The following transcript is provided for your convenience, but does not represent the official record of this meeting. The transcript is provided by the firm that provides closed captioning services to the City. Because this service is created in real-time as the meeting progresses, it may contain errors and gaps, but is nevertheless very helpful in determining the gist of what occurred during this meeting.

COMMISSIONER ZITO: Good evening. My name is Jim Zito, and I am the chair of the Planning Commission. On behalf of the entire Planning Commission, I would like to welcome you to the Planning Commission public hearing of Wednesday, June 10, 2009. Please remember to turn off your cell phones. Parking ticket validation machine for the garage under City Hall is located at the rear of the chambers. If you want to address the commission, fill out a speaker card located on the table by the door on the parking validation table at the back, and at the bottom of the stairs near the audiovisual technician. Deposit the completed cards in the basket near the planning technician. Please include the agenda item and not the file number for reference, for example, 4A. The procedure for this hearing is as follows: After the staff report, applicants and appellants may make a five-minute presentation. The chair will call out names on the submitted speaker cards in the order received. As your name is called, line up in front of the microphone at the front of the chamber. Each speaker will have two minutes. After public testimony, the applicant and appellant may make closing remarks for an additional five minutes. Planning Commissioners may ask questions of the speakers. Response to commissioner questions will not reduce the speaker's time allowance. The public hearing will then be closed and the Planning Commission will take action on the item. Planning Commission may request staff to respond to the public testimony, ask staff questions, and discuss the item. If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the city, or prior to, the public hearing. The Planning Commission's action on rezoning, prezonings, general plan amendments and code amendments is only advisory to the City Council. The City Council will hold public hearings on these items. First order of business tonight is roll call. And let the record show that all commissioners are present, except Commissioner Jensen and Commissioner Platten. We have a couple of guests from the other side of the country, out here visiting, I've got my sister, Josephine Walsh, and my cousin, Angela Pazano. I'd like to thank them for coming and sitting through the Planning Commission meeting tonight. Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. A list of staff-recommended deferrals is available on the press table. Staff will provide an update on the items for which deferral is being requested. If you want to change any of the deferral dates recommended, or speak to the question of deferring these or any other Dates, you should say so at this time. To effectively manage the Planning Commission agenda, and to be sensitive to concerns of the length of the public hearing, the Planning Commission may determine either to proceed with remaining agendized items past 11:00 p.m, continue this hearing to a later date certain, or to C, defer remaining items to the next regularly scheduled Planning Commission meeting date. Decisions to be heard by the Planning Commission no later than 11:00 p.m. Staff, any issues of deferral?

SPEAKER: Thank you, Mr. Chair. Staff has no ideas for deferral on the agenda this evening. Thank you.

COMMISSIONER ZITO: We switched out Commissioner Do, Commissioner Do chairperson elect and giving him the opportunity to see how the chair works before he has to sit in the seat. The director is two seats down so we don't confuse anything. 2, consent calendar. The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Planning Commission, staff, or the public to have an item removed from the consent calendar and considered separately. Staff will provide an update on the consent calendar. If you wish to speak on one of these items individually, please come to the podium at this time. Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chair. I'd like to move approval of the two items on consent. And before we vote on it, I did want to make a comment on item 2B. I don't want to pull it but I want to make a comment. Is Mr. Smith in the audience? I was at your place of business about maybe two months ago. And during your staff training and particularly with your security or your bouncers, I would recommend that you try to encourage them to be more friendly with the patrons. Especially the ones that aren't causing trouble, you know? You know, facial expressions, you know I'll just say it, mad-dogging people, that could cause problems when you don't have problems there. And I did witness that, so all right? Okay, thank you.

COMMISSIONER ZITO: Before we vote on there I would like to give staff an opportunity to make additional comments if any.

SPEAKER: Staff has no additional updates to the consent calendar at this time.

COMMISSIONER ZITO: Any additional comments on consent? Seeing none, vote by light. That motion passes unanimously. With Commissioner Jensen and platten absent. Public hearing items. Generally, the public hearing items are considered by the Planning Commission in the order which they appear on the agenda. However, please be advised that the commission may take items out of order to facilitate the agenda such as to accommodate significant public testimony or may defer discussion of items to a later agenda for public hearing time management purposes. There is only one item, on the public hearing agenda. It is the preliminary Alum Rock form based zoning design standard guidelines. Consideration of Alum Rock form based zoning standards and guidelines providing preliminary development standards including setback, height and use provisions intended to form the basis for a future zoning district for the area generally located on both sides of Alum Rock between king road and Interstate 680. Staff.

SPEAKER: Thank you, Mr. Chair. The Alum Rock form based zoning design standards and guidelines are intended to form the basis for establishment of a new form based district for the Alum Rock business district segment located between King Road and -- on the West and 680 on the East. The proposed form based zoning is intended to support the bus rapid transit that's been designed for that corridor now, by encouraging intense pedestrian oriented uses, and to improve the pedestrian environment by providing for a wide sidewalk and active commercial uses along it. To enhance the vitality of the neighborhood business district by retaining existing business and spurring new

development, and to enhance the surrounding neighborhood by providing an active and inviting neighborhood business district. This is the city's first form based zoning and we're very interested in receiving your feedback on the standards that we've developed so far. We will be reporting your comments to the city council when they consider this item on June 23rd. If the council directs staff to prepare a form based zoning we'll be returning to the Commission before the end of the year with a draft ordinance for the form based zoning. At this point I would like to call your attention to Table 1 that was handed out to you tonight. It's page 9 of the standards and guidelines. When we -- when this item was briefly discussed at the last Planning Commission meeting, there was some discussion of the frontage requirements possibly being a little bit too aggressive for the amount of active building frontage that's required on -- along Alum Rock Avenue. And we took a look at that, and looked at a couple of projects that were -- had already been built, Tiera Incantada and a couple on the Alameda, and concluded that that -- that perhaps they were a little bit too aggressive, and so we've revised them, and this table shows the revisions. We had previously indicated that for a corner parcel where you had two street frontages, the Alum Rock street frontage needed to have 70% of the first 100 linear feet in active commercial building and 90% of any additional frontage. And we changed that to 65 for the first 100 and 75 for any additional. And then for an interior parcel, we've left the first 100 at 60% but changed any additional to 75%. And we think this will still be achieved a real active commercial frontage but it may be a little bit easier for developers who are dealing with multiple issues and trying to fit in all of the things that need to go into a commercial project or a mixed use project. It might make that a little bit easier. So that is our current recommendation. I'd also like to call your attention to comments received from Commissioner Jensen which were also handed out to you this evening. Commissioner Jensen has raised some concerns or some emphasis on pedestrian design street trees and landscaping in bike lanes. And I think staff shares her concern for ensuring that the Alum Rock form based zoning really encourages a healthy pedestrian environment. We think that's really important and will continue to explore these issues as we move forward. The one thing that we probably won't be able to achieve is the bike lane. The Alum Rock Street is between 100 and 115 feet wide now. It's going to have to be widened in certain places to accommodate the BART and the BRT project. We're going to lose some parking along the street as a result of the BRT project. That's a disappointing thing in a neighborhood business district so the city is working with VTA to try to retain as much of that parking as possible, and they're facing questions like do we widen the street, and take out existing trees, and take additional private property right-of-way, to com onstreet parking, in some places thages is yes and in other places that's going to require removing people's private parking or buildings, and maybe that answer will be no. But I think the D.O.T. and the VTA will work very carefully to try to establish just the best balance they can as far as, you know, retaining the existing parking. Bike lanes would be another increment of widening, that would be needed and probably isn't feasibility along this street. And we also do appreciate the suggestions regarding the design guidelines. We will be working on those additionally and will be able to incorporate more of the environmental sustainable design issues that Commissioner Jensen has raised here. Lastly, I'd like to turn your attention to the photo simulations that we handed out this evening. These were prepared by the VTA to illustrate the type of development that we hope to see as their bus project, bus rapid

transit projects develop. The first photo shows the corner of Alum Rock and Jackson Avenue where the CW supermarket is currently. The next photo shows the introduction of the bus rapid transit station in the middle of the street. The next photo shows a new three story building set right at the back of sidewalk with some activity around it, and seasonal outdoor uses. The next one shows an additional increment of development next door, and then finally you get a vision of a very active and inviting pedestrian street. These photos don't -- we haven't examined them to see if they exactly carry out our guidelines, but it is the vision I think the city is attempting to achieve for Alum Rock Avenue. And this completes staff report.

