



PLANNING & TRANSPORTATION COMMISSION MINUTES

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Wednesday, December 6, 2006
SPECIAL Meeting at 7:00 PM
Council Conference Room
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL: 7:05 PM

Commissioners:

Karen Holman - Chair
Lee I. Lippert- V-Chair
Patrick Burt
Paula Sandas
Arthur Keller
Daniel Garber
Samir Tuma

Staff:

Curtis Williams, Assistant Director
Donald Larkin, Senior Deputy City Attorney
Julie Caporgno, Advance Planning Manager
Clare Campbell, Planner
Chitra Moitra, Planner
Zariah Betten, Executive Secretary

AGENDIZED ITEMS:

1. Zone Changes and Comprehensive Plan Amendments

Chair Holman: I'd like to call the meeting for Wednesday, December 6 to order. Will the Secretary call the roll, please? Thank you.

This being the meeting of the Planning and Transportation Commission for Wednesday, December 6, we are meeting in the Council Conference Room. I ask everybody's indulgence Commissioners, public, and Staff that we have that microphone situation where it picks up all paper rustling and side conversations and everything. So if we can all be just really especially mindful of that. Zariah especially will be most appreciative of that. If someone in the public needs to have a side conversation if you could just go outside with that that would also be very helpful. The microphones are sensitive but not discriminate.

This is the time on the agenda that any member of the public can speak to any item not on tonight's agenda. So if any one has that interest they could do so.

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

6
7 Chair Holman: Seeing no cards for that we will go onto item number one.

8
9 *AGENDA CHANGES, ADDITIONS AND DELETIONS.* The agenda may have additional items
10 added to it up until 72 hours prior to meeting time.

11
12 Chair Holman: Item one is Zone Changes and Comprehensive Plan Amendments. The Planning
13 and Transportation Commission review and recommendation of Zone Changes and
14 Comprehensive Plan Amendments for four properties. The proposed zone district is the Service
15 Commercial (CS) and the proposed land use designation is Service Commercial for each
16 property. All four properties have the Multiple Family Comprehensive Plan land use
17 designation.

18
19 There are four properties listed here and we are going to have one Staff Report then we are going
20 to take each property individually because there are different concerns and different interests in
21 the public on these four properties.

22
23 We have one conflict of interest on the Commission so we are going to take the first one that is
24 listed in the Staff Report last. Does the City Attorney want to make a statement or should I go to
25 Commissioner Garber?

26
27 Mr. Don Larkin, Senior Deputy City Attorney: I was only going to say that even though it is
28 listed as one item on the agenda it is really four separate items but we are going to be doing a
29 consolidated Staff Report in order to save time.

30
31 *NEW BUSINESS*

32 *New Business:*

33
34 1. **Zone Changes and Comprehensive Plan Amendments:** Planning and Transportation
35 Commission review and recommendation of Zone Changes and Comprehensive Plan
36 Amendments for four properties. The proposed zone district is the Service Commercial
37 (CS) and the proposed land use designation is Service Commercial for each property. All
38 four properties have the Multiple Family Comprehensive Plan land use designation. The
39 following are the four affected properties:

- 40
41
- 42 • **4329 El Camino Real (Palo Alto Bowl).** This property is currently zoned RM-
43 15 and RM-30.
 - 44 • **3981 El Camino Real (Mayflower Motel).** This property is currently zoned CS,
45 RM-30 and RM-40.
 - 46 • **4151 Middlefield Road (Office Building).** This property is currently zoned RM-
15.

- **725 San Antonio Avenue (Summerwinds Nursery).** This property is currently zoned RM-15.

Environmental Assessment: A Negative Declaration has been prepared.

Ms. Julie Caporgno, Advance Planning Manager: Good evening. I wanted to first of all before I introduce Chitra Moitra and Clare Campbell who will kind of walk you through each of the sites I wanted to give you a little bit of background on why we are here and the process that we have gone through.

First of all, we went to Council in June of this year with the Comprehensive Plan Update Work Program, which the Commission had seen previously. One element of the program is to ensure that sufficient land has been preserved for retail uses and that policies that limit the loss of retail serving uses be added or strengthened. The Council had concern when we went to them with the work program that the current plan over emphasizes houses at the expense of retail commercial development. That is one of the reasons why they wanted the retail land use policies looked at and strengthened. The Council approved the work program but they asked Staff to return with a list of sites that were planned zoned for residential uses but used for retail and not on the current Housing Element Sites Inventory. Staff was also asked to identify ways to ensure retention of retail uses as an interim measure in the short term because they were concerned that the Comp Plan process which would take two to three years that other sites could be developed in retail uses that were currently planned for retail uses. They also had some concerns about sites that were used for retail but were planned and zoned for residential. So that is why they asked for this list.

We returned to the Council in August with the information that they had requested. At that time they decided to direct us to remove standalone housing in commercial zoning districts which we did through the ZOU process which you saw a couple of months ago and that has been approved by Council. Then the other thing they asked us to do was to initiate rezonings on these four sites. There is a list that we had provided of sites that were planned and zoned for residential purposes but were used for retail. There were six on the list and they asked us to initiate rezonings on the four that you see before you.

We have distributed Comprehensive Plan policies that pertain to these sites that we didn't include in the Staff Report. The reason we didn't include this discussion as you normally see is because one of the reasons for the Comprehensive Plan Update is to address the fact that retail retention is not reflected sufficiently in the plan. So there is a recognition by the Council that the Comprehensive Plan is deficient in that area but you do have the information before you tonight. So you can see that there is this emphasis in the Comprehensive Plan on commercial sites to be redeveloped in housing when appropriate.

The other thing I wanted to go through was the process for our analysis. We evaluated each site. We looked at the parcel sizes, configurations, ingress, egress, adjacent land use patterns, and we prepared prototypes which were in your Staff Report for three land uses for each site residential, existing residential, which is planned and zoned for each site, retail and mixed use using the development standards of the CS zoning. We want to emphasize that the prototypes are not

1 indicative of what would go on these sites. They are just possibilities, they are scenarios for each
2 of those types of land uses maximizing the development standards. We thought that they were
3 reasonable for each of the land use types. That analysis is appended to your Staff Report. We
4 concluded that the properties have constraints for really any type of development that is probably
5 why these four sites haven't been developed in housing to date. Given the housing market
6 housing would be difficult but also mixed use and retail as you can see from the analysis that we
7 prepared.

8
9 I just wanted to let you know that we held a community meeting to discuss the four sites on
10 October 26. We contacted all the property owners and we met with all the property owners
11 regarding what is being proposed. We also notified all the area residents within 600 feet of the
12 property sites of the meetings including the community meeting. We also sent an email to the
13 PAN website so all of the notices for the hearings, this hearing as well as the community
14 meeting, had been posted on the PAN website.

15
16 I think the decisions for the Commission tonight are really three decisions, possibly one but as
17 many as three. The first is the lands use for each site and are looking at them individually. Is the
18 appropriate land use and zoning residential or commercial? If you decide that it is commercial
19 then is it CS or CN? Then the third decision is should these properties be restricted to retail only,
20 which was a concern for Council. In our evaluation we feel because of the constraints of the
21 properties there should be some flexibility and the CN zoning district is more appropriate
22 because it would allow flexibility, allow mixed use projects on the site as well as a retail project.
23 With that I will turn it over.

24
25 Vice-Chair Lippert: Did you mean CS?

26
27 Ms. Caporgno: CS, yes, I'm sorry. Did I say CN? I'm sorry.

28
29 Mr. Curtis Williams, Assistant Director: I would like to have Donald indicate to you, because I
30 had a question today from Commissioner Tuma, which I think is a very good question as far as
31 what the basis is for review of a legislative action like this. So maybe he could respond to that
32 before we move into the presentations on the four sites.

33
34 Mr. Larkin: As Curtis said this is a legislative rather than a quasi-judicial act that comes within
35 the City's power to regulate health, safety and welfare. That is a much broader concept than
36 what you normally think of as physical health, safety and welfare. It is within the Commission's
37 discretion to recommend and the Council's discretion to adopt zone changes if they have a
38 reasonable tendency to promote the public health, morals, safety or general welfare of the
39 community and there is broad discretion in determining what is reasonable. There must be a
40 rational basis for the decision and the zone change and there are due process rights of the
41 property owners. This is a subject on which the Commission has much broader discretion than a
42 quasi-judicial where there are specific findings that the Commission is being asked to make.

43
44 Ms. Caporgno: Thank you. I am going to introduce Chitra Moitra who is going to walk you
45 through three of the sites and then Clare Campbell will walk you through the fourth one.

1 Ms. Chitra Moitra, Planner: Good evening everybody. The first site I will be talking about is
2 725 San Antonio. This quite a big parcel, it is about 1.78 acres in size. This parcel is very
3 unique in its way because it has two street frontages one is the San Antonio side and the other is
4 the Middlefield side. The San Antonio side as you can see has close to 300 feet of street frontage
5 while the Middlefield side has about only 120 feet of street frontage. Because of this uniqueness
6 of this site, the two street frontages, this lot is dealt with quite separately from the others.

7
8 The shape itself poses a lot of challenges. First if we consider retail development on this lot it is
9 okay on the San Antonio side where it has quite a lot of feet for ingress and egress. So this side
10 is fine but this lot depth is close to 270 feet so any retail, which is located behind the lot, would
11 have less visibility from the San Antonio side. So it is something to think about and what kind of
12 retail to be located around here. My suggestion is a big footprint retail, a single one, might be
13 appropriate for this site. Here on the Middlefield side it is literally with parking, with driveways
14 it is not suitable for any retail use right here.

15
16 The next alternative I would be talking about is what happens if we propose mixed use here. It is
17 generally retail on the first floor and residential on the floors above. Here in this prototype you
18 can see buildings arranged in this way and parking could be shared within all the buildings in the
19 center part. Based on the CS zoning standards about 53 residential units can be built in this
20 parcel and about 31,000 square feet of retail can be accommodated on the first floor. Again, the
21 same problems, retail behind is not accessible or is not that visible from the street. So that might
22 be again the same kind of problem here.

23
24 The third scenario, which is the residential scenario, shows here in this prototype that you can
25 build row houses like those facing both of the street sides. Based on the existing zoning which is
26 RM-15 here we can build about 27 housing units in here. So as you can see the CS lets you pack
27 in more units, 53 versus 27. These are some of the numbers, which have been generated by what
28 can be accommodated on this site.

29
30 Mr. Williams: Moitra, can you let them know what the existing use is?

31
32 Ms. Chitra: The existing use for this site is the Summerwinds Nursery site, which is right here.

33
34 The next site I am going to talk about is 4151 Middlefield, which is just adjacent to the
35 Summerwinds Nursery site. This is a triangular shaped parcel, which makes efficient use of this
36 parcel very inconvenient because if you place a rectangular building right in front facing the
37 street all these portions remain – you cannot use it properly. Size wise this is .93 acres and right
38 now currently this parcels have a relatively new office building in here. Again, to build to the
39 maximum FAR allowed by CS standards either the actual building could be made into two floors
40 or parking could be arranged on the ground or structured. It is just an example. It can
41 accommodate about 16,000 square feet of retail space in here.

42
43 The next prototype is the residential/mixed use prototype with retail on the bottom with
44 residential on top. Based on the CS zoning standards we can put in 28 units in here and about
45 16,000 square feet of retail use in here.

1 The residential prototype is based on the actual current RM-15 zoning and we can put in about
2 14 units in here and it can be arranged any way. This space can be used as a shared public space
3 for all the units and parking can be arranged at the back. Again this particular parcel is not
4 suitable for standalone retail because of the access problem and the shape of the parcel. So we
5 would recommend quasi-retail kind of like an office kind of use for this parcel.
6

7 The third site I will talk about is 3981 El Camino Real or the Mayflower Motel site. Again, this
8 parcel is very, very deep and narrow. It has about only 130 feet of street frontage on El Camino
9 Real. It goes way back about 400 feet and it is packed on the sides. It has no accessibility from
10 either of these two sides. So the street frontage is the only way cars can get in and get out. So
11 that is a huge drawback on this site.
12

13 Let me first talk about the retail scenario of this one. Again, just because of the nature of this
14 parcel only large footprint retailers are suitable for this site. Small retailers if they look at the
15 back it is not that much lucrative for them so I think they should have big signs to make them
16 visible. So again, in and out is a problem here. So the back portion here is shown to be used for
17 parking but to achieve the maximum FAR which is permissible under the CS zoning for retail
18 use either the front part of the building could be two storied or parking could be done
19 underground. That is the retail scenario.
20

21 Under the mixed use scenario with retail on the ground floor and residential on the top floors,
22 again, the retail is located behind does not visibility from the street so small footprints are not
23 suitable. Either medium or large footprint retail is suitable for this site. In the front the bulk of
24 the building could be higher but at the back the buildings are at lower scale so that it kind of fits
25 with the surrounding single-family homes and here. Based on the mixed use zoning standards
26 about 44 units could be accommodated in this site and about 25,000 square feet of retail use.
27

28 The third alternative that the existing zoning based on – this parcel has feathered zoning which
29 means it has more than one type of zoning. So the front part of the parcel, which is about .28
30 acres, is CS and from this down here it is RM-40 and the back portion of the parcel, which is
31 about .88 acres, is RM-30. So there are three types of zoning here. Actually, here it has retail
32 and the back. So what we have done is based on the actual RM zoning standards we figured that
33 about 35 units could be accommodated here, which again is less than what we can achieve with
34 the CS zoning standards. This is about it.
35

36 Ms. Clare Campbell, Planner: So for the last site it is 4329 El Camino Real. It is Palo Alto Bow.
37

38 Commissioner Garber: If I am going to excuse myself I probably need to do it now. Should I
39 announce that and then leave and then come back? Okay.
40

41 I am going to recuse myself from this conversation on this property only because prior to
42 knowing this was on the Commission's agenda I had a conversation with a party about possible
43 ways to think about zoning of this site. I have no financial stake in this whatsoever I just think it
44 is appropriate for me to separate myself having had prior conversation.
45

1 Ms. Campbell: Okay for the last site it is the Palo Alto Bowl. This particular site is located on
2 the outskirts of Palo Alto and it borders Mountain View. So Mountain View is actually across
3 the street and maybe about a block way starts the Mountain View city limits.

4
5 Vice-Chair Lippert: Los Altos is across the street.
6

7 Ms. Campbell: I'm sorry, excuse me. Thank you. The existing surrounding uses of this site are
8 an existing motel, it is a Motel 6, we have R-1 single family homes in the back, there is a PC
9 zoned site right here and this is a multi-family building, and there is a small commercial space.
10 So this here is CS already and this is already CS as well. The site itself is split it is RM-30 in the
11 front about two-thirds of the lot and the rear portion of the lot is RM-15 currently. The frontage
12 of this parcel is approximately 260 feet and the average depth is roughly 380 feet deep.
13

14 So for this prototype it basically shows what we could do if we were to develop this as 100
15 percent retail. It shows a maximum FAR, we have 40 percent FAR, and it is roughly 37,800
16 square feet for this building. The way it has been developed it shows it has two stories. There is
17 a small second story element here and there is a structured parking arrangement for the parking.
18 The existing use on this site is the bowling alley and the Thai restaurant and is roughly close to
19 representing the size of this building that you are seeing here. One of the other constraints of this
20 particular is the access. I think it has been mentioned previously that because it only has one
21 street frontage there is definitely limited access in and out to the site. With the large site and the
22 depth of the lot it does make it very difficult to develop this as 100 percent commercial if you
23 wanted to max out the floor area because the retailers, just like with the other sites, do not want
24 to be located at the back of the lot they want to be up front near the street so people can see them
25 from vehicle traffic and things like that. So that does create a pretty significant constraint for a
26 retail development. I think that's it.
27

28 This prototype is a mixed use alternative. It shows basically that the orange represents all of the
29 commercial at the ground floor and the yellow represents the residential proposed. So towards
30 the front of the property you could have it stacked and then towards the rear of the property you
31 could have a less dense residential project, which is more compatible with the existing residential
32 uses in the rear. This prototype also illustrates the same constraints as the 100 percent residential
33 project where the limited visibility from the street can create a problem for retailers. So you can
34 have an access, kind of a center lane going down the middle and maybe with this particular site
35 design it can allow for some additional visibility going into the rear of the lot so some of the
36 other stores or offices can be seen. You would have to put in the additional signage to make it
37 more viable for the retailers that are located in the rear of the property. With this particular
38 development we have a maximum residential FAR of 60, which is what is allowed with the new
39 steep standards, and 60 percent gives you roughly 56,000 square feet. With 30 dwelling units
40 per acre you can have a maximum of 65 dwelling units for this site. That is about it for this one.
41

42 The last one is using the existing residential zoning for the parcel. Like we said before it is
43 approximately two-thirds RM-30 and one-third RM-15. Using our existing RM regulations that
44 we have today you could get a 55-unit development with the existing zoning. That is the same
45 FAR as the mixed use as well which is .6. Then this is a compatible use with the existing

1 residential in the rear but it can make for an awkward development when you are on El Camino
2 and it is basically surrounded by other commercial uses. I think that is about it. Thank you.

3
4 Ms. Caporgno: I think that really concludes it for us. I just want to stress and correct myself
5 again to make sure that you know that we are recommending CS not CN. Also to stress the fact
6 that these are prototypes. We aren't saying that any of these sites are going to be developed this
7 way. We just wanted to give the Commission an indication as to what could be developed under
8 the different land use types and we thought this would be an effective way of demonstrating it.
9 That concludes our Staff Report.

10
11 Chair Holman: Thank you. So as stated earlier Commissioner Garber does have conflict on
12 what is listed as the first one or first of these four properties that being the Palo Alto Bowl site.
13 So we are going to take that one last so that we are not holding him up for the whole evening.
14 Hopefully members of the public will understand that as well.

15
16 Would somebody get Commissioner Garber? So the first property that we are going to address is
17 3981 El Camino Real where the Mayflower Motel is located. When we are undertaking each of
18 these considerations individually that means that members of the public will also get to speak.
19 We are also having a lot of rattling of paper if we could watch that. So members of the public if
20 you would identify which property you want to speak to we will entertain your comments on
21 each individual site as well. Ellen Fletcher, which address did you want to speak to?

22
23 Ms. Ellen Fletcher, Palo Alto: San Antonio and Middlefield.

24
25 Chair Holman: That is not your address that is the one you want to speak to, okay. So right now
26 I have one card for 3981 El Camino at the moment. Does anybody else want to speak to that
27 address? So if you do want to speak to that address please turn your cards in. First, do
28 Commissioners have clarifying questions of Staff? Don, did you have something to say?

29
30 Mr. Larkin: In addition to the four individual action items there is a separate action item to
31 initiate the rezoning on these properties. That could probably be done in one single motion and
32 members of the public would be allowed to speak to whether or not to initiate although that
33 wouldn't have any bearing on the individual properties. It is whether or not a public hearing
34 should be held and since everybody is here for a public hearing I wouldn't think that would be
35 controversial. That probably needs to happen before the motions on the individual properties.

36
37 Dan can make his decision on whether he would want to vote on that or not but because there is
38 no actual legal conflict I think it would be appropriate for him to vote on the overall motion to
39 initiate.

40
41 Chair Holman: So you are saying that at this point in time you want a separate motion to
42 undertake or initiate this discussion or this potential zone change. Can I have a motion to that
43 effect?

44
45 MOTION

1 Commissioner Keller: So moved.

2

3 SECOND

4

5 Vice-Chair Lippert: Second.

6

7 MOTION PASSED (7-0-0-0)

8 Chair Holman: Okay. Is there any discussion about that? Seeing none, all those in favor say
9 aye. (ayes) There are none opposed so that passes seven to zero.

10

11 Then clarifying questions for Staff? Commissioner Lippert.

12

13 Vice-Chair Lippert: With regard to the rezoning of these properties if we felt that there was
14 another zoning type that was appropriate since we are a recommending body to Council we have
15 the ability to look at that and recommend that?

16

17 Mr. Larkin: Yes within limits. I think it has to be something that was contemplated by the Staff
18 Report but certainly a rezoning to CN instead of CS would be something that would be within
19 the Commission's purview. A rezoning to Open Space probably wouldn't but I don't think that
20 would be something that would be considered.

21

22 Chair Holman: Any other clarifying questions of Staff? Commissioner Garber.

23

24 Commissioner Garber: Staff had outlined what they felt that our actions could be in sort of three
25 pieces. Would you outline those again, please?

26

27 Ms. Caporgno: Yes. The first is to determine whether or not you think the properties should be
28 rezoned at all. In other words, if they should be residential or commercial. So if the
29 Commission decides they are commercial then you aren't going to need to do any more
30 discussion because they are currently commercial. Excuse me, residential. I am sorry I have
31 been doing the same thing. So if you want to retain the residential land use and zoning district
32 on the properties then that the decision and you don't have any further decisions. If you
33 determine that they should be rezoned and re-designated for commercial purposes then you have
34 to make a decision as to what is the appropriate commercial zoning district. Is it CS or CN?
35 Those are basically the two that would be appropriate for these sites.

