying to go.
6

7 Mr. Emslie: Then if the sentence were ended at 'resource' and then a new sentence said, "If the
8 structure were determined to be culturally significant then the study should identify acceptable
9 mitigation measures."
10

11 Ms. Furth: I think it is even worse than that. When we first started writing this we hoped that
12 we could have a definitive list attached that says these are the structures that have been identified
13 as historic resources. That doesn't mean that they have been put on eligibility lists, not that they
14 have been actually placed on registers because they don't need to be placed on registers, but they
15 are either listed on our inventory or determined by the City to be eligible for listing on the
16 California or National Register. If they are any of those things then they would historic
17 resources and then you know to treat them as such. Are you saying that the list has properties
18 that haven't been determined to be historic resources yet?
19

20 Commissioner Holman: Correct. The National Register properties were determined. They went
21 through a National Register properties and determined eligibility. The California eligible are
22 potential California Register eligible.
23

24 Ms. Furth: Meaning that nobody has finished the analysis so nobody knows.
25

26 Commissioner Holman: Correct. So they are potential historic resources.
27

28 Ms. Furth: Then we need to rewrite this to make a distinction between those identified historic
29 resources and potential historic resources. In the case of the potential historic resources then we
30 would have to do the analysis and depending on the outcome either move them to real historic
31 resources or take them off. Is that right?
32

33 Commissioner Holman: That is right and that's what I think this first sentence in this paragraph
34 does do. It talks about potential cultural resources. It is again the second sentence I am just not
35 quite sure what is there to mitigate? If it is determined to be an historic resource then it goes
36 through review.
37

38 Ms. Grote: I think what this refers to is that we would be evaluating this in relation to a proposal
39 so that if the proposal has some adverse impact on the resource then this study would show what
40 the appropriate mitigation would be for that impact. It may mean a redesign. It may mean that
41 they can't do that particular project. It may mean many, many things but they would be
42 evaluating what an acceptable mitigation might be for whatever impact they identify.
43

44 Ms. Furth: There are two kinds of issues here. Sometimes a project won't touch an historic
45 resource but it will be next to an historic resource and that is I think the other place where
46 mitigation measures are involved. We could write this more clearly to explain the standard
47 treatment. Sometimes people view the conditions that you place on a project for consistency
48 with the Secretary of the Interior's Standards as mitigations.

1
2 Commissioner Griffin: I am wondering, this is an area of your deep interest and expertise, is it
3 possible to resolve the wording of this important paragraph offline or must we do it at this
4 sitting?
5
6 Ms. Furth: You could delegate that.
7
8 Commissioner Holman: It is not the wording it is the intention. I am not trying to wordsmith
9 here it is really the intention.
10
11 Commissioner Griffin: I understand.
12
13 Ms. Furth: If you focused on the policies that are policy DC 6 and 7 then we can agree that we
14 will match the other language to the policies then I think we would be clear.
15
16 Commissioner Holman: Okay, that is fine. On policy DC 13 on page 21 there is some additional
17 language that I think the Commission also would intend to have added there. They can speak for
18 themselves but that is what I think that the TDR is not in addition to a PC. For example in no
19 case the TDR should be used to cause a maximum FAR to be exceeded. So the TDR could be
20 used or the bonus could be used onsite if they can satisfy the Secretary of the Interior's Standards
21 but also could be transferred but not in order to allow a property within SOFA 2 to exceed the
22 maximum FAR. I think that is what the Planning Commission had mentioned.
23
24 Commissioner Packer: In the TDR section I think it makes that clear.
25
26 Commissioner Holman: What page is that please?
27
28 Commissioner Packer: Pages 50 and 51.
29
30 Ms. Grote: I believe it is F-4 on page 51. It says, "Limitations on use of transferable
31 development rights. No otherwise eligible receiver site shall be allowed to utilize TDR rights
32 under this chapter to the extent such transfer would cause the site to exceed 3.0:1 FAR in the
33 CDC sub-district, 2.0:1 in CDS or CDN and 2.0 in the RT-50 or 1.5:1 in the RT-35 District."
34
35 Commissioner Holman: Thank you, that takes care of that.
36
37 Ms. Grote: Great.
38
39 Commissioner Packer: I just want to point out on page 20 there are two policy DC-13's.
40
41 Commissioner Griffin: I am sorry I missed your point.
42
43 Commissioner Packer: Page 21, sorry.
44
45 Ms. Furth: I would just comment that Bonnie provided to everybody some other errata, which
46 we appreciate and will make those corrections.
47

