



PLANNING & TRANSPORTATION COMMISSION MINUTES

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Wednesday, May 18, 2005
SPECIAL MEETING at 7:00 PM
Council Conference Room
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL:

Commissioners:

Phyllis Cassel – Chair
Bonnie Packer – V-Chair
Lee I. Lippert
Karen Holman
Patrick Burt
Michael Griffin – absent
Annette Bialson – absent (conflicted)

Staff:

Lisa Grote, Chief Planning Official
Don Larkin, Senior Deputy City Attorney
John Lusardi, Planning Manager, Special Projects & ZOU
Curtis Williams, Consultant
Zariah Betten, Executive Secretary

AGENDIZED ITEMS:

Zoning Ordinance Update: Office, Research and Manufacturing Districts

Chair Cassel: We have to be careful moving our paperwork around because the system on the table picks it up. We have to be careful. We can't talk in the audience because you really can hear it. We are waiting a couple of minutes for Mike but we can't whisper because it interferes with the ability of the Secretary to record what we are saying. She has a great deal of difficulty when we are in this room trying to understand who is speaking and what we are saying so we have to be very careful.

Well I think we are going to have to proceed. There are four of us that is a quorum. So I am going to call the meeting to order. This is the continued meeting of the Planning and Transportation Commission continuing the item on the Zoning Ordinance Update for the Office, Research and Manufacturing Districts, Planning and Transportation Commission review.

Would the Secretary please call the roll? Thank you.

Tonight I am going to have Bonnie Chair the meeting. She chaired it last week because I was conflicted on the first half of the discussion in this meeting because I had a conflict with

1 Stanford. Both my husband and I work for them and I didn't state that last week. I just think it
2 will be easier for continuity if the Vice-Chair who led the group last time continues to lead the
3 discussion. Let me turn it over to Bonnie and I think our attorney wants to say something.
4

5 Mr. Don Larkin, Senior Deputy City Attorney: I know that the reminder is not necessary but
6 being who I am I going to do it anyway. At the end of last week, the decisions that were made at
7 last week's hearing are final so the only decisions that are being considered tonight are decisions
8 on the zones that are on this side of El Camino, the east side of El Camino. Anything dealing
9 with the definitions and the areas on the west side of El Camino are final and so there is no
10 reconsideration of those items available at this hearing today.
11

12 Vice Chair Packer: Okay, so at this point the next item on the agenda is Oral Communications.
13

14 **ORAL COMMUNICATIONS.** Members of the public may speak to any item not on the agenda
15 with a limitation of three (3) minutes per speaker. Those who desire to speak must complete a
16 speaker request card available from the secretary of the Commission. The Planning and
17 Transportation Commission reserves the right to limit the oral communications period to 15
18 minutes.
19

20 Vice Chair Packer: I do not see any cards for that item so we will move to the Consent Calendar.
21

22 **CONSENT CALENDAR.** Items will be voted on in one motion unless removed from the
23 calendar by a Commission Member.
24

25 Vice Chair Packer: We have no item here.
26

27 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional
28 items added to it up until 72 hours prior to meeting time.
29

30 Vice Chair Packer: I do not believe there are any Agenda Changes, Additions or Deletions.
31

32 So we can move to our Unfinished Business. We will have a public hearing on this item, which
33 is the Zoning Ordinance Update for Office, Research and Manufacturing districts east of El
34 Camino Real as explained in the agenda. We will be reviewing and making recommendations to
35 City Council for adopting all the provisions for a new Chapter 18.20 Office, Research and
36 Manufacturing Districts, pertinent to the Research, Office and Limited Manufacturing, better
37 known as the ROLM District, the Research, Office and Limited Manufacturing Sub-district -
38 Embarcadero that is ROLM-E and the General Manufacturing, GM District.
39

40 I would like to note for the record that Commissioner Burt has just arrived.
41

42 We will also be reviewing and recommending to the City Council to delete the current Chapter
43 18.55 GM District, the current 18.57 GM Combining GM-B District, the current Chapter 18.60
44 Limited Industrial/Research Park, LM District and Chapter 18.63 Limited Industrial Site
45 Combining District.
46

47 At this point I believe Staff has a presentation. Curtis Williams would you like to make the
48 presentation for Staff.

1
2 **UNFINISHED BUSINESS:**
3 **Public Hearings.**

4
5 **Zoning Ordinance Update: Office, Research and Manufacturing Districts.** Planning and
6 Transportation Commission review and recommendation to the City Council for:

7
8 A. Adopting all provisions of the new Chapter 18.20 (Office, Research and Manufacturing
9 Districts) pertinent to the Research, Office and Limited Manufacturing (ROLM) District, the
10 Research, Office and Limited Manufacturing Sub-district - Embarcadero (ROLM-E), and the
11 General Manufacturing (GM) District; and

12
13 B. Deleting the current Chapter 18.55 (General Manufacturing (GM) District), the current
14 Chapter 18.57 (General Manufacturing Combining (GM-B) District), the current Chapter 18.60
15 (Limited Industrial/Research Park (LM) District), and the current Chapter 18.63 (Limited
16 Industrial Site Combining (3,5) District).

17
18 Mr. Curtis Williams, Consultant: We are discussing the three districts that were mentioned by
19 the Chair. These are all east of El Camino Real the Research, Office and Limited Manufacturing
20 Districts and then a sub-district of that which is generally over off of Embarcadero Road and
21 General Manufacturing District. The issues that we are bringing to you that are those that remain
22 unresolved after Council has sent this back to the Commission I think there are three of them.
23 The first one is residential and the extent to which residential uses are allowed in these zones.
24 Our Staff recommendation is that single family and two family residential not be permitted, that
25 multi-family residential use that is located within 150 feet of a low density residential zone be
26 allowed at an RM-15 density limitation and that otherwise when beyond 150 from a low density
27 residential zone that developed occurred at RM-30 standards. It will also include a purpose
28 statement indicating that it is important to provide this kind of transition from the low-density
29 area to the higher density and that Village Residential may provide an opportunity for that kind
30 of transition.

31
32 We do want to point out that there is in terms of considering residential in these zones there is a
33 specific Comprehensive Plan policy L-47 about the East Meadow Circle area that says consider
34 the East Meadow Circle area as a potential site for higher density housing. It provides a
35 transition between housing and nearby industrial development. I think you know that there is
36 residential development ongoing there now.

37
38 Mixed uses, Staff sort of reconsidered where we were with that after last week's meeting in that
39 it appears that if we are going to accommodate residential uses within the districts that the
40 Commission was supportive of that and that perhaps some mixed use was appropriate as well.
41 So our suggestions would be to essentially carry over our existing mixed-use provisions, which
42 do allow for mixed use in these zones but they are pretty restrictive as far as floor area ratios go.
43 So unlike some of the commercial zones that we have, CN and CS, where you get kind of a
44 considerable bonus for mixed use that isn't really the case here. So in the Research, Office and
45 Limited Manufacturing zone, which correspond closely to the LM zone right now, there would
46 be a .4:1 floor area ratio. That is the floor area ratio whether you do mixed use or whether you
47 do all industrial or research type use. In the Embarcadero area the FAR is going to be .3:1 and
48 we are carrying that forward again. It probably doesn't encourage mixed use but it would be

1 allowed subject to those constraints. The GM zone provides that the non-residential .5:1 may
2 increase under mixed use to 1:1 but the non-residential can't ever go any higher than .5:1. So
3 that provision is also carried over here or we are recommended that it would be. It is not
4 reflected currently in the ordinance before you.
5

6 Similar to what we just talked about with the residential recommendations we would try to
7 provide a transition for the first 150 feet of RM-15 when adjacent to low-density residential
8 zones. We also made a note here that industrial and commercial mixed use is also has some
9 possibility that you could have different types of non-residential uses mixed however, there is a
10 conditional use permit required for retail or personal services in these zones. So there is sort of
11 an extra hoop to get through for those.
12

13 The third issue is the increased height for biotech R&D. Again, we have talked about this pretty
14 extensively. This would apply in this case to the ROLM and ROLM-E districts as going from 30
15 feet up to 40- feet but only in those cases where interstitial space is provided for mechanical and
16 other equipment needs. It is still limited to two habitable floors and it would require a minimum
17 150 setback from any residential zone. This is again the diagram that is in your packet that
18 shows that relationship with an existing multi family building next door to an industrial building
19 and 150 away the increased height of 40 feet.
20

21 Lastly the performance criteria as we discussed last week is the existing Chapter 18.64 which
22 provides some general guidelines and requirements for lighting, visual impacts, noise and site
23 access would be retained at this point but we are working on making revisions to that and they
24 will address not only the industrial areas but also the commercial zones too and provide
25 performance criteria for those. Our recommendation is that we develop that separate chapter and
26 bring that back to you at a later time.
27

28 So our recommendation overall to you is to on this portion and these specific districts to
29 recommend to the Council adoption of this 18.20 incorporating these districts and deleting the
30 preexisting districts in those areas. Then with the ordinance in front of you with the changes we
31 have talked about with the mixed use would have to be written in there specifically too. We
32 have actually given you the language attached to your handout to be plugged into the ordinance.
33 I can answer any questions.
34

35 Vice Chair Packer: Thank you, Curtis. I first want to ask Commissioners does everybody have a
36 copy of the proposed draft language that was emailed to us I believe today or yesterday? Thank
37 you. Before we go to the public for their comments do Commissioners have questions of Staff?
38

39 Commissioner Lippert: I do.
40

41 Vice Chair Packer: Lee does.
42

43 Commissioner Lippert: The question I have pertains to your PowerPoint presentation, third
44 panel on Comp Plan Policy L-47, consider the East Meadow Circle area as a potential site for
45 higher density housing that provides a transition between housing and nearby industrial
46 development. The operative word here is higher density housing yet in the GM what you are
47 proposing is that we when it abuts the, or is 150 feet from a residential area we are basically
48 down zoning to 15 units per acre versus 30 units per acre. So isn't that antithetical to the policy?

1
2 Mr. Williams: It is low-density adjacency that triggers the buffer. I understand that is coming
3 down for now but I think it is an adjacency. We also have Comp Plan policies about making
4 transitions and adjacencies and that kind of thing. So we felt to be consistent with some
5 direction we had from last week that that was an appropriate transition and still allows for most
6 of the area to have RM-30 zoning. I think what we wanted to point out from that is there was
7 some anticipation in the Comp Plan that some of these industrial zoned properties would
8 accommodate residential use because coming into last week's meeting we sort of had that
9 question. Is that out there and is that really a desirable area to have residential? That Comp Plan
10 policy is one that points in that direction.

11
12 Commissioner Lippert: Just in looking at the site there right now there is General
13 Manufacturing, the GM zone that is currently there. It is already at a higher density than what
14 the RM-15 would be, correct?

15
16 Ms. Lisa Grote, Chief Planning Official: The GM is developed at .5 and RM-15 depending.

17
18 Mr. Williams: Yes, the density overlay right now if you went to residential in the GM is RM-30
19 and same with LM. The area around East Meadow Circle is LM right now for the most part but
20 either way you are right. But again, we are sort of balancing the need to accommodate some of
21 that higher density housing with the transition from residential areas. So that is a policy question
22 for the Commission.

23
24 Vice Chair Packer: I think when it comes back to us for discussion that should be an item we
25 can discuss.

26
27 Commissioner Lippert: Okay, well, I was just asking questions for clarification.

28
29 Vice Chair Packer: Okay, I am just saying that I am sure we will be talking about it in our
30 discussion. Pat, did you have a question?

31
32 Commissioner Burt: A couple and I can wait until later in case Staff wants to stew on this one
33 but the question that Lee raised regarding Policy L-47 as I read it I am not clear on what Policy
34 L-47 is referring to when they say higher density housing. Is it higher density than the adjacent
35 residential, which is essentially R-1, or is it higher than what else? If the existing zoning allows
36 for RM-30 are we saying that L-47 is implying higher than RM-30? So it is a little bit
37 ambiguous but I guess as I think about those two interpretations of what higher might be
38 referring to I don't think it is referring to higher than RM-30 so then I am assuming they are
39 referring to higher than adjacent residential but maybe Staff could comment on that later.

40
41 Then second on the ROLM-E zone, which is the east Embarcadero area, and that being in the
42 Baylands Area is the height limit there 35 feet? And consequently does that mean that this 40-
43 foot allowance would not apply there? The 40-foot basically for the biotech.

44
45 Mr. Williams: No, it is the same standard basically 35 feet and it could go to 40 feet if it met
46 those various conditions.

47
48 Commissioner Burt: I am referring to the Baylands Master Plan. Doesn't it have a height limit?

1
2 Mr. Williams: That is a good question. I don't know.
3

4 Ms. Grote: It does but this isn't part of the Baylands Master Plan this is the old or former GM
5 zone and former LM zone. So they are not in the Baylands. It is adjacent to the Baylands.
6

7 Commissioner Burt: The ROLM-E that is in this red on our map that is at the back of the May
8 11 handout is what I was referring to and I believe that one of the slides I think it is slide number
9 five says increased height in ROLM and ROLM-E district to a maximum of 40 feet. My
10 question is whether that runs contrary to the restrictions of the Baylands Master Plan. If it does
11 then should we just make it clear that that 40-foot limit does not apply in the ROLM-E zone?
12

13 Mr. John Lusardi, Planning Manager, Special Projects & ZOU: That is again a Commission
14 recommendation if you want to limit the building height to what is required under the master
15 plan in that area. Your other option is you could do what we have done with low density
16 residential. You could create a 150-foot setback from the Baylands area and the designated
17 Baylands area for a 40-foot height too. We will check to see if the master plan 35-foot height
18 trumps the Zoning Ordinance heights.
19

20 Commissioner Burt: I am pretty sure it does so if Staff is recommending a change to the
21 Baylands Master Plan then we need to have it laid out.
22

23 Mr. Lusardi: I don't think we would go that far. I don't think we see R&D or biotech that
24 critical in that area for that 40-foot height.
25

26 Commissioner Burt: I was assuming that you were not and if that is the case then we may want
27 to look at simply excluding that zone from that allowance.
28

29 Mr. Lusardi: Right. I think we can do that if that is necessary.
30

31 Vice Chair Packer: Good questions. Any other questions? Phyllis.
32

33 Chair Cassel: One minor question. Automatic teller machines incidental to permitted use are not
34 included in the ROLM and ROLM-E zones and that is something that keeps people from running
35 around in cars. I didn't understand why.
36

37 Mr. Williams: I don't think there is a good reason why and I think we should make those
38 permitted in all the zones. It was a carryover it is in the existing ordinance that in the long list of
39 uses it says accessory uses generally in all the zones and then it specifically says ATMs in the
40 GM zone. So ATMs show up here as permitted uses but they are really accessory. As long as
41 they are accessory to other uses then they ought to be allowed in all the zones. So we would
42 suggest that we make it a permitted accessory use in all the zones.
43

44 Vice Chair Packer: However, we cannot address the zones west of El Camino at this point.
45

46 Mr. Williams: Right.
47

1 Vice Chair Packer: But you can do whatever you want in your Staff Report to City Council.
2 Karen.

3
4 Commissioner Holman: A Clarification on that about the ATMs. I agree with Chair Cassel
5 about keeping people from running around but also going back to the ROLM-E I am not really
6 sure that if they are exterior, I am talking about the look and how the Baylands for the site and
7 design review area, and I am not really sure that those physical developments are very
8 compatible with the Baylands Master Plan. So just that cautionary in that zone.

9
10 Then the other is on the handout can Staff clarify on the back it is talking about, for number three
11 and number four, for any portion of a site used for residential development that is located within
12 150 feet and then four, any portion of a site used for residential development that is located
13 within in 150 feet and the difference is RM-15 and RM-30. Is that language totally what is
14 intended? Is it only residential that is intended?

15
16 Mr. Williams: Portion of any site used for residential, yes, that is all that is intended. We do
17 have some other restrictions on height with 150 feet and then within 40 feet I think in some
18 zones for non-residential. We haven't an added anything to that for non-residential we just
19 discussed the residential area and having that kind of transition to those multi-family. That is not
20 a height issue it is an intensity issue so that would be comparable in the non-residential to having
21 a lesser FAR.

22
23 Commissioner Holman: So I guess I am a little bit confuses about why it just states specifically
24 only residential development because if it is mixed use I am not quite sure why it focuses on the
25 residential. I am missing something.

26
27 Mr. Williams: This is just for the portion of the site used for residential. The rest of the site
28 already has non-residential development standards for it. So I am not sure what we would say
29 for the non-residential, it is not an RM-15 or RM-30 issue for the non-residential. That is what
30 we did last week with it. This is just reflecting essentially what was done last for an all-
31 residential project and being sure that also applies if there is a residential component of a mixed-
32 use project.

33
34 Commissioner Holman: So if this were for mixed use there would most likely be a residential
35 component. So in that case then these RM-15 or RM-30 regulations would kick into place.

36
37 Vice Chair Packer: I have a question also on the proposal to limit the residential density to RM-
38 15 when it is within 150 feet of a low residential density area. I am looking at that map the blue
39 area that is GM and the ROLM area that is East Meadow Circle and the East Bayshore.
40 Especially on East Charleston that is an arterial and I wonder if the RM-15 facing Charleston in
41 that more dense near Fabian did you look at the impact of the RM-15 when we are talking about
42 having higher density on arterials? We talked about the RM-15 in a different context when we
43 were talking about west of El Camino. This RM-15 now is different in different areas.

44
45 Mr. Williams: If your question is is that RM-15 there affecting this residential component on
46 GM property?