36

37 Then also since the Council had indicated a consideration of retail only on these sites we would
38 like the Commission to discuss whether or not it would be appropriate to restrict uses on the
39 properties to retail only or you want the flexibility of all the types of uses that would be allowed
40 under either the CS or CN zoning district.

41

42 Chair Holman: Commissioner Garber.

43

44 Commissioner Garber: Just to follow up could you briefly outline for all of our edification the
45 critical differences between CS and CN?

46

1 Ms. Caporgno: First of all we distributed to you the portions of the zoning ordinance that pertain
2 to the different uses that are allowed under the two different zoning districts and also the
3 development standards. I believe under the Comprehensive Plan CN or Commercial
4 Neighborhood is for more pedestrian oriented development that would serve a neighborhood.
5 The CS zoning and land use designation are more for commercial service, automobile related in
6 the sense that the uses are anticipated to serving people who are arriving by automobile or are
7 not in the area. Under the development standards there is more intense development allowed
8 under the CS versus than the CN I believe in the height. There is 25 feet in height for the CN
9 and up to 50 in height for the CS unless it is abutting residential and then I believe it is 35 feet.
10 There are a few more uses that are allowed under the CS as opposed to the CN but again the CN
11 is more restricted to neighborhood serving uses. The CN doesn't allow hotels.

12
13 Chair Holman: I think I saw Commissioner Keller first and then Commissioner Burt.

14
15 Commissioner Keller: Yes, the first question is to the extent that there are nearby CS or CN
16 properties to the zoning at what point is it an appropriate time to ask are there any CN zoned
17 properties adjacent to or near these four sites or is it primarily CS near these four sites?
18

19 Ms. Caporgno: It is primarily CS that is near these four sites. I don't think there are any CN
20 areas that are near any of them.

21
22 Commissioner Keller: The second question is that one of the materials that were sent to us
23 indicated something about the information about what might be coming down in the Housing
24 Element from ABAG. So what extent are considerations of potential housing requirements for
25 the city from these ABAG requirements, to what extent are those the kinds of things that we
26 would consider today?
27

28 Ms. Caporgno: Well, first of all none of these sites are on the current Housing Sites Inventory.
29 We are going to have to in preparing our revised Housing Element after we get the ABAG
30 numbers we will have to identify additional housing sites. We know that. These sites under a
31 CS zoning district could accommodate mixed use development and as both Clare and Chitra
32 pointed out when they went through the individual sites, you would get approximately the same
33 number of units on each of these sites under a mixed use development. We don't exactly how
34 we could limit meet the Housing Element requirements with mixed use yet. We haven't gotten
35 that information from the state regarding what the requirements would be but during the last
36 Housing Element cycle they did allow mixed use. In fact some of the sites that we identified on
37 our inventory we identified as having the potential to be mixed use development. So there is that
38 potential. So I don't think if in fact these are changed to CS that would have any significant
39 impact on our Housing Element numbers.

40
41 Commissioner Keller: I assume that that's the case assuming that we did not take the retail only
42 option which is your third choice.

43
44 Ms. Caporgno: Exactly. I said if they are just under CS, if there is a mixed use component
45 allowed. If there is retail then you would lose the numbers of units – there is the potential for
46 losing the total number of units on all the sites you recommend restricting to retail only.

1
2 Commissioner Keller: Okay. My last question is which of these sites currently have what one
3 would consider retail on them and which of these sites don't have what might be considered
4 retail or revenue producing things for the city?

5
6 Ms. Caporgno: I think all of them have retail on them. We have one that has office. The
7 Middlefield site has an office building.

8
9 Commissioner Keller: So all three sites have some revenue producing in some way and 4151
10 Middlefield is not what one would consider a retail site now.

11
12 Ms. Caporgno: Correct. Now to add one thing as far as the amount of revenue I don't think the
13 motel is producing that much revenue from a standpoint of other motels or some hotels in the
14 area but they are all revenue generating.

15
16 Commissioner Keller: Thank you.

17
18 Chair Holman: Commissioner Burt.

19
20 Commissioner Burt: Yes. We got a good comparison on the different commercial zones with
21 this handout summarizing Chapter 18.16 but is there anything in the packet that compares side-
22 by-side the existing zoning for the sites and what is allowable? We are looking at the change not
23 just the options of what type of commercial but moving from the existing zoning to the
24 commercial.

25
26 Ms. Caporgno: We just identified in the scenarios what the existing zoning was but we didn't
27 give you any additional information regarding or the type of information you received on the
28 residential zoning districts. We just identified the RM-40, which allows up to 40 units per acre,
29 RM-30 on portions of them, and I think some of them have some RM-15 also.

30
31 Commissioner Burt: Right, and under you alternative scenarios I know you did some of that so
32 we can kind of look at that when we get into our discussion area we might want to follow up and
33 see things like allowable heights, the FAR and some of the key aspects.

34
35 Ms. Caporgno: The residential scenario that was described looked at the maximum residential
36 allowed on each site under the existing zoning district. So if a portion of it was RM-40 and RM-
37 50.

38
39 Commissioner Burt: Those comparisons we can find in here.

40
41 Ms. Caporgno: Yes.

42
43 Commissioner Burt: My other question was would Staff review a little bit I know there were
44 extensive discussions at Council and not all Council Members had identical perspectives on the
45 objectives. Can you review your understanding of what the real goals were that the Council had
46 when they were looking to initiate consideration of this rezoning?

1
2 Ms. Caporgno: My impression was that it was to retain the uses for retail purposes for tax
3 generation purposes primarily. It wasn't for neighborhood serving retail although that was one
4 of the components of the Comprehensive Plan Update that they wanted to make sure that we
5 adequately addressed. When they looked at these sites the discussion primarily centered around
6 retention of the sites for retail and not necessarily for the existing retail uses as far as revenue
7 generating but for potential revenue generation on the sites. I think there was also a concern that
8 they would be redeveloped in housing and then there would be the loss of that potential future
9 revenue that could be coming from those sites.

10
11 Commissioner Burt: So as far as you know they were anticipating that if we went to this
12 rezoning there would be a significant potential that the existing uses would not be retained.

13
14 Ms. Caporgno: That wasn't discussed. There was a discussion about loss of the sites for
15 housing and I think they recognized that the sites could be redeveloped. I know we included the
16 minutes and it was very unclear.

17
18 Commissioner Burt: The sense minutes as well.

19
20 Mr. Williams: If I could just add that I wasn't at the August 7 meeting but I was at an earlier
21 meeting where it was discussed to put this on August 7. I recall specifically mention of Palo
22 Alto Bowl and the Mayflower Motel as one Council Member saying he thought that these
23 properties were ripe for redevelopment and that in fact maybe on the market today and was
24 concerned about that being an imminent potential in his mind and they may not stay in the use
25 that they are currently in. The other two sites I don't recall specific mention.

26
27 Commissioner Burt: Okay.

28
29 Chair Holman: Commissioner Tuma.

30
31 Commissioner Tuma: My first question is a follow up to Commissioner Keller's question about
32 the ABAG numbers. I understood your explanation but I have a couple of questions. The
33 attachment that came with one of the letters, there is a chart there, if I understood from your
34 explanation we have not been given final ABAG numbers. Is that correct?

35
36 Ms. Caporgno: Correct.

37
38 Commissioner Tuma: So do you know what these numbers are?

39
40 Ms. Caporgno: Yes. What they did is ABAG is developing a methodology for allocating the
41 next round of numbers. We don't know what the total number is that is going to be allocated.
42 That won't come until early in 2007 or maybe June of 2007 we will be receiving it. The
43 numbers will probably be available in February or March. So what they did there is they took
44 the methodology that they were considering using and took the old number that was allocated in
45 the previous round and they applied it to the jurisdictions. They also used some figures that they
46 haven't adopted yet either which are the growth forecasts for both the jobs numbers as well as

1 housing numbers, or population numbers. So the ABAG 2007 population number forecasts and
2 housing growth which will be coming out up through 2015.

3
4 Commissioner Tuma: Do we know when we expect those numbers to come?
5

6 Ms. Caporgno: Those numbers they have, we have made some recommendations to change.
7 They had asked the individual jurisdictions what their opinions were on the numbers. We
8 thought that the jobs numbers appeared to be okay, the housing numbers or the population
9 figures seemed to be somewhat high. We had commented twice to ABAG and it is my
10 understanding that currently the ABAG Board has not adopted the numbers but the ABAG staff
11 did not recommend to accept our changes.
12

13 Commissioner Tuma: Okay. I want to dwell on this a little bit further because I think it is
14 actually quite important. When we get ABAG numbers if I recall correctly they are broken
15 down by different levels of housing, correct?
16

17 Ms. Caporgno: Yes, there are income categories.
18

19 Commissioner Tuma: When you were explaining the different scenarios under which you would
20 get roughly equal if not greater housing under CS versus all residential are there differences in
21 the types of housing that you would get vis-à-vis the ABAG numbers. Is that question fair?
22

23 Ms. Caporgno: No, because the ABAG numbers are looking at income categories and we have
24 no way of determining if it is going to be for instance a totally affordable project versus a market
25 rate project with a below market rate component.
26

27 Commissioner Tuma: So none of those assumptions were in the numbers.
28

29 Ms. Caporgno: Correct. We have no way of knowing and there is no way that we can assume
30 that.
31

32 Chair Holman: Vice-Chair Lippert.
33

34 Vice-Chair Lippert: I just want a clarification. A rezoning on these properties the existing uses
35 and the existing buildings are grandfathered in and can remain there in perpetuity as long as the
36 building owners wish them to remain in operation, correct?
37

38 Ms. Caporgno: That is correct.
39

40 Mr. Williams: That said, rezoning as recommended here will in fact generally take away a
41 nonconforming use because right now these properties are commercial or office in residential
42 zones. So if it was rezoned to CS then they would be conforming uses and there wouldn't be any
43 grandfather issue associated with those in that situation.
44

45 Chair Holman: Commissioner Keller, you had another clarifying question?
46

1 Commissioner Keller: Yes, a follow up to Commissioner Lippert's question. If we did not
2 rezone one or more of these properties and due to some sort of fire, disaster or whatever, the
3 property needed to be rebuilt in some way to what extent would the nonconforming use preclude
4 the rebuilding of these properties to their prior state?
5

6 Ms. Caporgno: Given a disaster they could rebuild the property to the existing development. If
7 they decided to expand the use or add on that is where they are restricted. The grandfather use
8 would not allow them to do any sort of expansion. So they are constrained in that sense.
9

10 Commissioner Keller: If they did decide to do improvements on the current properties would
11 that?
12

13 Ms. Caporgno: Yes, they are constrained. So they are basically stuck with what they have.
14

15 Chair Holman: Basically it is you can't increase your nonconformity.
16

17 Ms. Caporgno: Correct.
18

19 Chair Holman: Yes, okay. Commissioner Tuma.
20

21 Commissioner Tuma: I have a question that pertains to two of the properties I don't know
22 whether now is the time to ask. I will ask it now and you can answer either in context of the
23 individual properties or the other. 725 San Antonio and 4151 Middlefield about each other,
24 correct?
25

26 Ms. Caporgno: That is correct.
27

28 Commissioner Tuma: Did you look at any scenarios under which those parcels would be
29 combined?
30

31 Ms. Caporgno: No because they are individually owned. If they are going to be rezoned the
32 individual owner wouldn't necessarily – if it was the same owner then we would have looked at
33 them in combination. In fact when we first put them on the list for the Council and the Council
34 told us to go ahead with this it was one site. Then we discovered that they were two parcels. So
35 that is why we looked at them separately.
36

37 Commissioner Tuma: Okay. They are not currently owned by the same owner but they could
38 be.
39

40 Ms. Caporgno: That is correct.
41

42 Commissioner Tuma: We can't look at a scenario under which that would happen.
43

44 Ms. Caporgno: No.
45

46 Chair Holman: Commissioner Sandas.

1
2 Commissioner Sandas: Yes, I just wanted to clarify one more time. The two properties on El
3 Camino, the Palo Alto Bowl property and the Mayflower Motel properties, being that they are
4 both zoned residential although the Mayflower does have a little bit of CS they are stuck right
5 now. They cannot redevelop. They can't add an extra lane to the bowling alley or an extra room
6 to the motel because of the way they zoned. So effectively changing the zoning to CS will allow
7 for improvements.

8
9 Ms. Caporgno: That is correct.

10
11 Chair Holman: Commissioner Burt.

12
13 Commissioner Burt: Two questions. First, I am a little confused why 4151 was included. I see
14 the similarities of the other three properties. They are retail uses of some sort. What was the
15 rationale for including 4151 as far as you know? And also given that it has a fairly new office
16 building on it.

17
18 Ms. Caporgno: The Council didn't really evaluate these properties at all. We were asked to
19 prepare a list of properties that were zoned and planned for residential but used for commercial
20 purposes. We prepared the list and we went to Council. That night they decided to direct us to
21 go forward with these rezonings but we never prepared any sort of – they didn't have maps, they
22 didn't have any of the type of information you have. I think the list showed that there was an
23 office building on the property but they didn't have any aerial photo, they didn't know the age of
24 the building, or if they were familiar with it they would know but any information we gave them
25 didn't provide that kind of background information. So when they directed us to go through this
26 process I think it was to investigate all these aspects and when it came back to them maybe some
27 of these sites they would not feel were appropriate. That was the rationale behind it, this limited
28 list.

29
30 Mr. Williams: The other part of it as Julie mentioned a minute ago when this went to Council
31 the Summerwinds Nursery and that Middlefield site were looked at as one site. At that time
32 Staff didn't realize they were actually two sites. It was presented as one site with San Antonio
33 frontage and Middlefield frontage to the Council. Then later it became apparent that it is
34 actually two different ownerships and two different sites. So we have kept the Middlefield one
35 in. I think you are right that if we had gone forward and that had been shown as a separate site it
36 is very possible that the Council would not have directed us to proceed with that.

37
38 Commissioner Burt: Okay, that helps clarify that. My second question is that if these sites were
39 rezoned CS would there be a potential for residential to be added on to the existing commercial?
40 While I appreciate that parking may be the limiting factor but the scenarios that we looked at
41 considered a rebuild that would take down the existing use. Is it feasible in these sites that we
42 would simply have some additional residential added on and retention of the existing commercial
43 in certain circumstances?

44
45 Ms. Caporgno: I guess that is possible. With the Summerwinds site it might not be too feasible
46 given the fact that this is a nursery and a bowling alley I don't really know. There may be some

1 possibility with the motel to have a portion of it be residential and a portion of it be units. We
2 have talked about doing that with hotels so there is that possibility.

3
4 Commissioner Burt: The Palo Alto Bowl site?

5
6 Ms. Caporgno: There is nothing that would preclude you from doing it I just don't know if
7 residential with a bowling alley is a good mix.

8
9 Commissioner Burt: But if they are physically separated. Okay, great, thanks.

10
11 Chair Holman: Seeing no other clarifying questions from the Commission I guess I will ask a
12 couple just real brief ones. If for any reason and I am not suggesting this but if for any reason on
13 a particular site, these are unusual sites in the ways that have been pointed out by Staff, if we
14 wanted to restrict the uses on any one of these particular sites that is something that the
15 Commission could entertain.

16
17 Mr. Larkin: Right now you are restricted to the zoning that we have. The CS zone has uses that
18 are identified. If you were going to amend the CS zoning then that would require a separate
19 action to amend the code to change CS zoning.

20
21 Mr. Williams: I think we have talked about and I guess you should weigh in here we do have
22 some sections of codes and it is not necessarily the ideal situation where it actually says such and
23 such an address is restricted in one way or another. It is mostly the nonconforming stuff but is it
24 possible to do that either relative to this address and say you couldn't have these three uses or in
25 the terms of standards that at this address the density would be 'x' instead of 30 units per acre.
26 That is what we talked about as far as the retail. If you are restricting it to just retail we would
27 probably enumerate these sites under CS but indicate that no residential was allowed.

28
29 Mr. Larkin: If the Commission was to make that recommendation we would have to look at
30 ways to make that effective before it went to Council.

31
32 Chair Holman: The other consideration is because these are difficult sites the Commission
33 would have the ability to put the Site and Design overlay on these particular sites if we so desired
34 due to the constraints and complexities of development on these sites. We took it off for El
35 Camino where it had previously existed but we could if we wanted add the D Overlay for these
36 sites. That is a question.

37
38 Mr. Williams: I think that can be done for any site. I would point out that we only took it off in
39 terms of mixed use for sites that had four or less units. So it is still on for mixed use if it is more
40 than four units. So for nonresidential it wouldn't be applied, for mixed use it would be applied if
41 there were more than four units associated with the project.

42
43 Chair Holman: Okay. For this property, 3981 El Camino Real the Mayflower Motel site, I have
44 but three cards. So if anybody else wants to speak to this item they should turn their card in now.
45 The first speaker and I apologize if I get the last name incorrect. Diana Chien.

1 Ms. Diana Chien, Palo Alto: Thank you. I am the daughter of Mr. Charles Chien and Grace
2 Chien she is my mother. She is not well tonight so she is not here with us tonight. I also have
3 my brother-in-law David Whistle.

4
5 Chair Holman: Before you begin I neglected to tell you that you have five minutes.

6
7 Ms. Chien: Okay, thank you. I just want to first of all thank everyone here at the Commission
8 and the Staff for doing a great job on the paper that was seen, the documents. Like
9 Commissioner Sandas said, because our property is under some nonconforming restrictions and
10 for 28 years my father has been trying to make improvements it has been very difficult for him.
11 So we look forward actually to the rezoning if there is going to be a rezoning for our property.
12 That is number one.

13
14 Number two is that we read over the site summary and we are actually quite encouraged that the
15 Staff agreed with us that our site is really more suitable for residential than retail. We are very
16 encouraged that you feel that is actually the case and you feel that is true. Based on the
17 prototype that we read we are quite encouraged.

18
19 I just want to point out that we do have a problem with Attachment D on the existing zoning.
20 About the fourth line down on Attachment D under the Existing Zoning and General Plan
21 Designation, about the fourth line down, the front CS zone portion has an existing retail use and
22 the rest of the property is used as a motel. I am not sure I understand what that is because we do
23 not have an existing retail use on that property. The whole property is used as a motel. Maybe
24 this is the reason when the third prototype residential use, if you look at the next page, that there
25 is an example with a retail use already exists in the front CS, Service Commercial. As a result
26 the example here you have Service Commercial in the front. We just want to point out the
27 Service Commercial if it is going to be a retail use here the Staff is recommending underground
28 parking for this particular segment. I think it is going to be very difficult because it is very
29 expensive to install. That is all I wanted to point out to you that that might be a problem. But
30 thank you very much for your attention. Thank you.

31
32 Chair Holman: A question for you.

33
34 Mr. Williams: Excuse me. We need to stop for a minute because this mike is broadcasting over
35 in the Council Chambers. So we need to correct the technical difficulty. Perhaps she could step
36 up close enough that those mikes can pick her up until we correct the problem.

37
38 Chair Holman: There is a question for you.

39
40 Commissioner Burt: My question is you mentioned that you have been an existing
41 nonconforming use and consequently it has been difficult to do improvements.

42
43 Ms. Chien: Yes.

44
45 Commissioner Burt: I don't know if you saw the part under our new CS zoning hotels are
46 allowed up to a 2.0 floor area ratio. So if it stayed under its current use my understanding is that

1 now there would be significant opportunities to redo and expand. Is that something that creates
2 an interesting opportunity for you that that zoning change occurred that would enable you to
3 expand as a hotel?
4

5 Ms. Chien: I think that is a possibility. My father is here. He feels because of the Palo Alto
6 there are many hotels in the same area. The competition is very key. He felt strongly that the
7 community is in need of multi-residential.
8

9 Mr. Charles Chien, Palo Alto: In the past 20 years I tried to improve but because of the zoning I
10 cannot do anything until today. Particularly the last ten years there are so many new hotels that
11 have been built like the national chain hotels coming into the neighborhood. There are just too
12 many already. So I don't think it is for me to do anymore. You can see Colorado there are so
13 many new hotels around my place.
14

15 Chair Holman: Okay.
16

17 Ms. Chien: The occupancy rate as you can see is suffering because of competition as well. So I
18 think a motel might not be one. He is encourage that there is actual rezoning so that there is a
19 possibility if not a motel then we can upgrade, make improvements. Right now, currently, he
20 cannot do that. So the motel would stay exactly where it is at and it is very difficult. There is
21 1.47 acres and there are only 36 units so the revenue is very limited at this point.
22

23 Chair Holman: I think another Commissioner had a question for you. Commissioner Keller.
24

25 Commissioner Keller: I just wanted to say thank you for your comments and I hope that your
26 mother, and Charles your wife, recovers quickly from whatever is keeping her from being here
27 tonight.
28

29 Ms. Chien: Thank you, thank you very much.
30

31 Chair Holman: The next speaker is Denny Petrosian to be followed by Bob Moss. Is that
32 microphone fixed yet?
33

34 Mr. Williams: No and it apparently isn't going to be so I think we are going to have to speak up
35 here.
36

37 Chair Holman: Could we bring a chair up? You will have five minutes.
38

39 Ms. Denny Petrosian, Palo Alto: I am very bothered by how we are just totally assuming that
40 rezoning these properties, it is such a convoluted process that is going on here with the idea that
41 we are going to get more retail, more commercial. It bothers me because I don't think this has
42 really been thought through. It is such a risky business. We don't know what the market is
43 going to do. We don't know if these properties are going to develop the way the Council wants
44 for retail. We do know that if we have more residents in town we are going to get more sales tax
45 revenue. That is guaranteed. So I think that has not been thought through.
46

1 I think the Council has this tunnel vision. They think rezoning is a golden egg. Well you know
2 what happened to the goose and the golden eggs. I think what is really the golden egg is a more
3 stable residential base to increase the customer base. So that is a general statement for all these
4 properties.

