



Planning & Transportation Commission

Action Agenda: March 8, 2023

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:02 pm

Ms. Veronica Dao, Administrative Assistant, conducted the roll call and announced all Commissioners were present with the exception of Commissioner Roohparvar who was absent. She read aloud the protocols and procedures for hybrid meetings.

Oral Communications

The public may speak to any item not on the agenda. Three (3) minutes per speaker.^{1,2}

Chair Summa invited members of the public to share their comments on items not on the Agenda.

Ms. Veronica Dao, Administrative Assistant, announced there were no public speakers for oral communications.

Agenda Changes, Additions and Deletions

The Chair or Commission majority may modify the agenda order to improve meeting management.

Chair Summa asked if there were any Agenda changes, additions or deletions.

[note – video cut off and resumed at City official reports]

City Official Reports

1. Directors Report, Meeting Schedule and Assignments

Amy French, Chief Planning Official, announced the two liaisons for the City Council for March were Commissioner Hechtman and Chair Summa. Upcoming items that may be of interest to the Commission were two study sessions to be held on Monday, March 13, 2023. One was about economic development and a pre-screening for a rezoning the Planning and Transportation Commission (PTC) would consider in the near future.

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1 Rael Rius, Senior Transportation Engineer, announced Palo Alto Link, the City's On Demand
2 Shuttle Service was up and running. The shuttle was free for folks to use through April 1, 2023,
3 and he encouraged folks to use it. With respect to the intersection at Middlefield and Lincoln,
4 he reported that Staff received a report from the transportation consultant and was currently
5 reviewing it. After Staff's consideration, Staff planned to hold a community meeting and then
6 return to the PTC for consideration.

7 Vice-Chair Chang asked when the report would be made available to the public and when it
8 would return to the PTC.

9 Mr. Rius answered the community was likely to happen in April 2023.

10 Vice-Chair Chang acknowledged the community's unease and concerns and recommended that
11 the report be released sooner rather than later.

12 Commissioner Templeton agreed with Vice-Chair Chang's comments. She asked what plan did
13 the City have for the pending re-pavement of El Camino Real scheduled by Caltrans.

14 Mr. Rius concurred that Caltrans would be repaving El Camino Real and noted that the City's
15 Utilities Department would also be doing work along the roadway during that time. With
16 respect to safety improvements, Staff had suggested improvements but he noted the project
17 was not considered an improvement project.

18 Commissioner Templeton commented that several neighboring cities were working with
19 Caltrans on plans to improve safety in their jurisdiction. She emphasized the City should be
20 discussing safety improvements for Palo Alto and requested that a study session be agendized
21 to discuss it further.

22 Mr. Rius shared Caltrans had other projects that were specifically for safety and he suggested
23 those be discussed during that study session as well.

24 Commissioner Templeton strongly supported that recommendation.

25 **Action Items**

26 Public Comment is Permitted. Applicants/Appellant Teams: Fifteen (15) minutes, plus three (3) minutes rebuttal.
27 All others: Five (5) minutes per speaker.^{1,3}

28 2. PUBLIC HEARING/LEGISLATIVE: Recommend an Amendment to Palo Alto Municipal
29 Code Chapters 18.10 and 18.12, Sections 18.10.090(a) and 18.12.090(a) Related to
30 Basements Under Accessory and Junior Accessory Dwelling Units and Amendments
31 to Chapter 18.09 in a Continued Hearing on Chapter 18.09 Changes. Environmental
32 Assessment: Exempt from the provisions of the California Environmental Quality Act

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1 (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines
2 sections 15061(b)(3), 15301, 15302, and 15305

3 Mr. Garrett Sauls, Planner, reported the item was a continuation of the item that was discussed
4 on February 22, 2023, where the Commission discussed Items A through E. The remaining
5 items, F, G, and I required PTC's consideration and action. As an overview, he shared the PTC
6 discussed the ordinance in 2022 and recommended adoption of the State Law and local
7 changes to the City's Code. The City Council held a meeting on December 2022 and approved
8 the State changes with the plan that Staff would return with the local changes in
9 January/February of 2023. The City received a second response from the California Department
10 of Housing and Community Development (HCD) on December 21, 2022. Staff returned to PTC
11 with HCD's recommended changes and more Code changes for PTC's consideration. Staff would
12 bring the changes to Council in April/May of 2023 with PTC's recommendation and
13 consideration of adoption. He explained Item F pertained to the conversion/relocation of
14 uncovered parking space, Item G pertained to privacy measures for Junior Accessory Dwelling
15 Units (JADU), and Item I pertained to basements under JADUs that served the primary unit.
16 With respect to Items F and G, the proposals were intended to provide additional flexibility for
17 homeowners and applicants as well as items that may be beneficial for Table 2 units with
18 respect to privacy. With respect to Item I, the City's current provision was to limit the primary
19 home size by underlying Floor Area Ratio (FAR) or Lot Coverage (LC) limits which allowed the
20 first floor to be a maximum of 6,000-square feet. Basements were allowed to match the first
21 floor's footprint, but the definition of "footprint" in the Code did not distinguish between the
22 primary home and the attached Accessory Dwelling Unit (ADU) or JADU. This lack of clarity
23 could result in a basement larger than the primary home's footprint which was not permitted
24 under normal circumstances. Staff recommendation was to adopt the Draft Ordinance and/or
25 provide any comments for suggested changes to the City Council.

26 Chair Summa invited clarifying questions from the Commission; seeing none she opened public
27 comment.

28 Ms. Liz Gardner wanted to know the difference between the design in comparison to a house
29 addition or conversion of a garage. She requested Staff provide an update on the number of
30 applications for permitted ADUs and encouraged the PTC to discuss financing that may be
31 available to folks who planned to rent out their units to low-income residents.

32 Chair Summa brought the item back to the Commission for discussion and suggested the
33 Commission begin with Item F.

34 Vice-Chair Chang announced her support for Staff's recommendation for Item F.

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1 Commissioner Hechtman expressed his appreciation to Staff for distinguishing what items in
2 the ordinance were related to Items F, G, and I and what had already been covered. He
3 supported the language as proposed for Item F.