1 Vice Chair Packer: Let's put it this way, we have been talking about places that are arterials for
2 example like if we had a GM zone for example on El Camino we would want higher density on a
3 busy street. So there may be some situations where a higher than RM-15 density would be
4 appropriate because of the nature of the street even though there may be in 149 feet a low density
5 zone nearby like on the back or whatever. So did you look at the locations to see if this RM-15
6 makes good planning sense?
7

8 Mr. Lusardi: No, we only got this recommendation from the Commission last week so we really
9 didn't spend any time looking at the districts on the east side of El Camino. We were simply
10 carrying over what the Commission recommended on the west side thinking that you wanted that
11 same kind of transition element. The original Staff recommendation was to allow RM-30 on all
12 the districts without any buffer. So if you are asking did we look at those sensitive transition
13 areas, no we have not.
14

15 Mr. Williams: I did a little bit because Chair Cassel brought that to my attention as a question
16 and the areas that are affected by that are generally ones on the north side of Fabian, there is sort
17 of a row there that backs up to residential, most of the rest of that GM down around Charleston is
18 not affected by that and the areas sort of the outside of Ease Meadow Circle but the inside isn't
19 and then along west Bayshore there there is some of that. Those are pretty deep lots and it is
20 likely that some of it would be affected by that but other portions of those lots probably could be
21 developed at RM-30 and then of course east of 101 none of that is affected by the low density
22 residential. So I am not sure right at Charleston and San Antonio on this southwest side if there
23 is residential that would affect that or not but most of that GM down there is not affected by that
24 150 except on the other side of Fabian.
25

26 Vice Chair Packer: Because of the projects that are going in down there now on the Sun
27 property I don't know if it would affect that.
28

29 Mr. Williams: No, they wouldn't.
30

31 Vice Chair Packer: Pat.
32

33 Commissioner Burt: Just one other clarification. Among the two ROLM zones on San Antonio
34 that are closest to Alma, the one closest to Alma isn't that part of the Mayfield Mall site so it is
35 abutting additional higher density there. I am not sure on that other one.
36

37 Mr. Williams: I am not either but I know that was just constructed or rebuilt office buildings on
38 that site. It is actually two or three sites together.
39

40 Vice Chair Packer: Lisa.
41

42 Ms. Grote: Did you get an answer to your question about height limits in the Baylands?
43

44 Commissioner Burt: No.
45

46 Ms. Grote: There are no additional height limits or height restrictions in the Baylands Plan that
47 are shown in these documents. So the height limits would be what is then in the ROLM-E zone.
48

1 Commissioner Burt: Interesting. I heard it alluded to a number of times of a 35-foot height limit
2 out there.
3
4 Ms. Grote: We can keep looking.
5
6 Commissioner Burt: Ask Virginia I am sure she will know.
7
8 Ms. Grote: I actually got this out of her office but we will keep looking and double-check that.
9
10 Vice Chair Packer: I think Karen had her hand up.
11
12 Commissioner Holman: I am going to go back to numbers three and four on the handout. Last
13 week our motion and we changed our motion somewhat to include this it wasn't a flat RM-15 it
14 was RM-15 focused on Village Residential to accomplish compatibility. So I am a little
15 concerned about just saying a strict RM-15 because that doesn't reflect what our motion was or
16 our intention.
17
18 Mr. Williams: You are right and I think we might have said something in here about the purpose
19 statement and trying to tie Village Residential in but we did say the actual regulation was RM-15
20 and then with a purpose statement that said it is the intent of this to provide transitions and to
21 where possible use Village Residential to provide the flexibility for that or something along those
22 lines. So we would want to add that here too and I am sorry that was intended to be worked in
23 here as well. My understanding was that it was not that within 150 feet it is RM-15 Village
24 Residential because we don't have that right now but it was kind of a purpose or an intent
25 statement that was wrapped into that that hopefully guided things in that direction once we have
26 the specific product.
27
28 Commissioner Holman: How I understood the Staff comments about Village Residential and its
29 future development was that the front would be reflecting any transition areas and for
30 compatibility purposes the front would be developed more like an R-1 type or single family type
31 development and then at the back part of that property then there would be a reckoning with the
32 RM-15 density. So that is how I thought we and that's why I thought we included specifically
33 Village Residential.
34
35 Vice Chair Packer: I just want to follow up on that. Some of these sites back up to residential
36 instead of fronting residential and so I think that needs to be taken into consideration. We are
37 getting into a discussion phase so I want to check myself in that regard and then just keep it at
38 questions and then go to the public. Lee.
39
40 Commissioner Lippert: I want to ask a couple of questions about the Park Boulevard GM and
41 that that area along Portage is supposed to be amortized to become residential. So why are we
42 looking at changing the rules there if we are looking at basically within the next, if I am counting
43 down properly it is probably ten to 15 years that site is going to revert o multi-family residential.
44 Am I correct? Park Boulevard bounded by Portage where Fry's is located.
45
46 Mr. Lusardi: You are talking about the Fry's site amortized.
47
48 Ms. Grote: Yes, there is 2019 is the date that the Fry's.

1
2 Mr. Lusardi: We are not changing what is there in the GM we are recommending that the RM-
3 30 stay in the GM as an appropriate permitted land use and what we are putting back in that we
4 took out is to allow a mixed use residential/non-residential as well in the GM zone. So we are
5 not really changing what is there.

6
7 Commissioner Lippert: But if that is the case why not go to an even higher density?
8

9 Mr. Lusardi: Well, I think the way Staff views this and we have explained this to the property
10 owners as well out there is Staff views that GM area right now as kind of a holding place until
11 we get our pedestrian transit oriented development zone there. We see that as probably more an
12 appropriate land use for that area but again we don't have that in place. When we have that in
13 place then it will be a question as to whether the City or the applicant wants to initiate.
14

15 Ms. Grote: The site is zoned RM-30.
16

17 Commissioner Lippert: Well right here.
18

19 Vice Chair Packer: That is not the site it is south of that.
20

21 Commissioner Lippert: No, it shows Park Boulevard and I see you have everything from – it
22 looks to me as though you have everything from Page Mill Road/Oregon Expressway south to
23 Portage.
24

25 Vice Chair Packer: I believe Portage is in between that and Lambert.
26

27 Commissioner Burt: Is that the Agilent site?
28

29 Commissioner Lippert: So that is just the Agilent site?
30

31 Ms. Grote: Yes.
32

33 Mr. Williams: Yes.
34

35 Commissioner Lippert: End of story. Okay, thank you for clarifying that.
36

37 Vice Chair Packer: Are there any more Commission questions? I have one. I am not trying to
38 do anything about last week but last week we made some recommendations regarding the
39 definition of medical research and those changes would apply to the zones we are talking about
40 today. The question is if the Commissioners decide that we want something different with
41 regard to medical research for these zones can we discuss that today with regard to the east of El
42 Camino zones?
43

44 Mr. Larkin: The Commission can't make any changes to the definitions that were passed last
45 week but if the Commission wants to carve out exemptions for the zones on the east side of El
46 Camino that would be something that could be discussed today. So in other words the
47 definitions are what is going to the Council as the Planning and Transportation Commission

1 recommendations but if there was a desire to create an exemption to allow a different medical
2 research use on the east side of El Camino then the Commission could do that.

3
4 Vice Chair Packer: Thank you.

5
6 Commissioner Burt: Question.

7
8 Vice Chair Packer: Pat.

9
10 Commissioner Burt: So is it correct that in those ROLM-E zones for instance that a pure
11 medical research function would not be allowed?

12
13 Mr. Larkin: That was the way that the Commission defined that.

14
15 Commissioner Burt: Okay, because when we discussed definitions last week it was purely in the
16 context of the MOR zone and we had no discussion that they would apply to other zones.
17 Frankly, I had an assumption that it was only in the context of the MOR zone.

18
19 Mr. Larkin: I think we tried to make that point but we may not have made it clearly enough.

20
21 Vice Chair Packer: Phyllis.

22
23 Chair Cassel: But my understanding is you can craft an exemption for the more restrictive
24 language for the LM district.

25
26 Mr. Larkin: That is correct. We could do that.

27
28 Chair Cassel: Or something that would indicate that that particular district...

29
30 Mr. Larkin: We could do it but not withstanding that definition these uses could be permitted.

31
32 Chair Cassel: Then we will have to craft it somehow later after the public hearing.

33
34 Mr. Larkin: Yes.

35
36 Vice Chair Packer: Are Commissioners ready to go to the public? Then we can come back to
37 our discussion. Do we have any cards? I do see a member of the public here. We have one
38 speaker, Sally Probst. You have five minutes.

39
40 Ms. Sally Probst, Palo Alto: I can understand the value of reevaluating our entire zoning code
41 and of clarifying and reorganizing but I regret very much the change. I have always understood
42 that housing was a permitted application for any zone in Palo Alto. That was without the
43 restrictions that you are now putting in of limiting it in certain places to the 15 limit and I think
44 that we will regret in the future these kinds of restrictions and limits. There will be projects
45 come in, there will be developments proposed where you may or at least I will very certainly
46 regret the restrictions. So I would like to suggest that you back off and continue to allow
47 housing at various densities more than 15 even in some sort of conjunction or relationship to
48 single family zoning. There may be a lot of changes in Palo Alto in the future.

1
2 I also want to call your attention to the Transportation Oriented District moves that the MTC is
3 taking and there will be a lot of possibilities even in Palo Alto for TOD developments. If our
4 restrictions interfere or add to their restrictions we may be acing ourselves out of using MTC
5 money. So I would like to strongly urge that you do not limit the zoning that is in relationship to
6 single family that you allow multi-family zoning of higher density and that you let the particular
7 proposal, the particular development, determine whether it is compatible or not. I think you have
8 the possibility of setbacks. You have neighborhoods where there may not be much opposition to
9 multi-family. I, myself, lived in a single family zone in another city where we had multi-family
10 right next door and it was really high density and there was absolutely no objection because it
11 was well designed. I would like to recommend that you allow for future changes and future
12 design and not put restrictions on at the moment so that we can not only say housing is permitted
13 in any zone in Palo Alto but a variety of housing and a multi-family zoning is possible in any
14 zone in Palo Alto except for single family. Thank you.

15
16 Vice Chair Packer: Thank you, Sally. There are no more cards from the public I believe we can
17 close the public hearing at this time and bring it back to the Commission for discussion.

18
19 So that we can move along and talk about one subject matter at a time why don't we go in the
20 order of the PowerPoint and start with our discussion about the residential issues that are being
21 proposed by Staff. The first bullet point was single family and two family residential not
22 permitted in these zones. Phyllis.

23
24 Chair Cassel: I think it is appropriate in the sense that these are intended to be heavier intense
25 uses and if you are going to allow RM-15 and RM-30 that would be the direction that we should
26 be going in rather than a low density section in this area.

27
28 Vice Chair Packer: To make it easier for Staff should be just have little motions for each one or
29 do it all at once.

30
31 Mr. Larkin: We have actually prepared a motion that should probably be the one that it is based
32 on but obviously the Commission can modify that.

33
34 Vice Chair Packer: Then I will just keep track of how we are doing on each of the bullet points
35 and where we have a disagreement or a different recommendation from what you prepared for
36 when we do the motion.

37
38 Mr. Larkin: And where the Commission is deviating from what Staff recommendations are then
39 it might be appropriate to make subsidiary motions.

40
41 Vice Chair Packer: Okay. Do we have other comments? Pat.

42
43 Commissioner Burt: I would just like to point out for the record that in doing this we not only
44 have recognized that these zones are not appropriate or as appropriate for R-1 and R-2 housing
45 but we have by eliminating that as an option we have increased the housing opportunities so that
46 these lands would not get gobbled up by R-1 and R-2 when RM-15 and RM-30 are more
47 appropriate. So I think that it actually increased the housing opportunities in the most
48 appropriate areas.

1
2 Vice Chair Packer: Karen.
3
4 Commissioner Holman: Staff said that you had written motions.
5
6 Vice Chair Packer: It is a general motion that is just A and B.
7
8 Commissioner Holman: I don't have it.
9
10 Vice Chair Packer: It was just make sure we separated out the east from the west.
11 Commissioners, can we move on to the next bullet so that we can move through this evening
12 unless you have a comment on the single family or two family recommendations.
13
14 Commissioner Holman: I do following up on the ... no it is the next bullet. I'm sorry.
15
16 Vice Chair Packer: Okay.
17
18 Commissioner Lippert: Before we get into the multi-family residential I think we need to dissect
19 and try to construe or divine the definition in Comp Plan Policy L-46, what is meant by higher
20 density housing and the context in which that is meant.
21
22 Vice Chair Packer: I can respond to that a little bit. When I was on the Comp Plan Advisory
23 Committee I remember we were sitting around at a table and somebody suggested this looks like
24 a good place for high-density housing and we said yes, sure. That's what it was. It wasn't
25 anything more analytical than that.
26
27 Commissioner Lippert: I think that Pat has raised a significant point, which is in relationship to
28 is it higher in relationship to the abutting property, or is it higher than what is allowed? I think
29 that is what we need to come to terms with because what we are saying here is we are actually
30 voting on a lower density, the RM-15, within 150 feet of the adjacent residential.
31
32 Vice Chair Packer: I think the question is do we agree with the Staff suggestion that in these
33 zones, east of El Camino, that the RM-15 transitional area is a good idea. I think that is the
34 question that is before us.
35
36 Ms. Grote: There is a little bit of text here in the Comprehensive Plan that I can read to you.
37
38 Commissioner Lippert: That would be great.
39
40 Ms. Grote: It says the East Meadow Circle is adjacent to single-family residential neighbors on
41 the north and west. If major redevelopment occurs in this area it could provide a location for
42 additional housing including a component of neighborhood commercial use would benefit
43 residents of existing homes in the area as well as new homes. Presently the nearest commercial
44 center is Charleston Center more than a mile away.
45
46 So it doesn't say that it would be higher density than what the GM component or the RM-30
47 would be it says it is a place for additional housing. Now, I would think we want a transition,

1 which is what we based our recommendation on and a transition from the single family that is
2 there into a higher density.

3
4 Chair Cassel: My understanding at the time was you were thinking in terms of there isn't any
5 housing there now at that time and there were a lot of empty buildings in that space and it
6 seemed like a place where that might transition out of a light industrial that was not thriving into
7 a higher density than single family residential housing. I don't think that the term implied any
8 particular numbers. I don't know that when we look back and said this is RM-30 now that could
9 be there but rather that we should focus on this greater opportunity there.

10
11 Vice Chair Packer: Pat.

12
13 Commissioner Burt: Well, I believe that for a couple of reasons the intention is to refer to higher
14 than adjacent housing which is low density. One because of kind of the context of the text that
15 accompanied the policy. Second do we have other than Transit Oriented Development which
16 this would not be do we have higher density than the RM-30?

17
18 Vice Chair Packer: RM-40.

19
20 Commissioner Burt: RM-40, okay. Then finally I would like to support Lee's point that it is not
21 just a question of whether we want RM-15 there or not but our decision should be guided by the
22 Comprehensive Plan policies. So this issue is completely valid in my mind that we have that
23 understanding of what was the intent of the Comp Plan and that be the context in which to hold
24 the discussion and not leapfrog over the Comp Plan and just say we are just deciding what we
25 want here. So I agree that we should be trying to get our best understanding of what the intent of
26 the Comp Plan is and then hold our discussion.

27
28 Vice Chair Packer: Karen.

29
30 Commissioner Holman: I am going to raise a different matter and that is everything is balance.
31 As the Comp Plan is a balance and sometimes even has conflicting goals we are faced currently
32 with potentially conflicting goals because there has been a fair amount of development either
33 being proposed or approved for housing in the ROLM zone and in the GM as well actually.
34 There has been some discussion about are we losing valuable commercial space to housing
35 where again if we are singly focused on either commercial or on housing we might be headed
36 down not a very sustainable path here. So I am just going to put out there for purposes of
37 discussion and consideration that do we want to in some way protect some percentage of perhaps
38 the ROLM as a _____ commercial development. These areas of commercial that we have here
39 are the lower rent. They just don't bring the rents that say commercial on University or El
40 Camino brings and those businesses that are there typically support other businesses in town. It
41 is a very, very valuable type of use that proliferates those areas. Not 100% but it does proliferate
42 those areas. So I think we ought to be considering that when we talk about housing in these
43 zones.

44
45 Vice Chair Packer: Pat.

46
47 Commissioner Burt: Question. In our discussion right now is this referring to the GM zone as
48 well as the ROLM?

1
2 Vice Chair Packer: Yes.

3
4 Commissioner Burt: Okay. Then following along the issue that Karen raised we have three
5 different areas of GM zoning although two of them abut one another. What I would like to focus
6 on are the two that are on either side of San Antonio Road. Even though they have historically
7 been both zoned the same way they have considerably different uses and I think future
8 directions. The ones along Fabian which were Ford and now Loral and as Loral has been
9 moving out we have a number of other uses and major projects that are going through there
10 converting those to medium and high density residential and other public facility uses there.
11 That side of San Antonio does abut other residential. The other side is a purely industrial area.
12 It is older industrial buildings that are smaller industrial buildings owned by a variety of property
13 owners where as Ford Aerospace used to have manufacturing that was not compatible with being
14 adjacent to residential my understanding is most of that has moved away and consequently the
15 areas along Fabian are much more appropriate for higher density housing. Those on the other
16 side are old, pure hardcore industrial. They are real GM zoned and GM uses. I don't think we
17 want to locate housing next to companies that are high users of hazardous materials that are
18 scattered throughout there. We have two plating shops in that area. We have various other
19 facilities that are very incompatible with housing, with children and those kinds of uses. I think
20 we need to look at differentiating those two. Whether at this particular time this is the quandary
21 we have gotten in where we have said we are not talking about particular areas of land in the
22 zoning but it gets it to be a real chicken and egg problem because how do we hold a discussion of
23 what we want to allow in a particular zone when you have two different areas zoned the same but
24 they are really different functions, different compatibilities for housing and different future
25 directions. It is going to be real hard to take that area that is on the southeast side of San Antonio
26 and convert it over time because there are just so many small independent property owners doing
27 such a variety of manufacturing there. So I think we need to reconsider that.