5
6 The second big point I think is that these Comprehensive Plan policies are ridiculously
7 conflicting. If you read through we want to get more business, more retail, but then all these
8 housing policies – increase density and diversity, encourage the development of affordable and
9 attainable housing. How can we do that if we take standalone housing out of commercial
10 districts and if we take away the zoning, the basic zoning to provide affordable housing? I think
11 this ABAG issue is really important.

12
13 Another thing that disturbs me is I am wondering was the input from the Housing Corporation
14 solicited for this? We don't really have a lot of experience with mixed use housing and
15 especially mixed use with affordable housing. I think their input is critical. How feasible from
16 their standpoint is it to get BMR and any kind of affordability at different income levels into this
17 mixed use that we are fantasizing about?

18
19 The specifically to the Mayflower site I think that compatibility, I think that is on Attachment D
20 or wherever, there is a paragraph in there that says that mixed use would require, in my
21 understanding of it, compatibility of the commercial with that rear housing and also the existing
22 housing on the sides. Not only that but there is a playground. There is a huge community space
23 behind this property that is used by daycare centers, the community and so forth. There has to be
24 compatibility with that too. I think it would be much harder to achieve that if there was a deep
25 commercial only development there. I think that there could be a very noxious use that would be
26 very incompatible with fumes, or noise, or whatever. I think that you can't guarantee what an
27 all-commercial CS use would be there. So I think that you could have also totally non-revenue
28 generating uses, storage facilities, vehicle yards, storage yards for various vehicles, or any
29 number of things that CS permits. CS is wide open. I think it is important to look at that
30 compatibility issue. Also, deep CS was ruled out for this area. This is essentially a thin strip of
31 commercial on both sides of El Camino for residential neighborhoods that are very close by. So
32 deep commercial was discouraged when this was all put in place. So I let's think more deeply
33 about what we are doing here and maybe the rezoning is really not the way to go. So I guess I
34 have probably said everything that I want to say.

35
36 We don't want a CS use that is going to degrade even the motels next door. If you have a big
37 auto thing happening there that is going to make that area less attractive for people to stay in.
38 There is a quite a nice motel right next door that could be adversely affected. Thank you.

39
40 Chair Holman: Thank you. The last speaker we have on this item is Bob Moss.

41
42 Mr. Robert Moss, Palo Alto: This is an interesting site. It has been looked at for really decades.
43 I have seen at least three design attempts of how to redevelop it none of which ever happened.
44 My take on the zoning on El Camino when they rezoned it originally in 1978 to add housing
45 from Los Robles south is a lot of it has not worked out very well. I think that the
46 recommendation to rezone this back to CS or actually CN would work just as well is reactional.

1 I think that the basic zoning and use on El Camino should remain primarily commercial. I don't
2 think we have to worry about doing things to encourage more housing. The housing is going to
3 come in regardless. As you probably know housing eats City resources. I recall the article that
4 Bern Beecham wrote where he came up with a figure of over \$2,500 per unit negative impact on
5 the City finances. That is consistent with what I have found previously and in fact in January
6 Los Altos annexed some land up in the foothills with about 141 units. They had an estimate of
7 \$850 per unit net cost to the City and Los Altos doesn't provide the same services we do. For
8 example they don't spend any city money for libraries, libraries are funded by the county for Los
9 Altos. So that alone saves them \$75 per unit. Having a commercial use does not prohibit
10 housing they can have a mixed use development. So they could put that in there as the Staff
11 Report shows. Based on the designs that I have seen before this is a deep lot along El Camino.
12 If you go on the Barron Park side those lots are typically 100 to 125 feet deep. This is deep
13 enough so that you could actually do some real development. You could have some good retail
14 on the front of the lot and have a transition to the back, which was compatible with the existing
15 housing in the Ventura neighborhood. So I think of all the sites you are looking at this is
16 probably the easiest to say is compatible with a CS or CN zone. In terms of whether motels are
17 viable and needed we have had a lot of hotel rooms in the last year. Obviously hotels are of
18 interest because one just opened in East Palo Alto, they were going to build one in Menlo Park
19 near Sandhill Road, and Stanford is now talking about building a hotel in the shopping center
20 area. So there is obviously a need for more hotel rooms. If we have the economy the way we
21 had five or six years ago those hotel rooms are all going to be filled. So I think it is a reaction
22 that is appropriate and I think the zoning should be approved.

23
24 Chair Holman: Thank you very much. Seeing no other cards on this site I will return to the
25 Commission for any questions. Commissioner Sandas.

26
27 Commissioner Sandas: I just want to make a statement rather than ask a question. Just to
28 mention that under this CS zoning when we have a mixed residential use alternative, say
29 hypothetically speaking in general on all four of the sites more housing units would fit in mixed
30 use rather than the RM zoning that they are already zoned. So in a nutshell once again this CS
31 provides flexibility for the development of those properties.

32
33 Chair Holman: Commissioner Lippert.

34
35 Vice-Chair Lippert: I have a question for Staff. On the last chart that you showed, the mixed
36 use component, you are showing a commercial orange building out towards the street and then
37 you are showing the high-density residential portion in the middle and then the lower density
38 towards the back. Currently there is feathered zoning on that parcel where it is commercial out
39 near the street. How would that work in terms of if we were rezoning the entire parcel now so
40 that it is going to be CS as proposed? What would be the guarantee that somebody who
41 developed this site would actually follow something similar to what the feathered zone proposal
42 is? What if they decided that no, they didn't want to put the commercial portion up in the front?
43 What if they decided they actually wanted to integrate all the commercial into the site?

44
45 Ms. Moitra: They can do that.

46

1 Ms. Caporgno: I think they could do that. There is nothing that would preclude them from
2 doing that. From everything that we have heard that is not reasonable because obviously the
3 retail element wants to have that frontage. If there is something that could be developed where
4 they put it towards the end it wouldn't be precluded but I just don't think it would be reasonable
5 to expect that.

6
7 Vice-Chair Lippert: The reason I ask that question is that the current zoning that you have where
8 you have the three zones already there allow for a prototype that is similar to what is desirable.

9
10 Ms. Caporgno: They basically have mixed use on the property if you look at the property as a
11 whole right now. They have horizontal mixed use because they the frontage piece which is CS
12 and then the rear portions or residential. This would give them more flexibility because they
13 could develop it totally retail. They would be able to retain the motel for awhile and maybe
14 make improvements on the motel if they wanted to before the decided to redevelop the site.
15 Then in the future they could redevelop it either with the feathered zoning as you indicated or
16 with maybe a different type of housing mix on the rear portions.

17
18 Chair Holman: Commissioner Tuma.

19
20 Commissioner Tuma: When you were doing your community outreach and having these
21 meetings the first question is were you talking to the community about CS or were you talking
22 generally about converting it to commercial?

23
24 Ms. Caporgno: We didn't talk about any particular zoning district. We told them the
25 possibilities. When we had the community meeting we hadn't made a recommendation at that
26 time. So we were there really to get their feedback. We had the prototypes that showed the CS
27 and the reason we used the CS was because it had more impact, more uses, and more or greater
28 intensity than the CN. So we were trying to show the maximum development potential impacts
29 that could be on each site.

30
31 Commissioner Tuma: I can ask this question in the context of each individual property if the
32 answers were different but if the answer is the same maybe we can answer it all at once, which
33 was with respect to this property what was the community feedback? Maybe you could
34 summarize that. If it was different for each one let's talk about each one separately but if you
35 would summarize it consistently then that's fine too.

36
37 Ms. Caporgno: I think I can do it for all of them because it was kind of hard to gauge in the
38 sense of there wasn't a lot of – it was more they were interested in what we had presented. I
39 think there was some concern about housing on the properties. The property owners that were in
40 attendance some of them objected to the rezoning but generally speaking people were there more
41 to get information to learn about it. It wasn't that they had real definite opinions about what
42 should or shouldn't go in.

43
44 Commissioner Tuma: Which of the properties did the owners object to?
45

1 Ms. Caporgno: At the time the property owners for the Mayflower Motel had concerns about the
2 rezoning. The property owner for the Summerwinds site had concerns. The other two property
3 owners were in attendance at the meeting but didn't say anything.

4
5 Commissioner Tuma: They were in attendance?
6

7 Ms. Caporgno: They were, representatives of all four property owners were in attendance at the
8 meeting. We met with them all separately also. The Palo Alto Bowl site when we had met with
9 the property owners for that site they didn't want to be restricted to retail only but they didn't
10 seem to have, I don't want to say that they were supportive, but at the time they were willing to
11 consider commercial zoning on the property. Retail only was too restrictive as far as they were
12 concerned.

13
14 The representative for the office building owner, who was his daughter actually, had indicated
15 that he would be supportive of the CS in fact it would make his use a conforming use and he
16 planned on retaining that office building for a long time. He would object to retail because then
17 he would still be a nonconforming use.

18
19 Chair Holman: Commissioner Garber.
20

21 Commissioner Garber: The first thing I want to do is clarify these aren't necessarily
22 recommendations.
23

24 Ms. Caporgno: No, I was trying to stress that. We asked one of our consultants to prepare
25 prototypes given the development standards for the different types of land uses. We just wanted
26 to give you some idea as to what could be on the properties because we felt describing them to
27 you if you didn't have the benefit of seeing them we thought the visual aid would be helpful.
28

29 Commissioner Garber: The City has done some work on hotel vacancies have they not? Is there
30 a synopsis that is quick and easy for us to understand?
31

32 Mr. Williams: I don't know much detail. I know that last week I was in a meeting where it was
33 portrayed that hotel vacancies generally, and this is across the entire city, are about 25 percent so
34 about 75 percent occupied now which is up from 58 percent or something like that a few years
35 ago. So it is steadily rising and it is now at about 75 percent.
36

37 Commissioner Garber: The occupancy?
38

39 Mr. Williams: The occupancy is about 75 percent.
40

41 Commissioner Burt: I'm sorry. If I might add almost all of that gain I believe has been in the
42 past year.
43

44 Mr. Williams: A lot of it. I think it has spiked and it so it is probably higher than that at some of
45 the newer hotels and lower than that at some of the older ones depending on what condition they
46 are in.

1
2 Commissioner Garber: The graphic in Attachment D, the blue stripe, is that what is indicating
3 the feathered zoning area?
4
5 Ms. Moitra: That is the CS zone
6
7 Mr. Williams: That is CS zoning.
8
9 Commissioner Garber: So on the properties that are adjacent, it is hard to read, maybe 30 or 45
10 there is a red line that goes through there is that a property line or are those properties that have
11 two zones on them?
12
13 Ms. Moitra: That is the zoning boundary.
14
15 Commissioner Garber: So it is just the zoning boundary it is not a property boundary. The
16 zoning separates the same parcel.
17
18 Mr. Williams: This is the property.
19
20 Commissioner Garber: I was just clarifying that we have single properties that have two zones in
21 them. Is that any issue for the City one way or another? Does it matter? Is there any real impact
22 to that occurring?
23
24 Ms. Caporgno: Do you mean for one property having more than one zone?
25
26 Commissioner Garber: Yes.
27
28 Ms. Caporgno: I don't think so. The point was to identify I think when it was originally zoned
29 kind of the intensity for the three different types of land use the commercial frontage. I think
30 what we were trying to do was create a mixed use without a mixed use zone district.
31
32 Commissioner Garber: Thank you.
33
34 Chair Holman: Commissioner Sandas. Let me just remind folks that it seems practical to have a
35 lot of people at the table but also be mindful about paper rustling. Commissioner Sandas.
36
37 Commissioner Sandas: Just a quick question. So the two parcels on El Camino, 4329 and 3981,
38 are both in looking at the three different scenarios under the CS commercial alternative big box
39 stores could likely go there. You would have these pictures of big huge stores. But a second
40 question I have is regarding auto dealerships. In order to put an auto dealership somewhere does
41 it have to have the AD overlay or can it be put in the CS?
42
43 Mr. Williams: No.
44
45 Ms. Caporgno: It could go in the CS zone it is just the AD encourages an auto dealer.
46

1 Commissioner Sandas: Right, okay. Just asking.

2

3 Chair Holman: Commissioner Keller.

4

5 Commissioner Keller: Thank you. The first thing is I did renew my membership in nitpickers
6 anonymous and so I am going to point out that figure on Attachment D, Site Map of Existing
7 Zoning, the boundaries of this parcel are actually shifted and should be the part that is the lower
8 right hand of this boundary should actually be even with the redline I think. The upper left hand
9 portion of the boundary should be even with the line that surrounds RM-40 so it basically should
10 be shifted up. I would encourage you to fix that when you give this to Council so that they do
11 not get similarly confused.

12

13 I am wondering to what extent any nearby property owners have weighed in on the issues of
14 rezoning this particular property.

15

16 Mr. Williams: What nearby property owners commented on this?

17

18 Ms. Caporgno: We haven't received anything.

19

20 Ms. Moitra: We have not received anything for this property.

21

22 Chair Holman: Okay, thank you.

23

24 Ms. Caporgno: I just want to add that we did notice everyone within 600 feet.

25

26 Chair Holman: I assume you did.

27

28 Ms. Caporgno: So they should be aware.

29

30 Chair Holman: I am just curious whether you heard anything back.

31

32 Now, this property seems to have two kinds of immediate neighbors. I am just going to call it
33 the south if you may, which is Jacob's Court, is separated from this property by a culvert. Is that
34 correct? So there is some sort of drainage in this property, which separates it from the residential
35 use over there, providing some separation. In addition because of that culvert it is not possible to
36 reach this property from El Camino Way. So that is the southern side if you think of towards
37 Mountain View on El Camino as being south. To the north of this what is the use of 3945 El
38 Camino Real?

39

40 Ms. Moitra: That is another motel.

41

42 Chair Holman: Does that motel go all the way back to the Ventura Community Center?

43

44 Commissioner Garber: Can I just clarify that though? The use is actually R-1 and CS. Is that
45 correct?

46

1 Ms. Caporgno: Well, the zoning yes.

2

3 Commissioner Garber: But the use is different.

4

5 Commissioner Keller: I think that is not R-1. I think it is RM-30.

6

7 Ms. Caporgno: Yes, RM-30.

8

9 Commissioner Keller: So the rear of 3945 is a motel and it has also some sort of feathered
10 zoning if you will or split zoning or whatever you want to call it except instead of three pieces it
11 is two pieces.

12

13 Ms. Moitra: Yes.

14

15 Commissioner Keller: Therefore when the City Council is looking at this based on our
16 recommendations they might want to identify whether the adjacent parcel has some of the same
17 problems that this one has.

18

19 Ms. Caporgno: I would just like to elaborate. When we were asked by the Council to identify
20 all the sites with the existing residential zoning and land use designations and commercial use.
21 The City of Palo Alto does not have an existing land use database. So we compiled this list by
22 using an expanded list of Housing Inventory sites that we hoped had addressed all of the sites
23 that were planned and zoned for housing. Unfortunately this wasn't on that list. Then we pulled
24 from our GIS and looked at motel sites on El Camino but we pulled them up by address and
25 unfortunately that one adjacent to the Mayflower Motel didn't come up in any of those three
26 analyses and we found out afterward. There are three other sites throughout the city that we
27 found that are planned and zoned for residential and are used for commercial. We are going to
28 be going back to Council probably early in 2007 to ask them if they want to initiate rezonings on
29 those also. So the adjacent site could very well have the same rezoning and will probably go
30 through the same process that this site is going through.

31

32 Chair Holman: In other words, if we had a business registry this probably would not have
33 happened.

34

35 Commissioner Keller: Right. Something about the idea of having a database that contains the
36 use of properties is that we had a whole bunch of discussions in the earlier Zoning Ordinance
37 Update that involve residential uses within nonresidential zones. To the extent that there was a
38 registry that indicated which parcels had residential uses within nonresidential zones it would
39 allow for that enforcement of those rules as well. So in some sense some database that
40 maintained the uses of parcels would actually provide multiple purposes there. I would certainly
41 encourage that. So I think that is it for now.

42

43 Chair Holman: I think it is Commissioner Burt next.

44

45 Commissioner Burt: One of the reasons that I was previously trying to make sure I had a
46 moderate understanding of the Council's intention here is because I am not sure that this

1 proposal would have the outcome that they had hoped for. As it is currently zoned the residential
2 would be up to 35 units allowable on this property and with the CS zone it would actually
3 increase the residential above that and add a commercial bonus. That commercial bonus, only a
4 minority of that needs to be retail and none of it needs to be hotel, which is from the City's
5 revenue standpoint the current most desirable and valued part of the way this parcel is developed.
6 So I suspect that we are setting up a circumstance that would create an even greater incentive to
7 flip the property and do it not necessarily with a significant retail component. So I am not quite
8 sure whether it meets the objectives the Council was looking toward. We have a separate
9 question of course of what do we, as a Commission think would be good zoning for this site. If
10 we can separate the two issues what did the Council do and why did they initiate this process that
11 we have before us tonight versus what we might consider to be the ideal zoning for the parcel. I
12 am not sure those two things are very well aligned in the proposals.
13

14 I was looking through the other options CN is another alternative and if you look under note four
15 this is on a page that is Table 4, the second page. In fact on El Camino CN does allow a 1.0 FAR
16 instead of the .9 that is normally in CN and it is the same proportion of .4 FAR for nonresidential
17 and .6 for residential as you would have in CS. So on El Camino CN and CS are only
18 differentiated a couple of ways as I see it. One is a 40-foot height limit under CN versus 50 for
19 CS. Neither of those heights would apply within 150 feet of residential. There was one other
20 small difference. Then I tried to figure out the housing sizes that might exist because under CN
21 there are 15 units per acre and I would appreciate it if Staff would correct me if I get any of this
22 wrong because it is a bit technical. My understanding is that under CN there are 15 units per
23 acre and CS has 30 units per acre. Well, this parcel if it were all rezoned either CS or CN it is
24 about 64,000 square feet times .4 FAR for residential results in about 25,600 square feet of
25 residential and then you divide that by either 15 units per acre which would be 22 units under CN
26 or twice that number, 44 potential units, under the CS and you can have some sense if they
27 maxed out the residential FAR and maxed out the number of units, which would not necessarily
28 be what a developer would want to do. It is not necessarily the best return. We would have
29 housing units under the CN that might around a maximum average of 1,700 square feet, no
30 excuse me I was going round and round on that math. Well we will figure that out. I'll leave
31 those details for Arthur.
32

33 So the bottom line is that I am struggling with what would be the impact and if one of the
34 Council's motivations my sense was to slow down some of this flipping of valued commercial
35 property from existing units to residential. If instead what we are doing is creating a
36 circumstance of creating incentives to accelerate the flipping to just as much residential but
37 adding commercial and that commercial would not necessarily be very much revenue generating.
38 I am not sure that is what their hope was.
39

40 Mr. Williams: Can I clarify a couple of pieces? I think those are good points and certainly in
41 terms of specifically the number of units that could be placed on the property potentially being
42 more under the CS than under the existing zoning I just wanted to clarify that under the recently
43 adopted CS zone or the CN for that matter that mixed use cannot occur unless you have this
44 minimum threshold of commercial development which is .15 FAR. So there is a minimum
45 amount and that has to be commercial being retail, eating or drinking establishments, personal

1 services. So there is some limitation there that there does need to be some level of revenue
2 producing use on the site in order to trigger the allowance for mixed use.

3
4 Commissioner Burt: Right. So it would basically be 15 percent of the floor area that would be
5 developed would need to be revenue producing whereas right now 100 percent of what we have
6 basically is revenue producing.

7
8 Mr. Williams: No, not 15 percent, 15 percent floor area ratio so that is almost half of the 40
9 percent that you are allowed in commercial. A .40 is the allowable maximum amount of
10 commercial floor area ratio. What we are saying is a .15 FAR for the site has to be in
11 commercial so it is almost half of the .40.

12
13 Commissioner Burt: Yes, but what I was saying was 15 percent of the total floor area that is the
14 residential and commercial combined.

15
16 Mr. Williams: Okay, I see, that is correct. Yes.