4 Commissioner Reckdahl supported removing the two-step process.

5 Chair Summa echoed Commissioner Reckdahl's comment.

6 MOTION #1

7 Vice-Chair Chang moved Staff's recommendation for Item F, the conversion/relocation of
8 uncovered parking stalls to remove the two-step process.

9 SECOND

10 Commissioner Templeton seconded.

11 VOTE

12 Ms. Veronica Dao, Administrative Assistant conducted the roll call vote and announced the
13 motion carried 5-0.

14 MOTION PASSED 5(Chang, Hechtman, Reckdahl, Summa, Templeton) -0- 1(Roohparvar absent)

15 Chair Summa invited comments on Item G regarding privacy measures for ADUs and JADUs.

16 Vice-Chair Chang referenced the photograph on Packet Page 9 and asked how many feet away
17 the photograph was taken from the fence.

18 Mr. Sauls recalled it was 4-feet from the fence.

19 Vice-Chair Chang referenced Items B and D in the ordinance on Packet Pages 19 and 20 and
20 asked how they interacted with each other. She believed the intention was to not allow egress
21 windows to face adjacent properties and if they did then they had to have obscured glazing.

22 Mr. Sauls agreed the language should say either one or the other to provide clarity. As it related
23 to Item D, the intention was to have windows not face the corners the ADU or JADU was tucked
24 into rather than property lines that were opposite the unit.

25 Vice-Chair Chang suggested that Staff clean up the language for those two items. With respect
26 to Item E on Packet Page 20 and asked for Staff to explain what an adjacent interior property
27 line was.

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1 Mr. Sauls restated that egress windows would not be allowed to face the corner property lines
2 if the ADU or JADU was placed in the corner of a lot. The word “interior” meant property lines
3 that did not face the street.

4 Vice-Chair Chang referenced Item H on Packet Page 20 and asked if the proposal was consistent
5 with what was already required for single-family homes.

6 Mr. Sauls confirmed that language was in Chapters 18.10 and 18.12 as it related to lighting
7 standards for single-family homes.

8 Commissioner Hechtman inquired what the difference was between egress and non-egress
9 windows. Also, if an egress window was a window that opened.

10 Mr. Saul confirmed egress windows are operable windows and is large enough for someone to
11 be able to go through them.

12 Commissioner Hechtman asked if the egress windows could be 5-feet above the finished floor
13 level or were they required to be lower.

14 Mr. Sauls explained that in terms of an emergency escape, the bottom of the window could not
15 exceed 15-feet from the ground.

16 Commissioner Hechtman clarified that a bottom window sill 5-feet from the finished floor
17 would be very difficult for someone to climb up into. With that said, he asked if there are
18 requirements that egress windows must be a certain height from the finished floor.

19 Mr. Saul believed it was 2- to 3-feet from the finished floor and Staff’s intention was not have
20 the bottom sills of egress windows begin at 5-feet above the finished floor.

21 Commissioner Hechtman stated it was important to use consistent terms and observed for the
22 privacy section Staff referred to the adjacent interior property line by many different names. He
23 encouraged Staff to use only one term to provide clarity and consistency in the ordinance. He
24 asked if a rear property line was considered an interior property line.

25 Mr. Sauls agreed that one term should be used throughout the ordinance and in past practice
26 Staff considered the rear property line as the interior yards.

27 Ms. Amy French, Chief Planning Official, noted that some rear property lines may be a through
28 lot, and a rear property line that was considered an interior property line must abut another
29 property.

30 Commissioner Hechtman believed “adjacent interior property line” may be the best term to
31 use.

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1 Commissioner Reckdahl understood if a rear property line did not abut another property then
2 there were no constraints with respect to windows.

3 Mr. Sauls confirmed that was correct.

4 Commissioner Reckdahl referenced Packet Page 20, Item E, and found the provision to be too
5 restrictive. He commented if the window was frosted it would not matter if the window faced
6 an adjacent property line.

7 Mr. Sauls explained that the window would not be frosted given that they are located on the
8 ground floor. The City did not typically apply privacy measures on ground-floor windows.

9 Commissioner Reckdahl asked could a person place a large frosted window on the ground floor
10 facing a neighboring residence.

11 Mr. Sauls answered yes and it would not be required to be frosted for a single-family home. For
12 ADUs, the City encouraged windows to be facing away from neighbors instead of requiring
13 them to be frosted.

14 Commissioner Reckdahl asked why the City was pursuing such a requirement.

15 Mr. Sauls explained the City is interested in having windows facing neighbors beginning at 5-
16 feet from the finished floor.

17 Commissioner Reckdahl referenced Item F on Packet Page 20 and understood “window sill”
18 meant the bottom of the window.

19 Mr. Sauls confirmed that was correct.

20 Commissioner Reckdahl suggested that be changed to “lower window sill” and confessed he did
21 not understand what “window sill” meant.

22 Mr. Sauls explained it was communicated as the bottom window sill but that could be made
23 more clear in the ordinance.

24 Commissioner Templeton agreed with Commissioner Reckdahl and Commissioner Hechtman’s
25 comments. She remarked that was a lot of ambiguity and unintended consequences with the
26 proposed language. She believed that the privacy section was not ready to be recommended
27 for adoption. The intention was to encourage more ADUs/JADUs to be built and she believed
28 the that process would be stalled if the language was not clearer. She asked if Staff wanted the
29 Commission to identify the areas that had ambiguous language or would Staff like to return
30 with a revised ordinance.

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1 Mr. Sauls answered that PTC could provide clearer language or recommend not to include the
2 provisions. He noted some of the items in the ordinance were in response to comments that
3 were raised by the public.

4 Commissioner Templeton was concerned about forbidding windows on certain walls and not
5 being clear about what windows should be obscured or not. With respect to Item G under
6 privacy she wanted to know if it was necessary to clarify a skylight that faced a neighbor
7 because skylights were tilted. She re-asked what Staff had intended the PTC to do with the
8 language.

9 Mr. Albert Yang, City Attorney, suggested the PTC identify the areas with ambiguities and Staff
10 could revise them before the item is taken to City Council. He noted that the term “adjacent”
11 was not clear and Staff would be reconsidering that before the item moved to Council.