COMMISSIONER ZITO: Thank you, staff. We have one speaker card. And so I'll let the speaker come up and speak first. Paul Ring, please.

SPEAKER: Good evening commissioner, chair. My name is Paul Ring. I work with core companies and we have a predevelopment process going on, to do a mixed use project along here. And we've been looking into the form based zoning in detail. And as we spoke last commission, I wanted to point out two things. One, that I've already submitted a letter with some of the concerns, some of these have been addressed here, so I'd like to thank staff for the way they have looked into these. And second, to reiterate the relationship between the transit corridor commercial general plan designation and the form based zoning, as two separate actions. There may be projects that come forward after the adoption of a transit corridor commercial general plan and prior to the form based zoning being enacted, and if that was the case, core's intention is to work as best we can with the standards as they've been developed. So with that in mind, I'd like to go back to my letter of support of -- for the form based zoning and to encourage any revisions to it that allow additional mixed use innovative projects. Similar to what's shown here. Thank you.

COMMISSIONER ZITO: So if I understand what you're saying, you actually encourage more mixed use.

SPEAKER: Yes.

COMMISSIONER ZITO: Any other questions of the speaker? Seeing none, thank you.

COMMISSIONER DO: Motion to close public hearing.

COMMISSIONER ZITO: Motion to close public hearing. Is there a second? All in favor, opposed, staff?

SPEAKER: Staff has no further comments at this time.

COMMISSIONER ZITO: Any further comments, feedback? Commissioner Do.

COMMISSIONER DO: Thank you, Mr. Chair. I have a number of questions. And I think that one of the things that is unclear to me is the whole issue of the street width.

And obviously you touch on some of that. It doesn't seem that the street can accommodate all the things that these various reports suggest, in terms of the dedicated bus lanes and two lanes of traffic both ways, and it's also mentioning of wanting to retain the on-street parking as well as a very wide sidewalk and so forth. But I'm sure that's being worked out at a more technical level. The bus lanes, are they separated by -- with a median strip, are they separated, are they physically separated from the other traffic lanes somehow?

SPEAKER: There are curbs, there are exclusive bus lanes that they will move and out of, at the -- through this area they're entirely within exclusive bus lanes. But further West, they are mixed flow, and they will be moving out of the exclusive bus lanes to the right side of the street. But through this area, the stations are in the center of the street and the bus lanes are in the center of the street.

COMMISSIONER DO: I see. So pedestrians would have to cross half of the street to get to the bus lanes, is that correct?

SPEAKER: That's correct.

COMMISSIONER DO: Let's see, some of these photo simulations shows the bus on the sidewalk. So that may be a section that is not where the bus lanes are not in the center. Or that's just simply an artistic rendition. Oh, this is the bus stop. I was looking at that. Another question is that this mentioning in the report about encouraging the retention of auto -- of car related uses, of auto related uses. And I guess the reason for that is because these are current uses and the city didn't want to displace them, is that it? Or –

SPEAKER: That's correct, there are a number of auto related uses on this street. And there are some of the most vital businesses in the area. I think the goal is to retain those to the extent they want to continue. Of course any new development would need to conform to the pedestrian oriented standards. But the existing Calderon tire facility is one that's really well-known that already has an approved new building for their use. And some day, this pay be an area where that type of use no longer wants to locate. But as long as it, you know, as long as there are businesses like that that want to locate here, this zoning would not preclude them.

COMMISSIONER DO: Okay. And lastly I think at the last Planning Commission meeting there was some discussion about -- that the scope of the study perhaps is not large enough, that perhaps it ought -- that this form based zoning process ought to extend longer, along Alum Rock Avenue. And actually for me, when I drove out and looked at the street, it seemed to me that it's overly ambitious. But so -- I'm just curious as to how the scope was arrived at, in a sense.

SPEAKER: Well, there was an earlier study of this area that really recommended some of the things that this zoning is attempting to achieve. It also recommended the BRT. And I believe that study ended at Jackson, and we did extend the study a little bit to go to 680 but I think there was a concern that we -- and we start with a segment that's

manageable and then at some future point it would be possible to extend it further. I think it would be very desirable to do that at some point.

COMMISSIONER DO: Right, thank you.

COMMISSIONER ZITO: Thank you, Commissioner Do. Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chair. Regarding the work that was done maybe three, four years ago on the creek, would that have changed the flood zone maps, and if it did, would that change the finished floor elevations requirement at all?

SPEAKER: It is my understanding, Mr. Chair, that there have been some changes in the flood zone maps, it's either occurred or they're pending, as a result of the flood work that was done. There will be still some areas of Alum Rock Avenue in this stretch that are subject to some minor flood zone elevation when they're constructed. And we have addressed that in the guidelines to ensure that it doesn't result in ramps and railings and such in the sidewalks.

COMMISSIONER CAMPOS: Okay. My next question would be regarding encroachment into the public right-of-way. Would that mean that balconies would be discouraged on some of the mixed use buildings?

SPEAKER: I'm not sure what you're referring to.

COMMISSIONER CAMPOS: Page 12 under encroachments. It gives examples of the following encroachments are permitted within the front setback areas where ground level commercial uses are located projecting canvas awnings, canopies, sills, eaves, belt courses, would that -- I mean, would balconies be included?

SPEAKER: I think balconies would be -- we could add that in. Balconies are certainly the kind of thing that we're trying to get at here, that this five feet is really intended to be an extension of the sidewalk, so we want to really limit the things that would prohibit the use of it for a sidewalk. Things above the pedestrian level could project where they couldn't as easily if that sidewalk were public right-of-way. So it probably would facilitate balconies projecting five feet into that area.

COMMISSIONER CAMPOS: Okay since from what I understand this is going to be pretty ironclad so I think it would be beneficial to include that there, that would be my recommendation to council.

JOE HORWEDEL: And the one comment I will make on that is that we do have concerns citywide about projections out over in the public right-of-way for special things like balconies where stuff may fall off of those and hit somebody who is in the public right-of-way. We do allow balconies projecting out from the building where we have pushed the building back a couple of feet off. And so essentially we have a wider sidewalk, but the public sidewalk doesn't have the balcony hanging out over top of it.

That's an issue we have to deal with downtown a lot. It's one that we would like to not have that issue, it's really a liability issue that, as we are continuing to urbanize at a city I think will work itself out, but right now we don't have a solution to that.

COMMISSIONER CAMPOS: I'd still like my comments to be kept knowing these are fairly tight strips and balconies count to private open space. And so I'd like for them to have some flexibility there. Other question would be on page 14, max height and this is coming from a question from one of the letters that you received. What would be the difference with 65 feet and 70 feet. I know that 70 feet would be at the director's discretion but if you could just flesh that out for me.

SPEAKER: The goal for the additional height would be to provide an incentive for developments to include a little bit taller first floor, where the podium would begin if it began at 18 feet instead of the minimum 15 feet that would be normally required for a mixed use project, that we would give a little flexibility for the height to make that more possible.

COMMISSIONER CAMPOS: Okay. That sounds like that's what the letter was getting at, that they were concerned about the raised podium and that it could potentially take ceiling heights away from them.

SPEAKER: I believe the letter was asking that that additional height be allowed to make residential ceilings higher, not just the first floor higher. And I think staff believes that it would be highly desirable to have those taller first floors and that was really the intent of the height increase, was to make that possible, and since this is a commercial street, we're trying to put the emphasis on the ground floor development.