17
18 Commissioner Burt: So out of the 1.0 FAR that would be allowed to be built .15 FAR would
19 need to be essentially retail.

20
21 Chair Holman: Commissioner Tuma, you had a follow up to that?

22
23 Commissioner Tuma: Yes. Do we know currently let's say for the last whatever reportable
24 period what the revenue to the City is from this particular site the way it is currently used?

25
26 Mr. Williams: We do but that is.....

27
28 Mr. Larkin: That information is confidential. So we wouldn't be able to share that.

29
30 Chair Holman: Commissioner Keller.

31
32 Commissioner Keller: Actually, my follow up is exactly germane to what Commissioner Tuma
33 just said. I went to the August 7 meeting and I heard the discussions there. At that meeting it
34 was disclosed that the overwhelming majority of Transient Occupancy Tax, TOT funds, comes
35 from the big hotels. Very little of it comes from these small hotels. The big six or however
36 many there are produce 75 to 80 to 90 percent of the revenue and very little of it comes from
37 these little hotels even if you think of it on a per room basis. So therefore the amount of revenue
38 that comes from this place in terms of a hotel is relatively minor is my understanding from that
39 meeting.

40
41 One other thing that I would like to point out that is a follow up is that in fact the average daily
42 room rate, the ADR rate, for the major hotels in Palo Alto actually went up when the Hyatt
43 closed. You might think that that's in part because of the fact there is less high-end space when
44 the Hyatt was there. Well actually because the Hyatt has a high-end name but it wasn't a high-
45 end property it had to have lower rates to attract people to it and the lower rate that the Hyatt had
46 was actually anti-competitive with respect to the other properties which had to lower their rate in

1 order to compete with the Hyatt in some sense. So by low-end Hyatt closing it actually increased
2 the ADR rates from the other properties. Now I am not commenting about the quality of the
3 Mayflower rooms but the issue is that there are different tiers of motel space and the Mayflower
4 doesn't directly compete with the hotels like the Sheraton or whatever but the Hyatt did. So I
5 just want to point out that piece of information just so people would be aware of exactly how this
6 fits together.
7

8 Finally, there wouldn't be .15 FAR in this case if we rezone this to CS or CN if a .15 FAR
9 applied to the entire site. Currently CS only applies to the front of the site, which is much
10 smaller, and therefore the amount of commercial that is actually required is .4 of a tiny thing. I
11 can't do the math because I don't know the size of the small part but .4 of a tiny thing is probably
12 comparable to .15 of the big thing.
13

14 Chair Holman: Commissioner Lippert. I'm sorry, Curtis.
15

16 Mr. Williams: I can clarify. As Don said, there is proprietary information here so we can't get
17 into specifics but I can on an aggregate basis. The attorneys and the finance people have told me
18 that I can tell you that I looked at the TOT for all the hotels and there are about 25 motels along
19 South El Camino Real, these older motels, and out of a total of something like 40 total hotels in
20 the city, 40 or 50 hotels total in the city, and those 25 hotels the aggregate revenue from those
21 was like 20 percent of the total. If you took out two or three of them there is about six percent or
22 something like that. So overall I think what Commissioner Keller has said is accurate in terms of
23 their contribution to the total TOT.
24

25 Commissioner Tuma: That answers my question too.
26

27 Chair Holman: Commissioner Lippert.
28

29 Vice-Chair Lippert: I would like just to make an overall comment, which is that first of all I
30 think the fiscalization of land use makes for very bad land use decisions. When you think in
31 terms of dollars or revenue being generated as sales tax for a city that is really not what I think is
32 appropriate here. What is appropriate here is to look at the zoning and be able to say gee, we are
33 creating a nice harmonious environment that works in the city, that provides certain needs, that
34 builds good communities, that are smart growth principles here. When you look at dollars and
35 say wow, we really need those dollars in order to be able to pay the city coffers we are looking
36 short term we are not looking long term.
37

38 Just five years ago this economy was booming and we had a budget surplus in this city. I would
39 like to think that those times will come again but it really shouldn't be predicated on the land use
40 decisions that we are making here. Twenty years ago, maybe it was longer than that, back in the
41 late 1970s the Planning Commission made a recommendation and the City Council affirmed that
42 which was to start rezoning sites along El Camino Real as residential. I think the point is that
43 those were very bad decisions that were made. I remember Rodolfo's Pizzeria diagonally across
44 the street, which was a great neighborhood place that defined Barron Park. It doesn't exist any
45 more and in its place is an apartment complex that I don't know how many housing units are
46 there but only 25 families use. By the same token the dynamics of the shopping center across the

1 street has changed and we now have a Blockbuster video there versus a neighborhood shopping
2 center. This is a pivotal intersection in that part of El Camino Real. So I think it is very
3 desirable to have this mixed use zoning or this CS zoning which will allow for the best of both
4 worlds which is some commercial that will help fortify the other commercial that is along El
5 Camino Real as well as being able to build additional housing. So it bridges the gap between
6 what was the concept 30 years ago and reinforcing what is currently there.

7
8 Chair Holman: Commissioner Keller.

9
10 Commissioner Keller: I would like to agree entirely with what Commissioner Lippert said and
11 in particular one of the principles of Palo Alto's walkable communities. So the extent that we
12 build housing without any retail services for them we are forcing them to drive somewhere else.
13 So to the extent that a restaurant can go in there, or a small grocery store can go in this retail
14 space it provides services that the people who move into the neighborhood, who are already
15 moving into the neighborhood can shop there. So therefore I think that the principle of mixed
16 use makes a lot of sense.

17
18 I would like to offer a motion.

19
20 Chair Holman: You can but I would like to make some comments too.

21
22 Commissioner Keller: How about if I wait until you give your comments?

23
24 Chair Holman: That would be great. Well, go ahead and make the motion.

25
26 MOTION

27
28 Commissioner Keller: I would like to move to accept the Staff recommendation for this in
29 particular that the parcel at 3981 El Camino Real be rezoned and that it be rezoned to CS and
30 that it not be retail only.

31
32 Chair Holman: Looking for a second.

33
34 SECOND

35
36 Commissioner Garber: Second.

37
38 Chair Holman: Commissioner Keller, would you are to speak to your motion?

39
40 Commissioner Keller: I think that this property is part of a collection of properties that are
41 commercial, that this segment of El Camino Real is not really a residential zone, and that the
42 current zoning on this property has hampered the owners in terms of improving their property to
43 the detriment of the city and the property owners. I think that this is an excellent location where
44 mixed use would make a lot of sense and would allow for this property to be potentially
45 redeveloped in the future to the betterment of this district.

1 Chair Holman: Commissioner Garber, would you care to speak to your second?
2
3 Mr. Larkin: We are also asking you to make a recommendation to adopt the Negative
4 Declaration if you could incorporate that into your motion.
5
6 Commissioner Keller: I incorporate that we adopt a Negative Declaration for CEQA purposes.
7 Will you accept that as the second?
8
9 Commissioner Garber: I certainly will.
10
11 Chair Holman: What about amending the Comp Plan? Do you want that as part of the same
12 motion?
13
14 Mr. Larkin: Yes.
15
16 Commissioner Keller: And make the Staff's recommendation in terms of the amendments to the
17 Comp Plan accordingly.
18
19 Commissioner Garber: Agreed.
20
21 Chair Holman: Commissioner Garber.
22
23 Commissioner Garber: Much has been said the CS zoning of this particular property would help
24 stitch the continuation of the CS zone all along El Camino Real which is important for the city
25 and streetscape. The combined use allows not only the existing use to be incorporated into a
26 conforming zoning but also will address the various forces that at play allowing for both retail,
27 commercial potentially, and the housing potentially as well. What the site really needs is vision.
28 It is actually a very dynamic site there are a lot of opportunities for it to contribute back to the
29 community not that it lacks complexity, it does, but that really means that there is a tremendous
30 opportunity for the community to benefit from its redevelopment.
31
32 Chair Holman: Okay. I haven't said too much about this and I guess my thoughts are
33 somewhere along the lines of Commissioner Burt's for some of the same and also some
34 additional reasons. This is a good size lot and the nonresidential potential on this lot is basically
35 26,000 square feet. What I struggled with enormously when we were looking at the commercial
36 zones is the .15 retail. I struggled with that a lot because I thought was a very small amount.
37 This parcel has the potential for a lot more service to this area. I wish I could wave a magic
38 wand and say exactly what I thought the percentage of retail ought to be for this site but I am
39 thinking it ought to be more than .15. In looking at whatever we do with the adjacent parcels
40 that are also these large parcels I think we ought to also consider something greater than the .15
41 FAR. So I look forward to other comments from other Commissioners and as the motion stands
42 right now I won't be able to support it. Commissioner Garber.
43
44 Commissioner Garber: You are not supporting it because it doesn't have enough retail under the
45 CS zone?
46

1 Chair Holman: This is correct.
2
3 Commissioner Garber: Is there a possibility of a friendly amendment if that were rethought for
4 increasing that if that were allowable?
5
6 Chair Holman: It went to my question earlier of City Attorney how we might do that.
7
8 Mr. Larkin: We don't at this point have an agenda item of changing the underlying CS zoning
9 ordinance. There may be some possibility of changing the underlying housing in the mixed use
10 component but changing the percentage of retail in the CS zone is probably not something that
11 could done tonight.
12
13 Chair Holman: I am not talking about the whole zone overall I am talking about.....
14
15 Mr. Larkin: I would have a concern about spot zoning a single particular site to say that this
16 particular site has to have a different CS zone than the others. I have some concerns about doing
17 that although it is something that if the Commission were to recommend taking an action that
18 would involve that we would look at that and if possible bring that to City Council but we have
19 to look at the possibility of doing that.
20
21 Chair Holman: A couple of thoughts about that are there is at least one adjacent parcel and two
22 parcels don't eliminate the spot zoning aspect. I don't know what the legal constraints are or
23 considerations might be because these are unusual parcels and that is why we are looking at
24 them.
25
26 Mr. Larkin: In this case we can't do anything about the adjacent motel parcel because that is not
27 something that is agendized for a zone change.
28
29 Chair Holman: Understood. Understood, not tonight but...
30
31 Mr. Larkin: If the direction was to come back with a different zoning proposal then we would be
32 able to do that.
33
34 Chair Holman: Commissioner Garber.
35
36 Commissioner Garber: That being the case, the only way to increase the amount of retail would
37 be to do an all retail zone.
38
39 Commissioner Sandas: Right. Under the CS the opportunity to have 100 percent retail in that
40 parcel is there. You don't have to rezone it, it is CS and you can have complete retail.
41
42 Mr. Larkin: The only zone that prohibits mixed use currently is General Manufacturing and I
43 don't think there is any suggestion that it be rezoned to General Manufacturing.
44
45 Chair Holman: No. Go ahead, Commissioner Garber.
46

1 Commissioner Garber: I was just going to say I also wouldn't see this parcel becoming all retail
2 because I don't think that would present the right opportunities to integrate it into the community
3 both on the commercial side, on the residential side, and the sort of feathery zone in between the
4 two. So I am not sure there is a good compromise there.

5
6 Chair Holman: Commissioner Keller.

7
8 Commissioner Keller: Earlier when we were given the options to consider for these four parcels
9 one of the questions was whether or not the parcel should have retail only. My understanding is
10 that CS zone does not currently as it is written have an option for retail only. Therefore to the
11 extent that we could make a decision – so my interpretation and I am not the lawyer, is that if we
12 had the option to say that we wanted retail only and that option were not considered spot zoning
13 then the option to say for this particular parcel and perhaps some other ones tonight, I could
14 imagine some other parcels might satisfy similar criteria – one or more other parcels might
15 satisfy similar criteria to have a similar kind of expansion and thereby the same logic that will
16 allow us to say retail only would be the same logic, from my point of view, that will allow us to
17 say this parcel would be .25 minimum FAR for retail.

18
19 Mr. Larkin: Retail only would probably require us to do something different than what Staff is
20 proposing to do which is take the recommendations to Council and adopt the rezoning. We
21 would probably have to come back with a new zoning designation that would allow retail only.
22 It would prolong the process but it would be something that if that was the Commission's
23 recommendation we would do. If the Commission said we want this to be retail only then we
24 would probably be returning to the Commission with new zoning designations, it wouldn't be CS
25 or CN, if neither of those is a retail only zone.

26
27 Commissioner Keller: So isn't that the same case if we said CS with a .25 FAR overlay for retail
28 wouldn't that be the same thing?

29
30 Mr. Larkin: That is probably correct. We would probably have to make those zoning changes so
31 we couldn't implement that tonight and pass it on to City Council. We would have go back to
32 the drawing board.

33
34 Commissioner Keller: But we could make a motion to that effect, is that correct?

35
36 Mr. Larkin: You could make a recommendation to that effect and then we would have to either
37 restart the process or we would go forward to Council with a negative recommendation from the
38 Commission on the action. That would probably be Staff's choice of action. So either come
39 back to the Commission redo our zones or go to Council saying the Commission recommends
40 denying the rezone but doing this instead.

41
42 Chair Holman: Commissioner Lippert and then Commissioner Sandas.

43
44 Vice-Chair Lippert: I would try to persuade my colleague here to support the motion only from
45 the point of view that if we left the underlying zoning it makes it very difficult for the current
46 owner to be able to do anything with the site currently. It is pretty much going to wind up being

1 a hodge-podge or a mix of development that is not going to be terribly pleasing or compatible.
2 So what I am trying to say is don't sort of throw the baby out with the bathwater. If we have a
3 problem with the CS zoning ordinance itself maybe what we need to do is go back and look at
4 that at another time. Let's not try to keep all these balls in the air at once. Let's deal with the
5 ones that we currently have.

6
7 Chair Holman: Commissioner Sandas.

8
9 Commissioner Sandas: I am sorry I just lost my train of thought.

10
11 Chair Holman: Commissioner Tuma and then I will come back to you.

12
13 Commissioner Tuma: A follow up to Commissioner Lippert's comment because I was actually
14 thinking a similar thing. The question would be how quickly could we do something like that?
15 How quick could we go back and look at the CS zone across the city?

16
17 Mr. Williams: We just got done adopting it. It is not even effective until the 20th. I am sorry we
18 don't have Rick Williams here again but he would convince you all over again why .15 was an
19 appropriate number. If you do retail on this site, an all retail project, you are probably going to
20 be .15 or .20 because the parking is going to take up the rest of the site. That is the reality of it
21 unless you can somehow do a two-story retail or if you can go underground with the parking or
22 two-story parking or something like that which usually retail doesn't justify. I think we would
23 be back to that discussion again. I agree with Don as far as the mechanism goes. If the
24 Commission wanted to on any or all of these sites go in the direction of having either more retail
25 or another thing I heard maybe as an option is less residential then I think it should be something
26 where we move forward with that recommendation to the Council. Then we would have to come
27 back and rather than amending the entire CS ordinance we would have to create kind of a sub-
28 zone or sub-district of CS that has those characteristics and apply it to two or three sites or
29 whatever it would end up being.

30
31 Chair Holman: Let me be very clear I was not suggesting that we go back and look at the whole
32 of CS. That was not my intention. Commissioner Sandas, has it come back to you?
33 Commissioner Burt.

34
35 Commissioner Burt: Well I have been struggling with a couple of aspects of this proposal. One
36 I would just like to comment that some of the discussions that we have had about these smaller
37 hotels are predominantly discussions of looking backward over the last three or four years, not
38 looking further back than that, and not looking forward from that very much. When we had the
39 Internet bubble all the hotels in town were booked to the gills and they were at high occupancies
40 and comparatively high rates for what level of rooms they were. So this and the other smaller
41 hotels along El Camino were much higher revenue generators. On a positive trend line on hotels
42 the other point is going forward is we have only recently adopted this 2.0 FAR for hotels in these
43 zones and we have created a new incentive and we haven't heard or seen what impact, we have
44 heard anecdotally that there are parcels that are being looked at seriously to take advantage of
45 that FAR bonus for hotels. That doesn't mean all these small hotels are going to be candidates
46 for that. So I don't dismiss so lightly the revenue from the small hotels. An average one might

1 be \$75,000 a year in revenue. On the other hand, Commissioner Lippert's point is we don't want
2 to fiscalize land use is an important one but perhaps a little bit overstated. Economic impacts are
3 one of the factors that we do not only need to consider they are part of our mandate to consider.
4 They just shouldn't be the foremost and certainly not the only consideration.

5
6 So then I look at this retail question, which is one I was struggling with. My ballpark is that it
7 would be about 9,600 square feet of retail. The frontage on El Camino is about 130 feet wide.
8 That is a pretty good size amount of retail for that width of a frontage on El Camino. That is not
9 a small retail development at 9,600 it is not huge but it is not small.

10
11 Chair Holman: Can I get clarification on that? At 2,600 square feet of nonresidential I did .15
12 and is my math incorrect, I can up with 4,100 not 9,600? Is my math wrong?

13
14 Commissioner Burt: The entire parcel is 64,000 times .15 FAR.

15
16 Mr. Williams: You are taking .15 times the allowable commercial.

17
18 Chair Holman: Nonresidential.

19
20 Mr. Williams: No, it is .15 of the entire.

21
22 Commissioner Burt: It is .15 of the total FAR.

23
24 Chair Holman: Okay.

25
26 Commissioner Burt: So it is about 9,600 of retail on a lot 130 feet wide. If you look at this table
27 it is a little wider than this table is long but the proportion is sort of like that. We are going to
28 have the retail out at the front here if I am on El Camino and that is pretty sizable retail at the
29 front of this parcel.

30
31 The other thing I was looking at was leaving the existing zoning alone because unlike the other
32 proposals that we have this one actually does have commercial zoning on that frontage as it is.
33 They haven't used it for retail but that is the way it is zoned. So if they were to flip this parcel
34 they would be required to have retail on that front parcel and then the back would be residential.
35 I am not sure that is the better design.

36
37 So having weighed all those things in principle I still don't want to give up on all of these small
38 hotels along El Camino and throw in the towel there. I think on this site, all things considered, I
39 am inclined to support the proposal that this CS is the best zoning for this particular site.

40
41 Commissioner Sandas: This wasn't it but I thought of something else. I just wanted to throw in
42 my support for the motion as well. When I first read through my packet it seemed obvious to me
43 that CS is a very flexible zoning, it gives the community a lot of options, it gives whoever is
44 developing the piece of property a lot of options that can benefit the community, and also one of
45 the things that I think is also important about it is that the range of options is there. One of the
46 things, and of course we know that this most likely wouldn't happen for a variety of reasons, a

1 big store can go there. We have been trying to zone for Fry's for a long time and maybe we
2 found an alternative. Not that I think that it would play out but CS zoning does create options.
3 So I am in support of Arthur Keller's motion.

4
5 Chair Holman: Mr. Lippert, did you have another comment?

6
7 Vice-Chair Lippert: I just want to follow up on Commissioner Burt's comment with regard to
8 economics. I was not implying that economics should not be a consideration here only that
9 fiscalization of land use in terms of sales tax revenue generated I don't think is necessarily
10 appropriate. If we were to look at that then what we are really looking at is things like why do
11 we limit retail establishments to 40,000 square feet under one whole retail tenant? We currently
12 do that. The Fry's site right now is in peril because of that. We need to make a decision that
13 that's the appropriate use for that site, and it is the appropriate zoning for that site, and not really
14 look at the overall tax benefits that come out of that.

15
16 Then one other point that I wanted to make with regard to the hotel issue is that at the height of
17 the dot.com boom the Cabana hotel went and parsed off a whole section of their property and
18 rezoned that and did a development that was residential R-1 development. If in fact there was a
19 need for more hotel they would have expanded there, in addition to that the Hyatt Rickey's site
20 gone – another hotel site. We do have a need for it but we are talking about such a small site
21 here by comparison to what our needs are and we need to look at the big picture.

22
23 Chair Holman: Commissioner Garber you had a quick thing and then Commissioner Keller and
24 then I'd like to try to wrap this up.

25
26 Commissioner Garber: I was only going to join Commissioner Lippert's encouragement to have
27 our Chair join only to suggest that the art of zoning isn't a perfect one. If you look for what is
28 across the city on a larger as opposed to focusing in on the parcel zoning is not going to always
29 fit perfectly. To Commissioner Burt's point it fits pretty well here. Would it be nicer if there
30 were a little bit more retail? I suspect the answer is yes but I suspect that this is in terms of
31 stitching together how the zoning works and should work in that portion of the city I think it is
32 the right move to do.

33
34 Chair Holman: Commissioner Keller, you had a comment?

35
36 Commissioner Keller: Yes. Certainly the current zoning doesn't have very much retail in it
37 because the CS portion of the parcel is the front portion. Considering setbacks and the fact that
38 there is a percentage of that which could be mixed use you could get quite a small amount of
39 commercial use indeed for the current zoning. In fact, I wonder whether under the current
40 zoning somebody could just simply build a large residential property to the back in the RM-40
41 and RM-30 zones and in the commercial zone put a large parking lot. I am wondering if that is
42 legal and it probably is and that is probably not what we want either. I think this is much closer
43 to what we would want and I was somewhat concerned when we voted in the .15 on the CS zone
44 in terms of whether that one size fits all but we were told that we have to basically provide a
45 number that is a minimum and hopefully it will be exceeded but we can't force that.