12 Vice-Chair Chang appreciated Staff being responsive to comments and concerns raised by the
13 public. In general, she supported the privacy provisions with the clarifications that had been
14 raised so far. In the prior meeting, Commissioner Templeton expressed she did not support
15 creating different rules for ADUs/JADUs and she broadly agreed with that. The only exception
16 was she believed there should be privacy provisions for ADUs when they are located close to a
17 property line. She referenced Packet Page 9, the second to the last paragraph, and suggested
18 that the City consider privacy provisions for one-story single-family homes that had a tall first-
19 floor level. She recommended that privacy regulations apply only to ADUs when they are
20 located closer to adjacent properties than was currently allowed. She did not support having
21 different rules for ADUs that were 6-feet from the property line and believed the rules for a
22 single-family home should be applied in that instance.

23 Commissioner Hechtman agreed that there needed to be some wordsmithing for the privacy
24 section. He suggested the PTC consider the proposal at a conceptual level and provide
25 comments to Staff based on the proposed concepts. The question before the Commission was
26 is there a difference between an ADU that was 4-feet from a property line and a single-family
27 home that was 6-feet from a property line? Also, if there was a difference, should new privacy
28 requirements be made that applied to the ADUs? He noted that the privacy provisions would
29 only apply to half of the ADUs because the City was not allowed to apply provisions to State
30 Law compliant ADUs. While he partially supported not having additional privacy regulations for
31 ADUs, he commented that having the provisions would reduce neighbors’ angst. Concerning
32 the proposed privacy section, he noted there were three window concepts. The first was egress
33 windows and even if they were fully opaque, the windows must be able to open for
34 emergencies and thus defeated the purpose of the glazing for privacy. He announced his
35 support for the proposal that egress windows that opened not face adjacent interior property
36 lines. The second was non-egress windows that are operable and the third was non-egress
37 windows that are not operable. For non-operable non-egress windows, he recommended the

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1 window be allowed to be placed anywhere in the unit on the first floor with the exception that
2 any portion of the window below 5-feet be opaque. With respect to non-egress operable
3 windows that faced an adjacent interior property line, he recommended the window's bottom
4 sill be a minimum height of 5-feet above the finished floor level. He commented he did not
5 have a strong opinion on Staff's suggestion of 3-feet for ADUs that had an elevated first floor.
6 He believed the three concepts he suggested eliminated the need for an additional provision
7 for ADUs that had an elevated first floor.

8 Commissioner Templeton referenced the photos on Packet Page 9 and asked if the photos are
9 real.

10 Mr. Sauls confirmed they are real photos.

11 Commissioner Templeton asked how it could be the same house but with different heights.

12 Mr. Sauls noted they were the same house but Staff manipulated the photo device to simulate
13 what the different heights would look like. He restated the distance from the fence was the
14 same, roughly 4-feet.

15 Commissioner Templeton believed the geometry did not work and that the photos exaggerated
16 the impact of the different heights.

17 Vice-Chair Chang commented it is that extreme. She gave an example of her friend's ADU that
18 had an elevated floor because of the floodplain and how it impacted the privacy of the
19 neighboring homes.

20 Commissioner Templeton noted she has the same experience in her single-family home and
21 privacy issues with her neighbor. She asked if the proposal was not to allow windows that faced
22 a fence and why should the window be opaque if there was a fence blocking it.

23 Mr. Sauls agreed with Vice-Chair Chang that for certain locations the ADU may be much taller
24 than the surrounding fences that are limited to 7-feet in height.

25 Commissioner Templeton reminded that they were discussing first-floor windows and for
26 those, she did not believe they would be 16-feet or 18-feet off the ground.

27 Ms. Sauls explained in the worst-case scenario Staff had experienced the applicant having to
28 raise the foundation 4- to 5-feet above the floor plane.

29 Commissioner Templeton asked why the City allowed them to do that.

30 Mr. Sauls answered it is a requirement of the Federal Emergency Management Agency (FEMA)
31 for structures located in a floodplain.

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1 Commissioner Templeton inquired why the City was allowing structures to be built in the
2 floodplain if it required them to be much taller.

3 Ms. French commented that ADUs were ministerial and the City could not deny an application
4 simply because it was proposed in a floodplain.

5 Commissioner Templeton asked if a person had a canyon in their backyard and wished to build
6 an ADU that required it be built up 13-feet above grade. Would that be permitted by the City?

7 Ms. French answered yes.

8 Commissioner Templeton remarked Staff should consider investigating Exceptions.

9 Mr. Yang clarified the City is required to permit an ADU up to 16-feet. If 4-feet of the 16-feet
10 was required to elevate the ADU above the floodplain. Then the ADU would essentially be only
11 12-feet in height.

12 Commissioner Templeton commented the other constraint was the height of the fence which
13 was self-imposed and she was not supportive of having a provision that did not allow windows
14 along the entire side of the house that faced a fence. She asked if clear-story windows would be
15 allowed along a fence line.

16 Mr. Sauls confirmed that was an acceptable replacement for larger windows.

17 Vice-Chair Summa believed clear story windows were a preferred alternative and that was the
18 intention of the proposal.

19 Commissioner Templeton articulated she did not want the ordinance to inadvertently
20 eliminated alternatives that are more desirable and suggested Staff revise the language of Item
21 E.

22 Commissioner Reckdahl agreed with two of Commissioner Hechtman's concepts but asked how
23 Staff came up with the 5-foot height that triggered a window to be opaque.

24 Mr. Sauls explained the height threshold had evolved over the past several decades with the
25 Individual Review (IR) Program in that it applied to windows on the second floor that are
26 required to be opaque. Staff was mimicking that same approach for ADUs that had windows
27 that faced an adjacent interior property line.

28 Commissioner Reckdahl foresaw a scenario where a person of taller stature would be able to
29 overlook obscured glazing that stopped at 5-feet. He recommended it be slighter higher, 5 ½-
30 feet above the finished floor be opaque, but understood the City must balance the livability of

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1 the ADU with neighbor's privacy. He asked if there are privacy constraints for ADUs that are 10-
2 feet from the neighbor's fence.

3 Mr. Sauls explained the privacy provisions would only apply to the side of the ADU that was 4-
4 feet or less from the fence.