COMMISSIONER CAMPOS: I agree, I think your ground floor should have higher ceiling levels. I just want to make sure that again, since this is so ironclad, that we're not taking the opportunities away from a property owner. You know, trying to maximize the best use of their parcel there. So then just so I know, 65 feet is roughly, you can get six stories out of that or five stories? Five stories, okay, that's reasonable for that. Then my last comment, and again this would be for council as they deliberate on this, I actually would like to see or I would recommend the parking exception or exemption are a little bit higher. I know they can apply for 10%, I'd like to see 15%, maybe even 20%. And I'll get to my point as to why I would encourage that. And with SROs, even higher. The intent of SROs are young people probably without cars anyway, that they might be able to achieve that. And again, if we're really -- if we're really trying to wean ourselves off of the automobile I think we need to force ourselves to get out of the automobile. So if you reduce parking and that's the place you're going to choose to live then you're going to have to figure something out for yourself. Thank you, those are my comments.

COMMISSIONER ZITO: Thank you, Commissioner Campos. Commissioner Cahan.

COMMISSIONER CAHAN: Thank you, Mr. Chair. To piggyback on the weaning from auto use, I absolutely understand that the bike path would be almost impossible in that

area. If we don't have ways for people to get to that location they're going to end up using their car. So I'm wondering if we could somehow incorporate a bike path nearby.

SPEAKER: It is my understanding that San Antonio is the bike route for this area. It's a parallel street that will or does have a bike path now. And that that is probably the best alternatives that would get people to -- pretty close to this area. But unless we want to make the street just really huge it's probably not going to be possible to have the bike path often this street.

COMMISSIONER CAHAN: But having it nearby, as close as possible would be optimal. And then to provide a number of bike parking places in that area. People are encouraged to walk their bike from that location down the sidewalk to get there. I agree with Commissioner Jensen's encouragement of sustainable design and her examples that she gives. I'm also wondering about the storm water runoff that -- let's see, Mr. Campbell submitted to us and his concerns about it not being addressed as effectively as it could be. Could you address that?

SPEAKER: Yes. Mike Campbell of HMH submitted comments suggesting that the city could use this as a pilot project for investigating or testing some landscape based treatment solutions for the public right-of-way. And that issue has been discussed, and it's my understanding that currently, the city departments are in discussion regarding what the treatment regulations for public streets should be. And they are taking into consideration maintenance of the ability to maintain those. And I think it would be very desirable to be able to try some landscape based treatment solutions here. But this zoning is probably not going to take the lead on that issue that we will be looking to the city departments, D.O.T. and the Public Works department, which are actually addressing that issue now, and projects that come forward under this form based zoning are proposed to conform to whatever standards are in place at the time.

COMMISSIONER CAHAN: So then perhaps we could suggest to the council that they review any possibility for even a minor area that has this. I think that would be helpful to get us started.

SPEAKER: Thank you.

COMMISSIONER CAHAN: Then my last question is, I'm wondering if five feet is really enough for cafe seating. It seems like a very small amount of space.

SPEAKER: We have -- I guess it would be possible to have a sidewalk of 20 feet in width. Some streets in this area do have a 20-foot sidewalk. We are a little bit concerned that some of the parcels are not very deep and we want to be respectful of the ability of the property owner to actually accomplish a development there. So the five foot addition to the current standard of having a 15 foot sidewalk on this street was sort of the compromise. Actually there are -- many of our neighborhood business districts where the property line is already in some cases where the buildings are setback just a little bit. And you will notice it doesn't take very much room at ail to have a small little table with

some chairs. So you may not be able to get really large sidewalk cafes unless you set the building back a little bit more, and they can do that. That would certainly be appropriate, and possible. But at least with five feet, you could do something. And it wouldn't require a sidewalk cafe permit from the city which is a process that sometimes it's troublesome for small businesses. So that was sort of our objective to make something possible on every building, and if someone wants to do more, they could provide all or a portion of their building with a little more setback than five.

COMMISSIONER CAHAN: Thank you for that explanation that they could set back further. Thank you.

COMMISSIONER ZITO: Thank you, Commissioner Cahan. Commissioner Kamkar.

COMMISSIONER KAMKAR: Thank you, Mr. Chair. I have three items. Two of them are actually piggyback on Commissioner Cahan's position. One is, the sidewalk width we just spoke of, I think that makes perfect sense, that developments would want to have bigger I guess tables for sidewalk seating. They could setback and create that additional zone. And just like a table and chair would be an impediment to people walking that extra, you know, five feet of setback would also form, you know, provide the same functionality and probably also play pretty well with the form based design, you know, as far as meandering setback. So I think that was a very good explanation. Second item, one of the things we got to do as far as treatment of storm water, I believe we got to think out of the box. One thing we haven't thought of that I think we should think seriously about, is if we have a dedicated bus lane, why not put the treatment center in the center of that lane, where the tires of the bus will not be on, because they basically have very limited maneuvering room right and left. The center is pretty much not where tires will go. But that's why the engineers, that's where the oil will drop, that's where the antifreeze will drop. And if you can strips in the center, not throughout the whole length but at certain places where, you know, a strip can be located, I think we should be doing some thinking out of the box. See if it's a possibility for treatment. I know, you know I'm a highway designer and we look for any possibility to use grassy soils and strips to take care of the, you know, the runoff that comes from the highway, which -- so you know, I encouraged us to look at that. Then I'll let you respond to that if you want to respond and tell you my third item.

SPEAKER: That is not something we've discussed and we'll certainly bring that up with our Department of Transportation.

COMMISSIONER KAMKAR: I understand, you know, it doesn't make sense to be in the middle of a lane. But I think with proper timing and with proper maintenance, you know, that can be done. And the third item is, I'm referring to a letter from Jeff Oberdorfer of the first housing. And he's referring to the same table, page 9. And I want to understand, if his concern, his two points were addressed. He is referring to narrower, I guess, parcels, you know, that with our setback requirement, the side setback requirements may not allow much functionality of the second floor. Was that addressed in your modification to the table?

SPEAKER: Well, let me first say that the zoning doesn't require any side setback. And side setbacks aren't particularly desirable in a neighborhood business district where you're seeking a continuous building frontage along the street.

COMMISSIONER KAMKAR: Perfect.

SPEAKER: I think this, Mr. Oberdorfer's comment is sometimes it may be desirable to have a setbacks because above the ground floor you're going to have openings and there may be building code issues that would encourage you to have setbacks or it would be easier to have setbacks. So I think our lessening the frontage requirement gives you a little more flexibility for a situation like that. But I don't think we want to give setbacks an exception, because we are not particularly encouraging setbacks here. We think that they may need to be accommodated sometimes. But that's not something that this zoning is trying to encourage. At the ground level, anyway.

COMMISSIONER KAMKAR: Right. But he's referring to the second floor, you know, and that's, you know, his number 1. The required side yard setback in addition to the upper rear setback required when there is residential adjacent makes a narrow parcel extremely difficult to develop any real usable upper residential floors. Imagine a parcel less than 150 I guess foot wide with existing or zoned residential on both sides, a 45 degree angle setback leaves minimal developable space.

SPEAKER: I understand. I was referring to the wrong issue. I think we -- this is referring to the step back from where you have adjacent residential outside of the form based zoning district, there may be single family uses or lower height multifamily uses. And so we've done a step back, so the building steps up from the property line to ensure that we don't have buildings that just overwhelm the existing. And Mr. Oberdorfer has -- is dealing with a property that may have a fairly long portion that is subject to that. And I think our response is that we probably need to look at that issue more closely on a case-by-case basis as we move forward to write the form based zoning to make sure that we're not requiring more of a setback or a step-back than we really need to make sure that we have compatibility. So that is something we'll be looking at further.