1 Commissioner Griffin: So we have consensus then on the historic item. Karen, you are loaded
2 tonight.
3

4 Commissioner Holman: So sorry. On page 42, I know there were some other things that you
5 said we should ignore that were inadvertently added, I should say. Again on page 42, could you
6 explain a building that is neither in historic category one or two, nor in seismic category one, two
7 or three shall be allowed to increase its floor area by 200 square feet?
8

9 Ms. Grote: This is a carryover from the Downtown district which states that for a building that
10 doesn't have the ability to take advantage of a bonus square footage that if they are trying to
11 upgrade the building and they need a little bit of extra room to enlarge an elevator to meet ADA
12 requirements, although that is a separate bonus a different example, some flexibility for design
13 purposes to encourage a better looking building that that 200 square feet is a little bit of
14 allowance to do that. But because they don't get seismic or historic bonuses they are not eligible
15 for either of those.
16

17 Ms. Furth: This isn't for new buildings this is for existing buildings.
18

19 Ms. Grote: That is correct. This is for existing buildings.
20

21 Commissioner Holman: Okay, great, thank you. Then A-2 there, this may sound like
22 wordsmithing but again it is a meaning. The last full line in that paragraph is saying that
23 increase in floor area shall not be given for buildings that are removed. I think the word
24 demolition is probably what you want because of the definition of demolition. We talked about
25 that last time at the Planning Commission. Then number three says a building that is historic
26 category one or two and is undergoing historic rehabilitation should be allowed to increase its
27 floor area ratios. Why are we only giving categories one and two?
28

29 Ms. Furth: To be SOFA 2 historic resources. We will confirm all that.
30

31 Commissioner Holman: Maybe I can save us some time here too. If you are going to make all
32 of this consistent then I can just skip some of these issues.
33

34 Commissioner Burt: Maybe if Karen gets a chance to look it over after you revise it.
35

36 Ms. Furth: We can give it to you after we redraft it so you can take a look at it. That would be
37 very helpful.
38

39 Commissioner Holman: That would be great. The Attachment F that keeps getting referenced
40 here doesn't exist, correct?
41

42 Ms. Grote: Attachment F should be in the Attachments.
43

44 Ms. Furth: It does exist.
45

46 Ms. Grote: It should be in there.
47

48 Ms. Furth: I saw it.

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Ms. Grote: All the Attachments were stapled together.

Ms. Furth: It is short.

Ms. Grote: It is short. Yes, it is here. It is at the very back. It is actually in the form of a memo dated August 12 from Dennis Backlund to Julie Caporgno. It is in the last four pages of this big group of attachments.

Commissioner Holman: Okay, thank you very much.

Commissioner Burt: I had one quick question. We had some discussions on the properties adjacent to historic structures and a 15-foot side yard setback. There was a comment made earlier that I wondered if you could clarify where we stand on that right now.

Ms. Grote: Right, there had been under the very first version of the plan a special provision that called for a 15-foot setback for any site that is adjacent to an historic structure or an historic site. We removed that based on your last conversation again because the compatibility standard has been added as a requirement that that covers the need to address adjacency. So we took that other requirement out.

Commissioner Griffin: I have already got consensus here with Bonnie and Phyllis and you are there Pat. And Karen?

Commissioner Holman: Given I will get to see this later, yes please, thank you.

Commissioner Griffin: Great.

So we have finished up item number eight and we are now in the home stretch here. We are on number nine the FAR bonuses. Lisa would you take us through that please.

Ms. Grote: This basically summarizes that there are bonuses allowed for seismic buildings that are in categories one, two or three. There are four of those buildings in the SOFA area and again that is at the end of your Attachments, it gives the addresses of those buildings. It says that those floor areas can be increased by 2,500 square feet or 25% of the existing building without having that increase count towards the FAR. It does say that no they do not have to park it, that such increase in floor area shall not be permitted for buildings that already exceed the FARs in the RT-35 or the RT-50. If those buildings already exceed that FAR they could transfer this square footage to an eligible receiver site.

Ms. Furth: Again it is for preservation of those buildings not demolition. Right?

Ms. Grote: Yes, that is correct.

Ms. Furth: In other words, if you knock down the whole building you do not get this bonus and replace it with a bigger building.