5 Commissioner Reckdahl commented that the proposals are good but suggested Staff return
6 with a revised proposal.

7 Chair Summa remarked she did not find the proposals to be ambiguous and appreciated that
8 Staff acknowledged that the term "adjacent" may not be the right term to use.

9 Vice-Chair Chang commented that based on the comments the privacy section was not ready to
10 be forwarded to Council. She asked if Staff had enough direction to revise the ordinance and
11 take that to Council.

12 Ms. French found the general direction of the concepts clear.

13 Mr. Yang requested the Commission provide clear policy direction on which windows are
14 allowed, which should be obscured, and which windows should be a specific sill height from the
15 finished floor. With respect to the language, Staff had enough direction.

16 Commissioner Hechtman referenced Subpart (d) and asked what "equivalent elevated space"
17 meant.

18 Mr. Yang articulated the intent was for an elevated space that was above the first finished floor,
19 such as a loft, and any increased elevation required for the floodplain was not subject to that
20 provision.

21 Ms. French suggested the word "interior" be added after the word "adjacent" to provide clarity.

22 Commissioner Hechtman commented the language was raising an issue for egress windows on
23 a one-story ADU that had an elevated first floor and that was not addressed in the ordinance.
24 He assumed that was not addressed because egress would have to be allowed on the side for
25 emergencies.

26 Mr. Sauls commented choosing between egress and non-egress was intentional in that if a
27 window was required for safety then the window would have obscured glazing.

28 Commissioner Templeton stated when Subpart (d) and (e) are read together it indicates the City
29 was prescribing a blank windowless wall on the shared property line.

30 Commissioner Hechtman agreed that was the proposal.

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1 Commissioner Templeton stated that was a hideous design choice for neighbors to have to look
2 at.

3 Commissioner Hechtman remarked in the motion he intended to make, the motion would
4 eliminate Subpart (e).

5 Commissioner Templeton stated she would support a motion that eliminated Subpart (e).

6 MOTION #2

7 Commissioner Hechtman moved that the PTC recommend to the Council regarding Item G that
8 the Staff draft of Subparts (e) and (f) be revised to address the following three concepts.
9 Regarding required egress windows, where feasible they should not face an adjacent interior
10 property line. Regarding non-egress windows facing an adjacent interior property line, if they
11 are non-operable then any portion below 5-feet from the finished floor shall have obscured
12 glazing. Any operable non-egress window facing an adjacent interior property line shall start
13 with its sill 5-feet from the finished floor. That would be applied to ADUs and JADUs that are 3-
14 feet or more above the property grade and that Staff go through Subpart (2) to make consistent
15 the term for adjacent property lines, possibly using adjacent interior property lines if that's
16 what is intended by Staff.

17 Commissioner Templeton asked if the ordinance was to be reviewed by the Architectural
18 Review Board (ARB).

19 Ms. French answered it was not to be reviewed by the ARB.

20 SECOND

21 Vice-Chair Chang seconded.

22 FRIENDLY AMENDMENT

23 Commissioner Reckdahl proposed to add to item 1 of the motion "if not feasible then the
24 egress window must be frosted".

25 Commissioner Hechtman accepted the friendly amendment.

26 Vice-Chair Chang accepted the amendment as well.

27 FRIENDLY AMENDMENT

28 Vice-Chair Chang proposed that the requirements apply to ADUs and JADUs that are 2-foot or
29 more above property grade rather than 3-feet.

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1 Commissioner Hechtman accepted the friendly amendment.

2 Commissioner Templeton raised concerns about conflating the work of the PTC with the work
3 of the ARB. She found it extreme in that the PTC was discussing the placement of windows and
4 predicted the City would start to experience applications for less-than-attractive buildings. Also,
5 she raised concerns about natural ventilation if an entire wall of a unit was not permitted to
6 have windows. The proposal was not ready to be recommended to Council and she could not
7 support the motion.

8 Chair Summa commented that the PTC was providing the concepts and Staff would be draft the
9 specific language. She noted that Staff has a lot of experience with privacy because of the IR
10 Process and found the concepts to be basic building concepts. She announced her support for
11 the motion and agreed that the provisions would not affect almost half of the ADUs submitted
12 to the City. She found the aesthetic argument to be subjective and cautioned the Commission
13 in pursuing that approach.

14 Commissioner Templeton appreciated Chair Summa's comments but noted that the ARB was
15 the body that was better qualified to determine what was attractive in an objective sense.

16 Commissioner Hechtman encouraged Staff to be consistent with the terms when talking about
17 obscured glazing.

18 VOTE

19 Ms. Dao conducted the roll call vote and announced the motion carried 4-1.

20 MOTION #2 PASSED 4(Chang, Hechtman, Reckdahl, Summa) -1(Templeton) -1(Roohparvar
21 absent)

22 Commissioner Templeton stated she was not trying to diminish Staff's work but believed more
23 work needed to be done. She was uncomfortable recommending specific architectural
24 elements when that was not within the PTC's purview. She suggested having the ARB review
25 the proposal before the item moves to Council. In conclusion, she believed the proposal would
26 restrict the construction of ADUs in the City.

27 Chair Summa invited comments on Item I regarding basements under JADUs that served the
28 primary unit.

29 Commissioner Hechtman referenced the photo on the left of the diagram on Packet Page 11
30 and asked if the City regulates the material that was used to separate the ADU/JADU's
31 basement from the primary unit's basement. He mentioned that it did not matter what was

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1 placed in the ordinance if a person could take the wall down once the basement was permitted
2 and built.

3 Ms. Sauls understood interior walls would be typical types of construction.

4 Commissioner Reckdahl inquired if Staff knew if attached ADUs/JADUs were typically rented
5 out or if they were generally used for additional FAR.

6 Mr. Sauls referenced the Turner Center study from several years ago which identified that
7 ADUs/JADUs were being used for family or friends, rentals, and other similar uses.

8 Commissioner Hechtman commented that someone was building the ADU then that is a win.
9 He did not support any regulation that would dissuade folks from building an ADU and he did
10 not support regulations that encouraged folks to be unlawful. With respect to basements under
11 an ADU, he said he was not offended if the primary home received extra space if they built an
12 ADU/JADU.