1 Chair Holman: In my own defense here I certainly had never presumed or hopefully insinuated
2 that I would support keeping the existing zoning. It is rather a hodge-podge. I guess my concern
3 is as we look for sites to have more retail and a larger single facility albeit grocery stores or any
4 number of other things there aren't that many opportunities. I learned yesterday that there were
5 some other sites, I didn't realize one of them was right next to this, that we might be looking at
6 as well. I guess I would feel more comfortable if we were looking at the adjacent sites at the
7 same time if those are ones we are going to be looking at in the future and looking to see what
8 the best use is for those and how they might accomplish some of our larger goals for the
9 community in terms of retail or community services. So it is a tough call for me and I think just
10 not to be a contrarian but at the same time to just hold it out there that say maybe some Council
11 Members when they are reading this will look at this and say maybe there is some other
12 considerations here I am going to vote against the motion. So with that we will close the public
13 hearing on this item too. We will call the question.

14
15 MOTION PASSED (6-1-0-0, Commissioner Holman voted against)

16
17 So all those in favor of the motion as previously stated to adopt the Negative Declaration for
18 3981 El Camino Real, the current site of the Mayflower Motel, and to adopt the recommendation
19 to change the zoning to CS, Service Commercial, and to adopt the resolution, Attachment B, to
20 amend the Comprehensive Plan designation to Service Commercial, all those in favor say aye.
21 (ayes) Opposed would be me. So that passes on a six to one vote.

22
23 Mr. Larkin: It is past the point in our meeting that I am supposed to do this but I thought it was
24 better to wrap up this first item. The Commission needs to reach a consensus as to whether or
25 not it will raise the four items on the agenda, we are through number one, the Commission needs
26 to make a decision if they intend to get to all of the other three matters tonight and if so, if they
27 would consider bringing those after ten o'clock. I anticipate that the other ones will go more
28 quickly but since I am supposed to ask the question I am asking it now.

29
30 Chair Holman: My inclination would be to think that the others would go more quickly because
31 we vetted a lot of the issues on this item. Do other Commissioners think that we can undertake
32 all four or the other three items tonight? Do Commissioners think we can get to all of the other
33 three tonight? Okay. Given that why don't we take a five-minute break and we will reconvene.

34
35 If we could reconvene. The next item we will undertake is 4151 Middlefield Road. Staff has
36 brought it up over here on the larger visuals. I have one card coming for that. Also if Edward
37 Freiberg is here he wanted to make a general comment. Did he leave? Okay. So one speaker
38 for 4151 Middlefield Road. Bob Moss.

39
40 Mr. Robert Moss, Palo Alto: This is kind of an odd situation. Apparently nobody realizes it but
41 that building was just sold for a little over \$4.0 million. Obviously the guy who bought it new
42 what it was and figured gee, it is an office building, we are making money on it so he's put that
43 money into it. If you look at the use of the building and the impact on the neighborhood keeping
44 it as a commercial type use seems perfectly reasonable. So I think the rezoning to CS or
45 something similar is perfectly appropriate.

1 It is kind of an aside, I notice some of the letters talking about rezoning both this and the nursery
2 some of the neighbors were complaining that gee, if you rezone from RM-15 it is going to have a
3 terrible impact on the neighbors. That would certainly apply to this office building. I would like
4 to remind everybody that the office building and the nursery existed before those condos existed.
5 They were there in the early 1970s. So all we are talking about doing is keeping the existing use,
6 the existing type of operation. I never noticed any particular problem in that area. The traffic
7 counts that Staff has and keeping the office building does not create a particular problem for
8 traffic. So I think keeping this in its current use and rezoning it, taking off the RM-15 is
9 perfectly rational. I suggest you go ahead and do that.

10
11 Chair Holman: Thank you very much. Okay. Go ahead and speak to us and then you can fill
12 out a card.

13
14 Ms. Ellen Fletcher, Palo Alto: This office building is actually adjacent to single family and
15 across the street from single family. It really isn't quite adjacent to San Antonio because next to
16 it is part of the nursery and part of the gas station. So it really isn't at the corner. The R-1 was
17 there long before the office building too as far as I know because those houses aren't new.
18 Anyway, I didn't think Service Commercial is appropriate for that site because of all the
19 residential around it. Thank you.

20
21 Chair Holman: Okay, thank you. Commissioners, do you have any questions for Staff?
22 Commissioner Garber.

23
24 Commissioner Garber: Do you happen to know how tall the existing building is on that site?

25
26 Ms. Moitra: It is a two story.

27
28 Commissioner Garber: Maybe in the range of 20 to 25 feet.

29
30 Chair Holman: I would think more like 25 than 20.

31
32 Ms. Caporgno: Probably 25.

33
34 Chair Holman: Commissioner Burt.

35
36 Commissioner Burt: This isn't a question it is an effort at perhaps accelerating the process on
37 this particular parcel if the Commissioners agree with me. I would argue that if we think that the
38 current use is an appropriate use the best way to retain it that way would be to keep the existing
39 zoning with this use as a permissible nonconforming use. If we change the zoning to the CS then
40 we create a sizable incentive to tear this down and put in a big mixed use project. That might not
41 happen in the near term because of the value of the office building that is already there. Right
42 now if it is only RM-15 and you look and in the packet at the different models if our intention or
43 our wish was to give an incentive to tear down the office building and put up a larger mixed use
44 building then we should rezone it. But I think if we actually want to leave well enough alone
45 don't touch the zoning and we can make a motion pretty quickly and move on to the next item

1 especially given that it appears that inclusion of this parcel in the discussion to begin with was
2 mistaken.

3
4 Chair Holman: Commissioner Lippert.

5
6 Vice-Chair Lippert: I have a different approach to it or a different point of view. Thinking about
7 the projects that we have recently seen come before us for instance the Campus for Jewish Life
8 which is just down the street and other projects that are in that proximity it is appropriate to have
9 some sort of retail in that area that serves the adjacent neighbors, specifically this would be an
10 ideal site for some sort of small supermarket to be there that people from the Campus for Jewish
11 Life can walk down to, even some small shops for maybe even shoe repair and things like that.
12 This would be an appropriate almost neighborhood serving retail site. I still see that the CS zone
13 would be appropriate there.

14
15 Chair Holman: Commissioner Keller.

16
17 Commissioner Keller: Firstly I think that if the effect of Commissioner Burt's suggestion would
18 be such that it allowed the property owner to improve this property as needed to continue
19 keeping it updated or whatever and making it a legal nonconforming use would allow such
20 improvements I think that would be a good thing. I am questioning for Staff under the
21 suggestion by Commissioner Burt whether that is in fact the case.

22
23 Ms. Caporgno: No. I think Commissioner Burt is saying leave it the way it is because he
24 doesn't want it to change and he is saying that the office is totally

25
26 Commissioner Keller: I think he is suggesting not changing the zoning but making it a legal....

27
28 Commissioner Burt: If I might clarify. I was not suggesting making it legal and I was
29 suggesting also that the reason why we have these properties before us tonight is the Council had
30 identified certain properties that they wanted to have addressed. This one not only doesn't fit
31 that mode it also was brought to them mistakenly and when you look at the impact of changing
32 to CS it would potentially have a consequence that is different from what the Council was
33 looking for and perhaps different from what the Commission would be looking for.

34
35 Mr. Larkin: Just a real quick explanation because I think Arthur Keller's question demonstrates
36 something that we haven't actually adequately addressed. When a zone is changed the uses that
37 exist in that zone are not automatically made illegal. What they are made is legal
38 nonconforming. You can't expand or change those uses but as long as you keep the same use it
39 is legal. That is what Commissioner Burt was recommending. The other option is you can make
40 a zone change and require that the use be discontinued and you have an amortization period in
41 order to allow the property owner to get fair benefit of the use. That is what has been done on
42 the Fry's site. On these sites they are currently now existing nonconforming. They are legal as
43 long as the uses aren't expanded or changed. That would continue if there was no change made
44 to this.

1 Mr. Williams: To clarify further, I don't know if this is where you were going with your
2 question, but while you can't expand or change them you can maintain them. If it is a matter of
3 where you are saying the word, I don't think you said improvement but you said to keep it up or
4 something like that, so in terms of improving interiors as long as it is still an office use and just
5 maintenance things that keep it looking good those are allowed, that type of activity is allowed
6 on a nonconforming use but you can't increase the square footage and you can't change the use.
7 You couldn't turn it into retail use.

8
9 Commissioner Keller: The second set of issues is that on our Attachment E there is a property
10 here labeled CS in fact to the right of where it says in San Antonio Road. I believe that on one of
11 those parcels there is a thing called the World Market, at least there was the last time I looked I
12 am not sure if it is still there, and that is an example of a small grocery store that I think might
13 serve the Campus for Jewish Life and presumably the residential that is nearby. I am just
14 pointing that out. I think that when the Campus for Jewish Life is actually built I would suspect
15 that there would be an increased need for such services. I do understand that as part of the
16 Comprehensive Plan Update process part of what we will be considering is the East Meadow
17 Circle and San Antonio Road area. So I don't know if at that time we would also consider this
18 parcel or if we are dealing with this now but in some sense I do agree this parcel doesn't
19 necessarily fit the same criteria as the other parcels. In some sense some more comprehensive
20 look needs to be made.

21
22 Chair Holman: Commissioner Tuma.

23
24 Commissioner Tuma: Just to clarify. Had this mistake not been made would this parcel be
25 before us?

26
27 Ms. Caporgno: I don't know if it would have because we would have put it on the list because it
28 still meets the criteria of it is commercial property with a residential zoning district and land use
29 designation. Now, they may have made the distinction, there was an office building they
30 discussed possibly changing and then they decided not to because of its location. So just because
31 it is an office doesn't mean that they would have said we are not going to include it. So I don't if
32 they had known it was two separate parcels whether or not they would have included it or not.

33
34 Mr. Williams: Again, going back to just listening to what they were talking about their focus all
35 along seems to be retail, existing revenue generating uses and trying to protect those. So I am
36 not sure, this doesn't seem to us to be nearly the same level of priority as some of those other
37 sites. I also mentioned and I think Commissioner Keller mentioned something about Comp Plan
38 and that. If this site or the others are something where you feel there is not an imminent potential
39 for change the Comp Plan is going to look at some of these issues over the next couple of years
40 so it could be revisited through that process as well.

41
42 Ms. Caporgno: We haven't delineated the boundaries for East Meadow Circle and San Antonio
43 area study and I don't know if it will extend that far down.

44
45 Chair Holman: Commissioner Sandas.

1 Commissioner Sandas: No.

2

3 Chair Holman: Commissioner Garber.

4

5 Commissioner Garber: Comments along Professor Keller's lines. Just looking at the zoning
6 map here there are a variety of things going on obviously on the southern boundary of San
7 Antonio Road on the other side. It is primarily commercially zoned in a variety of ways. There
8 are some PCs as well. The northerly side of San Antonio has a PC for the Greenhouse and then
9 you have some R-1, R-2, etc. So I have a hard time seeing this particular parcel as supporting
10 the more commercially oriented zones that are bordering San Antonio directly. I find myself less
11 convinced that it is a CS-like animal.

12

13 One question that I think you have already answered and that is there is a study of I think it is the
14 traffic that goes up San Antonio that has been done and recommendations relative to the street
15 itself, is that right? The San Antonio corridor study or whatever that is called?

16

17 Mr. Williams: There is not on San Antonio. There were numbers done for the 901 San Antonio
18 project, Charleston-Arastradero Corridor had a study. The San Antonio Corridor there is an
19 improvement project relative to replacing trees, the median....

20

21 Ms. Caporgno: Yes, it is not doing anything for any traffic.

22

23 Commissioner Garber: Yes, but relative to taking a more comprehensive look to the area's uses
24 is yet to be done.

25

26 Mr. Williams: Right.

27

28 Commissioner Garber: Thank you.

29

30 Chair Holman: Commissioner Sandas.

31

32 Commissioner Sandas: One thing that I also want to point out is that further north up
33 Middlefield Road is the Charleston Center at the corner of Charleston and Middlefield with
34 Piazza's and other retail. So in terms of neighborhood serving retail there seems to be an
35 adequate amount and that shopping center seems to be getting some new businesses and
36 increased vitality. So I tend to agree with Commissioner Burt and also what Commissioner
37 Garber just said that that is particular parcel doesn't seem to need to fit into the CS at this point.
38 I hadn't thought of unintended consequences but boy you sure could put something pretty big as
39 a mixed use site there where right now the impact on that piece of property is pretty limited. So
40 if it ain't broke let's not do anything to try to fix it is my thought.

41

42 Chair Holman: I have a couple of questions for Staff. One is this building was fairly recently
43 built, when was it built do we know?

44

45 Ms. Caporgno: No, I was told maybe ten years ago.

46

1 Chair Holman: So I guess my question is if it is zoned RM-15 how was it built ten years ago
2 because I don't think it is likely the zoning was changed? I don't know if you are going to have
3 an answer to that but it is a curiosity I had.

4
5 Commissioner Keller: I believe that there was a commercial property there before and I believe
6 it was remodeled. It was not?

7
8 Mr. Williams: It was remodeled about ten years ago.

9
10 Chair Holman: Remodeled and not rebuilt.

11
12 Mr. Williams: So the size stayed.

13
14 Chair Holman: So the size stayed the same too?

15
16 Ms. Caporgno: Yes.

17
18 Chair Holman: All right, okay, that helps with that. I guess none of these are easy. I am looking
19 at this map and I am looking at the Summerwinds site not trying to get into any conflict issues
20 but I am looking at the Summerwinds site at the same time as I am looking at the 4151
21 Middlefield. I am looking at how that would make such a more appropriate parcel because of
22 access and availability for development. There are some uses that are allowed in CS that are not
23 allowed in CN. So I guess will just throw it out there to see if there is any interest in
24 consideration of CN for that parcel. Part of me says yes, if it ain't broke don't fix it. I can go
25 that way too. Another part of me is like zone for what you want and look to the future what is
26 really going to happen here and what is going to best. There was one other point about this,
27 which escapes me at the moment. I saw Commissioner Keller's hand go up. Oh, yes, I just
28 remembered what it was which is CN, Staff has put it out there as a possibility of something we
29 could consider but how would CN not be spot zoning?

30
31 Mr. Williams: Did you want to answer that? First of all it is applying a zone we already have.
32 We were talking before about creating something that applies in one spot. We have a lot of
33 places where an individual parcel is CN but it is next to other CS and it is not necessarily a string
34 of CN parcels. I think you just need to find that there is some reason why in this particular
35 location it is appropriate and it may be because there is residential on three sides of it that might
36 be your reasoning. That it is not right at the corner of roadways. So I can see that there are
37 reasons you could probably come up with to justify that distinction but you just have to make
38 that distinction. And in doing the zoning you have to find that there is that kind of basis for it
39 rather than the CS or some other zoning.

40
41 Ms. Caporgno: Our recommendation of the CS was mainly because there were other CS zoned
42 parcels along that area. The CN could be appropriate if it can serve that neighborhood. There is
43 a neighborhood adjacent to it where these other properties, Mayflower Motel, Palo Alto Bowl
44 didn't appear to be that neighborhood serving oriented.

45
46 Chair Holman: Commissioner Lippert.

1
2 Commissioner Keller: I think I was next.

3
4 Chair Holman: I'm sorry, Commissioner Keller.

5
6 Commissioner Keller: I am having one problem and I am wondering if anybody else is having
7 the same problem. In some sense what makes sense for this property depends on two things.
8 First of all if it makes sense to turn this property into something else. Let me start again. So we
9 are next going to consider I presume 725 San Antonio. Under the scenario that 725 San Antonio
10 stays as RM-15 that might affect what we do to this parcel. On the other hand if 725 San
11 Antonio is changed to some other zoning then that might have implications for this parcel. So in
12 some sense we are looking at these parcels in the wrong order. So it seems to me that there are
13 two alternatives. Do nothing to this parcel now and revisit it when we do the Comprehensive
14 Plan Update and hopefully that will include this parcel when we look at it again. Or alternatively
15 if we could look at the 725 San Antonio parcel first and table this until after the 725 parcel I
16 think it could inform our considerations of this parcel.

17
18 MOTION

19
20 So I am going to make a motion to table this to reorder it to after the 725 San Antonio parcel.

21
22 SECOND

23
24 Commissioner Tuma: I would second that.

25
26 Chair Holman: Does the City Attorney have something to say?

27
28 Mr. Larkin: You can do that.

29
30 Chair Holman: So we have a motion on the floor to table 4151 Middlefield Road until after
31 consideration of 725 San Antonio. Motion made and seconded. Do you care to speak to your
32 motion or do you think you already have?

33
34 Commissioner Keller: I think I already have.

35
36 Chair Holman: Commissioner Tuma.

37
38 Commissioner Tuma: I have been sitting here and it goes to one of the earlier questions I had. I
39 recognize that these are two parcels owned by two separate people. I also know that from time
40 to time developers will buy portions of another parcel and do a lot line adjustment. I do think it
41 bears some value in having the other discussion before we vote on this one just to see what else
42 comes out. I think that there could be some possibilities about these parcels working together
43 and also how they relate to each other is important to talk about first.

44
45 Chair Holman: Commissioner Burt.

1 Commissioner Burt: I am okay with the tabling of it. I would just like to add some additional
2 context. I think it was Commissioner Keller who alluded to the Comp Plan Update and for those
3 Commissioners and audience members who aren't familiar with it we had initially as part of the
4 Zoning Ordinance Update intended to move from dealing with updating the zoning
5 classifications into then looking at where to redraw the zoning maps. We are not going to be
6 doing that immediately following it we are now going into the Comp Plan Update. I would
7 argue that there are a lot of parcels throughout the city that would merit equal consideration for a
8 zoning change as this one would. It is only by a fluke reason that this is on the table tonight and
9 it is really not consistent with the reasons why the other three are here. The Council was
10 concerned over preservation of retail-like uses and that is why we are even having this meeting.
11 This one doesn't belong and it is not necessarily more or less of a valid issue to look at the
12 rezoning here. I just don't think we ought to be spending our time tonight on it. We ought to
13 focus the limited amount of time we have on the three that matter.

14
15 Mr. Larkin: I just want to comment I don't have my little chart here I wasn't expecting
16 procedural questions but I believe this is one of those motions with a very limited discussion and
17 debate until after the question has been called. So it is one of those if you table it you table it, if
18 you don't you don't.

19
20 MOTION PASSED (7-0-0-0)

21
22 Chair Holman: Okay. All those in favor of tabling this property until after the discussion of 725
23 San Antonio Road say aye. (ayes) Opposed? So that passes unanimously.

24
25 So we could do 725 now. So why don't we undertake 725 San Antonio Road now. I have two
26 cards from members of the public Elisa Noonan and Ellen Fletcher. You each will have five
27 minutes.

28
29 Ms. Elisa Noonan, Palo Alto: I wanted to give you these. My family owns 725 San Antonio
30 Road. I had a written statement. I don't know if this will make five minutes or not.

31
32 I just wanted to say we met Chitra and Julie at the meeting and we appreciate all their hard work
33 but we have a different perspective. We are really, really concerned. I think what I will do is
34 just have copies, like I have done before and give you the rest of this.

35
36 Right now under RM-15 we have an existing use that is legal, that is grandfathered in and we
37 strongly disagree with changing the zone and land use from RM-15 multiple family to
38 commercial. We stated the reasons for that in letters to you. Tonight I wanted to direct your
39 attention to the current zone map. What we see here is a thoughtful plan, a plan that strengthens
40 the quality of life for people who live in this community. The way the land use designation and
41 zone districts are now setup form a bridge, a transition, a link, a seamless connection from single
42 family to multiple family to commercial in an orderly way. If you look at the zone map as a grid
43 Palo Alto has single family on the left, multiple family in the center, and commercial across a
44 major thoroughfare on the right. 725 San Antonio is part of the multiple family center. We see
45 that this is the vision the current Palo Alto plan has for this community and our family wants our

1 property, 725 San Antonio Road, to remain part of that vision, to remain part of that multiple
2 family center.

3
4 In the future, and this is long range because right now we have an existing use that is there for us,
5 we see 725 San Antonio Road as an extension of the Greenhouse and of standalone multiple
6 family residences. We see it as an elegant extension, a vibrant tree-lined space for people to
7 reside, to live. We think Palo Alto spent many careful hours setting this current grid of zoning, if
8 you will these current corridor strips, and we think that Palo Alto should maintain that vision.
9 The single-family benefit from the multiple family next to it. The multiple family homes serve,
10 as the regulations Palo Alto setup say, as a transition to the nonresidential uses across the
11 thoroughfare. We wanted to give you this map because it is important to set this frame. We
12 wanted the City Council Members to look at our property in the same way they looked at the
13 AAA office, the same way they looked at the surgery center when they removed them from the
14 rezoning list because of those sites' relationship to residential. We wanted the City Council to
15 apply the same criteria, the same rationale, and a similar standard. We think it is fair for a
16 property to be treated in the same way.