1 Ms. Grote: That's right. If you demolish the building it is required to meet seismic standards per
2 the building code anyway. So this is for upgrade of existing buildings only.

3
4 Commissioner Packer: I have a question. This is on page 42, Section B-3, it says if the bonuses
5 are going to be used onsite it can only be used for residential purposes, which I think is great, but
6 I am wondering if it would be too restrictive to also require when it is transferred outside of the
7 SOFA 2 area to also make it residential. Would that be too restrictive because there wouldn't be
8 that many residential districts to go to?

9
10 Ms. Grote: That is correct. I also think there was the discussion that if it doesn't get transferred
11 in the SOFA 2 area most of this would be transferred to the Downtown area. You don't
12 necessarily want all of that in residential use. So there is some flexibility. I think what had been
13 determined is that it was best to make that transferred square footage eligible to whatever
14 restrictions there are in the district that it is transferred to.

15
16 Ms. Furth: So when you look at those zoning districts in the Zoning Ordinance Update you can
17 decide what is an appropriate use. We can give you numbers and you can decide what is
18 appropriate.

19
20 Commissioner Griffin: Karen.

21
22 Commissioner Holman: I had the same question Bonnie did. I would like to know that there
23 was some kind of way to make it feasible for or that it was feasible actually to require the TDRs
24 to be used for housing even in the CD District Downtown.

25
26 Ms. Furth: That depends on what you decide when you look at the CD District I think. We
27 weren't trying to make these less marketable than CD District transfers. We were trying to make
28 them comparably marketable.

29
30 Commissioner Griffin: Bonnie, would you like to lead off unless you have more questions on
31 this item?

32
33 Commissioner Packer: Let's go for it.

34
35 Commissioner Griffin: So we have Bonnie in agreement. Phyllis?

36
37 Commissioner Cassel: I think we should go with this but I want to have all of us remember how
38 difficult this program is. We really haven't used it very often and we have this program down in
39 the Downtown. It is rarely used and when it is used it is usually because the owner owns both
40 pieces of property so that he can time the transfer in the process. This is going to be very
41 difficult to implement but we are hoping in some cases it may help.

42
43 Commissioner Holman: I am fine with it too. In response to Phyllis I acknowledge what she
44 says and also as I think as I have said before too I think the likelihood of this being for historic or
45 for seismic it is going to be a lot more successful if PCs are a lot more restrictive as we are
46 proposing. Hopefully we will be proposing to redo the PC aspect of the ZOU.

47
48 Commissioner Griffin: So that takes us through nine. We have consensus on that.

1
2 If we could do ten now.

3
4 Ms. Grote: Actually I think because we did talk about the TDR it seems like there is consensus
5 on that as well.

6
7 Commissioner Griffin: I agree. I just wanted to make sure that was the case. Yes, Bonnie,
8 questions?

9
10 Commissioner Packer: I have a question on the concept of TDRs. I would be afraid that you
11 have a large site and it has all this development potential and they transfer it all out and then the
12 site is left vacant or is just not developed very well. So I was wondering if we could have
13 language to say two things. Supposing you have a large site and one little corner has an historic
14 place on it. Wouldn't you want to limit the development rights just to the parcel that underlies
15 the historic or seismic building that this affects?

16
17 Ms. Grote: The only square footage that is transferable is the bonus square footage. So they
18 would be able to develop either the 1.15 or 1.5 depending on the district that they are in and then
19 transfer off the rest of the bonus square footage. So they wouldn't be transferring all of their
20 developable square footage it is only the bonus square footage.

21
22 Commissioner Holman: The other aspect of that is you do have to satisfy the Secretary of the
23 Interior's Standards and if they can't use it all onsite because they can't satisfy the Secretary of
24 the Interior's Standards then say if you have a small house on a somewhat larger lot, there aren't
25 that many big lots here, it leaves some open space which also adds to the eclectic nature of the
26 neighborhood so I think you are accomplishing by allowing this what the area is now.

27
28 Commissioner Griffin: Are there any more comments?

29
30 Commissioner Packer: In reading the material on page 50 and 51 I just didn't read it to say that
31 it was only transferring the bonus. So I know it says it in the section on the bonuses but the
32 Transfer of Development Rights, when I read this section, it seemed to me that if you are one of
33 these kinds of buildings, seismic category in the historic, and you want to do something you
34 could transfer your development rights there. In other words if you are an historic site in the RT-
35 35 Zone and you have an FAR potential of the 1.15 but you are just a little building and you are
36 going to upgrade it then you could transfer everything on top to somewhere else.