28
29 Vice Chair Packer: I would like to take an opportunity to respond. A couple of things to keep in
30 mind the ability to build housing on these zones have existed since the Zoning Ordinance was in
31 place. It is the economics and the needs of whatever that determine whether housing is going to
32 go there or not. Second, our existing development standards for RM-30 do have, if I remember
33 correctly, do have restrictions in them for when higher density abuts lower density housing in
34 terms of daylight planes. Also when we had begun to look at the new zoning code, the updated
35 zoning for RM-30 and RM-40 and RM-15 and we have been looking at the suggestions for the
36 kinds of daylight planes and the transitions that this kind of housing would have to incorporate in
37 their development standards when they are near different uses. So when we look at those
38 development standards for the RM-30 going forward we have to be thinking of if this is going to
39 happen in a GM zone, if it is going to happen adjacent to facilities that produce hazardous waste.
40 They are probably ways in the development standards for the RM-30 zones that we could
41 address the issues that you are bringing up now. So that may be one approach to this rather than
42 getting rid of the housing possibility. Who knows what is going to happen in 30 years because
43 what we are doing today is probably going to be unchanged more or less until the next Zoning
44 Ordinance Update. So that may be a place where we can look at the development standards for
45 RM-30, keep in mind that it is not going to be in a vacuum, the form code is contemplating what
46 happens if it is next to this or that and how should things look. So that may be a way of dealing
47 with some of the concerns that you raise. I don't know what is going to happen. I understand

1 what you are saying about the two different kinds of zones and the changes but I think that may
2 be a way to address it. Pat.

3
4 Commissioner Burt: Conceivably you could address it that way but first I would like to say that
5 I don't think the fact that we sometime historically on a global basis said that all areas of the city
6 can permit housing should necessary govern whether when we stare at it right now we all think
7 that is a good idea. That is why we are doing a Zoning Ordinance Update is to look and think
8 clearly, take a step back and say wait a minute is this grossly out of line? I think high density
9 housing on the northwest side of San Antonio there in that GM zone is a real good trend. I think
10 the notion of putting it in that pure industrial area that is surrounded by nothing but commercial
11 that is if you understand the types of businesses that are there it is not a good location for
12 housing and you can't transform if you have 100 different property owners there which is
13 probably pretty close to what we have at least 50 I would say being able to do some kind of a
14 significant transformation of that area with so many small property owners is highly unlikely. So
15 what you would have is somebody who would say by right I can put RM-30 housing in there
16 right next to a completely incompatible use and that is not good planning in my book to put
17 incompatible functions against one another. I don't think that is the best way for us to achieve
18 our housing goals. So I would strongly advocate that. Just like the Chair I have 28 years in
19 manufacturing business and we have areas up and down the peninsula that are ones that have
20 light manufacturing where we can have high density housing interspersed with R&D or light
21 manufacturing or office use and they are pretty compatible. We have some areas of the
22 peninsula where they are completely incompatible and this is one of them.

23
24 Commissioner Lippert: Well, I have a slightly different take on it which is that if you look at the
25 ROLM and the GM zones in that area they are in the flood plane. The flood plan is going to
26 dictate that whatever these buildings are if they get demolished and rebuilt or they exceed 50%
27 of the replacement value those buildings are going to have to be raised up. They are going to
28 have to be up out of the flood plane. So what you are going to wind up with is ground floor
29 parking with the building on the second floor. It is not conducive to manufacturing having
30 manufacturing on the second floor. It is hard to get materials up there and shipping and
31 receiving becomes a major component in trying to make those buildings work. Plus you get into
32 the whole issue of FAR and density where the ground floor winds up being used significantly for
33 counting as floor area so you can only build half as much building there. So if those sites do get
34 redeveloped they are going to have to be redeveloped as something different. So the
35 redevelopment is real easy to do in terms of housing because you can actually increase your FAR
36 and you can put your covered parking under the buildings, you are allowed to do that. Am I
37 correct in this direction that I am going or am I making some wild assumptions here?

38
39 Mr. Lusardi: Well you are correct that the buildings are in the flood zone and they are a lot of
40 old buildings so if they are redeveloped they will have to meet the flood zone standards. I don't
41 think I can say what use that would necessarily generate with the increased height of that
42 building.

43
44 Commissioner Lippert: But basically the buildings they way are would wind up going away.

45
46 Ms. Grote: And sometimes underground parking is difficult in the flood plane.

1 Commissioner Lippert: No, you would never be able to do underground parking because you
2 would have to build a dam.

3
4 Ms. Grote: I thought I heard you say parking would be underground.

5
6 Commissioner Lippert: No, under the building, which counts as FAR.

7
8 Ms. Grote: Right.

9
10 Commissioner Lippert: So half your FAR is being used in covered parking.

11
12 Vice Chair Packer: Karen had her hand up.

13
14 Commissioner Holman: Two or three things. One if housing has been allowed for 30 years and
15 hasn't been developed in that way to me that is not a reason to still allow housing where the uses
16 are incompatible because my rule of thumb is don't allow something by zoning that you don't
17 want to have happen. I think in some of these areas housing and some of the uses that are
18 allowed is a built-in conflict and I don't think it is prudent. Just looking at one of the housing
19 projects that has come to us the housing is in a flood plane and the parking is at grade and
20 commercial uses could also park at grade. It might or might not get as much FAR but if you own
21 the property and you want to keep it commercial or you want to develop it as housing you are
22 going to do what you want to do and maximize it for whatever use you want that is allowed in
23 the best way you can. Again, one of the housing projects we saw the parking was at grade so I
24 am not sure that the limited development that we have seen come through here I am not sure that
25 would indicate that it would just be housing or appropriate for housing because of parking
26 underneath the building.

27
28 Vice Chair Packer: I have a question for Staff with regard to what regulations exist outside the
29 zoning code that would make it difficult for housing to be built right next to a plating plant for
30 example. Are there issues that a developer would face today if he wanted to build next to Pat's
31 factory?

32
33 Mr. Williams: I will let John add to this but the thing that immediately comes to mind for me is
34 the hazardous materials issue and that is far from being an insignificant issue. There are studies
35 and studies that have to go on and getting financing in those situations is a very difficult task. I
36 don't know as far as other fire or building issues.

37
38 Mr. Lusardi: Curtis is right. It is typically what the fire code, exiting, and those kinds of issues
39 that dictate and it would also generate those adjacent uses if they were using a hazardous
40 chemical to come up with an evacuation plan for the area in the event of a spill. So it generates
41 more burden on the adjacent industrial use than it does on the residential use. The second thing
42 it does is it tends to transition more into residential neighborhood than the industrial use. The
43 industrial uses don't want to be neighbors to the residential it is just often too difficult for them.
44 So it is not just a building or fire code issue it is also a land pattern that you start to generate in
45 those areas when you introduce residential into heavy industrial areas.

46
47 Commissioner Burt: I think John is getting on one of the important points which is if housing is
48 built there then it creates tremendous liability issues for the existing users of the land. They

1 essentially get driven out because of those liability burdens and they are very significant in that
2 sort of circumstance. So if one of the things that we think is a proper balance for the city as a
3 whole is to have a few remaining GM zones then they should be able to be functioning GM
4 zones. If we intersperse housing within a true GM zone you are not going to have both. They
5 are incompatible uses. So that should be a conscious decision if we went to say that we want to
6 rid our city of GM zones then we should make that as a conscious decision and not backdoor it.

7
8 Vice Chair Packer: Phyllis has had her hand up for awhile.

9
10 Chair Cassel: I have two very conflicting comments to make. One is that I believe when we
11 were discussing the Comp Plan this is an area we had hoped would act as a germinating area for
12 business, for industrial type business, because there were so many little ones in there, little sites
13 in comparison.

14
15 Vice Chair Packer: Would you clarify what the “this” is for the minutes?

16
17 Chair Cassel: I am sorry, the GM area that is southeast of the GM district or southeast of San
18 Antonio Road. The other is of course that if housing was the opposite, that is if housing wanted
19 to go in there, if things didn’t work and housing wanted to go in there they would have to deal
20 with these issues. So then they would be making the choice to be in that district and to build up.
21 Over time things change the way have changed in some of the other districts you would then
22 make it available to do housing and this way you are restricting it. They are exact opposite I
23 understand but in terms of throwing things out on the table this was an area that we identified
24 with the intent of being a small industrial starter area.

25
26 Vice Chair Packer: Don has a comment.

27
28 Mr. Larkin: I know I said this before and I just want to remind the Commission that the
29 discussion that you are having is entirely appropriate but it would require a modification to the
30 Housing Element of the Comprehensive Plan so be mindful of that.

31
32 Vice Chair Packer: I also had a question for you. We are talking about permitted uses in one
33 zone. I don’t know how we unless we gave these two zones a different name how we could have
34 one use on one side of the street and a different use on the other side of the street. We would
35 have to be asking Staff to restructure this map and the names of the districts that we have been
36 talking about for the past two or three years. Is there any comment from Staff on that?

37
38 Mr. Williams: Well, I would just say I don’t see there is any reason why you couldn’t write in,
39 we do a lot of places such and such is not applicable. Take for instance the Charleston and
40 Midtown commercial areas where we have written in some special language under CN that these
41 different regulations apply. It is still a CN zone.

42
43 Vice Chair Packer: Okay.

44
45 Vice Chair Packer: To me we could do the same thing for those portions of the GM zone. I was
46 just asking Don and I would like to get clarification as far as a general plan amendment because
47 the general plan says that our industrial zones accommodate or should accommodate housing.
48 What I am hearing is not a suggestion that there not be any housing allowed in the industrial

1 zone or even in the GM zone it is just a portion of the GM zone that might be off limits for some
2 very good health and safety reasons perhaps and incompatible land use reasons. But the bulk of
3 the GM zone would still be available for housing.

4
5 Mr. Larkin: I don't have it in front of me so I may be misreading it but my understanding is that
6 the document that was submitted to the state says that we allow housing in all areas of the city.
7 It actually says we allow housing everywhere in the city and it is entirely appropriate if we want
8 to change that but we would need to do an amendment.

9
10 Commissioner Lippert: I just want to point out something which is that and this goes back to
11 what Pat was talking about is that probably one of the most polluting sites in Palo Alto was
12 successfully turned into a very high density multi-family housing and that was the Peninsula
13 Creamery site which its polluting product was whey. So there are opportunities to take gross
14 polluters or toxic sites and remediated them and make them into appropriate housing.

15
16 Vice Chair Packer: I would like to go back to the comment that I said so it isn't misinterpreted.
17 I didn't mean to say that because the housing has been allowed for the last 30 years that that is
18 the reason for us to continue it. What I was saying is that even though the housing was allowed
19 the market forces or the other forces – it did not happen. So it is just an historical fact that we
20 should be aware of. If we do keep it in there may or may not be the forces that would cause the
21 housing to happen. Just because we keep it in and don't change something that has been around
22 for a long time doesn't necessarily mean that housing will automatically happen. It will happen,
23 if it does happen, when the time is right, when the physical conditions are right or the economics
24 are right otherwise it may not continue to happen. I do realize and I have heard a lot that housing
25 is right now today there is a better return on investment than other types of uses. We hear that.
26 Don't know that is true for every type of parcel or that it is universally true. The issues that Lee
27 raises with regard to the physical restrictions, the flood plane and the disincentives in terms of
28 building for the future when the manufacturing buildings become obsolete or when everything it
29 outsourced somewhere else and with globalization, if we have eliminated housing and there is
30 nothing else that can be put there we may have zoned for vacant land. So by keeping something
31 in that hasn't hurt, hasn't caused housing to happen, you are allowing flexibility for whatever
32 could happen in the future in the next 30 years. So that is something we should think about
33 before we jump to what would be as somewhat drastic as to remove housing from that particular
34 area. Although I am perfectly sympathetic with the comments that are made I just don't know if
35 it would be the best planning thing to do for the future. Karen had her hand up.

36
37 Commissioner Holman: I am going to touch on something else that we haven't specifically
38 addressed and that is our sales tax base. I am a little more concerned about more than just the
39 southeast of San Antonio and Charleston intersection or that quadrant there because there are
40 areas here in the ROLM and in the GM zone that front on San Antonio and Charleston Road.
41 There are some pretty high sales tax producers there and again it is not the highest rents that are
42 charged but we do have an auto dealership there, there is a marine supply there, a tile shop all
43 manner of those kinds of businesses and given where the market is, and we can't predict where
44 the market is going to be now. Ten years ago or six years ago would we have said that housing
45 would be replacing office anywhere in town? I don't think so but it is now. So I think we need
46 to keep an eye on the economic vitality and the sustainability of this community and where we
47 would allow housing. I remember the City's Economic Development Planner talking about the
48 very, very strong important of this GM zone in the San Antonio/Charleston area that those do

1 support other businesses in town. For some businesses to be here they need to have that kind of
2 support. So it is a balance that we have to recommend.

3
4 Vice Chair Packer: Lee wants to speak and with your permission I would like to respond to that.
5 Another way to attract economic vitality is through more retail, which is supported by more
6 people living there. So you could also argue that if you have higher density housing you would
7 support more of a consumer oriented retail in the area which would generate perhaps more sales
8 tax than is happening now. We don't have the economic studies in front of us but I think you
9 could also argue that housing could also result in economic vitality as well. So put that into your
10 thoughts to ponder as you consider this.

11
12 MOTION

13
14 Commissioner Lippert: What I was thinking is that we are almost ready to take action on this,
15 the multi-family residential use permitted at RM-15 standards within 150 feet of low density
16 residential. I think it should be taken out and that it could be handled through development
17 regulations in terms of setbacks and daylight plane.

18
19 Vice Chair Packer: I agree with you.

20
21 Commissioner Lippert: That is a motion.

22
23 Vice Chair Packer: Oh, Lee is making a motion that we not accept Staff's recommendation with
24 regard to the RM-15 requirement for residential development within 150 feet of a low residential
25 density zone.

26
27 Chair Cassel: For all three zones?

28
29 Vice Chair Packer: The question is for ROLM, ROLM-E and GM?

30
31 Commissioner Lippert: For the ROLM and the GM.

32
33 Vice Chair Packer: And the ROLM-E? It doesn't apply to the ROLM-E.

34
35 Commissioner Lippert: No.

36
37 Vice Chair Packer: Okay, so Lee's motion is for ROLM and GM. Do we have a second?

38
39 SECOND

40
41 Chair Cassel: I will second.

42
43 Vice Chair Packer: Phyllis seconded. Would you like to speak to your motion?

44
45 Commissioner Lippert: Yes, I will qualify that just by saying that I think that the development
46 regulations can handle that whole issue of encroachment on the single family adjacent
47 neighborhoods through development regulations in terms of setbacks and daylight plane. So I

1 don't see a need for that I would prefer having the higher density. I think that there is much
2 more opportunity there.

3
4 Vice Chair Packer: Phyllis, would you like to speak to your second?

5
6 Chair Cassel: Yes. As I look at the district there are very limited numbers of single-family areas
7 immediately adjacent to it. There is a creek that runs along behind this GM district. It is the
8 Santa Clara Valley Water District that runs down through there so there is some setback already
9 in that district and then there will be some additional setback normally adjusted to it. The area is
10 required to have Architectural Review Board review and I believe there were some compatibility
11 words that we used in the previous motion that could probably be added to this if that would be
12 agreeable with the maker so that there would be compatibility to the single family neighborhood
13 behind should be considered.

14
15 Commissioner Lippert: Sounds good to me.

16
17 Vice Chair Packer: Are there other Commissioners who would like to speak on this motion?
18 Karen.

19
20 Commissioner Holman: I guess I am feeling the need to remind the Commission that this is
21 counter what we recommended last week for west of El Camino. So I am a little confused by
22 that. I still have concerns about the loss potentially of some of the businesses here that I think
23 are vital as I spoke to earlier. The built-in incompatibilities of some of the housing or some
24 places where housing can be developed and also the potential loss of retail sales tax generators.
25 So I will not be supporting the motion.

26
27 Vice Chair Packer: Pat, do you have any comments?

28
29 Commissioner Burt: First a question or clarification from Staff. The creek that Phyllis referred
30 to does that immediately abut the GM zone on the northwest side of San Antonio?

31
32 Mr. Williams: Yes. It abuts the properties along Fabian that backup to the residential it is
33 between there those properties and the residential backyards.

34
35 Commissioner Burt: What are the Water District setback requirements?

36
37 Mr. Williams: I don't know. John or Lisa, do you know?

38
39 Ms. Grote: It is typically 20 to 25 feet but I can check. It is from the top of the bank usually.

40
41 Mr. Larkin: The Water District is in the process of revising their ordinances as well so the
42 setback may increase.

43
44 Commissioner Holman: I think what is being considered is 20 feet. I am not 100% up to date on
45 that but I think it is 20 feet.