COMMISSIONER KAMKAR: Perfect. So this applies to very minimal cases, you know, only cases where you're abutting residential.

SPEAKER: It's only at the boundary where you're abutting existing residential, right.

COMMISSIONER KAMKAR: Thank you very much.

COMMISSIONER ZITO: Thank you, Commissioner Kamkar. Commissioner Do.

COMMISSIONER DO: Thank you, Mr. Chair. I've got three items. One, the first one is I just want to express my -- to voice my support for what Commissioner Campos said earlier regarding relaxing, further relaxing the parking requirement for projects along --

within this zone. Especially it being a planned transit route in all of that. And I think that -- I do understand the city not wanting to create street parking problems by underestimating parking requirements. But I think that we should be more aggressive in encouraging fewer cars and more pedestrian or other kinds of means of transportation. The second item is on the floor-to-floor height issue or on the total building height issue of 65 feet or 70 feet, depending on the case. My feeling is that I think that the city should allow more flexibility in -- even with the residential floors, to allow greater height at the developer's discretion. And I think that greater height has a number of benefits. One is, for example, daylighting. It's easier to bring through -- to take advantage of natural lighting for the units. I think for a marketability point of view it probably, you know, you think of like New York pre-war apartments and so on, so forthwith high ceiling and that type of thing. And I think that having a street facade that varies somewhat actually enlivens the streetscape, rather than -- I think that the having a very rigid rule of 65 feet will tend to having floor lines that match one another for a long distance, and I actually think that it's more interesting to allow some variation. Perhaps you can put a limit on -- perhaps you can govern by limiting the number of floors, and by limiting -- and by allowing floors to not exceed a certain height, but I think that by -- but I think that the current requirement to me is overly rigid. Is there any consideration for making something out of that creek, in terms of -- in terms of you know, in terms of -- I don't know much about the creek and all of that. But I'm wondering if there's some kind of thing maybe a small public plaza or something like that, that takes advantage of the fact that there is a waterway along -- along there. And I think as I drove along there, the sidewalk that crosses the bridge is very narrow, I think. And so something has to be done there to maintain this flow, or this pedestrian flow anyway. And so in that process, I wonder if there could be something that makes the creek a design feature along that entire street. Thank you.

SPEAKER: Thank you for those comments. In regard to the parking, I think we could definitely look to see what other opportunities there are for providing a reduced parking. We appreciate that comment. In regard to the height issue, it's my understanding that what is likely to limit height is the building code and construction type. The limits on wood construction over a podium, the extra -- the zoning code height restrictions deal with the very top of whatever you're putting on your building. So it would be the elevator shaft or the antenna or whatever is the very top thing as the height limit for the zoning code. The building code it's my understanding has more flexibility. It is generally the roof surface that's the height. So that five feet was intended to allow for the little bit of flexibility that the building code already gives you when you're doing that type of construction. But I think we should pursue that further to see if there's any additional flexibility that could be added in. We will definitely look at that issue. Understand your concern about not wanting to have everything exactly the same height. And in regard to the creek, the zoning doesn't currently address the creek directly. We agree that it's a really great amenity for that area, or at least it could be. I think that there has been some interest in acquiring land for a park along that creek. Of course the zoning can't show that as a park until the city owns it. So I think that's something that there's still hope for in the future and, if there's any opportunity to do anything in the design

guidelines that would assist the -- you know, the relationship to the creek, we can continue to work on that.

COMMISSIONER ZITO: Thank you, Commissioner Do. Seeing no other speaker lights, I've got a custom questions myself. How does this affect signage?

SPEAKER: The signage would be still controlled by the sign ordinance. And there are -- there is as you know currently a –

COMMISSIONER ZITO: Revision?

SPEAKER: -- update to the sign ordinance that's in place that would make a few changes to the neighborhood business districts and the development in this area would be subject to the same standards that apply to neighborhood business districts throughout the city.

COMMISSIONER ZITO: So there are none of these guidelines that would make a potential signage ordinance more difficult, or limiting or anything along those lines?

SPEAKER: No, I think actually that five-foot set back for the buildings probably facilitates projecting signs. Because there's really not a concern for them extending too far into the public right-of-way.

COMMISSIONER ZITO: How about awnings? What I'm thinking about is along with the comments that Commissioner Jensen wrote us about trees, what my thinking that you want to encourage walkability. Where you can't plant a tree, an awning would be the shelter from the sunlight, especially in the summer days. What I see most people talk about when we are outside in a square or in a mixed use or commercial area is, do they have any shelter from sunlight? It's really hot out here. I'd love to sit out here and talk with you but I'm turning into a French fry, along those lines. Have we talked about awnings or additional street trees or those kind of things? Good well, there are street trees along most of of the area now. Some of them may be moved with the BRT project but hopefully most of them be replanted. And we will be -- we think that the trees are a very important part of this street. Awnings are encouraged by the guidance. And we -- it's been our experience that when people build mixed use buildings of this type the developers like to put up awnings. So we suspect that they will be part of this streetscape and that they'll add both shade protection and visual interest to the street.

COMMISSIONER ZITO: So I would certainly encourage the use of awnings wherever possible. And not just over like enclosed eating areas. To help protect the pedestrian walkability. The other would be with Commissioner Campos's statement about balconies, if there are awnings encouraged, then the director's comments, you know, well intentioned, if there are awnings maybe that provides a little bit of protection from, I don't know, the New Orleans factor, if you will. So you know, there may be some creative ideas that can be encouraged there. I would say that the relaxed parking issue makes sense, but what I find again people speaking about would be, can there be a centrally located place to park and then walk the strip? It's always that kind of a scenario, is I've

got to get at least within close distance. If not taking BRT, or if I happen to be coming home from work, I'm not going to park my car and take BRT to the store. Somebody calls me up and say meet me at José's, and I'm driving. So I'd have no choice, really. If there's any kind of, again, coordination with the ability to provide sort of a park and walk scenario I think would be very useful. I think in general, with our mixed core downtown areas, I find once I get to downtown I don't want to drive. I find a convenient parking lot, I park my car, I walk the rest of the night. But I got to get there. So that's a real key element. And the speaker discussed a little bit about mixed use. So how is mixed use impacted?

SPEAKER: Currently, the general plan is commercial along most of the street.

COMMISSIONER ZITO: Right.

SPEAKER: And it's being proposed to be changed to transit corridor commercial to continue that pattern. But to make it very clear that mixed use is allowed. However, the -- in developing the design guidelines, we had many discussions about that issue and have tried to ensure that if a parcel isn't wide enough to have mixed use without compromising the commercial at the ground level, that the commercial takings precedence.

COMMISSIONER ZITO: Takes precedence.

SPEAKER: So we think these standards on this street can accommodate mixed use but it might not happen on every parcel and we think that's okay.

COMMISSIONER ZITO: And as we continue with the urbanization of the core and as the core grows, I guess it will, the mixed use will be an important aspect. If not within the next 20 years maybe further down the line. I know we're really kind of projecting out there but we're in the middle of a general plan update as well. So the -- there was one other aspect and it just, poof, out of my head. Love that senior moment. Help me envision, I'm reading this table and how it describes the amount of active commercial business frontage. What does that mean? In other words if I'm looking at it to me, what would be the difference between something that has, you know, 60 feet out of 100 ever active commercial frontage versus 80 feet out of a hundred active commercial frontage. Are we talking about windows that you can see, you know, whatever they're offering, or what is that mean?

SPEAKER: Yes, that is one of the things we're looking for. We're maybe by describing what we're not looking for, that may help.

COMMISSIONER ZITO: Okay, what's the 20%. Give me the other part of it.

SPEAKER: Really the best thing for retail is to have lots of glass.

COMMISSIONER ZITO: Right.

SPEAKER: And lots of clear glass. And active interesting things at the street level. And so we're hoping that we don't have a large portion of the parcel devoted to vehicle parking.

COMMISSIONER ZITO: I see.