37
38 Ms. Furth: Well you can't, in fact. So maybe we didn't pick up the definition of transferable
39 development rights properly from the existing chapter. But the only part that can be moved is
40 the bonus, not the base density on the property. So if we didn't make that clear we will take a
41 look at it again and appreciate the thought.

42
43 **Commissioner Griffin: Karen are you having some errata items that you would like to add
44 here? No? Okay. So we are in agreement with this item number ten then?**

45
46 And we will shortly be in agreement with number eleven. Thank you for your encouragement.

1 Ms. Grote: Number eleven is that the existing alleyways be retained and preserved for
2 commercial use. We did add the policy in the transportation section of the policies and programs
3 for that.

4
5 **Commissioner Griffin: Are there any questions on this one or do we have consensus?**
6 **Karen.**

7
8 **Commissioner Holman: I am fine with it thank you.**

9
10 **Commissioner Burt: Me too.**

11
12 **Commissioner Griffin: What a team. So we will finish with eleven and we have previously**
13 **taken care of twelve, if I understand it correctly. Bonnie, you have a questioning look on**
14 **your face.**

15
16 Commissioner Packer: I submitted my little list of items and some of them were typos but not all
17 of them. I wanted to know how the Commissioners felt about any of those if you had a chance to
18 look at it. I don't want to be one-upping the rest of the Commissioners with some of my
19 comments.

20
21 Commissioner Griffin: I thought it was an expeditious way of presenting some small but
22 important items so that Staff had a chance to look at them and move on those that could be
23 accomplished without a great deal of strain.

24
25 Ms. Furth: Your second item the page two item about the revised zoning and Staff did want to
26 respond to you on that.

27
28 Mr. Emslie: We would recommend that we stay with the definitions and they are currently
29 defined. As you go through the zoning code you will be asked to go through each of the zones
30 and determine if there are policy implications for those. Zones that we will include will be the
31 SOFA 2 zones. So we will go through that exercise of redefining them and be going zone by
32 zone to see if it applies and if you want to make any changes specific to that zone. So that will
33 get exercised in the zoning code update. That will include SOFA 2, SOFA 1 and every other
34 zone district in the City.

35
36 Ms. Furth: So as I would say it the reference is going to be the definitions and procedures in
37 Title 18 as it is amended from time to time. So when you amend it one of the checks we will do
38 is do you want that to apply to SOFA 1 and SOFA 2 and if you don't we will fix it. In ten we
39 will also write that those appendixes are stuck on here so that people can see more easily what
40 they are talking about and we will substitute updated ones as necessary.

41
42 Commissioner Cassel: I had a series of small things from reading the text. Many of my
43 questions have been answered as we have gone along but in previous meetings I asked some
44 questions we didn't have time to discuss them. I wanted to know if you had some answers to do
45 with some of these. There is some wording in this text that I have a little problem with. The
46 way it is worded for instance in crosswalks, in order for any changes to be made in the
47 crosswalks we had to come to the City for comment. Well, no private developer is going to be
48 changing the crosswalks I hope. I am not sure why it has to be in here.

1
2 Ms. Grote: Actually, crosswalks do get changed occasionally with private development
3 depending on access to the site, depending on better circulation as part of a transportation study
4 or analysis. So it is conceivable that they would be changing crosswalks in conjunction with
5 other site development. So yes, we would want them to be looking at these public improvement
6 guidelines so that they would know what we are expecting should that be part of their proposal
7 or should we require it to be part of their proposal. It may not happen often but it does happen.
8

9 Commissioner Cassel: There is just so much in here that I find it hard to keep track of it one way
10 or the other. So I was just trying to think of ways that are simpler. I talked about the pedestrian
11 furniture.
12

13 Ms. Furth: What page are you on?
14

15 Commissioner Cassel: In this case I am on page 27. My question really is and this goes to a
16 couple of other and I think you somewhat answered offline the question on the art that in fact
17 because every building here is reviewed by ARB, any public art would have to be reviewed by
18 the ARB.
19

20 Ms. Grote: If public art is proposed as part of a development it would be reviewed by either the
21 ARB or the Joint ARB/HRB and that would then be referred to the Public Arts Commission.
22 That is typically what happens now. So yes there would be a public review of that art piece as
23 long as it is visible from the public right-of-way. If it is inside a building we wouldn't do that. If
24 it is outside then yes, it gets referred to the Public Arts Commission for review.
25