46
47 Commissioner Burt: The properties that abut both that border of the GM zone and then the
48 border of the adjacent ROLM zone, is Staff clear on those? I believe that on the ROLM zone

1 that those are R-1 properties that abut but I am not so sure if that is the case on the GM zone
2 across the creek. Are those also R-1?
3

4 Mr. Williams: I believe they are also R-1 properties. I looked at the map this afternoon and that
5 is what I recall.
6

7 Commissioner Burt: So it is interesting and ironic too. As I think about it a lot of these are
8 single-family homes, Eichlers that several of the members of this Commission have voted to
9 have single story overlays and here we are allowing RM-30 immediately adjacent to those
10 properties. So I have been struggling and thinking about whether it is appropriate to have a
11 different concept from what we had last week for the RP zone. We look at the Comp Plan and
12 all of the different policies and elements that talk about transitions and compatibility I think
13 having this sort of transition is much more consistent with the Comp Plan. It still allows the
14 RM-30 in those areas. For instance along Fabian we have some very high-density residential
15 going in there. On East Meadow Circle it would still allow RM-30 in all sorts of those areas but
16 just those properties immediately adjacent to R-1 would have some consideration. It would still
17 go up to RM-15 I am not talking about prohibiting moderate density there I am just saying in
18 those borders and transitional areas that we respect that kind of thing. I think I would like to
19 remind the Commission of a lesson that we need to make sure we are learning. That is if we
20 want to promote housing in the community we have to be sensitive to not ramming it down the
21 throats of people who are impacted by it. We just saw what we thought was a fairly moderate
22 proposal by the Commission on granny units which would have far less impact in my mind on
23 the quality of life of R-1 residents than having an RM-30 development immediately adjacent to
24 them and as a result of community outcry the Council shot down the Planning Commission and
25 Staff's recommendation. I think right now we are coming back with something that could have a
26 greater outcry than that. Then it ends up also if we aren't thinking these things through
27 adequately and we are just following on one objective which is increase the housing supply and
28 ignoring the other parts of the Comp Plan and ignoring some of the concerns of the community I
29 think ultimately it starts undermining the credibility of the Commission because we are just not
30 getting it.
31

32 Vice Chair Packer: Okay, my turn to speak. I hear what you are saying and I know you are
33 trying to convince me otherwise but I will tell you why I am going to support the motion. One,
34 there is always ARB review of any of these units there has to be and compatibility and
35 transitions and daylight planes will be taken into account. Two, what we were looking at last
36 week was the potential of buildings facing R-1. In these situations none of the streets that go
37 through these areas face an R-1, they just back up there are fences and backyards. Also the
38 existing buildings many of them are two story and the residents are used to having these big ugly
39 looking buildings that they can see. I live near there so I know what it is like. Third, it was very
40 interesting the Environmental Impact Report that many of us read with regard to Mayfield
41 showed to us how housing produces less trips than workforce buildings. So the ramming things
42 down people's throat I think there is a perception that housing is going to create more traffic but
43 the study shows that the opposite is the case. That is just an education process. Additionally,
44 what we are doing here is not changing anything. We are not changing the code at all we are just
45 continuing what has been in existence we are not saying all of a sudden there is going to be
46 housing here. Of course we know there is a lot of interest in housing coming through and the
47 Architectural Review Board is looking at these things and making sure that they will be nice. I
48 am not aware that they are coming in as dense as they could in fact they are a little bit less dense

1 because maybe there is a better market for these higher end units. So I don't think it is going to
2 create a horrible thing if we don't have an RM-15 restriction. This is going to be just fine for
3 these two areas, the ROLM and the GM so I will support the motion.

4
5 Karen, do you have one more thing?
6

7 Commissioner Holman: Yes, just one more comment because a couple of mentions have been of
8 ARB review. If an RM-30 is allowed and the development centers of RM-30 the ARB can work
9 towards compatibility and mush around the mass but they cannot reduce. They have not within
10 their authority any ability to reduce the FAR or the density. So we are relying on something here
11 that is a limited capability of review.
12

13 Vice Chair Packer: I think the parking requirements; the daylight plane requirements and all the
14 marketable size of units will reduce the density.
15

16 Commissioner Holman: That is not ARB.
17

18 Vice Chair Packer: I understand but the development standards and all these other factors end up
19 meaning that you can't always build to the highest density. It just doesn't happen. That is just a
20 maximum it is not a requirement that they build 30 units. We have seen that countless times
21 over and over again that things cannot be built just because it says so in the code because there
22 are all these other constraints. Phyllis.
23

24 Chair Cassel: The only thing to remember is that there already is a reasonable setback in these
25 areas that are already zoned RM-30. We are not increasing the density of the zone in this area so
26 that people who are in these single-family units are familiar with what is there already. The
27 other is that most of this area has some kind of a Water District setback, not all of it but most it
28 has some kind of a Water District setback already. I think we do need to look at or include in
29 this a note for compatibility in this area but it does come within much of this area are 100 foot
30 setbacks just because of the distance across the creek plus the setbacks.
31

32 Vice Chair Packer: Pat.
33

34 Commissioner Burt: First if Phyllis alluded to a note if it is the intention to have compatibility as
35 part of the motion, even though I won't be supporting the motion, I think it would be appropriate
36 to include that. Second, the setback along the waterway we just had clarified that on the ROLM
37 side and the GM side it is only a 20-foot setback.
38

39 Chair Cassel: Well, this is from the residential water on the property on the other side of the
40 creek, this 150-foot setback not from the edge of the property of the LM property. Your
41 ordinance reads that this will be 150-foot setback from the residential portion or the R-1 portion.
42 So you've got the creek plus that.
43

44 Commissioner Burt: Well, then that would mean that if we included the RM-15 restriction as we
45 did in the RP zones then the effective setback from the edge of the commercial properties would
46 be less than 150 feet because we already have some of that setback taken up by the creek. So the
47 practical impact of applying the same guidelines that we did in the RP zone would not mean that
48 the residential property would have 150 feet of developable space that could not go to RM-30 it

1 might be closer to 100 feet. The other points I wanted to make are that Bonnie alluded to traffic
2 impact in terms that I certainly didn't make that as one of the points so if you were responding to
3 me that wasn't what I had said. Then also Bonnie had said that in our RP zone decision last
4 week we were only dealing with transitions at street face but that is not correct. The south
5 border of the RP zone, which abuts Barron Park, is not a street face impact that is a rear setback
6 impact. Then Bonnie had also talked about somehow that because we aren't always able to build
7 to the highest density that that somehow would mean that that changed this consideration. They
8 can build to RM-30 based upon this without any setback requirement of a transition to an R-1
9 zone and that is the issue before us. I agree with Karen that Bonnie had made the point earlier
10 that ARB could take care of those issues but they can't, it is not within their purview to address
11 impacts on the housing density or the FAR. So those are reasons why I think that the guideline
12 that we had last week was a good consideration and in fact was consistent with what was
13 developed for the Mayfield Agreement which went through a lot of good public process, was a
14 good compromise, where we kind of aired everything and said what are the issues if we do have
15 this kind of housing density adjacent to R-1 districts. A whole bunch of stuff came up that we
16 had never really thought through before. The City hadn't thought through it and the Staff hadn't
17 thought through it and the Commission hadn't thought through it nor had the Council. At the
18 end of that certain considerations were recognized of what was appropriate in transitions. What
19 we ended up adopting for the RP district was essential what was wrestled with and came out with
20 an appropriate compromise for that Mayfield development. It ended up being something that
21 allowed a lot of housing development to occur under that Mayfield Agreement with a
22 compromise that seemed to be fairly compatible to both housing advocates and the community as
23 a whole.

24
25 Vice Chair Packer: I just want to be careful that we don't talk about that here. I understand what
26 you want to say I just want to remind you of that.

27
28 Commissioner Burt: I don't think you are correct and maybe the City Attorney can comment on
29 whether I can refer to the Mayfield Agreement as a way in which the City and the community
30 had wrestled with these sorts of similar issues and whether that can shed light on our discussion
31 here tonight.

32
33 Mr. Larkin: We have to be careful that we are not revisiting decisions that have already been
34 made. You can cite that as a model the only caveat being that it is a development agreement and
35 not zoning standards so that it is a little bit different issue but you can talk about it in terms of the
36 design.

37
38 Commissioner Burt: That's right.

39
40 Vice Chair Packer: I understand that I just wanted to

41
42 Commissioner Burt: You made the point but I believe it is an incorrect point.

43
44 MOTION PASSED (3-2-2-0, Commissioners Lippert, Cassel and Packer voting for,
45 Commissioner Burt and Holman against and Commissioners Griffin and Bialson absent)

46
47 Vice Chair Packer: I think we have discussed this quite enough. I think we know what our
48 positions are. I think we are probably ready for a vote. These are issues that are complex and we

1 have many valid viewpoints, a lot of these ideas are valid but then at the end of the day we have
2 to come up with a decision of what we think is best. So I think I would like to call the question
3 and have a vote at his point. All those in favor of Lee's motion, do I need to repeat it for the
4 sake of the Staff, which is to not adopt the Staff recommendation that there be a limit to RM-15
5 density for residential development if it is within 150 feet of an RE, R-1 or R-2 or RMD zone in
6 the GM and ROLM districts with the addition that there be some language or direction to the
7 ARB that when these are reviewed that they consider compatibility with those low density
8 residential districts. Have a captured your motion correctly? All those in favor of Lee's motion
9 say aye. (ayes) that is Commissioner Lippert, Cassel and Packer in favor. All those opposed?
10 (nays) That is Commissioners Burt and Holman against. The motion carries.

11
12 Now in doing that motion does that in essence, I am asking Commissioners do you feel
13 comfortable in so doing we accept or not accept the RM-30 development? Allowing RM-30
14 housing in these zones? There was some discussion earlier about why we should not allow
15 housing so I want to know where we are going in that area. Have we incorporated that or we
16 have taken out the RM-15 and we still have left the RM-30 so we still do need to discuss whether
17 or not and where that is appropriate and take into consideration Comprehensive Plan
18 requirements. Curtis, did you want to say something?

19
20 Mr. Williams: No, I think there is RM-30 and then if you have a separate motion on where that
21 would apply like we talked about some portion of GM if there is a motion on that and then we
22 need to understand what that means for the ROLM-E portion too.

23
24 Vice Chair Packer: Yes, and unless we have something additional from what was said we did
25 have a long discussion on the pros and cons of housing in different places. So if somebody is
26 ready to make a motion in that area we could still talk to it but just to move things along. We
27 have lots of hands up.

28
29 Chair Cassel: The ROLM-E doesn't have any single family residential near it and it zoned RM-
30 30 now and so it is just leaving that as it is it didn't need that other piece added to it because
31 there isn't any residential near it anyway.

32
33 Vice Chair Packer: Does that Staff's understand that Lee's motion did not have to include
34 ROLM-E because it wasn't applicable? Lee.

35
36 Commissioner Lippert: The point I wanted to bring up about the ROLM-E, which I think is very
37 important, is its adjacency to the Baylands. When you look at that site the Baylands actually had
38 come up to Embarcadero Road at one point and then they holed it in and they built on top of it.
39 My concern is that it is number one a flood plane so redevelopment in that area is incredibly
40 difficult but by encouraging or having standards to allow for housing in that area what you
41 basically have done is you have allowed for redevelopment of that area. I don't know if we want
42 to encourage or promote opportunities for redevelopment of that area. What in fact I am
43 thinking of is that these buildings are amortized over a certain period of time, they are going to
44 be paid for, they are going to reach the end of their useful lifecycle and maybe there might be a
45 way where these properties and their development could be transferred to other parts of the city
46 and those sites could go away and it could be reverted back to Baylands. At the very least I
47 don't want to see an intensification of the land use in that area. So I purposely left out in my
48 motion the RM-30 applying to that area because I don't want to see a higher density of housing

1 in that area because it is going to rise to the highest and best use and somebody is going to build
2 housing there and we are going to be stuck with it adjacent to the Baylands for the next 50 years.

3
4 Vice Chair Packer: Let's have our discussion and then focus on the ROLM-E for the next few
5 minutes. So if Commissioners have any comments go ahead.

6
7 Commissioner Burt: Well I actually have somewhat of the opposite viewpoint of those lands.
8 Up and down the peninsula we have seen a lot of housing developed east of Bayshore basically.
9 Palo Alto is about the only city that I can think of or one of the few that doesn't have it. We
10 have light manufacturing that is permitted there would it be better to have residential or at least
11 allow that opportunity for residential there? I lean toward that that is a good opportunity. As a
12 physical distance it is relatively close to the Edgewood Center, it has a pedestrian overpass near
13 there, ideally we would like to have some greater neighborhood serving retail that would locate
14 there on a small amount if it evolved toward more housing and that might happen as part of a
15 mixed use but with prospective redevelopment of the Edgewood Center I know that housing
16 there would help compliment the vitality of that center and I think that housing down there
17 would be a good opportunity for housing. Most of the commercial buildings that are down there
18 are older grade B commercial buildings that are in fact ripe for one form of redevelopment or
19 another. Unlike this GM zone that we were talking about that I think should remain dedicated to
20 manufacturing I think this LM zone is one that is an excellent candidate for evolution toward
21 housing.

22
23 Vice Chair Packer: Can I ask you, this little GM zone right up there in the north would your
24 discussion apply to that little GM zone up there?

25 Commissioner Burt: It was interesting too I don't have an answer to that. I should start by
26 saying. One of those properties we have talked about having a vital use as a landscaping supply
27 area that has really a city serving purpose that has a real community value that other one that
28 looks like it is next to the post office I just hadn't appreciated that that was zoned GM. So I
29 don't really have an answer. Is that where the International School is? Okay, so that is on the GM
30 zone. So we put a school there. That is another use that I think we need to be considering and
31 that particular circumstance, this points out that we have GM and then we have GM because here
32 we have a location where it is zoned GM and there is no GM adjacent to it. It was an acceptable
33 use to put a school there but putting a school down in a true manufacturing area surrounded by
34 hazardous materials which might be considered is a bad idea. So I think we have real differences
35 in what were our GM zones 20 or 30 years ago and what today are in reality GM zones. So I
36 don't have a good answer for you on that question but I think it illustrates an issue that we have
37 to face.

38
39 Vice Chair Packer: Karen, I think you have a comment on the ROLM-E housing issue.

40
41 Commissioner Holman: Yes, and I fall somewhere in between Commissioners Lippert and Burt.
42 I would love to see that revert to I can't exactly say revert to marshland because it is fill. The
43 marsh in the bay used to come up to my understanding up to 101 thus Bayshore Freeway. That
44 was before I lived here but that is what I understand. So there is also the issue of how long they
45 are going to stay? Who knows? How long are they going to be able to stay? Who knows?
46 Again we have another sales tax issue because there are auto dealerships along Embarcadero
47 Road too.

1 Commissioner Lippert: We are not dealing with the auto dealers.
2
3 Commissioner Holman: That's right. Are all of those PCs? I know a couple of them are. Are
4 all three of them PCs?
5
6 Vice Chair Packer: I think so.
7
8 Commissioner Holman: Okay. Then I take that off the table then. I do agree with
9 Commissioner Lippert that I would hate to see an intensification of use along especially
10 Embarcadero Road. So maybe we could consider within 150 feet of Embarcadero Road or
11 something of that nature that they are not the RM-30 or some lower density housing if we have
12 housing there at all. I have less trouble with housing along East Bayshore. I certainly have less
13 trouble with it there. There are development issues, as Commissioner Lippert would know. I
14 wouldn't want to see RM-30 allowed in that whole ROLM-E either.
15
16 Vice Chair Packer: Phyllis, do you want to weigh in on this one?
17
18 Chair Cassel: Well City Council Monday night said they didn't think there was a wide range of
19 things when looking at the low density. All they were looking at were issues of instead of just
20 having rental units why didn't we allow two units with different owners, condominium type
21 ownership on R-2 lots. Why didn't we think of this? So when I think about the Bayshore area,
22 every time I think about it I think how can we get more of that land back into the open space.
23 How does it come back? How do you bring some of it back? My understanding is that much of
24 the area east of Ross Road in Midtown is also on fill and we are not going to take that back. We
25 plowed down on 101. I have one question for you. The spine that runs out towards the bay that
26 was not fill, right?
27
28 Commissioner Burt: Which spine are you referring to?
29
30 Chair Cassel: As you take Embarcadero Road, along Embarcadero Road that is not fill, right?
31
32 Commissioner Burt: The entire area east of 101 is fill. Can I comment on a couple these things?
33 First under the concept of looking for opportunities to transform some of the area in that east of
34 Bayshore zone into natural habitat I think there are two significant opportunities for that in the
35 future. One is should the county not retain the airport site that is public facility land and that
36 would be an opportunity for other uses which could include transformation of some of that into
37 natural habitat. That is definitely part of what is going on in county discussions depending on
38 what happens on the Moffett Field becoming a general aviation airfield.
39
40 Second, is the discussion the Staff is pursuing right now on the golf course which is 180 acres of
41 land that was developed not as natural habitat and that golf courses today are being designed and
42 developed using native vegetation which has a variety of opportunities plus being incorporated
43 as portions of the flood plane. So there are some tremendous opportunities there. I think the
44 notion of taking land that is in private hands right now that is developed and is worth three or
45 four million dollars an acre as privately owned land and envisioning that somehow we are going
46 to buy that back or zone it so that they can't develop there which we talked about, we have had
47 all these references to takings over the years, that is the only thing that is clearly black and white
48 in taking. You can't make it un-developable without compensation. It is just a nonstarter. That

1 is not going to happen. So the notion of doing that I think isn't something that we should even
2 have on the field. There are a lot of other valid aspects to this. What sorts of better transitions
3 we should have between what is developed there and the open space areas. Maybe somewhat
4 contrary to what Karen had suggested I would be more concerned with the transition of the
5 Baylands Park area, the backside of those properties and the development density there and all of
6 the development guidelines that would make it a more compatible transition to the actual open
7 space lands than I would right along Embarcadero Road per se.
8