13 Vice-Chair Chang agreed there was no point in having a law if it was unenforceable, but noted
14 the City has existing regulations about basements for specific reasons. For herself, she did not
15 support basements because they cause environmental impacts. She acknowledged that the City
16 wanted to encourage larger ADUs for families and that having a basement regulation would
17 result in the ADU/JADU having access to the basement. With that said, she supported Staff's
18 recommendation because it allowed larger ADU/JADUs to be constructed.

19 Commissioner Reckdahl expressed concern that having too many rules and regulations placed
20 on ADU/JADU may result in a decrease in their production. He acknowledged that allowing the
21 primary unit to occupy the space under the ADU would result in larger homes but agreed the
22 ADU was being built and that was a win.

23 Commissioner Templeton asked how many wells for egress are required for a basement that
24 stretched the entire length of the primary home and the ADU/JADU.

25 Mr. Sauls stated it depended on whether a bedroom was being proposed in the basement
26 which required egress.

27 Commissioner Templeton asked how folks evacuate a space if the unit had split basements with
28 no egress.

29 Mr. Sauls believed both basements would be required to have their own egress.

30 Commissioner Templeton pointed out that there was more involved than just having a dividing
31 wall that separated the space. The other component was the safety aspect of having a split

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1 space and any wall that divided the space should be a firewall. She stated there were a lot of
2 safety elements that were not included in the Packet and that made it hard to make a solid
3 recommendation to Council.

4 Chair Summa appreciated Commissioner Templeton's comments regarding safety but believed
5 those concerns would be addressed by the Building Code.

6 Mr. Sauls clarified that any unit that has a split basement would be required to have a fire
7 rating and installing a door on that separating wall would compromise the fire rating.

8 Chair Summa asked if egress spaces would extend beyond the footprint and potentially into the
9 4-foot setback.

10 Mr. Sauls confirmed that light wells often encroached into the side yard setback of
11 approximately 3-feet for the primary unit.

12 Chair Summa summarized light wells would not be allowed if the unit had a 4-foot setback
13 because folks could not walk around them. She predicted that would be addressed by the
14 Building Code.

15 Mr. Sauls confirmed the Building Code would address that concern and Staff had discussed that
16 any light well on an ADU would be required to maintain the 4-foot setback.

17 Chair Summa agreed with Vice-Chair Chang that many folks in the community are concerned
18 about encouraging the construction of basements. She found it unfair that primary units are
19 allowed to have basements but ADUs/JADUs are not allowed to have them. With that said, she
20 expressed her preference was to not allow the primary unit to use the basement for itself. If a
21 basement is constructed under the ADU/JADU then it should be allowed to access it.

22 Commissioner Hechtman referenced the diagram on the right on Packet Page 11 and asked if
23 the ADU/JADU counted towards the maximum 6,000-square feet for the primary home.

24 Mr. Sauls answered no and stated that single-family homes are not allowed to exceed that
25 6,000-square foot threshold if they do not have an attached ADU/JADU.

26 Commissioner Hechtman commented folks could build a basement for the primary house under
27 an ADU/JADU today if the total square footage, including the ADU/JADU, did not exceed 6,000-
28 square feet.

29 Mr. Sauls confirmed that was correct and noted it was mentioned in the Staff Report that any
30 exceedance of the square footage threshold would require additional provisions.

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1 Commissioner Hechtman remarked that the Commission was discussing a limited set of
2 circumstances. The situation being discussed was for a primary unit that requested to go
3 beyond the maximum 6,000-square feet. If it encouraged folks to build an ADU/JADU, he
4 supported allowing the primary unit additional square footage in the basement but mentioned
5 he could go either way. With respect to Packet Page 27, he recommended changing the
6 language from “when those units utilize” to “to the extent those units utilize”. The change
7 clarified that if folks exceeded the 6,000-square feet then the remaining square footage would
8 be used for the ADU/JADU.

9 MOTION #3

10 Vice-Chair Chang acknowledged building basements was expensive, but there was no need for
11 large homes to have a large basement. The design of the staircase from the ADU/JADU to the
12 basement was critical because it increased the flexibility of the building later on. She moved the
13 Staff recommendation for Item I with the suggested language by Commissioner Hechtman to
14 change the word “when” in two instances to “to the extent”.

15 SECOND

16 Commission Templeton seconded.

17 FRIENDLY AMENDMENT

18 Commissioner Templeton asked if the language should be that the basement be built in such a
19 way that it could be used by the ADU/JADU. Even if the owner did not want the ADU/JADU to
20 use right now.

21 FRIENDLY AMENDMENT NOT ACCEPTED

22 Vice-Chair Chang said she could not accept the amendment because she wanted the basement
23 to be used for the ADU and JADU only.

24 SECOND WITHDRAWN

25 Commissioner Templeton withdrew her second.

26 SECOND

27 Chair Summa seconded the motion and agreed with Vice-Chair Chang’s reasoning.

28 VOTE

29 Ms. Dao conducted the roll call vote and announced the motion carried 4-1.

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1 MOTION #3 PASSED 4(Chang, Hechtman, Reckdahl, Summa) – 1(Templeton) – 1(Roohparvar
2 absent)

3 Commissioner Templeton agreed the basement should be used by the ADU/JADU but wanted
4 the current owner to be allowed to use the space exclusively as well. Having an over-
5 prescriptive ordinance she believed would discourage folks from building an attached
6 ADU/JADU.

7 Mr. Sauls shared his contact information for folks who wished to contact him about current
8 ADU production figures.

9 **Commission Action:** Motion by Chang, seconded by Templeton. Pass 5-0 (Roohparvar absent)

10 **Commission Action:** Motion by Hechtman, seconded by Chang. Pass 4-1 (Templeton against)
11 (Roohparvar absent)

12 **Commission Action:** Motion by Chang, seconded by Summa. Pass 4-1 (Templeton against)
13 (Roohparvar absent)

14 [The Commission took a short break]

15 3. Review and Recommend City Council Adoption of the Draft 2023-31 Housing Element,
16 Subject to Refinement Following Comment from the Department of Housing and
17 Community Development. A Draft Addendum to the City's Comprehensive Plan 2017
18 Environmental Impact Report has been prepared.