26 Ms. Furth: This is public art in the public right-of-way in this section here. So this is a very
27 aggressive guideline.
28

29 Commissioner Cassel: I guess I am looking at a development that is being built as of right as
30 saying you have all these requirements for street furniture and so forth. I guess I am kind of
31 looking at these are process questions. How do they get enforced? How much enforcement can
32 we have? Do we have a consistent pattern that we tell them we want a consistent pattern of
33 furniture throughout the region? How do we do that?
34

35 Ms. Grote: Some of this is, and we briefly talked about this last time, some of it can be included
36 in an urban design plan, which would be a follow up action to this or a follow up plan. This is
37 not intended to be the urban design plan. This is intended to say that should you have public
38 improvements incorporated into your project these are some general areas to look at, these are
39 some general things to consider. We can follow it up with much more specificity in an urban
40 design plan. We wouldn't recommend including it in here at this point but there is certainly
41 enough for follow up action.
42

43 Commissioner Cassel: Was there any intent of doing an urban design plan in this area? I am
44 thinking of funding and how much time it has taken to do these elsewhere.
45

46 Ms. Grote: It is something that would go on to a work program for us and for Public Works.
47

1 Commissioner Cassel: I guess I am concerned about demanding something that meets a
2 guideline that we don't have or we aren't intending to have. So I am just concerned about that.

3
4 Ms. Grote: I don't think we are demanding it we are encouraging it. Since we encourage it we
5 say here are some things to consider since we are encouraging you to think about it and to
6 provide these things here are some guidelines to apply but we are not demanding it.

7
8 Ms. Furth: I also think a lot of this has to be read as instructions to the City as to how to manage
9 its own property. It may be some time before the City gets around to doing anything about the
10 street lighting there or City street furniture but true street furniture that is on the sidewalk that is
11 the real sidewalk not the apparent sidewalk that is actually behind the setback line that is owned
12 and operated and selected and picked by the City. So a lot of this I think is sort of read as
13 directive to Public Works and community services.

14
15 Commissioner Packer: This is a follow up to Phyllis's concern. I raise this in my list. On page
16 28 it says developers should provide street trees. Was that going to be softened? Looking
17 through this and where it says this should be done at developers expense even though the
18 developer is doing a little as of right thing.

19
20 Ms. Grote: We currently require street trees when anybody comes in as of right or with anything
21 else. So street trees are required as are public improvements if a sidewalk is damaged or is in
22 need of repair the applicant is required to do that and repair any curb gutter damage.

23
24 Ms. Furth: Make them remove curb cuts if a driveway is eliminated then the sidewalk has to be
25 restored.

26
27 Commissioner Packer: Thank you.

28
29 Commissioner Griffin: Karen.

30
31 Commissioner Holman: I have one that Bonnie brings up on page 24. Your suggestion Bonnie,
32 that it be titled simply Design Guidelines, it can't be both a guideline and a requirement. The
33 compatibility requirements are requirements and that was very clear. Then if you go over to
34 design guidelines for private property especially a lot of those items that are addressed there
35 would be requirements that would be dictated by the compatibility requirements. So it seems
36 confusing to me that someone coming in with a project would say that I found it here in the
37 guidelines but actually it is a requirement for compatibility. So I think that is really confusing.

38
39 Ms. Grote: Would it be clearer if Chapter Four were entitled Compatibility Requirements and
40 Design Guidelines because the compatibility is a requirement?

41
42 Commissioner Holman: Compatibility is a requirement but some of the things mentioned that
43 satisfy compatibility are then given later as design guidelines.

44
45 Ms. Furth: The reason they are guidelines and not development standards is because what we
46 put in Chapter Five is stuff that a building inspector can figure out. Basically you measure how
47 far it is setback, you look at these various lines. Those are quite quantitative criteria. The

1 guidelines in Chapter Four tell the ARB/HRB what to evaluate a project against when they are
2 doing design review. That is why they are guidelines.

3
4 Commissioner Holman: I understand. Maybe if I read this again and you guys read it again too
5 you will see where I am coming up against the conflict between the compatibility standards or
6 requirements and the design guidelines.