SPEAKER: Entrances. We don't want to see large all of the utilities necessarily lined up along the front, so you have blank walls and cabinets for utilities. We know we're going to probably have elevator lobbies for mixed use on some of them.

COMMISSIONER ZITO: Exactly.

SPEAKER: But I think Tiera Incantata is a really good example of about what you would get if you applied the standards that we're are recommending. I think they're maybe six or seven feet under what we would expect as far as active commercial. But I think the one for Tiera Incantada that we would hope to see different next time, in Tiera Incantada, the laundry facility for the residential is along the street. And it is better than a blank wall, but it would be really ideal to have more retail along that frontage. So I think we're just -- these standards attempt to limited the kind of things that our blank wall, our automobile oriented, our residential, so that we have more of the frontage taken up with the types of commercial uses that will draw people from one parcel to the next down the street.

COMMISSIONER ZITO: Okay, good. There was a comment made, and I don't remember which letter, from somebody who wrote in, talked about second floor or additional floor multiple commercial uses. Like for instance additional businesses above the first floor. And I think having a lobby, and obviously, a fairly well designed way to get up to those other businesses, whether it be second floor or above, I think is going to be an important aspect. And so to remain flexible to allow that to happen. For instance, my last trip to New York we were visiting some of the businesses there and they'll have bookstores on the third and fourth floor of a multiple-story building. And the only way you'll know there -- if you know where the doorway is, you find a way and you walk up the stairs. But to be a little bit more, how can I say, inviting or obvious as to, okay, this is the entry-way to a higher level business or maybe professional office type staff, kind of thing, I any that would be also be useful. Make it inviting, make it visually enhanced. So -- and that might in the strictest sense take away from this active commercial frontage but I think it serves a good purpose.

SPEAKER: I don't think the guidelines as they stand now are real clear on that issue and we'll take a look at that. I appreciate that comment.

COMMISSIONER ZITO: Again, as we urbanize we're going to go up. And it was -- the oddest experience I had was bowling on the tenth floor of a building. Okay? Again, you go to Manhattan and a bowling alley, you see the sign that says bowling, and you're like, where is it? You end up taking an elevator up ten stories, and you are bowling on the

tenth floor. I'd hate to be the people living on the ninth floor, but they do it. It's interesting how creative they get -- I mean, where else you going to put it, right? Where do you put a bowling alley in the middle of Manhattan? So I don't say we're there tomorrow, or in five years, but that's probably where we're headed. Commissioner Do.

COMMISSIONER DO: Thank you, Mr. Chair. I just wonder, you know, for the Commission to have a good, more specific vision of what all of this means, is there a street or a neighborhood or are there streets or neighborhoods that this plan started from? I mean, used as a model to try to emulate, is there such a thing? I mean could you site, say, a certain neighborhood, certain city, that this is what we're trying to create, this type of environment?

SPEAKER: Perhaps the director can assist us with that one. I'm not really thinking. I know there are some neighborhoods in San Francisco where this type of development exists. I think there are some pieces of it in San José, along the Alameda, where we've done some mixed use projects. But I think it's not -- it's not a real unusual -- it does exist, and I think this will take some time. But we're hoping to get there.

JOE HORWEDEL: Yes, I think, as Carol said, we've done a little bit of practicing around San José and the Alameda. We've built a couple of developments that I think have taken some these concepts we've had now, they've been lived in for about ten years and so kind of seeing what's worked and what hasn't worked with that. We've spent a lot of time over the last probably two years or so of really thinking about this and testing it and working through the sketches. It's one that I think, in the Bay Area, we are really grappling with this next generation form of, in some ways going back 100 years, but of how we develop in these areas. And so this is in some ways a new leap out for us of what we think we want to be. We know we're not going to get it perfect but it's a -- we think it's 95% there. So we're pushing it out, and going to work with it a bit. And take an approach that if there is something we see that isn't working the way we thought, or the development community thought, you know, it isn't working the way we thought, we'll come back and kind of rework it in a timely manner. But it's one that we think it is taking us forward. It's taking some of the things we, you know, have seen on Lincoln Avenue how retail has worked on that street. It's taking how we deal with residential on the Alameda, and dealing with residential on some of the other streets where we've done mixed use in Japantown downtown, even Santana Row. Just places where we have been working with it for a while, and taking those best steps forward.

COMMISSIONER ZITO: Thank you, director. Thank you, Commissioner Do. Commissioner Cahan.

COMMISSIONER CAHAN: Thank you, Mr. Chair. There is an area in San Francisco called West Portal, which is what came to my mind when I was reviewing it. It has the bus in the middle of the road, it has the automobile lanes and it has the pedestrian and mostly commercial, some residential. And I'm wondering if perhaps there has been some evaluation of what has worked there, and what hasn't, to factor into what we're trying to do here.

JOE HORWEDEL: Well, I think there's two different things going on. One is the form based code, which is really dealing with from like face of curb or property line onto the private property, and then there's the bus rapid transit project which VTA is working on that the city has been involved in for a long time, and it's dealing with on street parking, no on street parking, travel lane widths and that type of thing. And as it relates to the bus rapid transit project, we have -- our transportation staff has been looking at how those have worked in other areas. And we actually have some experience even with our light rail in San José, where it runs down the middle of, say, First Street, and then we have travel lanes on each side, station in the middle. How does that work, how much room do we really need, what are the challenges with that. So from the form based code we're really not dealing with how the bus rapid transit piece would work or you know center of the road or side of the road. It's really how does the building orient to the street or relate to the street. How much active space or support uses are allowed to be out at the street? How much gets devoted for driveway cuts and those types of things. And then how the upper floors relate to the street and then the surrounding area. So that's really where we spend our time is making sure that we're -- that the things that are critical about making Alum Rock an active pedestrian street are built into the zoning so that it -- commercial isn't the afterthought, that commercial is the starting point. We've tried to make sure that's built in there but in a manner that doesn't become so stringent that you can't build anything. So that's been the balancing act. And tonight as you heard we've come back and said maybe we're a little bit too stringent on that. So that really has been the focus of the work that Carol has been doing is that piece of it. So I -- we haven't been up, say, to look at the West portal to see how that piece would work. This is a popular topic at the conferences. Reinventing suburbia and kind of however you want to phrase it. So it's something that there's been a lot of discussion about. I was up in San Francisco this morning with the Greenbelt Alliance that they had a big event talking about these types of how to grow the same issues that we're growing with our general plan update, in the Bay Area how we grow by 2 million more residents without having to pave everything. And so it's the same things that we're talking about tonight and the same pictures, the photo sims that we have here tonight are the kinds of things that they were talking about at the Greenbelt Alliance meeting this morning of Bay Area wide, those are the best practices out there that everybody else is kind of working their way through.

COMMISSIONER CAHAN: I know that West portal has been there for a while, so perhaps it doesn't have all the environmental aspects that we might be looking for. But maybe they have some of the storm water runoff out of the box ideas going on there. I'm not sure. But certainly, San Francisco has been, for a while, working on being a LEED environmental issues. And one of the things that just popped into my mind about West portal is that there are specific areas where pedestrians are supposed to cross the street, but they don't. They cross all over the place. And so I hope that we're taking into consideration that pedestrians want the shortest route from one location to another, and that we provide lots of safe access for them. Thank you.

COMMISSIONER ZITO: Thank you, Commissioner Cahan. Let the record show that the Commissioner Platten joined us about 7:30. Commissioner Campos.