19 Chair Summa read the item aloud and invited Staff to present their report.

20 Ms. Clare Campbell, Long Range Planning Manager, introduced Mr. Tim Wong who presented
21 the report to the Commission. She noted there were other consulting experts on Zoom to help
22 answer questions from the Commission.

23 Mr. Tim Wong, Senior Planner, reported the purpose of the meeting was to review the HCD
24 Draft Housing Element, provide feedback on the four programs added since PTC's last review in
25 November of 2022, review the Draft California Environmental Quality Act (CEQA) Addendum,
26 and make a recommendation to approve the Draft Housing Element subject to refinement
27 following the comments from HCD. The reason Staff was bringing the Draft Housing Element to
28 the PTC before receiving HCD's comments was that the City was currently out of compliance.
29 The deadline for having a complaint Housing Element was the end of January 2023 and the City
30 was pursuing an aggressive timeline to adopt the Housing Element as soon as possible. Staff
31 planned to return to the PTC with the City's responses to HCD's comments once they are
32 received and that meeting was envisioned to be a joint meeting with City Council in late April or
33 early May. The Housing Element was one of the mandated elements required to be in the
34 General Plan and it was the only element that required approval by the State. The Housing

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1 Element must include a housing plan that would increase housing production while addressing
2 the other seven topics associated with housing. The Regional Housing Needs Allocation (RHNA)
3 was the City's fair share for current and future housing growth. The City's current RHNA was
4 6,086 housing units which were split among four income levels. The PTC's role was to review
5 and recommend the 6th Cycle Housing Element to the City Council as an amendment to the
6 Comprehensive Plan and consider the environmental review document for the Housing
7 Element. As required, the City released the Draft Housing Element for 30-days in November of
8 2022 for public comment. At the November 28, 2022, joint session with PTC and Council,
9 additional programs were suggested to be added and those were incorporated into the Housing
10 Element. Staff then submitted the Housing Element to HCD on December 23, 2022, for their 90-
11 day review. The programs that were added to the Draft Housing Element were lot
12 consolidation, South of Forest Area Coordinated Plan (SOFA) Objective Standards, the annual
13 zoning updates, and the submission of the Housing Element to the City's water supplier within
14 30-days after adoption. The Lot Consolidation Program was intended to provide incentives to
15 developers to consolidate smaller lots into larger lots. The SOFA Objective Standards Program
16 was intended to reduce governmental constraints. The Annual Zoning Program was to ensure
17 that any annual zoning updates are consistent with state and federal law. Also, within the HCD
18 submitted draft Staff included a summary of the public comments received and highlighted 10
19 common themes. An addendum to the 2017 Comprehensive Plan Environmental Impact
20 Report (EIR) was also included in the submitted Draft Housing Element. The 2017
21 Comprehensive Plan EIR analyzed the impacts of different development scenarios which
22 included Scenario 6 with a buildout of 6,000-units. The EIR determined that there would be
23 significant impacts to circulation and air quality with that 6,000-unit build out and the City
24 Council adopted Mitigation Measures to address those impacts. Staff analyzed the impacts of
25 the upzones and implementation programs in the Housing Element and determined that the
26 worst-case scenario buildout was 6,665 units. Because of Scenario 6, Staff only had to analyze
27 the impacts of the 665 additional units. This analysis determined that the impacts of the
28 additional 665 units were less than significant and the same at the 2017 EIR and Staff felt an
29 addendum to the EIR was sufficient. He shared that March 23, 2023, was HCD's deadline to
30 submit their comments to the City. Once received a joint meeting with the PTC and Council was
31 tentatively scheduled in May of 2023. If adopted in May, the City had 30-days to submit the
32 Housing Element with any revisions, and within that was a 7-day public review period.

33 Commissioner Reckdahl requested that Staff explain how they came up with 665 units.

34 Mr. Wong explained Staff analyzed the enactment of the Housing Incentive Program (HIP) and
35 then subtracted some units from the General Manufacturing (GM) and the Research, Office,
36 Limited Manufacturing (ROLM) zones which resulted in 665 units.

37 Commissioner Reckdahl understood Staff was being pessimistic from an environmental
38 standpoint but optimistic from a housing production standpoint.

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1 Mr. Wong confirmed that was correct.

2 Ms. Veronica Dao, Administrative Assistant, invited members of the public to submit their
3 speaker cards or raise their hands on Zoom if they wished to provide comments.

4 Mr. Renee Bias, a field representative for Nor Cal Carpenters Union, spoke about three things
5 that would benefit the City's Housing Element. He encouraged the City to include language
6 about hiring folks from apprenticeship programs, require healthcare for workers and their
7 families, and hiring locals for all housing projects. He mentioned that both the City of Menlo
8 Park and Redwood City included these three provisions in their Housing Element and he
9 encourage the City to do the same. He noted that many projects in the area do not have labor
10 requirements and having provisions in the Housing Element would provide protections to
11 workers living and working in Palo Alto.

12 Mr. Hamilton Hitchings, a member of the City's Housing Element Working Group, spoke on his
13 behalf of himself. He stated that Staff reduced the density from 62.5 units per acre for low-
14 income housing over parking to 50 units per acre and that was a mistake. He encouraged the
15 PTC to recommend that the language be returned to 62.5. He found the proposed language to
16 be ambiguous and recommended that be revised as well. He said that these types of high-
17 density projects were the City's best opportunity to provide truly below-market housing. With
18 respect to the GM zone, he did not want to see a reduction in the density to 65 units and
19 requested that PTC follow up with Staff on that point.