7
8 Ms. Grote: I think when we were talking about this in the Working Group one of the things that
9 Dennis had mentioned is that there are often times many different ways to address some of these
10 issues, the siting, scale, massing, materials. That there are a lot of different ways to approach it
11 and that it was kind of a perception almost, how someone perceives a building, how someone
12 experiences a building, isn't necessarily written into a strict development standard. There are
13 lots of different ways to do it. So these design ideas, these design guidelines were ways to try
14 and implement or ways that could implement the compatibility requirement so that it left some
15 creativity in the process so that one project may not meet this compatibility requirement in the
16 same way as the project down the street.

17
18 Ms. Furth: We did try to resort them and to put the ones that were mandatory in one chapter and
19 the ones that weren't in the other. Obviously we didn't do enough to be clear. It says for
20 example that driveways should be a minimum of five feet back from the property line. It is a
21 guideline there because there may be circumstances in which that doesn't make any sense such
22 as if it needs to be at the edge. It says the fences should be good looking. I am sure we have still
23 missed some and it would be helpful to know what things you feel should not be guidelines.

24
25 Commissioner Holman: Maybe it is how it is presented. I will give you one example. On page
26 29 under B-1 it says main entrances to buildings are encouraged with direct visibility from the
27 street, a clear entry path, etc. While in the compatibility standards one of the things that you will
28 find is that there are frequent entryways in here. So if what you are trying to accomplish

29
30 Ms. Furth: I'm sorry, what is in the compatibility standard?

31
32 Ms. Grote: I think it says if the new design has taken careful account of the following
33 characteristics and then number five is the location and treatment of entryways. So I don't think
34 it tries to say that the entryways have to be specifically every so many feet. It says that they
35 should be reflective of a pattern that is out there or compatible with a pattern that is out there.
36 That would then relate to this in that it says should there be clear entries on other projects that
37 yes, that is what you would want to consider when you are trying to make your project
38 compatible with somebody else's project. If there is a pattern of clear entryways then you would
39 incorporate that into your design.

40
41 Ms. Furth: We are also assuming that what you do on Alma might be very different from what
42 you do on a street that doesn't have that kind of volume and noise.

43
44 Commissioner Holman: Of course, I am not trying to say these are development standards. I
45 can see the rest of the Commissioners are yawning. I will read this again certainly but I think
46 what might make me more comfortable or understand this better is if these are given as possible
47 ways of accomplishing compatibility.

1 Mr. Emslie: Would this be one of the items that the Commission would be willing to delegate to
2 Commissioner Holman to deal with Staff? It seems like we have the sense that the general
3 policy direction is correct it is more of a sorting of which are requirements and which are not and
4 then maybe a qualitative look through that we need to do to follow up on that.
5

6 Commissioner Griffin: Please.
7

8 Commissioner Cassel: I think you maybe should have more than one person do that. I am not
9 sure it needs to be decided who does that tonight but I think it should be more than one person
10 that looks at that.
11

12 Commissioner Holman: Do you want to do it with me, Phyllis?
13

14 Commissioner Griffin: Are you volunteering?
15

16 Commissioner Cassel: Not yet.
17

18 Commissioner Griffin: We can forever here.
19

20 Commissioner Cassel: Besides the fact that I think we need to make a motion there was a
21 question on one of the 1,500 square foot maximums on units. It dawned on me that does that
22 1,500 maximum mean the unit itself or does that mean you take your whole FAR and divide it
23 into the units?
24

25 Ms. Grote: It is the unit itself.
26

27 Commissioner Cassel: I just wanted to make sure that it was clear.
28

29 MOTION
30

31 I am ready to make a motion that we recommend the Staff Report to move this forward with our
32 recommendations to City Council along with the SOFA 2 Phase 2 plan and our comments from
33 these meetings and the minutes from these meetings.
34

35 SECOND
36

37 Commissioner Packer: Second.
38

39 Commissioner Griffin: We have moved and seconded. Do you have any comments on your
40 motion?
41

42 Commissioner Cassel: I have a few, very brief and general. This has been very hard to do. It
43 has been a lot more complicated than we thought it would be and I am hoping that what we have
44 learned from this will somewhat lead into some work we are doing the Zoning Ordinance. I
45 think if we are going to do more of these we are going to have to make this process move a little
46 smoother and a little faster in order to make that work whether this will help us do that the next
47 time around or not I don't know. I did read the vision statement to see if increasing the intensity
48 of the zones along Alma whether we still met that vision statement that was read in this

1 document and I feel it does and I think that was very important. So I am glad we did increase the
2 density to the R-50 in those areas where we did that and that we increased it to 1.5 where we did
3 that to allow the PC zones. I hope that will work to encourage the housing that we want.
4