9 Then finally we were talking about the auto dealerships. Although the auto dealerships currently
10 are PCs the land that is the former Scott's Seafood site and Ming's and the other properties that
11 run along East Bayshore there I believe Staff can confirm for us but they are part of what is now
12 in the mix of discussions of where might we create opportunities for expanded auto dealerships.
13 That is not something that we can necessarily take up tonight but I think we should be conscious
14 that even though they are not presently auto dealerships that is something that is being discussed
15 under the Mayor's retail committee and the City Manager and the Director of Planning are all
16 deeply involved in that discussion right now so we shouldn't dismiss that as a potential.
17

18 Vice Chair Packer: I would like to weigh in also on the proposal I think of whether or not we
19 should have RM-30. I would not want to change the existing zoning. I would like to keep the
20 RM-30 possibility because we don't know what is going to happen in the future. Sure it would
21 be nice if everything reverted to natural land but then where would we live? I just think we just
22 have to have that in there. If it comes about that there are other factors and people decide that
23 there should not be housing out there the City Council can issue a moratorium on building or
24 whatever if they want to protect the lands. There are other ways that you could keep that area
25 from developing if that became what the community really wants. But right now in order to not
26 to have to have a change in the Comprehensive Plan in order to just keep the status quo and
27 maybe there will be auto dealerships there that will come into play that will postpone any
28 housing development for awhile if that is what the community decides that is fine. But to take
29 away the housing opportunity no, I don't think would be wise. We don't have any good reason
30 despite what you say about it would be nice if it reverted to all parkland. I don't think that is
31 going to happen because it is either going to be commercial or an auto row or it is going to be
32 something else. It is not going to become parkland or revert to its natural state whatever it was,
33 water I guess before it was filled in. So I think we should keep the RM-30 as a permitted use.
34 That doesn't mean it is going to happen overnight, it is probably not going to happen in another
35 20 years. And then if the community wants to do something later with not having development
36 they can do so but let's not take it away now there is no compelling reason to do so. Lee.
37

38 Commissioner Lippert: Well, at the very least as I said previously I would be inclined to leave it
39 alone and leave it as what it is and not change a single thing about it. Not increase the density,
40 not change any of the regulations, just allow it to be what it is and not move. I would like to cite
41 a couple of examples though in which developed area has been taken and recently redeveloped
42 into natural habitat again. Those are Bear Island up in Redwood City taking that island moving
43 the office buildings off of the island and restoring that to a natural habitat. Taking the theaters
44 along Bayshore and moving them into Downtown Redwood City and most recently taking the
45 salt flats out in the lower bay and restoring that all to natural habitat. I dare anybody to say that
46 15 years ago they would ever imagine that those would have been possible to have happen. I
47 think that there is an opportunity here by saying gee, we can't take away people's development
48 rights but what we can do is keep them very narrow and keep them what they are at the least and

1 then over time those areas might just redevelop and revert back to more open space and more
2 natural habitat. We have two areas that the citizens of this community really value. One is the
3 foothills' open space the other one is the Bayshore open space. We can never have enough of
4 either one.

5
6 Vice Chair Packer: I am sympathetic to your sentiments. However, the Comprehensive Plan
7 doesn't direct us in that direction. If in the next Comprehensive Plan that is the sense of the
8 community that we want that area to revert back that can happen. What we do tonight or what
9 City Council does in accepting this on the ordinance will not prevent that from happening if that
10 is the will of the community. That is all I am saying. For us to take it away now I believe would
11 require a change in the Comprehensive Plan.

12
13 Commissioner Lippert: I didn't say take anything away. I am saying leave it alone and let it be
14 what it is.

15
16 Vice Chair Packer: Okay. I agree. I think it is lovely what happened to Bear Island.

17
18 Chair Cassel: Did you want to leave it alone?

19
20 Commissioner Burt: I am in favor of leaving it alone. Just for the record the theaters in
21 Redwood City are I believe planned to become auto dealerships. The salt flats were not
22 developed, I am very familiar with the Cargill Development Agreement, they were not
23 commercially developed other than as salt marsh. Bear Island I don't know if there were
24 commercial buildings that represented less than a percent of that. So I think we don't have really
25 that pattern of conversion of developed land reverting to natural habitat but I do think we have
26 these other opportunities that I cited before.

27
28 Vice Chair Packer: I would like to point out it is a little after nine o'clock I am sure some of us
29 would like a break. However, have we discussed this particular issue enough that we can have a
30 vote on it? I know there are lots of things we can say but have we discussed it enough for the
31 sake of having a vote on whether or not to maintain RM-30 in the ROLM-E district.

32
33 MOTION

34
35 Commissioner Burt: I will make that motion.

36
37 Vice Chair Packer: Pat, you are making a motion that we maintain the RM-30 density in the
38 ROLM-E district, is that the essence of your motion?

39
40 Commissioner Burt: That is correct.

41
42 SECOND

43
44 Vice Chair Packer: Do we have a second? I will second.

45
46 I think you have spoken to it, right?

47
48 Commissioner Burt: I don't need to speak any more to it.

1
2 Vice Chair Packer: I don't think I need to speak to it anymore. Anybody else want to speak on
3 the motion?
4

5 SUBSTITUTE MOTION
6

7 Commissioner Holman: I want to make a substitute motion because I basically concur with
8 Commissioner Lippert's original comments about not intensifying the development out there. So
9 I am going to make a motion that we eliminate RM-30 and retain RM-15.
10

11 SECOND
12

13 Commissioner Lippert: I will second that.
14

15 Vice Chair Packer: Do you want to speak to your motion?
16

17 Commissioner Holman: I just think this is an environmentally sensitive area and we are at a time
18 when housing development is quite attractive from an economic standpoint. While it doesn't
19 eliminate there is no taking involved it doesn't eliminate the potential for development it does at
20 least lessen the potential for greater development. I think it is a prudent and practical thing to do.
21

22 Commissioner Lippert: I agree with that and on top of that I also think that the land use is going
23 to rise to the highest and best use and probably the RM-30 is going to encourage the
24 redevelopment of sites whereas the RM-15 will discourage redevelopment of those sites.
25

26 Vice Chair Packer: I have a question for the attorney. If this were to pass would it require a
27 change in the Comprehensive Plan?
28

29 Mr. Larkin: No, because we would still be allowing housing.
30

31 Vice Chair Packer: Thank you. Pat.
32

33 Commissioner Burt: Well I am open to considering that but I guess I don't feel comfortable
34 tonight making that decision and I know that we have on the horizon the update of the Baylands
35 Master Plan. My sense personally is that I would like to look at that change in the context of
36 when we review the Baylands Master Plan and do a more thoughtful consideration of what
37 would be appropriate for housing should it be out there. So I would like to ask Staff
38 procedurally if we were tonight to not make any changes to the existing allowable uses would
39 there then be an opportunity when the Baylands Master Plan is reviewed to reconsider that and
40 whether there should be a reduction in the allowable housing density based upon whatever gets
41 adopted with the Baylands Master Plan.

42 Mr. Lusardi: When you consider the Baylands Master Plan and make a recommendation to the
43 Council on how that master plan should look and be implemented you can also if you want
44 request that the Council or that the Commission initiate a zoning change or amendment to that
45 ROLM-E zone at that time as well.
46

47 Vice Chair Packer: Karen.
48

1 Commissioner Holman: What is the schedule on, I know it has been moved out a couple of
2 times, what is the schedule on the Baylands Master Plan coming to us?
3

4 Ms. Grote: There isn't a schedule at this point because it was put on hold in order to take on
5 other assignments having to do with the auto dealerships and some of the other work that has
6 come our way recently. So there is no schedule.
7

8 Commissioner Holman: The reason I am asking is because it is a good point that Commissioner
9 Burt makes is it appropriate for us to make recommendations on ROLM-E. That is why I was
10 asking what the timeframe was. John, you are confident that we could make any
11 recommendations to revise ROLM-E once the Baylands Master Plan comes to us? Is it not kind
12 of double work then that we would be doing?
13

14 Ms. Grote: It would be parallel work. You would be amending the ROLM-E to correspond with
15 whatever changes were made as a result of the Master Plan. It wouldn't take a lot in terms of the
16 zoning ordinance modification. The real work would be within the context of the Baylands Plan.
17

18 Commissioner Holman: Politically or because of property owners being there is it unwise to be
19 doing this twice?
20

21 Ms. Grote: You will be doing it with the Baylands Master Plan anyway. You will have a
22 property owner involved in notification and they are going to be reviewing whatever
23 recommendations and discussions you have. So it would be a parallel document of change.
24

25 Commissioner Holman: I would still just say that I think it is prudent for reasons I stated earlier
26 I think it is prudent if we are going to act on this tonight to recommend the RM-15.
27

28 Vice Chair Packer: Phyllis, do you want to speak on this motion?
29

30 Chair Cassel: I am going to support the substitute motion. I am usually in favor of increasing
31 density of housing. I am not really excited about putting housing out in this area. I am not
32 excited about putting auto dealerships out here either and I may have no control over that but the
33 Master Plan isn't coming back to us for awhile. While I think it needs to and I think it is
34 important that it does I think it is important that we look at what areas can be reverted and what
35 areas can't be reverted because I agree with Pat although I said ideally we would take this back
36 and turn it into its natural habitat I agree with Pat there are private land uses that we aren't going
37 to take away at this time and that is not in our prerogative on the other hand beginning to look at
38 spaces where we can bring it back over time I think is really important and these transitions into
39 that area are important. I think it lowers the – I am excited about higher density housing in a lot
40 of places it is not in this area and it is not in the foothills. I guess that is one of the thing I have
41 been so excited about with coming to Palo Alto is working at keeping this area that has so much
42 open space in Baylands and that it keeps its hills from being developed with high intensity uses
43 and I stand pretty strongly in favor of high intensity uses between 101 and 280 but this is not an
44 area that I have wanted to see housing all along. I actually think that the lower intensity
45 industrial turns off most of its lights and most of its activity at least for the weekend where
46 housing keeps it going and going and going. So it is a different kind of use and brings more
47 people into the area more consistently over times. So I would rather go for the RM-15 at this
48 time.

1
2 Vice Chair Packer: Well, I think I will support it too. I think it is a good compromise for that
3 area. We would still have housing if it ever happens and people want to do it it might be kind of
4 like the houses that Foster City has you could get something nice if that is what you wanted to go
5 in that area. So for some of the reasons that Pat said that housing could be economically viable
6 for that area and RM-15 density would still provide that vitality. So even though I usually
7 support higher density housing there are good places for higher density housing and bad places
8 for it so I will support the substitute motion. Have we had enough discussion?
9

10 Chair Cassel: I guess there is one more comment and that is the fact that I am disappointed that
11 the Master Plan has been delayed. There are other major issues out in that area and I know the
12 Staff can't change the direction they get from City Council but we have had other issues out in
13 that area that people are working on, we have waste and compost area issues, what are we going
14 to do with the recycling that we have and all those issues go with the Master Plan out in the
15 Baylands area and it is an important piece of real estate for the City and the balance of which
16 needs to be looked at here.
17

18 Vice Chair Packer: Pat, one more thing and then we can have a vote?
19

20 Commissioner Burt: Yes. I am struggling with this but because I think it is very possible that
21 when we do have the Master Plan I may support RM-15 but I don't think I have a basis yet to
22 arrive at that conclusion. I think about the Scott's Seafood site that the Commission supported a
23 pretty monolithic building or was proposed to be a monolithic building and yet we are saying we
24 wouldn't support RM-30 housing in that location and to me that is somewhat of a contradiction.
25 So I think also if at the time we get the Baylands Master Plan if we were to at that time conclude
26 that there are areas here or all of this area that RM-30 is appropriate we might have a harder time
27 zoning it back up to RM-30 if we reduce that now to RM-15. So for the reason that I would like
28 to keep that decision open until we have better information I won't support the substitute motion
29 although I think I am in the minority position on that.
30

31 MOTION PASSED (4-1-2-0, Commissioner Burt voted nay, Commissioners Griffin and Bialson
32 absent)
33

34 Vice Chair Packer: I think we are ready for a vote. Thank you everybody for your comments.
35 All those in favor of Karen's substitute motion, which is to allow as a permitted use RM-15
36 density in the ROLM-E zone and not higher than that, all those in favor say aye. (ayes) That is
37 Commissioner Lippert, Cassel, Packer and Holman. All those opposed say nay. (nay) By a
38 process of elimination Commissioner Burt votes nay. So the motion passes four to one.
39

40 This is a good time and a very necessary time to take a seven-minute break. We will return.
41

42 I think we want to call the meeting back to order. I have a question for the Commissioners as to
43 whether you think we have addressed the issue of the appropriate residential density in the GM
44 zones. I am not sure it is very clear what densities we want to use. It is currently proposed right
45 now on the basis of our previous motion RM-30 would allowed in the GM zone however there
46 was some discussion about maybe a portion of the GM zone should have something different.
47 So if somebody wants to make a motion with regard to residential multi-family density in the
48 GM zone let's do so. Pat.

1
2 MOTION
3

4 Commissioner Burt: I would like to make a motion that I think might continue to allow it in the
5 zone but address the concerns that I had raised and I think are ones that really need to be
6 addressed. Let me try and take a stab at verbiage and I may need Staff's assistance on this. My
7 motion would be that the RM-30 housing still be an allowed use in the GM zones but that it be
8 conditioned on the addition of that housing not resulting in adjacent manufacturing uses
9 subsequently constituting nuisances or other significant liabilities being imposed on the existing
10 manufacturing uses in those zones. I don't know if Staff can rephrase the intent of my motion in
11 a better way than I have been able to capture it there and whether the City Attorney has any
12 comments on whether that is a condition that we can impose in a reasonable way.
13

14 Mr. Williams: I want to just mention a couple of things and then turn it over to Don. One option
15 that comes to mind that might do that or at least a portion of it is using a use permit instead of
16 making it a permitted use so that you have some discretion to look at the residential use. The
17 other and really I would defer to Don on this whether it is possible, I have seen some almost like
18 disclosure requirements that residential property owners acknowledge that there is an industrial
19 use next door and that they are not complaining about that or something to that affect. It doesn't
20 sound to me like a real good way to go and I don't know how enforceable those things are.
21

22 Mr. Larkin: They are difficult to enforce because a nuisance is a nuisance and you can't say it is
23 not because it is there and coming to the nuisance is not a defense to a nuisance claim no matter
24 how much disclosure there is, however, I think Curtis's suggestion that a conditional use permit
25 could in effect create the same or go along way towards meeting your intent particularly if there
26 is a policy statement associated with it that residential uses adjacent to for example H-7
27 occupancies is discouraged.
28

29 Commissioner Burt: Then I would like to take a stab at modifying the language of my motion.
30 The housing in the GM zone well I guess I have a problem because I really don't intend for this
31 to be for all GM zones. So I would say in the GM zone that is southeast of San Antonio that
32 housing be a conditional use and that it, now I am forgetting Don's exact wording but that it not
33 be permitted in proximity to any H occupancies. Not just H-7 because I don't know if you know
34 that H-1 and H-2 are downgraded so that you can have some pretty hazardous materials in H-1
35 and H-2.
36

37 Mr. Larkin: I was just using it as an example.
38

39 Commissioner Burt: Okay. So in any H occupancies that it not be a use permitted in the vicinity
40 of H occupancies. I think adjacent is too limiting. I would say 150 feet of any H occupancies.
41

42 Vice Chair Packer: Pat, could you just describe what an H occupancy is?
43

44 Commissioner Burt: It is hazardous materials.
45

46 SECOND
47

48 Commissioner Lippert: Second.

1
2 Vice Chair Packer: That is what I thought but I think it should be spelled out. I want to ask Pat a
3 question. Just to make it simple would you say that you would allow RM-30 in all GM zones
4 except that a conditional use permit would be required for the GM zones southeast of San
5 Antonio.

6
7 Commissioner Burt: Correct.

8
9 Vice Chair Packer: So we could have it all in one motion.

10
11 Commissioner Burt: Yes.

12
13 Vice Chair Packer: Okay. Do you want to speak to your motion?

14
15 Commissioner Burt: I think I have addressed it.

16
17 Vice Chair Packer: Lee.

18
19 Commissioner Lippert: I think that that is an appropriate caution and I think that it will make for
20 harmonious development as well as not jeopardize the existing uses that are there.

21
22 Vice Chair Packer: Anybody else want to speak? Karen.

23
24 Commissioner Holman: I guess it is a night for substitute motions. I am sympathetic to where
25 the motion goes I am just not sure it goes far enough because we have seen so many instances
26 where people move into a neighborhood and they know that, I will give a simple example it the
27 airport and church scenarios, people move into a neighborhood they know there is a church in
28 the neighborhood, they know there is an airport three blocks away or they know they are in the
29 flight pattern but they still whenever there is an impact or any kind of disturbance it is there, it is
30 built-in, it is built-in conflict. So I appreciate the intention but I don't think it is going to solve a
31 problem. I know there is the hazardous waste that you are trying to get to and I think there are
32 other kinds of issues that exist meaning that some of the uses allowed are warehousing and
33 distribution, recycling centers, manufacturing, service and equipment yards, things that are not
34 necessarily hazardous but definitely are built-in conflicts.

35
36 Commissioner Burt: Karen, I agree with you. I propose this motion because based upon our
37 conversations earlier I did not believe that we could have a majority support for what you are
38 favoring.

39
40 SUBSTITUTE MOTION

41
42 Commissioner Holman: Well, let's see. I am not quite sure why we are limiting the discussion
43 to GM either. So I am going to move that housing be not an allowed use in the GM zone
44 southeast of San Antonio nor any of the GM or ROLM zones on properties in the GM zones or
45 ROLM zones that front San Antonio or Charleston. If I can get a second I will explain why.