COMMISSIONER CAMPOS: Thank you, Mr. Chair. So as we -- we move forward, and we start looking maybe five, ten years down the road, this brings up the other side of Alum Rock. In the staff report it did acknowledge that the business district does go all the way past the Alum Rock village. And so I think it would be wise to really use this as the model, to pull out for the Alum Rock village, perhaps the Alum Rock village isn't as intensified in terms of housing or mixed use. And more of the focus is on the retail or commercial aspect, very much like Lincoln Avenue. As you can see, there's that little portion that's probably been there for 60, 70 years, that you know, if you just put on a different set of glasses, you could see Lincoln Avenue there. It's all set up for that. So I would highly encourage the council to look, you know, far into the future, as that being a very good opportunity. Especially because there's a lot of large parcels, deep parcels across from the fire station, and James Lick high school. So I just wanted to make those comments. The other thing that I did want to emphasize, and it's with commissioner Thang had brought up, and that is being very conscious about, again I bring up this is going to be very ironclad. And so the final product that the council should be looking at is a -- you know is a version that does provide a little bit more flexibility well into the future, so that the property, you know -- the property owners, you know, they won't be stuck into doing something they don't really want to do. I guess that's the only way I can put it. So I don't believe there's a motion on this, because this is just forwarding recommendations on to the council, is that correct?

COMMISSIONER ZITO: So what we'll do is, there is no formal motion, there is no formal recommendation. But what we'll do is take a motion to essentially ask staff to forward on our comments to the city council.

COMMISSIONER CAMPOS: Okay so with that, I'd like to move that we ask staff to forward our comments on to city council, unless there's -- there's more comments. Thank you.

COMMISSIONER ZITO: I believe we have one more speaker light.

COMMISSIONER CAMPOS: Okay. Was there a second on that?

SPEAKER: Second.

COMMISSIONER ZITO: There is a second on that. Commissioner Do. Thank you, Commissioner Campos. Commissioner Do.

COMMISSIONER DO: Thank you, Mr. Chair. Just a brief comment. What the director just said about the Bay Area accommodating 2 million more people without paving more, I think the goal should be accommodating 2 million more people with less paving somehow. But the -- my question is that the -- this seems to be a difference between this area and areas like Lincoln Avenue, so on so forth, in one sense, the socioeconomic mix of the area. So is the underlying goal, or is -- is there an underlying element in this plan to somehow gentrify, that may not be the exactly correct word, but is that part of it, is to change the socioeconomic composition of this area and this neighborhood?

JOE HORWEDEL: That is not the goal. The goal, and I think it's a part of the neighborhoods out there, is that a really strong neighborhood, very diverse neighborhood. And we want to go through and make sure that the neighborhoods have a great retail neighborhood access to neighborhood retail. That today, that's really scattered, there's some pockets of strong retail on Alum Rock. But large stretches of it that are essentially underutilized or nonexistent. And so we want to make sure that we build a structure that helps encourage bringing retail into the neighborhood, and it's -- but not to go through and turn Alum Rock and the area around it into kind of a yuppie town. That it is its own character and its own feel, and that really needs to be the goal, is to go through and preserve that. But how to go through and do that in a manner that makes it more successful, and that's the challenges that we're going to be looking citywide, is not to go through and find the one solution that works the same across the 200 square miles of San José but really accentuates what makes each of our neighborhood great and, you know, makes them better, makes them more viable, more sustainable by filling in the missing pieces. And that's what we see here, this is kind of filling in some of the missing pieces for the neighborhood.

COMMISSIONER DO: Thank you.

SPEAKER: And just to add to that, I think the study -- the economic studies that the redevelopment agency has done for this area indicate that there's significant unmet retail need from the surrounding community. And so this neighborhood business district is -- has the potential to serve that surrounding neighborhood, and that's the intent.

COMMISSIONER ZITO: Thank you, Commissioner Do. I see no other lights but I will make one final comment. I see we're talking a lot about retail. And I'm just wondering, are we envisioning the expansion to accommodate, you know, professional uses as well, you know, office type? And I realize that retail generates the sales tax revenue that we really need. I don't want to minimize that, but at this point services aren't taxed so you don't have that benefit from services. But providing tax accountants and consultants, that sort of thing, office consultants, pain even health care walk in services, is that envisioned as well?

SPEAKER: There's no proposal in the zoning to limit those uses at all on the ground floor. There is currently a parking break in the zoning code for neighborhood business districts. It's not available for office development. So that would make it easier for ground floor buildings to be parked for retail than for office. But there is no proposal to limit the use at this point.

COMMISSIONER ZITO: I've still got my mindset on multiple story business uses. So second and third floor especially for those kinds of professional uses I think are even more attractive.

SPEAKER: Absolutely.

COMMISSIONER ZITO: Okay. Any further comments from the Commission? So there's a motion on the floor to ask staff to forward on our comments. I know there's been some diligent notes taken over the course of the last 45 minutes or so. No additional comments? Seeing none, vote by light. The motion passes unanimously. With Commissioner Jensen absent. Okay. That closes public hearing for now. And we're on to petitions and communications. Public comments. To the Planning Commission on nonagendized items. Are there any cards, director? No cards. So I won't bother boring us with the details on that one. Referrals from city council, boards commissions or other agencies.

JOE HORWEDEL: This would be for the general plan update so no.

COMMISSIONER ZITO: Okay, general good and welfare. Item 6, report from city council. Maybe some items to report before them.

JOE HORWEDEL: Just under general for good and welfare, wanted to give the Planning Commission an update on the North San José development policy. And we are scheduled to come to the city council next week to talk about several issues. Originally we were going to talk about a broader range but we are holding off on discussion about some of those. So what we are scheduled to come to council to talk about next week are inclusionary housing, traffic fees for regional retail and hotels, and permit extensions. Because of the downturn, you remember that we did bring an ordinance before the Planning Commission which the council approved several weeks ago regarding extending development permits in North San José. The first batch of those permits are facing expiration the end of this month, so we are asking the council to amend the policy to allow us to extend those permits based on how the projects have proceeded. And I also related to North San José, we do have a community meeting or task force meeting tomorrow night here in City Hall for the North San José task force where we will be walking through what's on the council agenda, next week's agenda, as well as some items that we'll bring back in probably August, that's related to regional retail and hotel development in North San José.

COMMISSIONER ZITO: Okay, great. Commissioners' reports from committees. Norman Y. Mineta San José international airport. Commissioner Campos, anything?

COMMISSIONER CAMPOS: Thank you, Mr. Chair. We probably won't meet until September.

COMMISSIONER ZITO: Okay. Commissioner Kamkar. Envision San Jose 2040.

COMMISSIONER KAMKAR: No meeting. Our next meeting is scheduled for later on this month.

JOE HORWEDEL: I do have the draft agenda that I can give and read ahead on.

COMMISSIONER KAMKAR: Okay, perfect.

JOE HORWEDEL: Our next meeting for the task force is Monday night, on June 22nd, here at committee room, 6:30 to 9:00. I invite the public to come attend. On the agenda we are tentatively scheduled to talk about the roadway network in the city of San José. Some of the discussion we were having tonight about the role of autos versus other forms of transportation, one of the concepts we've been talking about at the task force are the concept of complete streets. So streets that are not -- don't exist just to move cars, but they're also for pedestrians, bicyclists, transit, to be able to move equally through roadway network. We are looking at what are some of the network changes that need to happen based on the four different scenarios that we are currently studying for general plan. Those scenarios, I think we have shared with the Planning Commission that have a high housing growth, a high job growth scenario and then there is two that are kind of more middle of the road levels of development. We are on the council agenda for next Tuesday night, to actually have the council deliberate ton geography of those four scenarios. And so at the task force on the 22nd we're going to talk about the roadway network that would go along with those four scenarios. We'll be taking public comment on that information. We are also going to be working through the phase 2 process for the general plan update now that we have the task force has agreed on the four scenarios, they've agreed on the geography, they will have talked about the roadway network. Is now we are getting into the policy development phase so we want to walk through with the task force what we think that's scheduled to look like. And then lastly on the agenda for the 22nd, is the discussion about the role of vibrant arts and culture in the general plan. It is something that the task force and the community have talked about, about how do the arts fit into the physical realm of the city. So we want to go through and talk with the task force, there's a presentation that they will receive from city staff involved with the arts, of how we see arts fitting in with the City's long range plan. The last piece, I will put a plug in for, the council's discussion next week. There are three major land use questions that are tied into that, that the task force talked about at their last meeting, and those are Mid Coyote Valley, Evergreen industrial, and South Almaden urban reserve, and whether those should be included within the planning horizon for residential development. And staff had recommended that under the four scenarios that those three areas not be included for planning for housing in those areas. We did not -- our staff's analysis we did not see the need for those areas to be opened up for development, to accommodate either housing or job growth. And so we did not recommend those be included. The task force concurred with that recommendation, so the council will be having that discussion next week, also.