17
18 Before we get to the number 3,713 we need to talk about what happened at the August 7
19 meeting. The minutes of the Council Meeting are attached to tonight's Staff Report but the
20 minutes as written do not actually tell what happened at the August 7 meeting. There is a critical
21 section, a section we believe is material to the substance and process of what is being
22 recommended tonight. The videotape confirms that a key section of dialogue is missing from the
23 minutes. We really think that this shows the intent of the Council to prohibit any kind of
24 housing, standalone, mixed use, any kind of housing and we want RM-15 kind of development
25 on our site in the future. Right now we have something that we like but later on when we think
26 about ten, 15, 20 years down the road you have to be forward thinking. What do you want to see
27 in that whole entire area? We see homes there. We see the commercial across the side of the
28 street. We see us being in conjunction with the Greenhouse and that is what we see our property
29 as.

30
31 According to the minutes Mr. Klein made a motion to ask the Staff to initiate the rezoning
32 process for the last four of the six properties in Attachment C. We really think that this motion
33 really contradicts the multiple policies stated in Palo Alto's Comprehensive Plan that promotes
34 housing. This is what happened. Ms. Mossar stated to Mr. Klein that he made a motion to
35 initiate the process to rezone the properties but that Mr. Klein did not specify to what. Mayor
36 Kleinberg then asked Mr. Klein to specify using the City Attorney's wording. Mr. Klein then
37 moved for Staff to start the process to rezone four sites listed in Exhibit C to commercial,
38 prohibiting or restricting the potential for residential use. This is the important part, he added
39 this and I quote, "As outlined in Option A-1," meaning that it is a strict commercial use. The key
40 words that are missing from the written record are, "as outlined in Option A-1." Mr. Baum
41 wrote in his memorandum that Option A-1 is a blanket prohibition of residential uses. That night
42 Mr. Emslie discussed the difference between A-2, the mixed use alternative prohibiting
43 standalone housing and Option A-1, the exclusion of all types of housing whether mixed use or
44 standalone. Mr. Emslie and Mr. Baum characterized Option A-1 as draconian and drastic.

1 We really think, Commissioner, we would really like you to look over the City Manager's
2 Report written by Curtis Williams and the City Attorney's Memorandum. Mr. Williams' report
3 in our view intimated that Option A-1 had disadvantages. We would also like you to look over
4 the videotape because the transcript is really not accurate.

5
6 We feel it is important to take time to review these in order to make a thoughtful
7 recommendation. We really do want to keep the RM-15 zoning. We think it fits the whole
8 neighborhood. We think that is something that the plan – there was a vision that Palo Alto had
9 and that was the plan that existed and we think it is a good plan. We believe precluding housing
10 doesn't make sense.

11
12 Vice-Chair Lippert: Time.

13
14 Ms. Noonan: Can I just finish? This is really important. This is about the ABAG numbers. I
15 would appreciate it.

16
17 Chair Holman: If you just finish up your thought and then I think time has run out.

18
19 Vice-Chair Lippert: You are a minute and a half over.

20
21 Ms. Noonan: Is it okay? I would appreciate it.

22
23 Chair Holman: If you would just finish the current thought and then there is a follow up question
24 for you.

25
26 Ms. Noonan: Okay. Well, 3,713 is the proposed number of housing units that the ABAG
27 Committee listed on their November 17, 2000 calculation sheet. Palo Alto would need to meet
28 that in the next seven and a half years to meet its fair share of the region housing needs in all
29 income categories. We think it makes no sense to preclude, prevent, or prohibit housing.

30
31 Chair Holman: Okay, I think there is a follow up question for you. Commissioner Keller.

32
33 Commissioner Keller: I understand that you based on the record of what you heard at the City
34 Council Meeting on August 7 that you are quite concerned with the potential that might exist for
35 preventing any housing on this site. That is my understanding from the letters you have written
36 and such. What I am wondering is let us propose that removing housing from this site as a
37 possibility was not entertained at any time. Let's just consider the case of the CS zoning which
38 allows for mixed use. I am wondering how you would consider assuming that housing was still
39 an option under mixed use whether CS zoning and a mixed use property that would create
40 transition to what I see as the CS zone which is the gas station on the corner and the gas station
41 across the street, whether a mixed use development that included housing would be an
42 appropriate transition.

43
44 Ms. Noonan: I don't see that. I see RM-15. When I look at that place and I have walked it. I
45 look at the homes and I say if this weren't here 15 years from now what would I want to see?
46 Would I want to live here? I look at this and I say, no I really think this talks to the single-family

1 homes that are on this side. I look to the north and I see the Greenhouse and I say you know,
2 something that is elegant that matches that that really talks to this place. That is what I see. I see
3 preserving that especially with these ABAG numbers should be a priority for Palo Alto.
4

5 Chair Holman: Okay. Thank you very much.
6

7 Ms. Noonan: That is really what I feel.
8

9 Chair Holman: Are there any other questions for Ms. Noonan? Okay, thank you very much.
10 Ellen Fletcher.
11

12 Ms. Ellen Fletcher, Palo Alto: I live at the Greenhouse, which of course you know is next to
13 Summerwinds. We have 228 units combined in Greenhouse I and Greenhouse II. I am 100
14 percent against the CS zoning. I wouldn't mind a little neighborhood commercial, neighborhood
15 retail, like Midtown has but I don't want any big shopping center like that. CS zoning from what
16 I have read in the ordinance, which was in the materials, is for a citywide and regional service.
17 That is what I am 100 percent opposed to. I am not sure we need Neighborhood Commercial
18 either because I have walked through Charleston Center I think that CS zoning is the most
19 inappropriate zoning for this site because even the Midtown doesn't have CS zoning which is
20 neighborhood commercial. So that is my opinion. Please don't make it CS. Thank you.
21

22 Chair Holman: Thank you. Commissioners, questions? Commissioner Burt.
23

24 Commissioner Burt: Is it all right to comment rather than question or do you want questions
25 first?
26

27 Chair Holman: We can combine them.
28

29 Commissioner Burt: Okay. I am not so sure that CS is appropriate for this site. As far as the
30 notion of walkable neighborhood serving retail as the last speaker just said the Charleston Center
31 is just a short distance away, serving the CJL and even more housing units coming in on East
32 Meadow Circle is an issue that needs to be addressed down near Charleston and San Antonio
33 where it will be walking distance to those areas. We have had those discussions and I think Staff
34 has indicated that they have a strong inclination to address those issues there. I think those are
35 very important to do so.
36

37 What I was thinking about here is what do we have at this site and why is this trying to be
38 preserved? I don't think it is just the retail revenue that is an incentive whether Council spoke
39 about it or not. For me, there is something else that in an ideal world would be preserved and
40 that is to have a nursery there. That is Palo Alto's nursery. It is a valuable community asset. If
41 there was some way to help preserve that I think in the long term that would be really valuable to
42 do so. It is not within our options tonight to create those incentives but just as we have talked
43 about incentives for auto dealerships where low intensity uses are trying to compete with higher
44 land values and yet those uses are important to the community we may need to look at transfers
45 of development rights. So that might be something that for preserving this sort of use as well as
46 looking incentivizing auto dealerships that might be a direction that we need to go in the future.

1 As far as tonight I haven't yet heard from the other Commissioners and I may yet be swayed but
2 my inclination would be to not make a change to this site because I think once again we may
3 have an unintended consequence if we zone this CS we could very potentially accelerate the
4 process of losing our nursery. The development potential under CS is higher than under RM-15.

5
6 Chair Holman: Commissioner Lippert.

7
8 Vice-Chair Lippert: I agree with most of what you have said. I see it similarly but from a
9 slightly different point of view. This is a very important intersection or juncture of San Antonio
10 Road and Middlefield Road, which is the exiting point of a lot of commuters coming through our
11 city. What I see are people coming from Los Altos, coming across Alma Expressway heading
12 toward Bayshore Freeway on their way home. A lot of people are going to be stopping, buy their
13 gas, there is a gas station on the corner, in fact there is a gas station on two corners, and at the
14 same time they might very well stop and pick up some groceries, pick up their dry cleaning, do a
15 variety of things while they are on their way home. In addition to that I see it in proximity to the
16 number of residential neighborhoods that also have needs. So I see it as having potential as
17 being another walking shopping center within Palo Alto. Just because there is one market
18 doesn't say that you have to shop at that one market. Why not have some competition and have
19 a couple of markets or a couple of dry cleaners or a couple of coffee shops? So it is the
20 proximity of this to two major intersections and the proximity to a very dense housing that is
21 coming along that says to me that this is prime for rezoning either as CS or possibly a
22 neighborhood serving commercial zone.

23
24 Chair Holman: Commissioner Keller.

25
26 Commissioner Keller: I think that it is unfortunate that gas stations seem to take the prime real
27 estate on a corner because the issue is that it makes a rather unsightly gateway into the
28 neighborhood either on San Antonio Road or on Middlefield Road. I long for the day when there
29 will be a lot more people who are charging their cars at home and occasionally filling them up at
30 a service station so there will be a lot fewer service stations than there are now. I think that day
31 will be long in coming alas. Nonetheless I do see that there is a notion of transition. I do think
32 that the property owner has eloquently talked about the idea that we should have some transition
33 as you move toward San Antonio Road. My interpretation of transition is somewhat different
34 from the property owner's notion of transition. I see the Greenhouse community as being a
35 wonderful community of moderately high-density housing. I see single residential housing
36 toward Sutherland Drive and Montrose. I see a property that have deferred that is an office
37 building in between so this property does not abut any R-1 zoning. Across the street is R-2 and
38 next to it is something that is zoned CS. So I think that considering this property under CS or
39 CN zoning would under current regulations provide for a mixed use development. I would be
40 opposed for this site having only retail and not having a mixed use. So I think that a mixed use
41 would go fine here in terms of the notion of Middlefield and San Antonio Road and where it is
42 located. I also think that at the time when we consider satisfying the ABAG numbers at the time
43 that they are given to us as part of the Comprehensive Plan it might be possible at that time to in
44 conjunction with discussions with the property owner consider placing this site as a mixed use
45 site on the Housing Element which I understand would guarantee that the City could not take
46 away the ability to put housing on here. So I think that that would be something that would

1 make sense to me. I would agree with the discussions of our former Vice-Mayor, Ellen Fletcher,
2 that this parcel is suitable for CN. I would encourage CN at this location combined with some
3 sort of mixed use.

4
5 Chair Holman: Commissioner Garber.

6
7 Commissioner Garber: I share Commissioner Keller's recognition that the gas station is the
8 conundrum here. If the gas station were not here I suspect the solutions would be more distinct
9 and more clear. It is hard for me to reconcile that the parcel be only housing given that you have
10 that CS use there. Just the same it also makes sense to recognize that the one side of San
11 Antonio is predominantly housing. So this gas station becomes the key. It is also imaginable
12 that an argument to create the parcel as CS or CN for that matter allows for the development of a
13 more commercial-like corridor along a very busy street also potentially makes sense. I don't
14 think anybody would ever put housing on that corner in particular. It would not be a great spot
15 for housing to occur. All that description is just to say that I am not seeing one way or the other
16 speaking to me as being more important than the other. I can also mention frankly that this site
17 also has like some of the properties we just saw on El Camino has two zones on it. The portion
18 of the site that is adjacent to San Antonio has the CN but the portion that is adjacent goes straight
19 back from Middlefield is in fact residential and sort of splits that – I am not sure it is making a
20 difference but it is acknowledging those two different areas on either side of those two streets.
21 So I find myself wondering if the issue of how the City is going to approach this area in a larger
22 context in the general plan or as part of an area plan or an area study is something that essentially
23 we would put some of these issue off, not take action now until that opportunity comes to rethink
24 of this in light of the larger impact. Again, I am just making comments and observations. I
25 haven't made a decision one way or the other at the moment.

26
27 Chair Holman: Commissioner Tuma.

28
29 Commissioner Tuma: I used to live in this area. I used to drive by this intersection all the time
30 sometimes coming off 101, sometimes even to get gas. For different reasons I am in the same
31 boat as Commissioner Garber. I am really believing just thinking about if I were still living there
32 how would I want this and I am really conflicted. I think that there is something to be said for
33 what Commissioner Lippert was saying but at the same time having lived in that area you go to
34 Piazza's, there is a Safeway just on the other side in Mountain View but that is where some
35 people go to shop. There is a whole new section where R.E.I. and those places are there has
36 been a lot of development there. There is Costco. So I am not sure be honest with you what the
37 right solution is here. It may sense to take a little bit more time. It doesn't seem like it is urgent
38 so to me maybe making no decision and leaving it for discussion within the context of the Comp
39 Plan makes more sense. I am concerned, as I alluded in the beginning, about the impact of the
40 ABAG numbers. We don't know what they are going to be yet and I think that is something that
41 has to be taken into consideration and the time to do may very well be in the context of the Comp
42 Plan.

43
44 Chair Holman: Commissioner Sandas.

1 Commissioner Sandas: A couple of things. One is you mentioned the ABAG numbers and I
2 suspect, unencumbered by any facts at my disposal at the moment, I suspect that we are doing
3 fine with the ABAG numbers. I think that we will continue to do fine. You will tell us at some
4 point. One of the things is I think that CN is actually a brilliant or very good compromise. The
5 parcel at this point is zoned RM-15. The owners have a vision for housing and our community
6 while we have evolved in a slightly different direction from when the RM-15 zoning was placed
7 here we still value the housing, but we also value the mixed use and the neighborhood retail, the
8 ability to walk to where you are going to go, to places that you need to go to. On this corridor
9 here on San Antonio Road it is a very busy corridor yet with certain developments coming in like
10 Campus for Jewish Life and other things and more housing I think we are creating the
11 opportunity to slow that corridor down a little bit and make it more walkable and more
12 pedestrian friendly. So if we all decide that we want to put this off and talk about it later I can
13 handle that but I think that recommending Neighborhood Commercial is a wonderful
14 compromise that we may end up doing anyway.

15
16 Chair Holman: I want to jump in just for a minute before Commissioner Keller speaks again.
17 Several points have been made, as Commissioner Burt knows, I have long spoken against
18 incentivizing the removal or redevelopment of parcels that have something on them that is a
19 community value. Commissioner Burt is also the only one that would remember this that when
20 the industrial zones came to us previously that I wanted to remove housing as an allowed use
21 along San Antonio and Charleston because I thought standalone housing was not the best use
22 along those two corridors.

23
24 I don't see standalone housing on this site. The filling station is there. It is an allowed use. We
25 can't say it is always going to be there but we have so few filling stations in Palo Alto and
26 environmentally unfriendly as it is we do use gasoline still. So we can't predict but I don't see it
27 going away any time soon. That creates a conflict with standalone housing at that site. I
28 mentioned earlier CN and I can see there being a mixed use with neighborhood serving uses
29 here. There is a large adjacency to the Greenhouse that I can see opportunities for pedestrian and
30 bicycle paths that would interact with that property. We will get back to the property next door
31 and how we are going to deal with that one but I am going to go back to something I mentioned
32 earlier which is I am sort of partial to the CN and I would really be interested in looking at a
33 larger percentage of floor area for the neighborhood serving uses than what we have.
34 Commissioner Keller.

35
36 Commissioner Keller: It seems to me that the process of assigning rezoning parcels to housing
37 has been a long process over many years, rezoning parcels to housing. The earlier parcels we
38 talked about were maybe rezoned 30 years ago, the Mayfield one we were talking about earlier,
39 talking about how long that parcel has been rezoned. It seems to me that in the past there was a
40 trend to promote housing precisely because housing was non-economic. Therefore the City had
41 to take specific measures to encourage housing because otherwise housing would not be created
42 and there was a need for housing. I think that the economics of that has flipped and I don't think
43 the economics are going to flip back. Therefore in some sense there is what is called history sis
44 effect, you chose something and then something changes but there is a delay in that process. In
45 the past we were concerned about not having enough housing so we created incentives for that
46 housing to happen. There is a delay in some process while that housing was being developed.

1 Now what we are saying is that housing is sort of mushrooming up around town, there are lots of
2 parcels that were in the process of being converted to housing and the City Council said
3 basically, whoa, we want to manage this transition to housing. Therefore there is a major trend
4 towards limiting the amount, where housing goes, there is a major trend in the city I see to
5 making the housing more as part of mixed use developments. I think that the fact that this is
6 based on a Comp Plan that was essentially written ten years ago things have changed a lot in the
7 intervening ten years. I suspect that a lot of the policies that were put together for the Comp Plan
8 envisioned and had an EIR that envisioned 2,400 housing units and now we have already
9 approved 2,400 housing units based on the Comp Plan. I expect that our mission of exactly how
10 many housing units would be support and the impacts on the schools and the impacts on services
11 and things like that I am sure we would or at least I hope we would have a look at those impacts
12 when we look in the future and we will not summarily think about exactly the zoning matching
13 because it was residential in the past.

14
15 Chair Holman: Commissioner Burt.

16
17 Commissioner Burt: I would just like to point out to fellow Commissioners that even though I
18 think CN zone is a good zone in many places the allowable floor area for residential in CN zone
19 is the same as what it is in the RM-15. So by adopting CN we wouldn't do anything to diminish
20 any likelihood that this would get flipped toward housing. It would just be flipped toward mixed
21 use with the same amount of housing plus the commercial. I don't think that is what the Council
22 had in mind when they sent these things over. I am very concerned whether it is CS or CN that
23 changing this to either of those zones would make it more likely that we will in the near term see
24 this flipped and have one of those two zones occur. To me, we don't want to do something that
25 is going to accelerate the loss of our nursery. I think we should take more time to look at how
26 we can address this thoughtfully. I think if we go for either of those we are going to have
27 unintended consequences at least what for many of us would be unintended consequences. Some
28 may be intended consequences but it would be an incentive to accelerate that change.

29
30 Chair Holman: Commissioner Lippert.

31
32 Vice-Chair Lippert: In going through this I feel very much the way you do in terms of the loss of
33 the nursery. I think that is a crucial, defining feature of our community but our community is in
34 transition. It is growing, we do have other needs, and I think looking at it in terms of being able
35 to bring some commercial development is an appropriate location there? The nursery can find
36 other sites within Palo Alto to exist. There are other sites.

37
38 MOTION

39
40 So my feeling about it is that, and with what I have heard from other Commissioners I am
41 willing to entertain a motion that we recommend to Council the CN zone with the mixed use
42 element. That is my motion.

43
44 SECOND

45
46 Commissioner Keller: Second.

1
2 Vice-Chair Lippert: Included in that of course in the Negative Declaration and the Comp Plan
3 Amendment.

4
5 Chair Holman: Do you want to speak any more to your motion?
6

7 Vice-Chair Lippert: I think Professor Lippert has given his lecture.
8

9 Chair Holman: Dr. Keller.
10

11 Commissioner Keller: Well, I think that this is a worthwhile site for a neighborhood serving
12 commercial. I think it would provide an appropriate transition and buffer to the CS zone that it
13 abuts. I think that the potential for this site as providing necessary housing on the Housing
14 Inventory would at the time that the ABAG numbers are released and we evaluate that might
15 provide the appropriate assurances to the property owner who is very interested in building
16 housing here. I don't know when the Summerwinds Nursery lease is up. I don't know whether
17 we can ask the property owner about it at this time but one of the issues here is that if the
18 Summerwinds lease is up relatively soon and we do not take action on this site I would not be
19 surprised if the property owner were to accelerate the process of building 100 percent housing on
20 this site because that is what the property owner says that they want on this site.
21

22 Chair Holman: Seeing no hands....
23

24 Commissioner Burt: I am interested in making a substitute motion.
25

26 Chair Holman: If I can say something first. These are all difficult and we are spending a lot of
27 time on individual parcels but they are strategically located and difficult parcels to deal with. As
28 I mentioned previously I am very sympathetic to the existing uses and not zoning them out. I
29 spoke a lot about that during SOFA as well. A question for Staff that might help inform your
30 motion or maybe not, if this was a retail only, if we went with a retail only option so that if the
31 Commission's desire is not to have standalone housing here and we went with retail only what
32 uses would that be? Or is that something Staff would have to come to us with?
33

34 Mr. Williams: From what we have heard from the Attorney we would have to come back to you
35 with some kind of a new zone or sub-zone or something like that.
36

37 Chair Holman: Commissioner Burt.
38

39 SUBSTITUTE MOTION
40

41 Commissioner Burt: My substitute motion would be to retain the existing zoning for the time
42 being for the reasons that I previously stated.
43

44 SECOND
45

46 Commissioner Garber: I will second for discussion.

1
2 Chair Holman: Okay, Commissioner Burt.