46
47 Vice Chair Packer: I think the motion fails for lack of a second.

48

1 Chair Cassel: I was going to comment on the original motion since that failed. The motion on
2 the floor is to allow RM-30 in the GM districts with the exception of this area making it a
3 conditional use permit unless it is within 150 feet.
4
5 Commissioner Burt: I believe it was that it would not be allowed within 150 feet of any H
6 occupancy and that it be a conditional use permit anywhere in that particular GM zone.
7
8 Commissioner Lippert: So basically the H occupancy would have to vacate and be gone before
9 any housing could be built there.
10
11 Chair Cassel: So you wouldn't be able to build housing next to it.
12
13 Commissioner Lippert: Right.
14
15 Commissioner Burt: Right. Wouldn't build housing within 150 feet of an H occupancy.
16
17 Commissioner Lippert: But a developer could theoretically go in and buy them out and say.
18
19 Commissioner Holman: That is right. That is exactly right.
20
21 Vice Chair Packer: But that is okay because if you buyout the H occupancy then you are not
22 hurting the residents.
23
24 Commissioner Lippert: Correct and you are not hurting the business either.
25
26 Chair Cassel: I will do a _____ motion. But I am supporting it not because I want to go more
27 towards Karen direction I am coming this direction a little bit to see how that goes. I will
28 disagree with Karen's comment about recycling uses next to residential. I know of a situation in
29 another city in which a recycling use is going to be part of a mixed use with residential. So it is
30 not necessarily not a combination that can't work. So I think that you can combine a lot of
31 different things and make them work. While I am concerned about the GM zone being GM
32 certainly on the other side of San Antonio that area is converting to a significant amount of non-
33 residential and we have passed that through this area and we have a school over there that is
34 coming in and we in fact have a school in the middle of the LM district right now that has gone
35 under a conditional use permit and no one around it seems to be aware of it although they must
36 have received some kind of notice. So I think we just are familiar with how many times things
37 move. I have worked in other cities, as you know I collect blood, and we are invited out to many
38 different buildings all over the peninsula north and south and we go into a number of these
39 different buildings and you would be surprised where there are churches and where there are
40 schools and where they are in industrial areas. They are quite varied all over the place and they
41 mix quite well in most cases. People are moving schools there, they are moving private schools
42 there because they can get there without a lot of hassle and they don't need all the requirements
43 that the city schools or public schools need. So I think we get more variety and they are all quite
44 fine. But I will support your motion.
45
46 Vice Chair Packer: Lee.
47

1 Commissioner Lippert: There was one other comment that I really wanted to make about that
2 which is I don't think we can prohibit housing in that area so what it does is it makes it a little bit
3 more difficult but it doesn't prohibit the housing. So I think that that's why Pat's motion works
4 and I have difficulty with Karen's.

5
6 Vice Chair Packer: I will support the motion without a lot of further discussion. I think the
7 comments have been made already. So in order to facilitate, we have on last comment from
8 Karen.

9
10 Commissioner Holman: Just one last thing because I didn't get to speak to my motion without a
11 second I don't know why we can't prohibit housing in an area. That is what zoning does. I just
12 find that we are allowing the continuance of potential as housing is more and more economically
13 viable we are allowing for the potential for continuing these built-in conflicts and also for the
14 elimination of, while it does take people to buy and that is where the retail sales come from, we
15 also have to have the generator of that retail sales too. So I think for those reasons I am voting
16 against the motion.

17
18 Vice Chair Packer: Just in response to what Karen asked about why can't prohibit housing I
19 want to remind Commissioners about Program H-3 in the Housing Element that encourages the
20 conversion of non-residential and residential use to both increase the supply of housing, etc. So
21 there is a strong affirmation in our community for housing in the appropriate places. I will
22 support the motion because it does put some reasonable restrictions in areas where restrictions
23 are important. I will call for the vote. All those in favor of Pat's motion which would permit
24 multi-family housing to a density of 30 units an acre in GM zones except for the GM zone that is
25 southeast of San Antonio Road, housing would not be allowed within 150 feet of a hazardous
26 materials occupancy, is that right?

27
28 Mr. Larkin: We will cross-reference that per the health and safety code and the uniform fire
29 code.

30
31 MOTION PASSED (4-1-2-0, Commissioner Holman voted nay, Commissioners Griffin and
32 Bialson absent)

33
34 Vice Chair Packer: Okay. And in all other areas in that GM zone southeast of San Antonio
35 housing would be permitted with a conditional use permit. All those in favor of that motion say
36 aye. (ayes) All those opposed? (nay) That carries four to one with Commissioners Lippert,
37 Burt, Cassel and Packer voting yea and Commissioner Holman voting nay. Thank you
38 Commissioners.

39
40 Now I have to find out where we go next.

41
42 Mr. Williams: Mixed use.

43
44 Vice Chair Packer: I think we are done with the purely residential. The next recommendation
45 from Staff would be to reflect the development standards for mixed residential and non-
46 residential uses reflecting not necessarily the proposed _____ language with the RM
47 densities that are in there but reflecting the RM densities we have just recommended in all the
48 motions tonight. So that is RM-15 in ROLM-E, RM-30 in most of GM and RM-30 in ROLM.

1 Those are the densities that we are recommending. So with those densities have a mixed
2 residential and non-residential use with the floor area ratios that are reflected in Staff's
3 recommended language. Do I have that right? That is what we are going to discuss now. Could
4 we have a motion on Staff's recommendation as I just explained it and then we can discuss it?
5 Phyllis is waiving her hand.
6

7 Chair Cassel: I was going to give you the motion.
8

9 Vice Chair Packer: Phyllis is going to give me the motion.
10

11 MOTION
12

13 Chair Cassel: I was going to move the Staff recommendation so that we have on the table the
14 issues before us.
15

16 SECOND
17

18 Commissioner Lippert: I will second that.
19

20 Chair Cassel: Thank you.
21

22 Vice Chair Packer: Okay. Do you want to speak to the motion?
23

24 Chair Cassel: Well, it is going to reflect the changes we made this evening. It is going to allow
25 some mixed use in the proportion that we have been anticipating. I think that is all I wanted to
26 say at the moment.
27

28 Vice Chair Packer: Lee.
29

30 Commissioner Lippert: I it looks just fine and I don't really have anything else to say.
31

32 Vice Chair Packer: Anyone else? Pat.
33

34 Commissioner Burt: Question for Staff. In the areas such as around Fabian and East Meadow
35 where we are having a very strong transformation from what was either ROLM or GM to pretty
36 high density housing and we have virtually no commercial retail in that area where people just
37 have to drive for any service are there some measures that we could take here that would either
38 mandate or incentivize for neighborhood serving retail to be part of these developments?
39

40 Mr. Lusardi: Well if the Commission recalls when we presented the multi-family district to the
41 Commission we recommended that for the RM-30 and RM-40 if you have developments of 50
42 units or more you could put in retail with a CUP and that retail would be exempt from FAR. I
43 think that is an incentive. We talked to ARB about that and ARB feels that is a good incentive
44 and they encourage that in the RM-30 and RM-40 zones. One of the questions that came up
45 subsequent to that is what if you had two adjacent properties developed by the same developer
46 and one was 15 units and the other was 25 units neither one of those would qualify under that so
47 you want us to craft some language that would take that a step further that you could have two
48 adjacent developments of 50 units or more total that you would still have that retail opportunity.

1 That was raised by one of the ARB members as well. I think that provisions that we presented to
2 you in the RM-30 would apply here and would work in that kind of an incentive.

3
4 Commissioner Burt: When you say they would apply you mean they could but they are not part
5 of?

6
7 Mr. Lusardi: They are not part of the RM-320 yet. So when you approve the RM-30 they would
8 then apply to RM-30 development in these zones but they right now. So you could put it in if
9 you wanted to in the industrial zone.

10
11 Commissioner Burt: So we would we need to have that as an amendment to the motion that if
12 there were RM-30 density developments then those guidelines would apply. How would we
13 make sure that that was incorporated in this district or that density residential development that
14 would occur in a different district from an RM-30 district?

15
16 Mr. Williams: I don't think so because we are referring back to complying with the standards of
17 the RM-30 district and that is one of the standards of it. It is not a use issue it is one of the
18 development standards or it will be one of the development standards.

19
20 Commissioner Burt: So it goes with the development being RM-30 as opposed to the district
21 being RM-30?

22
23 Mr. Williams: Right. What we are saying here is that for that residential portion of this project
24 that the standards of the RM-30 district apply.

25
26 Commissioner Burt: Okay.

27
28 Vice Chair Packer: Lee.

29
30 Commissioner Lippert: In the matrix that we have on page four it says here that retail services as
31 well as eating and drinking services are allowed in the GM and ROLM and the ROLM-E
32 districts with a conditional use permit.

33
34 Mr. Williams: That's right but they are not incentivized in terms of mixed use to bring them in.

35
36 Commissioner Lippert: Well couldn't we simply just say that a conditional use permit is not
37 required for retail?

38
39 Mr. Williams: The reason why we have a conditional use permit in there is because we don't
40 want those zones to become retail and service commercial zones and that potential is there and
41 did have quite a bit of discussion early on about these districts in terms of requiring the use
42 permit so that there is some control over how extensive retail and service businesses.

43
44 Commissioner Lippert: So we want it but we don't want it.

45
46 Mr. Williams: We want some of it but we don't want all of it.

47
48 Ms. Grote: We want it to be service oriented to the

1
2 Commissioner Burt: So the conditions that you have established for a conditional use are spelled
3 out already and they are ones that are not intended to discourage it but simply to place certain
4 boundaries on it. Is that correct?
5
6 Mr. Lusardi: That is correct and to establish the types of uses that would be neighborhood
7 serving within that area and not vehicle serving. So that is the intent of the conditional use
8 permit as well.
9
10 Commissioner Burt: Good.
11
12 Vice Chair Packer: Karen, you had a question.
13
14 Commissioner Holman: Does the CUP focus on neighborhood serving or services? It doesn't
15 does it?
16
17 Mr. Lusardi: Well within the RM-30 zone that retail focuses on neighborhood services.
18
19 Commissioner Holman: Right but within the mixed use? That doesn't does it?
20
21 Mr. Williams: No it isn't specific about that. We are just assuming that when you are looking at
22 it you are looking at the compatibility with the zone that it is in. That would not be compatible
23 to have an industrial zone that is all retail. So that is one of the criteria that you are going to look
24 at in terms of making findings for a use permit that it is compatible with the zone and not having
25 adverse impacts and those kinds of things. So if it is necessary we could add something in there
26 that those services are retail and be oriented toward serving the local area and the neighborhood
27 or something along those lines but it is also the businesses in this case, primarily the businesses
28 in this case.
29
30 Commissioner Holman: Right, then additionally because mixed use hasn't come to us. Mixed
31 use is being developed, right? That is why we don't have development standards for mixed use
32 in front of us.
33
34 Mr. Williams: Our hope is to eventually have development standards for mixed use that don't
35 have to reference back to RM-15, RM-30 that kind of thing it is sort of standalone development
36 standards, which are anticipated with the commercial zones.
37
38 Commissioner Holman: Then the other comment having to do with that is in the GM district we
39 have talked about how we are concerned about losing some of the existing businesses in the GM
40 zones. Two things, one is the mixed use in the GM zone is a development of one to one floor
41 area ratio so I am thinking we are putting more pressure on redevelopment of those. Then also if
42 there was a conditional use permit put on housing per the previous motion regarding multi-
43 family in the GM zones I would think that that we would want to put at least that condition on
44 mixed use in the same zones.
45
46 Ms. Grote: GM having the one to one floor area ratio, .5 of that would be the non-residential
47 portion that is the same FAR they have now if they don't have a mixed use. So it doesn't put

1 additional pressure on the overall zone. You wouldn't necessarily lose the industrial use it would
2 just be an additional .5 for housing. You would still retain your .5 for industrial.

3
4 Commissioner Holman: I would suggest though that it is an incentive to redevelop and you are
5 going to lose the existing businesses when that happens.

6
7 Ms. Grote: You wouldn't get more than .5 for the housing though.

8
9 Commissioner Holman: I understand that, I understand but whenever there is a pressure to
10 redevelop which a one to one FAR as opposed to a .5 FAR causes some development incentive
11 pressure.

12
13 Ms. Grote: That could be but it would be an incentive to add housing to an existing industrial
14 base not to delete that industrial base or lose that industrial base because you wouldn't get the
15 one to one FAR for just housing.

16
17 Commissioner Holman: I am certainly clear on that. It is just that it puts pressure to redevelop
18 and you are going to lose the businesses that now serve the broader commercial community.
19 Because when you redevelop you don't retain businesses that are there, almost never.

20
21 Vice Chair Packer: Well let's not have that conversation.

22
23 Ms. Grote: They may change.

24
25 Mr. Williams: I also want to point out this is what exists right now in our code, the one to one.
26 We have the mixed use provision.

27
28 Commissioner Holman: I know. I know.

29
30 Mr. Williams: And it is not happening that way.

31
32 Vice Chair Packer: Pat.

33
34 Commissioner Burt: I just have to say that this whole notion of having a mixed use project of
35 manufacturing and residential in the same use could only be considered by folks who have never
36 been in manufacturing. It is just not realistic and it is not a good idea either.

37
38 Ms. Grote: And it is probably not the heavy manufacturing uses but the more research and
39 development related.

40
41 Commissioner Burt: Well we have LM districts but if we have a GM district, we only have a
42 few of those in the city, and we really only have one of them that is a functioning GM district. I
43 just think this is just absurd that we are conceiving of this kind of mixed use.

44
45 Ms. Grote: The GM zone does allow research and development and so that is a possibility now.
46 So even if you didn't allow or didn't recommend having housing combined with that you might
47 see a change of those heavier manufacturing uses to research and development even without
48 housing.

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Commissioner Burt: Right, but with those small parcels you are not going to have a wholesale transformation at once. So you are going to have a manufacturing use even if it is not an H occupancy next door to prospectively a residential use and that is just asking for great problems for the residents and great problems for the manufacturers. This is a bad idea.

Chair Cassel: In the GM area?

Commissioner Burt: Yes, a true GM area. You have real manufacturing. We only have a little bit of that left in our whole city.

Chair Cassel: Are you making an amendment?

Commissioner Burt: I tried earlier you guys wouldn't go for it.

Vice Chair Packer: We have one motion on the floor right now. It is the motion that Phyllis made which is what I was just trying to restate the Staff recommendation. Pat, do you want to make a substitute motion to eliminate the GM zone from this proposal about mixed use or are just saying you are not going to support the entire motion?

Commissioner Burt: I guess I would like to suggest a friendly amendment that we eliminate the residential component for mixed use within the GM zone in the GM zone that is south of San Antonio.

Chair Cassel: I will accept that.

Commissioner Lippert: I will accept that as well.

Vice Chair Packer: Okay, does anybody else want to speak to the motion that is on the floor as amended to exclude the residential portion from the mixed use in the GM zone southeast of San Antonio Road? Karen.

Commissioner Holman: Clarification. So you are not eliminating the one to one FAR there could be other kinds of mixed use but not residential mixed use. Is that the intention of your amendment?

Commissioner Burt: Yes. We already...

Commissioner Lippert: It says here non-residential not more than .5 to one. So if it was office and retail you still couldn't exceed the .5 to one

Commissioner Holman: So why would we just not be allowing mixed use in that particular GM zone?

Commissioner Burt: I guess it is the same thing isn't it? Is that correct what Karen is saying? My motion is the same thing as not allowing mixed use in that GM zone. Is that correct?

Mr. Williams: Right, right. This section is speaking to residential and non-residential mix.

1
2 Commissioner Burt: So it would be more clear to simply say as Karen stated that we would not
3 allow mixed use in that particular GM zone and maybe that's a better way to phrase this motion.
4
5 Vice Chair Packer: Is that accepted by the maker of the motion?
6
7 Chair Cassel: Yes, that is what I presumed it was saying.
8
9 Commissioner Lippert: Unless it was housing and manufacturing.
10
11 Vice Chair Packer: Does the seconder accept the change?
12
13 Commissioner Lippert: Yes.
14
15 MOTION PASSED (4-1-2-0, Commissioner Holman voted nay, Commissioners Griffin and
16 Bialson absent)
17
18 Vice Chair Packer: Have we had enough discussion? It is almost ten o'clock. I think we have
19 gotten a lot of our ideas out on the table on this one. Do you think we are ready for a vote?
20 Okay. All those in favor of Phyllis's motion as amended by Pat and I am not going to restate it
21 again please say aye. (ayes) Anybody opposed?
22
23 Commissioner Holman: I am going to vote nay just because I support this to the extent that it
24 goes but I do not support it because I don't think it goes far enough. So for that purpose I vote
25 nay.
26
27 Vice Chair Packer: So this motion carries four to one with Commissioner Lippert, Burt, Cassel
28 and Packer voting yes and Commissioner Holman voting no. Thank you.
29
30 What is our next one?
31
32 Mr. Williams: Building height to 40 feet in ROLM and ROLM-E.
33
34 Vice Chair Packer: Okay, so this is a separate recommendation to have a maximum of 40 feet to
35 allow for the interstitial space, which is essentially to allow more ducting and all that kind of
36 stuff, which is needed for the new technologies that are coming to us. Do we have a motion to
37 discuss the recommendation on this height? Any comments?
38
39 MOTION
40
41 Commissioner Holman: I will make a motion and I am going to do this piecemeal. I will make a
42 motion that we not allow the 40-foot height in the ROLM-E that we maintain the 35-foot.
43
44 SECOND
45
46 Commissioner Lippert: I will second that.
47
48 Vice Chair Packer: Does your motion include that we do allow it in the other districts?