COMMISSIONER ZITO: Thank you, director. Anything further to add? Just as a reminder to the commission, there are -- there's one official representation or representative to 2040, that's Commissioner Kamkar but also Commissioner Jensen and myself sit on that task force. So if anybody has any issues that they'd like us to pass on or to consider to bring forward, I'd be happy to do so. Item C, review of the May 27th synopsis. Commissioner Cahan.

COMMISSIONER CAHAN: Thank you, Mr. Chair. There is one correction that I have to -- it's 3, public hearing, under B, C, which is PDC 08-035. And it has that I opposed it. But it wasn't me.

COMMISSIONER ZITO: Wasn't me. Okay, so we'll ask staff to review that and update that as necessary.

COMMISSIONER CAHAN: I think it was Commissioner Kamkar.

COMMISSIONER ZITO: Okay, so Kamkar concurs.

COMMISSIONER CAHAN: I opposed a lot that evening, but that wasn't one of them.

COMMISSIONER ZITO: Just if staff could verify that it was Commissioner Kamkar instead of Commissioner Cahan, I'd appreciate that.

SPEAKER: We'll take care of that.

COMMISSIONER ZITO: Any further questions, comments or concerns? Move to accept the synopsis as approved. I mean as submitted, with the one change. There's a second. All in favor? Any opposed? Seeing none, okay, thank you. Okay, D, consider study session dates and/or topics. There's a potential topic for the -- well, that's May 27th, I think is gone. So I think that doesn't apply anymore. Any other potential dates or topics from the Commission or staff? Seeing none, subcommittee reports on outstanding business formation of a subcommittee on environmental issues. Commissioner Cahan.

COMMISSIONER CAHAN: Thank you, Mr. Chair. At the meeting that we had about the green principles and environment, there were lots of issues that the commissioners had that -- lots of questions and concerns. And the environment proves to be an ever-increasing problem that we need to address. And I think that it's prudent that the Commission be informed on all of the legal updates, on all of the different components that we can possibly know about, so that when we make our decisions, we are making the best for our city and the environment, in combination. I was reading the Pacific McGeorge Law School puts out a little brochure about their updates. And one of the things for the latest one is about the water issues. And in it, it discusses the fact that water is, of course, not only an issue for California, but for the entire world. And that California faces an issue where statewide, we desperate need to address it. However, it's going to take a long time for us to be able to address the issue statewide. For instance, Governor Schwarzenegger have a delta vision that they claim in here if he had -- if that had already been met, then our current issues with drought would not be as substantial as they are. But, because the State takes a long time to address things, it hasn't been met yet. And so, on the local level, we really need to work to address the water issues that we can, every single local level of the state. And so we need to do our best here, on water and other issues. And I think that as a commission, it's prudent that we have an environmental standing committee so that we can be informed and address these issues.

COMMISSIONER ZITO: Amazing idea to have a standing committee on environmental issues. Would you envision, Commissioner Cahan, that the Commission would work with staff before an application comes to the Commission, to review those kinds of

environmental impact issues? Is that what you're -- I'm just thinking out loud, hearing your thoughts.

COMMISSIONER CAHAN: I think that's a great idea. And I also envision that the members of the committee would perhaps meet with people from the community who are experts in certain areas to get a better understanding of the issues, and how we, as a commission, can help move improvement on environmental issues. And perhaps any policy recommendations that we, as a commission, could make to the city council.

COMMISSIONER ZITO: Counsel.

SPEAKER: Thank you, Mr. Chair. I was just going to note for the Commission, that Commissioner Cahan noted it at the end, that as you know, the Planning Commission is not a legislative body, and so to the extent that the city council would adopt ordinances, that the Commission would then apply, those definitely would come through the Commission for the Commission's recommendation, if they pertain to land use issues. So any time the city council does adopt a new ordinance that we feel is going to touch upon the analyses, that this commission needs -- needs to undertake, we do do a study session with the Commission, so that the Commission is made aware of what the provisions are, and we walk the Commission through how to apply that legislation. Similarly, I know that the Commission periodically receives CEQA training, since that is the major body of law at this point in time that the Commission needs to have some familiarity with and be able to apply as well as the General Plan and the zoning code. So I was just going to note that nuance, that typically the Commission doesn't promulgate legislation.

COMMISSIONER ZITO: Right.

SPEAKER: But sounds like Commissioner Cahan is saying that to the extent that the Commission becomes aware of issues that they would like the city council to undertake study of, that that is something that the Commission can recommend. I know in the past the commission has recommended it, such as secondary units.

COMMISSIONER ZITO: Right.

SPEAKER: The Commission, because the Commission was seeing various topics come before it and realize that it didn't have strong guidance –

COMMISSIONER ZITO: Guidelines, yes.

SPEAKER: For example, I think it was this commission that recommended that the city council undertake an analysis of public convenience and necessity in order to provide the Commission with greater direction. So I know in the past the Commission has identified analyses that they are attempting to undertake and feel that it would be beneficial if the city council were to enact greater guidelines. So that has occurred.

JOE HORWEDEL: The one thing I would add on that, and I think Reneé captured it pretty well, that where there's been a void in policy, that the Commission in the past has identified that as a -- something to pursue, and then to take on to the council, to say, you know, should this be studied or should we have some different regulatory structure. The one kind of piece, the reality piece that I do want to put in and not try to be a blanket about it is the level of General Fund staffing or resources that we've had in the past to do that sort of stuff is pretty much nonexistent anymore. Carol that was here today is our General Funded staff person who is available to do things like this, has been working on the Alum Rock form code and is right now doing the citywide sign code update. And that is all I have her available to do. I have a list of 40 ordinances that are queued up behind those two projects to move forward. So it is something that I think, if the Commission is interested in pursuing certain issues, I think that's something that is, you know, possible to do. But recognize that staff is not going to be really available to go through and do research and kind of run meetings and those types of things, that it is going to be something that is pretty much a self-service type subcommittee on it.

COMMISSIONER ZITO: Okay, thank you, Director. Just to follow up on that, yes, I was wondering when you were going to bring up the point of staffing capabilities -- not capabilities, but availabilities. Very capable, availabilities. Excuse me, I stand corrected. And what I also envisioned, though, is again, what I see a lot of the subcommittees have done is to give form and substance around items that were otherwise not consistently dealt with because there were no guidelines. You know, it wasn't really planned before. So to the extent that they could work with staff informally, to say, okay, we would like to know more about the water impacts of this project, or you know, whatever, environmental impact it is of this project and how to specify those kinds of feedback in the staff reports, and again, just to work with them informally, but let me ask Commissioner Cahan, are you volunteering to take an active step forward on this?

COMMISSIONER CAHAN: Absolutely.

COMMISSIONER ZITO: Okay, let me ask you if you would, then, to poll your fellow commissioners, see what you can pull together, cobble together as an informal group and maybe the structure of the subcommittee that you'd like to put together. And then we can bring it before the Commission and formalize it.

COMMISSIONER CAHAN: I would need clarification on the process that I would be allowed to follow for that.

SPEAKER: Well, it's a little amorphous at this point. So it's hard for me to give guidance. So once you have an idea that you think, some sort of a subcommittee would be useful to the Commission and benefit the Commission in undertaking analyses of the items that come before the Commission, I think once there's a proposal, I could probably, you know, provide guidance on the appropriate way to create that.