20 Mr. Scott O'Neil, a Board Member for Palo Alto Forward, announce he was speaking for himself
21 on the matter of the Housing Element. He expressed concern that if the City adopts the Housing
22 Element before certification. Then it increased the uncertainty about when the City would be in
23 compliance. He mentioned that YIMBY Law issued a lawsuit against the City of Sausalito, which
24 adopted their Housing Element before certification, challenging the compliance of their self-
25 certified Housing Element. He was concerned the City would be subject to a similar lawsuit if it
26 adopted the Housing Element before certification. He noted the City was served on February
27 16, 2023, by the coalition that YIMBY Law was a partner in demanding clarification of the
28 applicability of the builder's remedy. He noted that if HCD did not raise any Affirmative Fair
29 Housing (AFH) or property owner outreach concerns in their letter. Then a judge may rule that
30 HCD was being too permissive which would increase clarity about the builder's remedy
31 applicability and delay the City in having a compliant Housing Element by months. He
32 recommended the PTC recommend to wait for HCD's certification on the Draft Housing
33 Element before adoption. He concluded by echoing Mr. Hitchings' comments regarding City-
34 own parking lots and GM zoning.

35 Mr. Michael Quinn, speaking on his own behalf, stated he fully associated his comments with
36 Mr. O'Neil's comments. He shared that Attorney General Rob Bonta was targeting cities that

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1 were trying to avoid the builder’s remedy. If the City pursued a self-certification of the Housing
2 Element and continued down a path of unlawful acts. He strongly encouraged the Commission
3 to not enable the Council further.

4 Ms. Liz Gardner commented she was confused by the proposed process. She understood that
5 HCD would be responding with their comments within days and did not understand why the
6 City was moving forward without those comments. She echoed Mr. Bias’s comments about
7 labor standards and that all workers be paid prevailing wages. She confessed she did not
8 understand Staff’s explanation of the addendum and how Staff determined if the EIR was
9 sufficient. The world was undergoing severe climate change and she was concerned about
10 placing thousands of homes in an area that recently flooded. She concluded by strongly
11 encouraging that the housing be built for mixed-income levels, not just 100 percent low-
12 income.

13 Chair Summa invited comments on the four Council programs that were added to the Housing
14 Element.

15 Commissioner Hechtman clarified that the “worst-case scenario” was a CEQA term and meant
16 maximum build-out. He referenced Packet Pages 74 and 75 and mentioned that there was no
17 explanation from Staff regarding the Council program for affordable housing preference.

18 Mr. Wong confirmed that Council directed Staff to study and research affordable housing
19 preferences. In terms of Housing Element policy, the direction did not apply to housing
20 programs.

21 Commissioner Hechtman noted he did read Program 6.7 (d) and that direction was included in
22 the Housing Element.

23 Mr. Wong confirmed that Council directed Staff to include it in the Housing Element.

24 Commissioner Hechtman asked about the Water Supply Program.

25 Mr. Wong commented that Staff’s recommendation for that program was approved in
26 November 2022.

27 Commissioner Hechtman noted there was no mention of the program in the Staff Report and
28 stated he would need more information before he was able to make a recommendation.

29 Mr. Wong explained it was an administrative program that was included in the Housing
30 Element but did not require PTC feedback.

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1 Commissioner Hechtman referenced Packet Page 74, Program 3, 1.5 (a), and remarked the
2 language in that program was not included in Program 1.4 (a).

3 Mr. Wong apologized but noted it was identified in the Staff Report that there was an error.

4 Commissioner Hechtman referenced Item 1 on the Packet Page 74 and asked if Staff
5 implemented what was being described.

6 Mr. Wong confirmed all of Council's directions have been incorporated.

7 Vice-Chair Chang commented she supported Staff's recommendations for the four Council-
8 directed programs. She asked if the City intended to include labor standards and where would
9 that fit in the Housing Element.

10 Mr. Wong said the City already required prevailing wage be paid for 100 percent affordable
11 projects.

12 Vice-Chair Chang asked Staff to clarify why the density had changed for the ROLM district and
13 the City-owned parking lots.

14 Mr. Wong shared that Council directed Staff to have a 50-dwelling unit per acre density for City-
15 owned parking lots.

16 Mr. Jonathan Lait, Director of Planning, added the density is a conservative number with
17 respect to RHNA to provide the City some protection. In practice, Staff anticipated the density
18 to be much higher and the environmental analysis anticipated a density of 100 to 120 units per
19 acre.

20 Vice-Chair Chang asked about the zone changes and how that would impact density.

21 Mr. Lait explained for zone changes, the minimum density was 50 dwelling units per acre but
22 the density was likely to be higher than that.

23 Mr. Wong confirmed for RHNA purposes the City anticipated a density of 65 units per acre for
24 the GM and ROLM districts. However, the Council directed Staff to increase it to 90 units per
25 acre for CEQA purposes.

26 Vice-Chair Chang understood that it was the difference between what goes in the Housing
27 Element versus how the City implements the zoning changes.

28 Mr. Wong confirmed that is correct, the density of 65 units per acre was the floor, and the City
29 will be going up to 90 dwelling units per acre.

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1 Vice-Chair Chang understood the City was not trying to self-certify the Housing Element.

2 Mr. Lait articulated that at the prior joint session between the PTC and the Council. The PTC did
3 not have the opportunity to discuss the four additional programs that the Council discussed at
4 that meeting. The PTC was reviewing the proposals now to ensure that at the next joint session
5 to discuss HCD's comments the City Council and the PTC are aligned with each other on the
6 matter. With respect to certification, the City did not have the authority to certify the Housing
7 Element. The City was allowed to adopt the Housing Element and then send the element to
8 HCD for review again. If HCD had additional comments on the matter, then the City would
9 revise the element again and return it to HCD until certification is issued.

10 Commissioner Reckdahl thanked Staff for their hard work. He expressed concern about the City
11 being too conservative and it was not clear in the Housing Element how conservative the City
12 was being. He asked if the various bonus density tools should be included in the unit yield
13 counts.

14 Mr. Lait acknowledged that it was not quantified and believed it would be a challenge to do
15 that exercise. Staff had done and included the analysis of maximum unit yield compared to
16 realistic unit yield. That analysis, though conservative, was a common approach.

17 Commissioner Reckdahl asked how Staff found the figure of 80 percent of what would be
18 achieved.

19 Ms. Brenna Weatherby, consultant, mentioned the City was not allowed to estimate capacity
20 based on maximum density. What was allowed was to use the minimum density as prescribed
21 by the zones or base the data on trends. Staff used the recent development trends to come up
22 with an 80 percent realistic thought of what would be achieved overall.