1
2 Commissioner Holman: No, it does not.
3
4 Vice Chair Packer: You are just speaking to ROLM-E.
5
6 Commissioner Holman: Yes. The reason I am moving that is certainly reflective of our previous
7 conversations and the motion that passed about not intensifying development in the Baylands
8 area and also there are issues of view lines from the Baylands per the Comp Plan and I don't
9 think I need to speak to it any more than that.
10
11 Vice Chair Packer: Lee.
12
13 Commissioner Lippert: I am just going to say the same reasons that I wasn't in support of
14 adding any new incentives or relaxing at all the regulations in the ROLM-E area. I don't think
15 that we should be promoting redevelopment and so I am definitely against it.
16
17 Vice Chair Packer: Pat.
18
19 Commissioner Burt: I support it for the reasons that Karen cited on compatibility with the
20 Baylands and the view lines. I would like to add that as we discussed when we had the Scott's
21 Seafood site that because this is in a flood plane building height is measured from the base that is
22 elevated to rise above the flood plane so we actually end up having buildings that are 40 feet if
23 we have a 35 foot height limit we have buildings that are 40 feet above what is actually the
24 surrounding ground. So if we had a 40-foot height building it would in fact be 45 feet plus
25 allowable equipment on the roof so getting up to 50 feet there in the Baylands. So I very much
26 support this. When we look at the Baylands Master Plan we might find it needs to even be a
27 little more restrictive because of the flood plane elevation of the building.
28
29 Vice Chair Packer: Phyllis.
30
31 Chair Cassel: No comments. Take the vote.
32
33 MOTION PASSED (5-0-2-0, Commissioners Griffin and Bialson absent)
34
35 Vice Chair Packer: We are okay? We are ready for a vote? All those in favor of Karen's
36 motion which is not to have a 40 foot maximum height in the ROLM-E district please say aye.
37 (ayes) I believe that passes unanimously.
38
39 Commissioner Holman: The motion is meaning to maintain the 35-foot maximum.
40
41 Vice Chair Packer: May I point out it is 35 feet as well as 25 feet within 40 feet of a residential
42 zone. Okay, so we are not proposing to make any changes to the Staff recommendations on
43 heights in any of the other districts. Is that my understanding and we don't need any other
44 motions because our general motion will incorporate them?
45
46 Commissioner Holman: That wasn't the intention of my motion.
47

1 Vice Chair Packer: Okay, that is what I was asking. I was asking are there further motions with
2 regard to height.
3
4 Commissioner Burt: We need to take up the ROLM district. All we did was address the ROLM-
5 E district.
6
7 Vice Chair Packer: Okay. Do you want to do each district by itself?
8
9 Chair Cassel: There are only two. We did one now let's do the other.
10
11 Mr. Williams: GM has a 50-foot height limit already.
12
13 MOTION
14
15 Commissioner Lippert: I will move that we not increase the height in the ROLM district either.
16 I was glad to see that Karen had broken out her motion just for the ROLM-E because I don't
17 know if we will have support on the ROLM district. I would like to see that height limit
18 maintained.
19
20 SECOND
21
22 Commissioner Holman: I will second.
23
24 Vice Chair Packer: Okay, Pat did you have a question?
25
26 Commissioner Burt: I have a question I just didn't know whether the maker and the seconder
27 wanted to speak.
28
29 Vice Chair Packer: I'm sorry I am jumping the gun. Lee has made a motion, Karen has
30 seconded it and now Lee needs to speak to his motion.
31
32 Commissioner Lippert: I believe that the height limitation there adjacent to residential and
33 potentially multi-family residential so that height limitation should be maintained. I don't think
34 that we need for a higher massing in that area especially with it falling under what is basically
35 single story residential neighborhood that has a view of the Baylands.
36
37 Vice Chair Packer: Karen, would you like to speak to your second?
38
39 Commissioner Holman: I think Commissioner Lippert spoke well to it. The other thing is we
40 also have again this issue of flood plane and where height is measured from.
41
42 Vice Chair Packer: Pat.
43
44 Commissioner Burt: Well, I agree with the maker and seconder. I had one question. How does
45 this biotech height apply within the GM district?
46
47 Mr. Williams: The GM district already has a 50-foot height limit so it is moot.
48

1 Commissioner Burt: That's right. Great.

2
3 Chair Cassel: I had a question. Is there demand for biotech in the LM or ROLM district? Is that
4 an anticipated use in that area?

5
6 Mr. Williams: We think there is some interest in that but it is obviously primarily in the research
7 park area. This is not where we have had when we have had focus groups I don't know that we
8 have had anybody attend from – I think we did have some attendees but I don't think they were
9 necessarily biotech users I think they came for information purposes.

10
11 MOTION PASSED (5-0-2-0, Commissioners Griffin and Bialson absent)

12
13 Vice Chair Packer: Are we ready for a vote then? All those in favor of Lee's motion to keep the
14 height limits to 35 and 25 feet in the ROLM district please say aye. (ayes) That again passes
15 unanimously. Good job.

16
17 Okay, I would like to raise a question. It isn't in the Staff recommendations but it is related to
18 this biotech area and that is last week we made some refinements to medical research definition
19 with regard to medical offices and we were focusing on the MOR district. However, what we
20 did do was change the definitions for all these districts. So I understand that we can recommend
21 that there be exceptions made so that medical research that isn't necessarily associated with a
22 medical office and its patients can happen in these districts where medical research is a permitted
23 use which I believe is not ever district just some. It is in ROLM and ROLM-E but not in GM.
24 So if this something the Commission wants to pursue I would entertain a motion. Curtis.

25
26 Mr. Williams: I just want to clarify that if what you would like to do is to allow medical
27 research that is not within a medical office then we can do that be either footnoting the table to
28 that effect in these other zones or we could maybe put an additional paragraph down under the
29 table where we have some discussion about some of the other uses and differences about the
30 other uses and just say the same thing.

31
32 Mr. Larkin: The way that it could be phrased in the footnote that Curtis is talking about is not
33 withstanding Section 18.04.030 paragraph 95A and it would be something like medical research
34 is allowed outside of a medical office use in the ROLM and ROLM-E zones or whichever zones
35 it is that we are proposing to allow medical research.

36
37 Vice Chair Packer: Phyllis.

38
39 MOTION

40
41 Chair Cassel: May I so move? I don't think I could repeat it.

42
43 SECOND

44
45 Commissioner Lippert: I will second that and I won't repeat it either.

46
47 Vice Chair Packer: Pat.

48

1 Commissioner Burt: I support the motion but I have a question. Why would we want to prohibit
2 medical research from the GM zones?
3
4 Vice Chair Packer: I don't know it just wasn't in here.
5
6 Commissioner Burt: Is it permitted?
7
8 Mr. Williams: Research and development is permitted and medical office is not permitted.
9
10 Commissioner Burt: Medical office is not permitted but medical research would be.
11
12 Mr. Williams: Correct, as a research and development.
13
14 Commissioner Burt: So this motion though does it cover or we don't need to do anything to
15 include the GM zone in the allowance that we have just made here?
16
17 Vice Chair Packer: I don't see a P on the medical research line.
18
19 Mr. Williams: It is not. I was saying the research and development is permitted in the GM zone
20 medical offices and medical research is not listed as permitted uses. So I guess it is a sort of fine
21 line between medical research and research and development.
22
23 Commissioner Burt: Why don't we just clarify it if the Commission believes that it should be a
24 permitted use in the GM zone and/or add it to this clarification.
25
26 Mr. Larkin: I think I can shed some light. We allow biomedical and pharmaceutical research as
27 it is currently drafted in the GM zone but not medical research, which is testing and those things
28 that are included in the definition of clinical trials. So it is basically taking the human element
29 out.
30
31 Commissioner Burt: So when we say medical research we are only referring to research on
32 patients. Isn't there medical research that would go beyond that?
33
34 Mr. Larkin: There is but that is not included in the definitions that were passed. When we refer
35 to medical research in the Zoning Ordinance we are talking about primarily clinical trial research
36 not including things that use large quantities of hazardous waste. So we have exempted out a lot
37 of things that might in the real world be considered medical research but we are not considering
38 medical research for the purpose of the Zoning Ordinance. So we do allow those sorts of things
39 in the GM zone.
40
41 Commissioner Burt: Okay. So it sounds like the sorts of things that I was concerned with are in
42 fact allowed in the GM zone as the definitions are currently written. Great.
43
44 Chair Cassel: So it would just be making this change so that medical research would be allowed
45 with the definition as the attorney has defined in the medical research area or the ROLM and the
46 ROLM-E areas. Did you want me to speak to that at all?
47
48 Vice Chair Packer: If you would like.

1
2 Chair Cassel: The only comment I have to make is I don't think you want to force someone who
3 would like to do the medical research to have a medical office with the associated traffic into that
4 area. I think it is very difficult to differentiate.
5
6 Vice Chair Packer: Who seconded, Lee? Do you want to speak to your second?
7
8 Commissioner Lippert: I just want to go back to the reason why I made the motion for the MOR
9 zone.
10
11 Vice Chair Packer: You can't talk about that.
12
13 Commissioner Lippert: I can use that as my reason.
14
15 Vice Chair Packer: Is that okay? Just checking.
16
17 Commissioner Lippert: The reason was to preserve those specific uses in the MOR zone not to
18 prohibit those medical and research uses.
19
20 MOTION PASSED (5-0-2-0, Commissioners Griffin and Bialson absent)
21
22 Vice Chair Packer: So we have any further discussion on this or can we go to a vote? All those
23 in favor of Phyllis's motion regarding the definition of medical research in the ROLM-E and
24 ROLM zones say aye. (ayes) All those against?
25
26 Commissioner Holman: I didn't understand that it included the ROLM-E.
27
28 Chair Cassel: It did.
29
30 Vice Chair Packer: It did. So have you decided on your vote?
31
32 Commissioner Holman: Clarifying question. Is there a way of knowing how much toxicity or
33 hazards?
34
35 Chair Cassel: It would have to meet all the other requirements.
36
37 Mr. Williams: It is less than research and development, which is already allowed in that zone.
38
39 Vice Chair Packer: It is in the definition.
40
41 Commissioner Holman: Okay, yea.
42
43 Vice Chair Packer: So we have a unanimous vote of five to zero in favor of that motion.
44
45 Where are we? There is one other, ATM machines.
46
47 Mr. Williams: We got that early on. We will add that as a permitted.
48

1 Commissioner Lippert: We should vote on that. I am opposed. I will make a motion not
2 permitting ATMs.

3
4 Vice Chair Packer: How is it right now.

5
6 Chair Cassel: Allow ATM in GM but we don't allow it in ROLM and ROLM-E.

7
8 Mr. Williams: Right but all districts allow accessory facilities and activities customarily
9 associated with or essential to permitted uses and operating incidental to the principle use which
10 could be argued includes ATM machines.

11
12 MOTION

13
14 Commissioner Lippert: I am going to make a motion in which I do not believe that these should
15 be permitted uses in these zones.

16
17 Vice Chair Packer: Do we have a second?

18
19 Commissioner Holman: You are saying in all the zones?

20
21 Commissioner Lippert: In the GM or the ROLM.

22
23 Vice Chair Packer: Do I hear a second for Lee's motion? So that fails for lack of a second.
24 Phyllis.

25
26 MOTION

27
28 Chair Cassel: I want to make a motion that we allow automatic teller machines incidental to a
29 permitted uses in the ROLM and ROLM-E zone in addition to the GM zone.

30
31 Vice Chair Packer: Do we have a second?

32
33 SECOND

34
35 Commissioner Burt: I will second it but I may as a seconder want to request a friendly
36 amendment if that is okay. So first I second it. Do you want to speak to it?

37
38 Chair Cassel: Well the reason I think it should be allowed is because this type of a machine
39 which we don't see too often around everyone goes out to get some money and if they have it
40 nearby they walk but if they don't they go take a car and get into it and go. These can be
41 blended into the buildings as part of the design and we are talking about an area that is under
42 architectural review anyway so will have to be included in the architectural review of that
43 building.

44
45 Commissioner Burt: I support it in principle. My question to Staff or to fellow Commissioners
46 are there conditions that we may place that make these more architecturally or aesthetically
47 compatible for instance in the ROLM-E zone? Whether we put it as a conditional use that could
48 be an amendment or something that basically we have these and some place they are pretty

1 unobtrusive and some of them they stick out like a sore thumb. So are there ways in which we
2 cannot allow the ones that stick out like a sore thumb?
3

4 Mr. Lusardi: They would be subject to ARB review and it could be a Staff level ARB review.
5 The thing about ATM machines is you can't put them behind the building where you have a
6 security issue. So they are going to have to be put in a secure area and be lit. So you are going
7 to have to accept that.
8

9 Commissioner Burt: John, if I might make an example if I could interrupt here. There are
10 examples for instance I think on California Avenue there is one that is both on the California
11 Avenue side and tucked behind. There is one over on Hamilton and they have one that is in a
12 partial recess on I don't know whether it is Cowper and then another one that is in their parking
13 lot. So there are ways right in this town where we have ones that essentially are behind the
14 building or the side of the building and they are not prominent and that is what I am hoping we
15 can address.
16

17 Mr. Lusardi: No I agree with you and probably the best way to address that is if we could come
18 up with a standard that says the ATM machines can only be accessible on the private site not on
19 the public sidewalk where they would typically want to put them as close to the public sidewalk
20 or on the face of the building that is on the public sidewalk. So if you want us to do that they
21 would all have to be accessed solely onsite.
22

23 Commissioner Burt: There are some other architectural guidelines whether it is for Staff level or
24 ARB that would I think address what concerns that I think a number of the Commissioners have.
25 I think having them on private site is a step in the right direction but I don't think it goes as far as
26 we are hoping.
27

28 Mr. Lusardi: My suggestion would be that concurring with your recommendation on allowing
29 the ATMs that you also direct Staff to address that issue in the performance standards and we
30 come up with some kind of performance standards when we come back to you for ATM
31 machines as well as everything else.
32

33 Commissioner Burt: So then I would like to suggest a friendly amendment that we request Staff
34 to come back with performance standards on ATMs so that they are not obtrusive.
35

36 Chair Cassel: I would be delighted to accept your friendly amendment.
37

38 Vice Chair Packer: Do you want to speak to your?
39

40 Chair Cassel: I think I spoke to the motion. This is a common use.
41

42 Commissioner Lippert: Well, I just want to say as a former member of the ARB ATM machines
43 are among the highest, are the most difficult to get around state regulation. They are very
44 regulated by state standards and among the first is lighting. High intensity lighting on at
45 nighttime hours, all evening and it creates a very difficult situation with regard to the ATM and
46 the adjacent property owners as well because the light is dictated in state regulations as to what
47 areas have to be illuminated and even though you want to try to have cutoff at the property line
48 with these state standards it is not easily achievable, number one. Number two, they really do

1 need to be in the line of sight from the street for police and also easy access for people to be able
2 to park, be able to do the ATM business and to get in their cars. The reason why I was trying to
3 prohibit or made a motion earlier about prohibiting them in these zones is that electronic banking
4 is becoming virtually ubiquitous in terms of retail shopping. So it is very easy for somebody to
5 say I don't have any cash but I am going to the store and being able to use their ATM card within
6 a store, make the necessary purchase and get their cash. With ATM machines being the most
7 profitable ways for banks to do business we are seeing a proliferation of them. The ATMs to me
8 represent the vending machines of the new millennium in which we had thought about vending
9 machines at one point as being eyesores and providing very little nutritional value. The ATM
10 machines are beginning to do the same thing in which they are providing the opportunity to do
11 business and again the profit that is made is on the transaction. I want to make one last point
12 which is that more and more you are seeing ATM machines appear not associated with the
13 banks. An example of that is on Middlefield Road. At one point Bank of America actually had a
14 bank in Midtown. They abandoned that it became a bakery for a very brief period of time and
15 then it became a video store but they left the ATM machine in place. So I would as this body to
16 reconsider my original objection.

17
18 Vice Chair Packer: I would like to have the opportunity to make another friendly amendment
19 considering what was said. If these things are like vending machines and the reason Phyllis
20 wanted to have them in here was for the convenience of the people who are working in these
21 areas for the same reason we allow certain retail uses as a CUP I would propose that they be
22 allowed but only with a conditional use permit under which the performance standards can be
23 addressed. Would that be acceptable to the maker of the motion? That it be allowed but it be a
24 conditional use permit in the same way the retail are conditional use permits.

25
26 Chair Cassel: Yes, I will accept that if I can speak to that a little. That is that I don't happen to
27 find the ATM machine at the former bank on Middlefield Road a problem because in that case it
28 is in the middle of a retail area. I have seen them done well in some places and I think that is
29 addressing Pat's concern. Trying to keep people from not running out of that LM district to do
30 other business. So we could do it as a CUP if that is acceptable to you.

31
32 Commissioner Burt: Yes, it is.

33
34 Vice Chair Packer: Okay. Karen.

35
36 Commissioner Holman: A question. The only reason I didn't support the initial motion was
37 because I had a couple of questions about it. Perhaps Commissioner Lippert would know as well
38 as anyone, Staff is welcome to pipe in too, two pieces. One is incidental to permitted uses and I
39 don't find any permitted uses here that would necessarily have an automatic teller machine as
40 incidental. So what use because banks aren't allowed that I can find, professional general
41 business office but that is not banks? So what is that? Then the other thing is there are a couple
42 of occasions I can think of where the ATM machines are inside a building but I don't know what
43 the lighting requirements are still for that.

44
45 Commissioner Burt: I think that is a good point. So if we are referring to exterior ATMs as
46 conditional uses and interior ATMs as permitted?