JOE HORWEDEL: So part of -- maybe the starting point I think where Commissioner Cahan is trying to go to is, what kind of communications can she have outside a noticed

Brown Act meeting with her peers of their interest in a given topic and their availability to go and meet and talk about it. My assumption is that as long as it's three or fewer to getting together to talk about things, it is not a Brown Act meeting.

SPEAKER: It would need to be three or fewer. But it certainly could be a discussion topic. There is nothing that would prevent this item from being on an agenda, discussion of, you know, appropriate subcommittee assistance on environmental issues. And you could have either a -- I guess it wouldn't have to be under the public hearings, but you could agendize it so that the full Commission could participate and chime in on the scope of what the Commission feels would be beneficial to it as it performance its tasks.

COMMISSIONER CAHAN: I know that every single commissioner has very strong opinions. And –

COMMISSIONER ZITO: Really?

COMMISSIONER CAHAN: -- and the environmental issues have come up with pretty much everyone I can remember making comments. And so it seems as though we would need to have the ability for all of us to have some discussions around the issues, and how we think that we, as a commission, could make improvements, recommendations, or general informative sessions.

SPEAKER: And to the extent you want full Commission participation on how the Commission conducts its business and how the Commission could enhance its competency or expertise in how it fulfills its functions, that is Commission business and should be agendized. And either take place in a study session, and then you know, have it -- if you want to banter about ideas, you can have a study session without an action item and then later that evening have an action item. But again, the thing you need to be careful about is that the public hearing occurs at the public hearing. And so the study session really would be just that, background on various ways that -- various topics that you might consider. But then the public hearing item would need to be the public hearing item and take place in this venue.

COMMISSIONER ZITO: And seeing as I've sat on a few subcommittees, coy take this offline with you and discuss kind of how we did things, like with the parks funding subcommittee and so on, to get some of the general stuff down and how to bring that forward. I can work with you a little bit on that.

JOE HORWEDEL: We can leave this item on the agenda, so at least there's a place holder for this conversation to happen between all the commissioners on the environmental issues, topics. That way as there's things that are coming up there's at least a noticed, you know, it's on the agenda.

COMMISSIONER CAHAN: Thank you.

COMMISSIONER ZITO: Commissioner Do.

COMMISSIONER DO: Thank you, Mr. Chair. Somewhat related to this issue, I'm wondering if the director and staff would consider adding a section to the staff report that deals with sustainable issues. So for example, if there's a project that's under consideration, that there's a section that could be very brief, could be a paragraph that focuses on the sustainable elements of the project, how the project responds to environmental issues, specifically to sustainable issues, so on so fort, I mean, there are legal and code and so on so forth requirements already But I'm not sure we need to reiterate that but –

JOE HORWEDEL: Actually, it's a really good suggestion. That's why we have and in our staff reports the public outreach section. Previously it was kind of scattered through staff reports and after we adopted policy 630 on public outreach we followed that up about a year or so later with putting a very specific section in the staff report so that we'd go in detail and talk about community meetings and noticing and so that we recognize that that was important, and it was in a single spot so we always made sure that we covered it. Now that we do have the green building policy that is effective, the ordinance that's starting to -- that's coming to council on the 23rd, that should be effective later this fall, we are spinning up to speed on sustainability in a kind of coherent manner, as opposed to kind of a sporadic project by project manner. So we are working through some logistics about that right now, just so we're able to track sustainability of a project through the life of it, its life cycle. So that is actually a really good reminder for us just to think about putting together a report for us to add that section. As I call it, the shining a bright light that having to go through and call it out in the staff report, just calls attention to it. And it's the same reason that we're trying to do more with PD zonings, that we actually call out why we're doing a PD zoning. What is the, quote, variance that is being asked, and why they can't do it normally. It makes people more conscious about why we're doing things or not doing things. So that's a great suggestion, we'll figure out how to get it implemented here quickly.

COMMISSIONER ZITO: It helps frame how you would then frame our conversations and base our judgment. So counsel.

SPEAKER: I was just -- to layer on top of that, that really, the commission reports and staff reports, or the commission reports prepared by staff, really do need to focus on how the various elements either comport with the law or don't. So comport with the general plan, comport with the zoning code. So to the extent we're now going to have a green building ordinance in place, it's important for staff to discuss how it comports with the green building ordinance. The concern I have is if we start having layers or sections in the staff reports that are not geared towards how a project comports or doesn't comport with existing city laws on the books, because and the concern is that it then to the extent we focus on that and try to start adding conditions or regulating that when really, there's no nexus or legislation to guide us. I was just going to say that we need to be careful about adding these sections that are opinions but not geared towards how is the project complying with city law.

COMMISSIONER ZITO: Okay, thank you. Okay, moving on. Item E, 2, offsale of alcohol process, full service grocery stores. Anything further on that?

COMMISSIONER CAMPOS: No. Staff hasn't been able to meet yet. So as soon as they do that, I guess we will convene, be briefed and participate.

JOE HORWEDEL: That is one of the 40 ordinances that we have been off working on. We have moved that up to the top of the pile, one is that it's frustrating for you all, it's frustrating for applicants and it's frustrating for staff. So we're going to, now that we've gotten a couple others out of the way, as we get a moment we're going to tuck that one in.

COMMISSIONER ZITO: Okay, great, and then on Planning Commission deferral protocol.

JOE HORWEDEL: I have some notes from Laurel that I think went to several of the commissioners regarding that issue. I'm trying to pull up, since I can't get my city e-mail to work, I have no pull-up AOL here, where the heck that went? That we were able, on the 24th meeting, if the commission so desired, to come back with, actually I'm -- Jim, I think you got this e-mail, also. If you had recollection, because I've been kind of tangential on this whole issue.

COMMISSIONER ZITO: It was sent on the 9th, which was yesterday. I didn't have an opportunity to review it. But -- so we will review this, give feedback and then I do suggest that we agendize this for the 24th. What Laurel says, depending on the discussion at that time Commission if the Commission so desired we could prepare a staff report for formal acceptance at the 24th meeting. That it's one that you know, if the Commission wished to push beyond that, that's one that, you know, staff is not driving that schedule. So it's really from the Commission standpoint of what schedule you'd like to be running on.

SPEAKER: In very tight nutshell, the recommendation's basically whoever is going to defer it say why and to what date. I think that's –

COMMISSIONER ZITO: What's the criteria for deferral and when, right?

SPEAKER: Right, incomplete environmental review, incomplete plans, errors in process, additional analysis or research. So ask for the deferral, say who's requesting it, say to what date, and say why.

COMMISSIONER ZITO: And I didn't reviewing this like I said. One of the questions I would ask you, is this same criteria going to be applied to all -- all people who suggest whether it be staff who suggest a deferral, the applicant who suggests deferral or the commission? I would think so.

JOE HORWEDEL: I think it applies to all. So it is one from staff standpoint where we've had applicants ask for deferrals, we've asked them to explain why they would like

to defer. If staff's asking for a deferral, we want to make sure that the public understands why it's being deferred and the applicant and the Commission.

COMMISSIONER ZITO: I think that makes sense.

SPEAKER: And the staff did not draft it as you know, a noose or a hard and fast rule. So it was drafted as guidelines. Things that should occur, with best practices. Bit wasn't drafted as you know, you must do this in every single instance.

COMMISSIONER ZITO: It's not going to be included in the guidelines but it will be considered a recommendation and protocol.

SPEAKER: Protocol.

COMMISSIONER ZITO: If it ever becomes a point of being integrated to the guidelines it would be an update to the guidelines. Any other comments, questions, concerns? Seeing none –

JOE HORWEDEL: Would you like it to come back for the 24th?

COMMISSIONER ZITO: Yes, please.

JOE HORWEDEL: Okay.

COMMISSIONER ZITO: I hear a motion to adjourn? And a second? All in favor? [ayes]

COMMISSIONER ZITO: None opposed. We are adjourned.