3
4 Commissioner Burt: The only thing I would add to my previous statements, I think I did the best
5 job I could of arguing my reasoning, is that we talk about reducing length of car trips and car
6 trips. Not having essential services in the community is an important concern and I am very
7 skeptical that the nursery would be able to find affordable land in the city if they would try to
8 relocate. By doing this we don't guarantee that we are going to retain this long term it just I
9 think gives us a little more breathing room look at what is the best solution without doing
10 something that may be counterproductive if what we would like to do is try to look for or explore
11 ways that we can retain this kind of use.

12
13 Chair Holman: Commissioner Garber.

14
15 Commissioner Garber: I am supporting the substitute motion for slightly different reasons. I
16 don't think we have the right criteria yet. I am not quite sure what those are but I think that there
17 are many forces that are at play with what the use of this parcel can be. I am supporting the
18 motion because it would give some time for the issue to be revisited by Staff with potentially
19 some of the impacts of these decisions drawn out to understand them better.

20
21 Chair Holman: Commissioner Sandas.

22
23 Commissioner Sandas: I also support the substitute motion for a couple of reasons. One is that I
24 agree with Commissioner Garber that I don't think we have enough information and we need
25 some more criteria to judge this by effectively. The second reason is that I think we are trying to
26 plow through pretty quickly to get to the end and personally I feel like I'm a little bit out of gas
27 and I would like to think about this more with a fresh mind to be honest.

28
29 Chair Holman: Commissioner Tuma.

30
31 Commissioner Tuma: Without the risk of repeating all the things that I have said before and
32 what everybody else has said I would find myself supporting the substitute motion as well. I just
33 think that this recommendation is better made in the context of more criteria. With this property
34 and quite frankly with 4151 Middlefield I'm in the same place.

35
36 Vice-Chair Lippert: I just have a procedural question. Does the substitute motion close the book
37 on this property? Would it not be better to just continue this item for better information and
38 clarity?

39
40 Mr. Larkin: You can continue it but would require a separate motion or the substitute motion
41 would close the book because it could conceivably go back to the original motion but I would
42 expect that would be gone because of the action cited. The issue with continuing it and Curtis
43 and Julie can fill in but we have a date to take this forward to Council and so continuing isn't
44 going to accomplish what you are looking for because I think you want to continue it for a longer
45 term than we would be able to give you.

1 Ms. Caporgno: We haven't identified a date however the Council had indicated that they wanted
2 this to come back. The whole point of this process was to address these in the interim before the
3 Comp Plan was completed. That is why they directed us to identify the sites and start this
4 process.

5
6 Chair Holman: Commissioner Tuma.

7
8 Commissioner Tuma: If memory serves, in reviewing the minutes from that meeting too it
9 seemed like a fair degree of the urgency was also around the impending legislation, Prop 90.
10 That time having passed that is something that gives me pause to think I am not so sure we have
11 to rush to a decision here without getting inside the minds of Council that seemed to have played
12 a significant role in the discussions. I remember actually watching some of that and then reading
13 the minutes as well.

14
15 Ms. Caporgno: They knew it wasn't going to come back to them before Prop 90 was approved.
16 It was the other portion, the ZOU portion that they were anxious to move forward with both
17 items recognizing that they weren't going to get this before Prop 90.

18
19 Commissioner Tuma: But there was a discussion was there not about possibly doing this on an
20 urgency ordinance?

21
22 Mr. Larkin: There was some brief discussion but it was determined that this would not be able to
23 be done prior to Prop 90.

24
25 Mr. Williams: Nevertheless the Council was anxious to move forward on this. We don't have a
26 date. I think some of the questions that we have heard that sound like bigger picture questions
27 are not going to be answered in a month or something like that if you continue it. So if that is
28 what you are looking for those are probably Comp Plan questions and that is where it could get
29 discussed more fully.

30
31 Chair Holman: Commissioner Keller.

32
33 Commissioner Keller: I am wondering I understand that a bunch of other parcels may come
34 before us.

35
36 Ms. Caporgno: There are four additional ones.

37
38 Commissioner Keller: Okay.

39
40 Ms. Caporgno: None of them are located in this area.

41
42 Commissioner Keller: So one of the issues for me is I am sort of wondering if we do wait for the
43 Comp Plan to be able to revisit this it is not entirely clear for me whether the Comp Plan is going
44 to have an opportunity to visit this so I would like some clarity as to the scope of the Comp Plan
45 whether it will include looking at parcels like this.

1 Ms. Caporgno: The direction we had for the work program for this approved by Council
2 indicated looking at the one area of West Bayshore, East Meadow Circle and San Antonio but as
3 I said before we don't have the area delineated. I did envision that we probably would go that far
4 but that doesn't mean we won't but we weren't going to be looking at individual sites throughout
5 the city and making a determination. There were only two areas where we were looking at for
6 actual Comp Plan changes, land use designation changes, and rezonings if necessary. We were
7 looking at the Fry's area and East Meadow Circle-West Bayshore area.

8
9 Commissioner Keller: So it seems to me that to the extent, yes?

10
11 Mr. Williams: I was going to add that one of the other charges is to look at the policies of
12 retaining retail versus housing services and all that. So I think the framework to look at
13 individual parcels is going to be more in place then. Like Julie said, we are not going to go
14 around and look at each parcel in the city. I suspect that there will be policies that will be
15 developed.

16
17 Ms. Caporgno: That is one of the real focuses of this at the beginning is kind of looking at
18 policies and including more policies that would encourage the retention of retail or require
19 retention of retail than what we have.

20
21 Commissioner Keller: So what might make sense is it seems to me that we may not unless we
22 take specific action otherwise wind up taking a visit at these particular sites as what I expect is
23 the intent of Commissioner Burt's motion. If we, as I understand Commissioner Burt's motion,
24 is basically leave this be until the Comp Plan and we may or may not look at it. So I would
25 encourage Commissioner Burt to amend his motion. I will make a friendly amendment. My
26 friendly amendment is that we specifically look at the rezoning of these sites at 725 San Antonio
27 Road as well as 4151 Middlefield as we would be taking that up in probably the same manner
28 and that these specifically be requested for us to visit as part of this housing-retail discussion
29 with the Comprehensive Plan.

30
31 Mr. Larkin: If I can make a friendly amendment to your friendly amendment rather than direct
32 something in the Comprehensive Plan which isn't on the agenda if you could just say bring it
33 forward at a later date would be a better way to say that and it is not quite as specific.

34
35 Vice-Chair Lippert: In here part of what our purview tonight is is to look at amending the Comp
36 Plan so why can't we mention that in there?

37
38 Mr. Larkin: You could mention amending the Comp Plan as part of the larger Comp Plan
39 Amendment that would be within the scope of what has been proposed.

40
41 Commissioner Keller: So let me rephrase my friendly amendment. My friendly amendment is
42 to commit this for reconsideration at such time as we do the Comprehensive Plan Update
43 process.

44
45 Commissioner Burt: That is acceptable to the maker.

1 Commissioner Garber: It is also acceptable to the seconder.
2
3 Commissioner Tuma: Let me get a clarification here. The motion I believe only applies to one
4 property. Are we now bringing in both in here?
5
6 Commissioner Burt: No.
7
8 Commissioner Tuma: I just wanted to be clear.
9
10 Chair Holman: So a question for Staff is a timeline for such a consideration. When would that
11 be?
12
13 Ms. Caporgno: The question I have is are you making a recommendation that we go to Council
14 and the recommendation is that the Comp Plan Work Program is amended to include this parcel
15 when we evaluate the Comp Plan. So that is what we will be going forward to Council with is
16 on this one site you recommending the change to CS and now the second site you are
17 recommending we don't do anything at this time and that we evaluate it in the Comp Plan.
18
19 Commissioner Keller: The Mayflower Motel is changed to CS and my understanding of the
20 motion now is that we are recommending no action be taken at this time but we are committing it
21 to future consideration as far as Comp Plan revision process.
22
23 Ms. Caporgno: That is your recommendation to Council?
24
25 Commissioner Burt: Correct.
26
27 Chair Holman: And my question is what would the timing of that be as part of the Comp Plan
28 Update?
29
30 Ms. Caporgno: It wouldn't be completed until the Comp Plan was finalized which is probably
31 going to be at the end of 2009. So during that period of time we are anticipating getting
32 underway with the Comp Plan review in probably the next three or four months. Hopefully, the
33 area studies would be contemplated to be one of the earlier portions at initially and probably
34 would be completed in about a year. Everything will be adopted at the same time so there will
35 be a three-year window or so in which this parcel will remain in the same zoning and land use
36 designation and may remain that way indefinitely if there is no other recommendation.
37
38 Chair Holman: So let me ask another question, which is something that we haven't talked about
39 before. I see this parcel as one that there is a lot of housing around here. There is also a variety
40 of commercial around it. Would there be any reasons, for purposes of discussion, that we
41 couldn't say that we recommend CN with a ground floor retail overlay?
42
43 Mr. Williams: CN already requires ground floor retail.
44
45 Chair Holman: Okay. All right.
46

1 Commissioner Burt: So I guess the question is are we comfortable with the timeline of waiting
2 three years? Is there another alternative on how we might revisit this?

3
4 Mr. Williams: I think if there are changed circumstances or some reason that you find, when that
5 comes to light then we can come back to you but if there isn't and it is just in a holding pattern
6 and we will wait for the Comp Plan.

7
8 Commissioner Burt: So we are not bound and it will be no later than three years.

9
10 Ms. Caporgno: Now that doesn't mean that the Council may decide that they want to do
11 something else.

12
13 Commissioner Garber: You mean they may not take our recommendation.

14
15 Chair Holman: I guess I am going to argue it. As Commissioner Burt said earlier, going back to
16 the purpose of us looking at these parcel is to preclude the opportunity or viability if you will to
17 flip revenue generating properties to housing, standalone housing specifically. I guess I am back
18 to with the clarification that CN is all ground floor retail, which I had forgotten. I am back to
19 supporting CN especially since we are three years out at a minimum. That is three years
20 optimally. We know how these things run. So practically speaking it could be easily four years
21 or more. So I am back to CN. I was just about convinced too but now the timeline.
22 Commissioner Sandas.

23
24 Commissioner Sandas: I concur. When I heard the three-year timeline a lot can happen in three
25 years. The unintended consequence of our delaying the decision for three maybe four years
26 could be that that parcel gets redeveloped RM-15 because that is what the zoning is and we don't
27 accomplish our vision in Palo Alto of mixed use and neighborhood commercial and so forth.

28
29 Mr. Larkin: I want to remind the Commission that there is a substitute motion and it is getting a
30 little confusing as to which one we are talking about.

31
32 Commissioner Burt: We still have a substitute motion.

33
34 Chair Holman: Okay. The substitute motion is to do nothing and identify this parcel as one to
35 be considered as part of the Comp Plan Update. So voting on that motion all those in favor.
36 (ayes) Opposed? (nays) That motion passed on a four to three vote.

37
38 Chair Holman: Am I allowed to ask for a reconsideration?

39
40 Chair Holman: No.

41
42 Commissioner Keller: Since I voted in favor, I can ask for a revote. I got confused.

43
44 Chair Holman: Okay. So calling the question again. All those in favor of doing nothing and
45 considering this parcel as part of the Comp Plan Update, all those in favor say aye. (ayes) All
46 those opposed? (nay) So we have the second and prevailing vote is the motion fails on a three to

1 four vote with Commissioners Tuma, Garber, Burt voting aye and Commissioners Keller,
2 Sandas, Lippert and Holman voting no.

3
4 So we are back to the original motion.

5
6 Mr. Larkin: I just want to remind the Commission that your rules do say that you should make
7 every effort to end the meeting by eleven o'clock and there are a number of people waiting to
8 discuss presumably the final matter on the agenda.

9
10 Chair Holman: We are going to take a vote on this.

11
12 Mr. Larkin: A decision needs to be made though as to whether or not you are going to complete
13 that fourth item or whether you are going to take public testimony and continue it.

14
15 Commissioner Tuma: Also we still have to go back to the second item.

16
17 Mr. Williams: Right.

18
19 Vice-Chair Lippert: But that is last.

20
21 Chair Holman: No it is not actually. Why don't we vote on this motion and finish this. This is
22 the CN motion so please restate your motion.

23
24 Commissioner Keller: Okay, my motion is to rezone 725 San Antonio Road to CN, to make the
25 Comprehensive Plan Amendment accordingly, and to accept the Negative Declaration for this
26 change.

27
28 Mr. Larkin: It is the recommended option.

29
30 Commissioner Keller: It is the recommended option.

31
32 Vice-Chair Lippert: I don't want to be a nitpicker but it was my motion and Commissioner
33 Keller seconded it.

34
35 MOTION PASSED (4-3-0-0, Commissioners Burt, Garber and Tuma voted no).

36
37 Chair Holman: My apologies. Okay, so the motion as made by Commissioner Lippert and
38 restated by Commissioner Keller. All those in favor of the motion? (ayes) Opposed? (nay)
39 That motion passes on a four to three vote with Commissioners Keller, Sandas, Lippert and
40 Holman voting aye and Commissioners Tuma, Garber and Burt voting no.

41
42 Okay I have three cards from people who are here to speak to 4329 El Camino.

43
44 Commissioner Keller: My suggestion is to do 4329 El Camino now and then come back to 4151
45 Middlefield later. I would rather not have to keep members of the public here to participate.

1 Chair Holman: There are two questions, one is would we like the members to go ahead and
2 speak to 4329 El Camino and then Commission decided earlier we thought we could make it
3 through them faster and as we get into them they haven't gone that quickly. So do we want to
4 take public comment on that item tonight since do have members of the public who are here and
5 then maybe consider even continuing this one. We need to go back to 4151 Middlefield Road
6 and try to finish that one up if we can finish that one quickly. Would that be agreeable?
7

8 Mr. Larkin: I think we can continue it since we don't actually have a Council date.
9

10 Chair Holman: So would Staff be agreeable with that?
11

12 Mr. Williams: That's fine. I think we have room on January 10 on your agenda. Also, I think
13 we would like to have you take action on the Middlefield one since it is tied to closely to 725 San
14 Antonio.
15

16 Chair Holman: Yes. So what we will do now is take public comment from anyone who is here
17 to speak to 4329 El Camino Real. What we will do if Commission is agreeable to this is we will
18 take comment from the three people who have turned in cards for this but we will not close the
19 public comment so when we take this up again people can speak who have not already spoken.
20

21 Commissioner Garber: I will excuse myself.
22

23 Chair Holman: We have three speakers. You will each have five minutes. The first speaker is
24 Donna Simonides.
25

26 Mr. Donna Simonides, Palo Alto: Thank you. I am a neighbor across from the Motel 6. In
27 looking at the information that was presented my primary interest in this is I don't know where
28 but this particular neighborhood that does adjoin the property go to Los Altos schools. A lot of
29 those children do walk to school and they walk past the property that is under consideration. For
30 us to get to school in the morning we make a left turn onto El Camino and then take a right turn
31 on Los Altos Avenue. Given the way that the lights have changed over the past couple of years,
32 there is a light at Los Altos Avenue and there is a light coming out of the Cabana. Traffic in the
33 morning can sometimes, if there happens to be someone coming out of the bowling alley which I
34 think these numbers might be calculated rather than actual numbers in Attachment H because
35 there usually aren't and I think the number quoted here is 95 AM peak hour trips. There are very
36 few people coming out of the bowling alley in the morning during rush hour. But if there is
37 someone they tend to come into the left lane to make a left turn. Sometimes it can take us two or
38 three times at the light in order to turn left onto El Camino to take our kids to school that is for
39 the ones that drive to school. There are also who walk and bike. So I know that the assessment
40 in the committee report is that there would be no traffic impact during peak hours. I am actually
41 a little curious about where those numbers come from because it is my understanding that we do
42 have some traffic impact now but not a lot. With the kinds of commercial uses you have shown
43 in here I can imagine any one of those businesses being content with the traffic pattern that is
44 currently there. So I am a little curious about the number that are in Attachment H in terms of
45 traffic impact because that is a big issue for those of us that live in this neighborhood. I
46 personally pick up and drop off my kids, I have two school age children, make that trip back and

1 forth eight time, enter and exit, eight times during the day. So you are asking an awful lot of
2 folks that if you have seen the letter in your packet already feel a little disenfranchised being on
3 the southern edge across from Los Altos and right next to Mountain View. That is my comment.
4

5 Chair Holman: Thank you very much. Maria Franke.
6

7 Ms. Ms. Maria Franke, Palo Alto: I live on Monroe and we are directly behind the bowling alley
8 so we stand to suffer the various impacts of any change. To answer your question as to whether
9 you can mix residential with the bowling alley some 20 years of sleep deprivation and auditory
10 abuse it is not working. Unless they lose their liquor license it is absolute mayhem most nights.
11 I wonder if the Staff answers the question about the traffic study and how it was done because it
12 seems impossible to be accurate. My letter is in here and I asked for a response from Staff and
13 got none.
14

15 We do go to Los Altos schools and have to make a left onto El Camino. Any residential
16 development that is on that property I would assume will go to Los Altos schools and will have
17 to exit and make an immediate U-turn. I have no vision of how that works. So there are a lot of
18 questions. I think this property needs a lot of consideration. I think all the properties all the
19 people seem to be begging for CN but with the idea that that has an emphasis on neighborhood
20 and minimal density residential.
21

22 We have had several people hit from our neighborhood crossing the street there. I believe we
23 have had Donna Simonides and several other neighbors asking for a light on our street. The
24 traffic impact for residential and commercial coming out of this property turning right onto El
25 Camino people find it super convenient to come through our neighborhood to get to California
26 Avenue to then go to San Antonio. So we are already impacted a lot by traffic that does that
27 anyway and you are adding a huge amount. I don't know how you will limit use of our private
28 neighborhood as a thoroughfare. I am interested as to whether there is any impact study done on
29 the Los Altos schools.
30

31 Chair Holman: Thank you very much.
32

33 Mr. Williams: Since this is coming back to we will bring responses as well.
34

35 Chair Holman: Excellent. Linnea Wickstrom.
36

37 Ms. Linnea Wickstrom, Palo Alto: I too live in the Monroe Drive neighborhood as you might
38 have guessed on the outskirts of Palo Alto as Staff described it. That is how we are constantly
39 described and mis-located and that is a little bit concerning. Staff doesn't apparently even know
40 where we are in relation to other communities.
41

42 I regard that the Commission's recommendation for rezoning is probably inevitable and equally
43 inevitable will be a redevelopment or a flip that may actually clean up some of the problems that
44 we experience between the bowling alley and the Motel 6. The place is a mess, the Palo Alto
45 police don't patrol, etc.
46

1 My major concern too is traffic. The proposal states that any rezoning will not impact traffic and
2 includes an estimate of 80 trips a day. There is another thing in Attachment H that if you live in
3 the neighborhood can't be true. The estimate that adding 55 to 65 residential units plus
4 residential or putting in big retail there will actually reduce traffic as is posited in Attachment H I
5 urge you to go back and reexamine.

6
7 Monroe Drive as Maria was saying is already a cut-through for traffic going from El Camino to
8 San Antonio to get to the freeway. We have repeatedly been denied any consideration of traffic
9 calming within the neighborhood even though we have no sidewalks, we have kids trying to get
10 to schools. We have been denied any traffic signal although the hotels get one, etc., etc. So I
11 request that you either leave 4329 as it is, or if it is rezoned I would request the minimum
12 possible density, and I don't know how much impact you have or authority you have on traffic
13 but if it is rezoned I would request that you as the Commission or the Council recommend or
14 instruct Transportation or traffic to institute traffic calming in the neighborhood within Monroe
15 Drive itself and to install a traffic signal on El Camino for safety of the residents. Thank you.

16
17 Chair Holman: I think there is a question for you, ma'am.

18
19 Commissioner Keller: I want to ask you because I didn't want to ask the same question over and
20 over again of each person and you seem to be representative of the group of three speakers,
21 because you got to go last I am going to ask you whether you would prefer the current zoning
22 which is residential only, 100 percent residential, whether you would prefer a mixed use
23 development of CN or CS or what? One of the things I am having trouble figuring out is what is
24 it that you want us to do other than traffic calming and putting in a traffic light?

25
26 Ms. Wickstrom: We have not caucused. My personal preference would be the lowest density
27 possible which is keeping the zoning as is.

28
29 Commissioner Keller: Okay. Can I ask that of the other speakers?

30
31 Chair Holman: I think this is going to come back to us.

32
33 Ms. Franke: I don't have a clear understand of any of these proposals because I don't think that
34 the assessments were accurate. I don't know what we are looking at with these proposals. So I
35 think it is too soon to say exactly what we want. I don't know how big a commercial thing you
36 are talking about or if that includes a two-story parking lot right behind my bedroom. There is
37 not a property owner present who I think you quoted was happy with the proposals. I think the
38 property owner is selling because he is not happy with the rezoning. So there was not one
39 present at the October Ventura meeting to answer another question. So I don't know what we
40 want here.

41
42 Commissioner Keller: May I ask her the question?