47

1 Commissioner Holman: What are the lighting requirements for interior? That is part of my
2 point. Are there lighting requirements for interior or only open during hours of business?
3

4 Commissioner Burt: That seems to be the way they are, right? Well, an interior ATM I mean
5 you close the store.
6

7 Commissioner Lippert: No, no, no, Citibank has interior ATMs and they work particularly well
8 which they vestibule their ATM machines and in fact one of the examples I use is that Wells
9 Fargo had proposed an exterior ATM for their private services bank building. The ARB had
10 reviewed that and said no you can't do that here but what you can do is have a vestibule ATM
11 machine and they said no we don't want that we want our presence on the street.
12

13 Commissioner Burt: Either way
14

15 Commissioner Lippert: It is far less restrictive if you have it vestibuled because the light can be
16 internal to the vestibule.
17

18 Vice Chair Packer: Can we just leave this as a CUP in the performance standards and the issues
19 of exterior and interior can be discussed later?
20

21 Commissioner Burt: I am not sure. I am not seeing any reason why we should place conditional
22 use on an interior ATM.
23

24 Vice Chair Packer: Right.
25

26 Commissioner Burt: So if the maker of the motion wanted to clarify that the intention was to
27 make exterior ATMs conditional uses and permitted uses on interior. Is that correct, Phyllis?
28

29 Chair Cassel: That's fine. Our buildings around this area have a lot of external space and a lot
30 of spaces that go directly outside. We don't have a lot of interior walls in a lot of these
31 businesses too.
32

33 Vice Chair Packer: Commissioners, I it is 25 after ten. I think we have three people who agreed
34 upon a motion. I know there are a lot things we could say but I really would like to get moving.
35 Is it really critical to the vote? We have three people who are on board with the motion but if
36 you have to get your point said.
37

38 Commissioner Holman: Two things. One is interior doesn't necessarily, I asked the question
39 but then I also asked the question about what the requirements were for interior. Commissioner
40 Lippert addressed part of that like the vestibule it can be open 24-hours a day and there would be
41 lighting associated with that. I don't know if performance standards are going to address that
42 kind of lighting because you could have still a vestibule that acts as a beacon in the Baylands. So
43 that is one. The other is I would offer up a friendly amendment that ATMs not be allowed in the
44 ROLM-E district because there are too many unknowns I think having to do with this.
45

46 Chair Cassel: No, I won't accept that. There are areas of those that are along the road. I don't
47 expect to have a whole lot of these showing up in that area. It just seems like if a business
48 wanted to do one then it should be a permitted use. I am happy to have it be permitted inside

1 with a conditional use permit and I am happy to have the design guidelines go with it because I
2 think that that can bring it into the same color kinds of issues. I have seen these with lights, they
3 don't have to be, I know the state has to have lighting but these are directed down lights, they
4 have to be out so the police can see them but I have seen them so they are discreet and I just
5 didn't think this would be an all-night issue.

6
7 Vice Chair Packer: Lee, can it be short, please?
8

9 Commissioner Lippert: I want to clarify one comment or question that Karen had asked which is
10 that internal lighting the ARB does not have the ability to regulate at all only exterior lighting
11 that is the first thing I wanted to clarify. I could come onboard with the motion if you could
12 entertain another amendment, which would be that the review of the exterior ATM machines is
13 done by the ARB and is not considered a minor.
14

15 MOTION PASSED (4-1-2-0, Commissioner Holman voted nay, Commissioners Griffin and
16 Bialson absent)
17

18 Vice Chair Packer: Okay. I think we have a motion that would allow ATMs in the ROLM and
19 ROLM-E districts if they are exterior they will only be allowed under conditional use permit and
20 subject to a major review by ARB if they are interior they will be permitted uses. Have I
21 captured the motion? Okay. All those in favor of that motion please say aye. (ayes) All those
22 opposed? (nay)
23

24 Commissioner Holman: Because of the E.
25

26 Vice Chair Packer: Okay, Karen voted no because she didn't want then in ROLM-E. So that
27 motion passed four to one with Commissioners Lippert, Burt, Cassel and Packer voting yea and
28 Karen voting nay. Thank you.
29

30 Now the next is the Staff recommendation to continue to use the existing performance standards
31 chapter which 18.64 regarding lighting, visual and noise and site access criteria and will be
32 developing a separate chapter addressing those issues in the future. Last week we requested the
33 opportunity to revisit the development standards that we would be approving in tonight's motion
34 in regard to these districts after we have had a chance to review the performance standards
35 chapter.
36

37 MOTION
38

39 Commissioner Holman: I will move that.
40

41 Vice Chair Packer: Okay, Karen has moved that. Do we have a second?
42

43 SECOND
44

45 Commissioner Burt: Yes.
46

47 Vice Chair Packer: Pat has seconded. Do we need discussion on this? It is 10:30.
48

1 Commissioner Burt: Another time.

2
3 MOTION PASSED (5-0-2-0, Commissioners Griffin and Bialson absent)

4
5 Vice Chair Packer: Okay. All those in favor of Karen's motion please say aye. (ayes) That
6 passes unanimously. Thank you.

7
8 Unless we have some other issues regarding these districts I would like to entertain a motion on
9 the whole package, which will incorporate by reference all the other motions that we have had
10 regarding Staff's recommendation.

11
12 MOTION

13
14 Chair Cassel: I will make the motion that east of El Camino Real we recommend to the Council
15 approval of portions of the proposed ordinance adopting all provisions of the new Chapter 18.20
16 Office, Research and Light Manufacturing Districts pertinent to the Research, Office and Light
17 Manufacturing, ROLM, District and the Research, Office and Limited Manufacturing Sub-
18 district –Embarcadero, ROLM-E, and the General Manufacturing, GM, district and deleting the
19 current Chapter 18.55 General Manufacturing (GM) District, the current Chapter 18.57 General
20 Manufacturing Combining (GM-B) District, the current Chapter 18.60 Limited
21 Industrial/Research Park (LM) District, and the current Chapter 18.63 Limited Industrial Site
22 Combining (3,5) District plus the amendments that we have made earlier.

23
24 SECOND

25
26 Commissioner Lippert: I will second that.

27
28 Vice Chair Packer: I hope there is not discussion. Is there any discussion?

29
30 Commissioner Holman: One quick question. I am sorry. We did talk quite a bit about the H
31 sites earlier especially in the southerly most GM zones and I am just wondering as a use did we
32 want to continue to allow schools, public or private, as a conditional use permit in those CUP
33 zones because of the hazardous conditions potentially.

34
35 Commissioner Burt: If I might I am trying to recall what occasion there was it was maybe under
36 LM that we had discussed at one time a differentiation between trade-schools which would be
37 schools for adults that would be perhaps more appropriate in that kind of district and schools that
38 could permit children. As it is written right now it would allow either type of school, is that
39 correct?

40
41 Mr. Williams: I think so with a use permit either type of school.

42
43 MOTION

44
45 Commissioner Burt: So then I would like to make a motion that we permit trade schools for
46 adults in the GM district and not allow schools for children that are non-trade-schools, K through
47 12 schools within the GM districts.

1 SECOND

2
3 Commissioner Holman: Second.

4
5 Vice Chair Packer: Are you making this as an amendment to Phyllis's motion so she doesn't
6 have to reread it again because it is including all the amendments?

7
8 Commissioner Burt: Yes.

9
10 Vice Chair Packer: So that will make the process faster. So your motion is to not allow K
11 through 12 private or public schools only in the GM.

12
13 Commissioner Burt: Yes.

14
15 Vice Chair Packer: I am wondering if that is going to affect the proposal that is currently under
16 review for the Jewish High School.

17
18 Commissioner Lippert: It is approved. It is in the LM.

19
20 Chair Cassel: No, it is in the GM.

21
22 Ms. Grote: It only went through a building permit it doesn't at this point need a CUP or any
23 other discretionary approvals. I believe it has either already received its building permit for
24 interior changes or will shortly.

25
26 Commissioner Burt: I would just like to add as comment on the motion that I think that is a good
27 example of the point I was making earlier that when we come back to drawing the lines of our
28 district that area along Fabian perhaps should no longer should be considered a GM district. I
29 think we are going to have some reconsideration of the boundaries of the GM district. We have
30 facts on the ground taking over the reality of what these districts are and how they should zoned.
31 I think as a matter of policy we shouldn't have K through 12 schools in GM districts and at the
32 same time I think there are some portions of our GM districts that should be reconsidered in the
33 future for zoning. In fact a lot of K through 12 but under a different zoning district.

34
35 Vice Chair Packer: Don.

36
37 Mr. Larkin: I think the Commission also needs to recognize at least under the current state of the
38 law which is subject to change the City is limited on how it conditions and how it can not allow
39 certain uses by religious institutions in any zone.

40
41 Commissioner Burt: Does that include schools?

42
43 Mr. Larkin: That would include a religious use including for example religious schools, Sunday
44 schools.

45
46 Commissioner Burt: That is the only exception and that is driven by?

47
48 Mr. Larkin: Federal law.

1
2 Commissioner Burt: Okay, so we would recognize that the only exception to this would be
3 superceding federal law.
4
5 Vice Chair Packer: Okay so that motion is on the table. Did we have a second for it?
6
7 Commissioner Holman: I did.
8
9 Vice Chair Packer: Did you speak to it already?
10
11 Commissioner Burt: Yes.
12
13 Commissioner Holman: I think it has been spoken to.
14
15 Chair Cassel: I will speak against it based on the fact that the types of schools that are moving
16 into these areas are in fact religious schools and institutions that our public schools are not
17 moving into those areas because they can't get enough land to meet the requirements for public
18 schools. Private schools are the ones that are moving in there and they are moving in there as
19 religious schools and so it is null and void essentially by the fact of what is moving there on the
20 ground we can't prohibit.
21
22 Commissioner Burt: I guess my answer....
23
24 Vice Chair Packer: Wait, one person at a time. Pat.
25
26 Commissioner Burt: My answer would be if it is a bad idea then I think it is a good idea to not
27 permit it per zoning. The fact that we can't change federal law shouldn't prevent us from going
28 as far as we can to do a correct thing.
29
30 Commissioner Holman: I just wanted to say that the International School is one example which
31 is as far as I am aware not a religious institution.
32
33 Vice Chair Packer: I am going to vote against it because I think it will work itself out. One we
34 can't do is religious schools. Two schools will probably use common sense and not want to
35 locate next to a really hazardous place and consider other uses like southeast of San Antonio
36 such as the Media Center to which many, many teenagers go. They have camps there. There is
37 lots of stuff going on there. So there are certain things that are going to happen and we will just
38 have to rely on people's common sense not to locate these things. There is only so much we can
39 regulate and the federal government prohibits that. So I appreciate the dangers that you want to
40 protect the children from I just don't know that it is really necessary and that this is the best way
41 to go about it. Maybe there is a better way.
42
43 Commissioner Burt: What would that better way be?
44
45 Vice Chair Packer: Well, if we can't prohibit the religious private schools anyway and we are
46 not going to prohibit places where children are going to go such as the Media Center that.
47

1 Commissioner Burt: I guess I don't follow the rationale then. If we cannot perfectly address this
2 issue then we should address it in no way at all.

3
4 Vice Chair Packer: Well, that's okay. Those are the reasons why I am going to vote against it.
5 It may not be logical but it is the way that I am expressing myself. Are we ready for a vote on
6 Pat's motion, which is to prohibit schools for K through 12 to the extent federal law allows in the
7 GM? Maybe pre-schools?

8
9 Commissioner Burt: That is correct. I am sorry so up to 12th grade.

10
11 Vice Chair Packer: So up to 12th grade in all the GM zoned areas.

12
13 Commissioner Burt: The seconder would have to accept that.

14
15 Commissioner Holman: I would accept that, sure.

16
17 MOTION FAILED (2-3-2-0, Commissioner Burt and Holman voting for, Commissioners
18 Lippert, Cassel and Packer voting against, and Commissioners Griffin and Bialson absent)

19
20 Vice Chair Packer: All those in favor of Pat's motion say aye. (ayes) Pat and Karen voted yea.
21 All those opposed? (nays) That was Commissioner Lippert, Cassel and Packer voting nay so
22 that motion fails.

23
24 I was asking was the amendment to the main motion which is now on the floor and which I
25 would like to ask Commissioners to vote on. All those in favor of the main motion, which is the
26 motion about all of what we did tonight, please say aye. (ayes) All those opposed?

27
28 Commissioner Holman: Clarification. Not all of us supported all of the amendments and that
29 varied among us. So if you support this main motion with all of our amendments and some of us
30 voted against some and some of us voted for some of those amendments.

31
32 Mr. Lusardi: The minutes will reflect your individual votes on individual items and we could
33 also do what we did with the R-1 is we will provide an attachment to the Council which listed
34 the individual items and how the Commission voted on these individual items.

35
36 Chair Cassel: May I speak to that? I don't think this is the time for that argument. It is an
37 ongoing discussion we have but when we make a motion for a main motion I win some items
38 and I lose some items. Then when I get to the main motion I accept the fact that I win some and
39 I lose some. You are going to vote against it if the majority of what you think is against it and if
40 you think the majority of what is for it you vote for it. Sometimes you vote against it for other
41 reasons but that is the fact of the matter on a complicated item like this. You are going to vote
42 for some items and against some items along the way and hopefully there are enough of us who
43 will say I didn't win all of those items but I will vote for the whole motion. That is what I am
44 doing. I didn't win everything I am voting for the whole motion. We are in the middle of the
45 motion to boot. We can't discuss this in the middle of the vote.

46
47 Commissioner Lippert: As the seconder of the motion the main substance of the motion is that
48 we are basically saying that we are substituting or we are changing substantively the definitions

1 of one zone and another zone that we are basically accepting that we are rewriting this chapter
2 and that we are updating the ordinance. That is the substance of this motion not the detail that
3 we have already voted on.

4
5 Commissioner Holman: But the motion incorporated all of our amendments.

6
7 Chair Cassel: I am going to call the question.

8
9 Commissioner Burt: Let's have a reasonable discussion.

10
11 Vice Chair Packer: I will let you talk for two more minutes on this and then we will call the
12 question.

13
14 Commissioner Holman: I think it is a significant point because I have seen before when items go
15 to the Council that for very practical reasons this is not a criticism for very practical reasons the
16 presentation then in the Staff Report is until you read the nuts and bolts that the Commission
17 recommends this. But indeed we have not all recommended all of this. So I think it is a very
18 important point.

19
20 Vice Chair Packer: I will point out our electoral process. Not all people voted for the president
21 but he became the president so it is majority rules.

22
23 Commissioner Holman: It is not the same at all.

24
25 Vice Chair Packer: The reason we have a vote is we recommend as a body based on a majority
26 what goes as our advice to Council. And, yes, we will have dissenting votes and that is reflected
27 in the minutes and each of us has an opportunity as we do now speak in the public forum as to
28 what our positions are but I believe that we are selected as a Commission to recommend as a
29 Commission not to make recommendations as seven individual members otherwise we wouldn't
30 bother with motions and votes. I would like to call the question now.

31
32 Commissioner Burt: You spoke extensively on that and then other Commissioners are
33 prohibited from doing so.

34
35 Vice Chair Packer: I would like to have Commissioners show some respect for the Chair and for
36 the late hour. So I will call for the vote again in case people want to rethink their vote. I know
37 this is something we can discuss and when we get to protocols and bylaws I think it is an
38 important discussion to have. I don't mean to cutoff the sense of that discussion but we are here
39 tonight to discuss the recommendation with regard to this zoning ordinance. I appreciate the
40 issues that you are raising but let's try and do that for our next retreat.

41
42 So I think we had a vote but let's do it again. All those in favor of the main motion please say
43 aye. (ayes) All those opposed? (nay) Pat did you vote?

44
45 Commissioner Burt: Yes I did. I was not permitted to speak as the Chair was but I did vote.

46
47 Vice Chair Packer: That's why we have Chairs.

1 Commissioner Burt: No it isn't.
2
3 Chair Cassel: Let's continue the meeting.
4
5 MOTION PASSED (4-1-2-0, Commissioner Holman voted against and Commissioners Griffin
6 and Bialson absent)
7
8
9
10 Vice Chair Packer: We had a vote of four to one with Commissioners Lippert, Burt, Cassel and
11 Packer voting in favor of the motion and Commissioner Holman voting against the motion. I
12 believe she spoke to why. I believe there was general support for most of this but not all of it
13 from Commissioner Holman and I appreciate that and I appreciate her concern about our
14 decision and I look forward to a further discussion on those issues.
15
16 Before we close this item I do want to thank Staff for all the excellent work and the excellent
17 way all this was presented to us and the hard work that went into it. I want to thank all the
18 Commissioners for excellent discussions and we had some really good work done tonight and a
19 good meeting. I look forward to our next discussion on these very complex issues where we will
20 not always be of the same mind but we try and get there by working together. Now I can close
21 this item and move on. Do you want me to finish the rest of the meeting?
22
23 Chair Cassel: The only other thing is to continue to the next meeting.
24
25 Vice Chair Packer: We don't have any Reports From Officials.
26
27 **REPORTS FROM OFFICIALS.**
28
29 Vice Chair Packer: We don't have any Commission Member Questions, Comments or
30 Announcement.
31
32 **COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.**
33
34 Vice Chair Packer: I think our Commission representation and City Council and committees is
35 set for now.
36
37 **APPROVAL OF MINUTES:** None.
38
39 Vice Chair Packer: We have no approval of minutes.
40
41 **NEXT MEETING:** May 25, 2005.
42
43 Vice Chair Packer: Our next meeting will be May 25, 2005. Thank you and good night. The
44 meeting is adjourned.
45
46 **ADJOURNED:** 10:45 PM
47