5 Commissioner Griffin: The seconder has no comments. Did you wish to speak?
6

7 Commissioner Packer: In addition I want to thank the Working Group for their vision, for their
8 hard work and we made some changes some maybe are substantial from what the Working
9 Group wanted in certain areas but the basic ideas, the basic sense of that neighborhood is so well
10 done in the vision and in the policy statements. I think that is what really drove where we went.
11 Again, I just want to thank the Working Group for all the hard work they put into it and the Staff,
12 of course.
13

14 Commissioner Griffin: Indeed it was a valiant effort and we can't hope to have pleased everyone
15 but this was a complicated process and vastly more so than I think we anticipated but we are
16 through it. Karen, would you like to wrap it up?
17

18 Commissioner Holman: Bear with me here I just have two or three more comments and I
19 apologize for that and I will make them really brief. The existing larger projects do address
20 something I brought up previously, which is that if those projects were redeveloped that they
21 wouldn't result in fewer housing units. I think that is a policy that ought to apply to all projects
22 and not just the larger already developed projects. Would the Commission agree with that?
23

24 Commissioner Cassel: I think I have brought it to a motion so we would not go through a lot
25 more discussion at this point.
26

27 Commissioner Holman: Okay, I will just make these comments then. That would be one thing
28 that I would want to see Staff consider. Also as I mentioned before I don't want to see housing
29 replace the non-office commercial because it is an eclectic area and should retain that character.
30 I will just leave it at that at this point.
31

32 Commissioner Burt: I would just like to add that I think that the changes that the Commission
33 has made from the Working Group policy, the most substantive changes have to do with transit
34 oriented development, density where the Commission has actually selected a density that is at the
35 low end of what the Comprehensive Plan had stipulated and would only occur within the
36 parameters of a strictly defined PC with far more public benefits than has historically been the
37 case in the community. So I think that the Commission's primary distinctions from the Working
38 Group's are ones that are more consistent with the Comprehensive Plan than what the Working
39 Group had proposed. As having participated in the Working Group I think the discussion of the
40 Comprehensive Plan consistency really wasn't a major part of what was the dialogue of the
41 Working Group and that the Commission with its responsibility to the Comp Plan I think is more
42 sensitive to those issues and looks at these broad issues in a slightly different way. I think it is an
43 excellent plan. I think the vision that came out of the Working Group is very good and I think
44 that the Commission has done an excellent job of its recommendations.
45

46 Commissioner Griffin: Lisa.
47

1 Ms. Grote: Thank you. I also wanted to thank Jon Abendschein who is in the audience and
2 introduce you to him. He is the one who put this into its format and took all of the changes and
3 the recommendations and really tried to synthesize them and put them together and make them
4 coherent. So I really, really want to thank him as well as everybody else.
5

6 Commissioner Griffin: Herculean effort.
7

8 Ms. Furth: Jon is a demonstration of the fact that being an engineering graduate does not prevent
9 you from being both a good planner and a good lawyer.
10

11 Commissioner Holman: I would be remiss if I didn't also thank the Working Group for all of
12 their efforts. It has been a very, very long process and people have hung in there through
13 disagreements and contentious issues and gaps in getting together. So I think they are to be
14 commended absolutely. Also to thank Staff and as they have seen people come and go and other
15 Staff come and go you have had to fill in and plug in and catch up and your efforts are very
16 much appreciated. So hopefully we are just about through with this.
17

18 MOTION PASSED
19

20 Commissioner Griffin: All in favor of the motion? (ayes) Opposed? That carries unanimously.
21 We are now through that portion of our agenda.
22

23 We don't have any Reports From Committees nor Reports From Officials.
24

25 ***REPORTS FROM COMMITTEES.***
26

27 ***REPORTS FROM OFFICIALS.***
28

29 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***
30

31 Commissioner Griffin: I have been asked to have the Commissioners confirm who among us
32 here will absolutely be attending the Thursday, September 19 meeting on the thresholds of
33 significance for Transportation.
34

35 Zariah, you are right with five. Very good
36

37 ***APPROVAL OF MINUTES. .***
38

39 Commissioner Griffin: We have no Approval of Minutes required.
40

41 I think we are done. Thank you. Bless you all.
42

43 ***NEXT MEETING:*** Special Meeting of September 19, 2002.
44

45 ***MEETING ADJOURNED:*** 11:05 PM
46