43
44 Chair Holman: Yes.

1 Ms. Simonides: I actually do think the lowest possible density partly because of traffic. If there
2 were a way to mitigate traffic it would be less of an issue. I personally don't have a problem
3 with there being some commercial in there but to increase the amount of traffic given the timing
4 between the lights and the fact that you have school age kids going to school I do encourage you,
5 you mentioned site visits, I do encourage you to come while children are trying to go to school
6 so you see what it is like for those kids to try and get across the intersection. There is a crossing
7 guard but you still have a tremendous amount of traffic going across that.

8
9 Commissioner Keller: So what would you prefer being there if you had your druthers?

10
11 Ms. Simonides: Well, personally I am a little concerned because I heard rumors that the adjacent
12 property is up for sale. What I can tell you I don't want to see there is a very large complex
13 because I think that will increase the amount of traffic again with some of the issues that we are
14 having. You guys haven't spoken of that but it makes me nervous when you make comments
15 about adjacent properties coming up and you are looking for a site for Fry's, you are looking for
16 incentives for auto dealerships, wouldn't it be nice to have a large hotel, all of those things would
17 be attractive in a property that encompassed both of those spaces. If it does it is right across the
18 street from my house. I don't know whether there is any egress being talked about if those
19 properties come together, any egress onto Monroe Drive that is a big impact. So that it is a
20 challenge to try and make an absolute determination because I do feel like honestly there is
21 another shoe to drop in this. Maybe I am just mistaken in some of the comments, this is the first
22 Planning Commission meeting I've gone to but I do have this underlying feeling that there is
23 another shoe in this. I don't know I could be wrong.

24
25 Chair Holman: Were you able to come to the meeting that Staff had?

26
27 Ms. Simonides: I didn't even know about it to be honest. So maybe there was a flyer in the
28 mail, I don't know, I wasn't able to come. I wasn't aware of it.

29
30 Ms. Wickstrom: Do I have another 30 seconds on my five minutes?

31
32 Chair Holman: If you want to respond to the question?

33
34 Ms. Wickstrom: I would just like to add that although we are talking about the traffic from our
35 point of view I would urge you again to go visit the site at all times of day and look at the
36 impacts. It is not just the impact on our neighborhood it is going to be the impact on that entire
37 stretch of El Camino and all the businesses in there including the people that might come into a
38 residential mixed use or retail space at this particular property Palo Alto Bowl is on. They are
39 selling. So look at the impact not just on our neighborhood but on that whole stretch of El
40 Camino and how compressed that particular stretch is and see what traffic is really going to be
41 like for everybody going along that road and whether it is indeed practical to put a very large
42 residential, retail, or big box retailer in that spot. Thank you.

43
44 Chair Holman: Thank you very much.
45

1 Ms. Caporgno: I just want to clarify one thing. There was a member of the family that owns the
2 property at the community meeting and the person did speak to me afterwards. I don't think I
3 said they were happy with the proposal I think they had talked to us and seemed to be receptive
4 to the concept of CN and they were opposed to the retail only with respect to that. We haven't
5 spoken to them since that time.

6
7 Chair Holman: Okay. That is good information. One final speaker, Doug Franke.

8
9 Mr. Doug Franke, Palo Alto: The question you brought up about what do we want, I say we
10 want retail because CS seemed to be mixed residential, CN is mixed, is that right? You could
11 put houses or more neighborhood oriented. This is our backyard right here. So whatever gets
12 put right here is going to look right into our backyard. So I think we want retail so there is a
13 parking lot at least which hopefully will close at five or six o'clock.

14
15 Commissioner Keller: So you prefer 100 percent retail for that site?

16
17 Mr. Franke: Yes.

18
19 Commissioner Keller: I believe that your parcel also has another weird thing about it.

20
21 Mr. Franke: That's the easement. This is a commercial parking lot for the bowling alley right
22 now but it is zoned R-1. We own that in our deed but the person who owns all this has the
23 easement or usage rights and pays the property tax on that. It is a very weird deal. We don't
24 know what he is going to do with it. If it gets blocked off there is no access to it whatsoever. So
25 that is a whole other issue. Like I said the bowling alley has been nothing but a nightmare for
26 the 20 years we have been there, nothing but drunks and donuts and people cussing and people
27 living in vans back there. So we would like to get rid of that.

28
29 Chair Holman: Thank you very much. So we are going to continue this address 4329 El
30 Camino. We are going to continue this to a date certain of January 10, 2007. We will leave the
31 public comment open and take that up at that time.

32
33 Commissioner Keller: I would wonder if there is a mechanism without too much trouble for
34 having some sort of discussion with this particular property and the property owners and the
35 residents.

36
37 Mr. Williams: We will do that.

38
39 Commissioner Keller: Thank you.

40
41 Mr. Williams: We will talk to the folks here tonight and setup something.

42
43 Commissioner Keller: Great. Thank you.

44
45 Chair Holman: Commissioner Tuma.

1 Commissioner Tuma: Did I understand that the adjoining property is also for sale?
2
3 Ms. Caporgno: They own the same two properties.
4
5 Chair Holman: So we will go back to 4151 Middlefield Road and can we get Commissioner
6 Garber back?
7
8 Commissioner Burt: Can I get clarification on Commissioner Tuma's question?
9
10 Chair Holman: Hang on for just a second. If members of the public are going to leave maybe
11 we can give you a minute to leave, if you are going to stay then that's fine but there is the
12 microphone problem of picking up all the chatter.
13
14 Commissioner Burt: I just want to make sure I understood the answer to Commissioner Tuma's
15 question. The same property owner owns the adjacent property.
16
17 Ms. Caporgno: They own the Motel 6 as well.
18
19 Commissioner Burt: But that is not part of the proposal here.
20
21 Ms. Caporgno: No.
22
23 Commissioner Burt: Thank you.
24
25 Chair Holman: Now we can get Commissioner Garber. Okay we are back to 4151 Middlefield
26 Road. We had some discussion about this previously do we have more discussion or do we have
27 a motion? Questions or comments then?
28
29 Commissioner Sandas: Just refresh my memory for a moment. Weren't we talking about that
30 was the one that it ain't broke so don't fix it.
31
32 Chair Holman: I think that is a comment that Commissioner Burt made.
33
34 Commissioner Sandas: I think he said don't do anything with it and I concurred. But we must
35 have had more discussion.
36
37 Vice-Chair Lippert: In the interest of moving this along here I move that we continue this also to
38 January 10, 2007.
39
40 Commissioner Keller: I don't second that.
41
42 Chair Holman: There is no second that I am seeing.
43
44 Commissioner Keller: I want to make a different motion.
45
46 Chair Holman: So motion dies for lack of a second. Commissioner Keller.

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MOTION

Commissioner Keller: I move that this property be rezoned to CN with the corresponding Comprehensive Plan Amendments and the recommendation of adoption of a Negative Declaration.

SECOND

Vice-Chair Lippert: I will second that.

Chair Holman: Do you need to speak to your motion?

Commissioner Keller: No.

Chair Holman: Commissioner Lippert.

Vice-Chair Lippert: I would like to speak to it and I would just ask for an amendment to that which is that it include mixed use commercial.

Commissioner Keller: I am not sure I understand that. Sorry, so the other part of it is that I am not recommending adopting retail only.

Vice-Chair Lippert: Great, thank you.

Commissioner Keller: That was implied by my motion but we can add it.

Vice-Chair Lippert: Thank you, I accept that.

Chair Holman: I am confused by the motion because CN is not retail only so I am confused.

Mr. Williams: He is just clarifying that.....

Commissioner Keller: I am just clarifying that we not – one of the questions was whether it should be retail only and the answer is we are not adopting the retail only prescription for this property.

Chair Holman: Because it is CN that is being recommended. Commissioner Burt.

Commissioner Burt: Do we know the FAR of the current office on there? I would be uncomfortable making that recommendation without having an understanding of the likely impact on the ground.

Chair Holman: Commissioner Garber.

Commissioner Garber: And assuming there is no retail space attributed to that.

1
2 Commissioner Burt: Well, and also the likelihood that we are creating a circumstance where we
3 are incentivizing demolition and a change to that mixed use. I would want to be conscious of
4 what would be the likely outcome of the action.

5
6 Commissioner Garber: Meaning that if there is FAR they could use you are incentivizing it to be
7 taken down for retail or mixed use.

8
9 Commissioner Burt: Right. Maybe that is what we want but I just kind of feel uncomfortable
10 making a recommendation in the absence of having some sense of the likely outcome. We are
11 not going to guarantee outcomes but it is certainly a consideration.

12
13 Commissioner Garber: If I may?

14
15 Chair Holman: Yes, Commissioner Garber.

16
17 Commissioner Garber: Assuming that the Commission has an opinion which is that the
18 adjoining property is CN that suggests that what should be happening is that regardless of the
19 impact on what the existing facility is that what we should be doing there is making that corner
20 all have that same zoning. The only alternative in my mind to that is that you keep at RM-15
21 because then one thought would be that you are mitigating the R-1 that is on one side of that
22 property and the CS that is on the other. That would be the only other alternative I would see to
23 this.

24
25 Commissioner Burt: Might I just respond?

26
27 Chair Holman: Sure.

28
29 Commissioner Burt: The other consideration is simply that if we don't take action now it would
30 be unlikely that there would be a change to what is constructed on this property prior to looking
31 at this area as part of an area plan under the Comp Plan Update and we would look
32 comprehensively at what we want to do. If we take no action then my sense is we will simply
33 leave things as they are until we get to look and have thorough discussion and exploration of
34 what should go in this area.

35
36 Commissioner Garber: Not to argue against my previous vote but I guess the question I would
37 have for Staff is the area study will occur within that three year period regardless, is that correct?

38
39 Ms. Caporgno: Yes.

40
41 Commissioner Garber: So that what actions we take today may be in fact revisited regardless if
42 we take action or not within that three-year time.

43
44 Ms. Caporgno: That is correct. Then also the other thing is it hasn't been determined what that
45 area would encompass. So it may not, at this point, it may not actually encompass that site.

1 Commissioner Keller: It may not extend that far?

2

3 Ms. Caporgno: Yes.

4

5 Chair Holman: Commissioner Tuma, do you have comments?

6

7 SUBSTITUTE MOTION

8

9 Commissioner Tuma: Yes. I understand what Commissioner Garber is saying but I think this
10 property is different than the previous one in that it doesn't seem likely that something would
11 happen in the intervening period of time. They have just done a remodel relatively recently, it
12 just sold, so I think in all likelihood the status quo would be maintained. For similar reasons they
13 don't plan anything, so it may make sense to look at this in the context of the Comp Plan. So I
14 would make a recommendation that we not take action tonight but that it is specifically brought
15 up in the Comp Plan review.

16

17 Chair Holman: Is that a substitute motion?

18

19 Commissioner Tuma: That is a substitute motion.

20

21 SECOND

22

23 Commissioner Burt: I will second that.

24

25 Ms. Caporgno: We did find the square footage. The square footage of the office building is
26 24,000 square feet.

27

28 Commissioner Keller: And 40,000 could be allowed at an FAR of one-to-one and currently what
29 would be allowed is 16,900 residential floor area. So what would happen is if this site were
30 converted it would have a reduction of the commercial from 24,000 office to 16,000 retail and
31 you would have 24,000 of housing which is the amount of housing you could have if the building
32 were torn down under its current zoning I believe.

33

34 Chair Holman: Commissioner Garber.

35

36 Commissioner Garber: So am I hearing that the existing building would not conform underneath
37 CS zone?

38

39 Chair Holman: CN zone.

40

41 Mr. Williams: Yes, it wouldn't conform in a number of ways if it were going to be built new. A
42 legal nonconforming use could remain but it is well above the allowable floor area ratio. CN is
43 much more restrictive on office, actually both CN and CS have square foot limitations and then a
44 use permit is required for office. Then both would have ground floor retail requirements so it
45 would not accommodate office currently.

46

1 Chair Holman: Commissioner Burt.
2
3 Commissioner Burt: So my interpretation of hearing the existing FAR is that on the one hand
4 there is not much danger that if we zone it CN we would have an impact and if we do nothing we
5 won't have an impact. It is just not going to matter. It is not going to change.
6
7 Commissioner Garber: It is not going to changer, therefore, let's take action on the substitute
8 motion and then get back to the main motion and see if by some other means another substitute
9 motion comes.
10
11 Commissioner Burt: May I ask what you have in mind so if we don't table it what are thinking?
12
13 Chair Holman: Wait, just for clarity you are saying to table it, do nothing.
14
15 Commissioner Burt: I want to hear what Dan has in mind.
16
17 Commissioner Garber: I am not sure it would have any support by any of the members of the
18 Commission however, I don't like to handicap properties for what will and will not be built
19 because you are zoning a property and although I do recognize that one has to be pragmatic
20 about preexisting uses. Given the previous action of the Commission which is to put CN on the
21 other property which then means as a zone we have two parcels of commercial use that are then
22 along San Antonio Road and on Middlefield on that corner that that supports an infringement of
23 a commercial/mixed use/residential, etc. that is occurring on that corridor. What I would see
24 looking down Middlefield is to get back to residential use as quickly as possible. So I would say
25 given that it is not going to fit, what is there now doesn't fit within any of that stuff is to leave it
26 RM-15 so that if it is ever torn down it either return backs.
27
28 Chair Holman: That is the substitute motion.
29
30 Commissioner Garber: I thought the substitute motion was to not take any action.
31
32 Chair Holman: That is essentially what you are saying.
33
34 Commissioner Burt: That is the outcome of no action because it is RM-15.
35
36 Chair Holman: Commissioner Lippert.
37
38 Vice-Chair Lippert: This is the way I see it. I see that if the adjacent property that we have
39 recommended be rezoned as CN it is in fact redeveloped. That probably would wind up being
40 the trigger for the redevelopment of this site. As long as nothing goes on, as long as that nursery
41 remains, as long as it remains in use the way it is currently I don't think anything is going to
42 happen on the site that we are looking at right now. So I agree, I don't think it makes much of a
43 difference whether we take action or not at this point.
44
45 Chair Holman: Commissioner Keller.
46

1 Commissioner Keller: I think that in some sense we can speculate what goes on in a particular
2 property. However, my sense is that the purpose of what we are doing in zoning is not only what
3 will happen in the next three years but in some sense we are not likely to revisit this for awhile
4 because we have just rezoned one property we are not going to come back revisit the other
5 property when we do the Comprehensive Plan Update. So the issue is what we expect to happen
6 for this property for the foreseeable future. I think that is the way we should consider it. The
7 foreseeable future is I don't know if this will be revisited in five years, ten years, 20 years but
8 zoning is zoning and if you allow zoning to be a certain zoning then things will happen in
9 conformance with that zoning sometime in the future when you least expect it.

10
11 So I would like to expand on what Commissioner Lippert said because I would anticipate that
12 there is a potential that it is not merely the triggering of the redevelopment of the 725 San
13 Antonio parcel that triggers the redevelopment of this parcel but that perhaps the two parcels
14 might be developed in tandem, and that a much better development might occur by doing these
15 two parcels in tandem as a combined parcel. If they have different zoning that is going to make
16 it much more difficult. So by rezoning this property CN it does not change an ability for the
17 existing use to continue but what it does do is it basically encourages the redevelopment of the
18 two parcels as a single development which I think would actually improve the nature of the
19 development that would occur there if the property owners were to get together and allow that.
20 So I think that in many ways it is the division of parcels into small ones that causes more
21 problems and aggregation will actually provide for better design and better integration. So my
22 suggestion is to rezone it to CN precisely in order to allow a combined development to happen at
23 some time potentially in the future.

24
25 Chair Holman: This property just sold we were told, do you know when?

26
27 Ms. Moitra: Within the last two years.

28
29 Chair Holman: Okay and the building was redone how recently?

30
31 Ms. Moitra: This past August/September.

32
33 Chair Holman: August/September of this year? Okay. Commissioner Garber.

34
35 Commissioner Garber: So forgive me.

36
37 Chair Holman: I think we might be arguing the same arguments over again too.

38
39 Commissioner Garber: I have something new. Given that logic one would then think the
40 property that is adjoining it if it were to become CN then that would make a greater opportunity.
41 But I think because you are creating more and more adjacent parcels that have the same zone,
42 right?

43
44 Commissioner Keller: No, because those are zoned R-1 and it is very unlikely that R-1 zoning
45 would be aggregate into any larger thing.

1 Commissioner Garber: Your argument is that because there is a commercial use there now it
2 should be?
3

4 Commissioner Keller: My argument is that there is not now a standalone policy for
5 development, that the aggregation of two parcels would be better than two individual
6 developments for site and design reasons, and that zoning them in the same manner would
7 facilitate such a change.
8

9 Chair Holman: Okay. Commissioner Burt.
10

11 Commissioner Burt: Given that we accepted that, with the exception of Commissioner Lippert,
12 that it is somewhat of a near term moot point because I don't think anybody is going to tear this
13 thing down in the near term but if we want to have a discussion on what we want, what we
14 would like to see, and vote on that I want to go back to both the stated and unstated objectives.
15 One was the Council was interested in preserving retail that doesn't apply here. The second that
16 behind that discussion at the Council was also not only retaining retail but concern about what
17 has recently been an acceleration in housing construction perhaps even beyond what was in our
18 Comp Plan and wanting to get that dialed in with the expectations. So near term not wanting to
19 do things to accelerate the housing. Then the final consideration is the long-term housing
20 situation. We got a copy of this draft and it is only a draft of the next ABAG requirements. You
21 see Palo Alto has got a big jump in their mandate and it goes back to our job of housing
22 imbalance. One of the things we haven't talked about tonight is that aside from what is going to
23 happen in housing the balance of this decade and whether we have gotten too much acceleration
24 perhaps in the housing construction, long term when we put in the mixed use we don't help
25 correct our jobs/housing imbalance we continue it.
26

27 Chair Holman: In the mixed use?
28

29 Commissioner Burt: Versus the RM-15. When we just put in housing then we reduce the
30 jobs/housing imbalance. When you put in housing and jobs you keep it out of whack and we
31 haven't been talking about that.
32

33 Chair Holman: Oh, right.
34

35 Commissioner Burt: And long term we are still going to need to look at trying to address the
36 housing shortage to the extent that the community can accommodate enough services and to the
37 extent that we add new jobs we have exacerbated the problem even though there are some
38 admirable things about mixed use that help in community design. I want to make sure that we
39 are thinking about that aspect as well because we just keep compounding the problem. So that is
40 why even though I like mixed use in appropriate places, this is not necessarily a bad place, but I
41 lean toward Commissioner Garber's recommendation to keep it RM-15 because maybe that is
42 the right long term use.
43

44 Chair Holman: So we have a substitute motion on the floor to do nothing and to leave this
45 parcel...
46

1 Commissioner Burt: I would like to characterize it slightly differently. Rather than to do
2 nothing it is to reaffirm the RM-15.

3
4 Chair Holman: Retain the existing zoning. I am going back and forth. I think ultimately this
5 should be CN over the whole site. I think it makes a better workable site but I think in the short
6 term, short term being five years, that we can leave it zoned RM-15 for later consideration,
7 hopefully it is three years but worst case it would be four years and no worse than five years.

8
9 Commissioner Keller: What I am wondering is when we are discussing the adjacent parcel we
10 talked about recommitting that to consideration with the Comp Plan revision process. I am
11 wondering whether or not that is part of the motion or not because as Chair Holman suggested
12 we should revisit this at some time in the future. As I understand this we are not proposing to
13 revisit it at any time at all.

14
15 Vice-Chair Lippert: Ask for a friendly amendment.

16
17 Commissioner Keller: Okay. I propose a friendly amendment in which we consider this
18 property and its proper zoning as part of the Comp Plan Update process.

19
20 Commissioner Tuma: Before I answer I have a question. Is there anything that prevents us from
21 doing that at a later date?

22
23 Mr. Williams: No.

24
25 Commissioner Tuma: Okay. I wouldn't be amenable to doing that.

26
27 MOTION PASSED (6-1-0-0, Commissioner Keller voted no)

28
29 Chair Holman: Okay. I will call the question on the substitute motion. All those in favor of the
30 substitute motion say aye. (ayes) Opposed? (nay) That motion passes on a six to one vote with
31 Commissioner Keller voting nay.

32
33 Okay, we have no Approval of Minutes.

34
35 ***APPROVAL OF MINUTES:***

36
37 Chair Holman: We have no Reports From Officials.

38
39 ***REPORTS FROM OFFICIALS/COMMITTEES.***

40
41 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

42
43 Chair Holman: Commission representation at Council is Commissioner Lippert in December.

44
45 Commissioner Keller: I believe I volunteered for January.

1 Chair Holman: So we have December, January, and February all covered. Our next meeting is
2 December 13, next Wednesday where we will meet at seven o'clock.

3
4 NEXT MEETING: Meeting of December 13, 2006.

5
6 Chair Holman: Meeting adjourned.

7
8 **ADJOURNED: 11:45 PM**
9