23 Commissioner Reckdahl noted that Planned Home Zone (PHZ) applications were much denser
24 than zoning.

25 Mr. Lait explained PHZ was a different application type and was an arduous process. Based on
26 the PHZ process, Staff identified programs in the Housing Element that mimicked the density of
27 PHZ but with a streamlined process.

28 Mr. Wong referenced Table 3-2 in the Housing Element which showed the trends and based on
29 that, Staff used entitled developments to justify the 80 percent capacity.

30 Commissioner Reckdahl asked if a site was zoned RM-40, wouldn't any development be close to
31 40 dwelling units per acre?

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1 Mr. Lait acknowledged there are a lot of Development Standards that limit a developer's ability
2 to achieve higher density. Staff was exploring those and would return to the PTC to reduce
3 those types of constraints.

4 Chair Summa thanked Staff for their work but acknowledged that there were elements of the
5 process that she found disturbing. With that said, she did not see any changes the PTC could
6 make because the Council had already reviewed the item.

7 Mr. Lait mentioned the City Council had not reviewed the Addendum to the EIR.

8 Chair Summa commented that it did not appear that the Addendum to the EIR considered
9 existing conditions and the impacts of the Covid-19 Pandemic. She referenced a letter from
10 November 2022 that highlighted that the EIR did not consider the changes in the City's jobs,
11 growth, and working-from-home trends.

12 Mr. Lait agreed that the environmental analysis did not consider those trends.

13 Chair Summa found that troubling and acknowledged that there was a lot of data available on
14 the trend of working from home. She encouraged Staff to consider how those changes may
15 become a permanent function of the region and how that will change some of HCD's
16 assumptions.

17 Commissioner Templeton agreed there was not a lot for the PTC to do and she was fine with
18 that given that Council had already reviewed the Housing Element. She appreciated Vice-Chair
19 Chang's line of questions about self-certifying.

20 Mr. Lait confirmed the City was not going through a process of self-certification.

21 Mr. Albert Yang, City Attorney, stated what was before the PTC was not related to the adoption
22 of the Housing Element. The purpose of the meeting was to align PTC and Council so that when
23 the joint session is held to discuss HCD's comments. Everyone will be on the same level for that
24 discussion. He mentioned the term "self-certification" was a terming meaning a city that
25 adopted a Housing Element before being pre-cleared by HCD. There was no such thing as self-
26 certification, HCD certified the Housing Element, and certification did not mean the same thing
27 as having a compliant Housing Element under state law.

28 Commissioner Templeton asked if any action taken by the PTC would affect whether or not the
29 Council decides to adopt the Housing Element.

30 Mr. Yang answered no because the next step was to return to the PTC for consideration of the
31 changes made based on HCD's comments.

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1 Commissioner Templeton stated the City was not skipping that process.

2 Mr. Yang confirmed that was correct.

3 Commissioner Templeton appreciated the clarifying questions about labor standards. She asked
4 if Staff had any specific items they wished for the PTC to comment on.

5 Mr. Wong answered no.

6 Commissioner Reckdahl referenced the timeline and asked why Staff proposed to wait until
7 May 2023 to return a response letter to HCD's comments that were coming in March of 2023.

8 Mr. Lait explained Staff was expecting a robust comment letter from HCD and needed time to
9 update the Housing Element based on those comments.

10 Commissioner Reckdahl remarked he was concerned about the length of time the City would be
11 out of compliance.

12 Mr. Lait found the schedule to be ambitious and reflected the shared understanding of the
13 community's interest to have an adopted Housing Element as soon as possible. The next steps
14 were to hold a joint session with City Council and the PTC, make any revisions that come out of
15 that meeting, and then send the revised Housing Element to HCD in early June of 2023 if the
16 Housing Element is adopted by Council.

17 Commissioner Reckdahl understood that any additional comments received after the
18 submission in June could result in the City not having a certified Housing Element until the end
19 of 2023.

20 Mr. Lait shared that based on the neighboring jurisdiction's experiences, it has taken two
21 rounds with HCD comments to receive certification.

22 Vice-Chair Chang acknowledged that it was just the reality of the situation and there was not
23 much the City could do with respect to the timeline for receiving comments back from HCD.

24 Commissioner Hechtman announced his support for the Council-directed programs. He
25 referenced the letter sent in from Mr. Levy that suggested the PTC defer a decision until PTC
26 could review the comments from HCD. He stated that his preference was to review items
27 before Council, but believed it hurt the process more if the PTC deferred the item to a later
28 time. He remarked the City is permitted to make revisions to the Housing Element throughout
29 the 8-year cycle.

30 Mr. Wong confirmed that is correct.

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1 Commissioner Hechtman said that took the pressure off the City to have every item correct in
2 the first go around as long as the Housing Element complies with HCD's standards. Another
3 letter received described a property owner whose parcels were split between being an
4 opportunity site and some of them not being an opportunity site. The property owner was
5 interested in having them all be an opportunity site and suggested modifying the Housing
6 Element to reflect that.

7 Mr. Wong remarked that now was the best time to make any changes to sites and that HCD is
8 always interested in knowing which owners are interested in developing their parcels.

9 Commissioner Hechtman understood Staff would evaluate those sites and would make the
10 appropriate changes when Staff was making changes to the Housing Element based on HCD's
11 comments.

12 Mr. Wong confirmed that was correct and Staff would inform the PTC and Council of any
13 changes to the inventory sites.

14 Chair Summa asked if Staff needed a motion on the Council items.

15 Mr. Yang stated there was no action required on the EIR Addendum, but Staff was seeking a
16 motion on the Housing Element.

17 Commissioner Hechtman explained the typical process was to make the CEQA decision before
18 making the land use decision. He suggested the PTC discuss the addendum and then make a
19 motion on the Housing Element.

20 Vice-Chair Chang agreed there was no substantive change to the EIR from the additional 665
21 units. She referenced Packet Page 85 and wondered if a subsequent EIR was needed for the
22 2023 Comprehensive Plan because there were new impacts that were not foreseen due to the
23 Covid-19 Pandemic. Also, the data from the EIR was from 2015 and there had been significant
24 changes since then regarding water, fire, and climate change. She suggested the City consider
25 those but noted that would not affect her vote on the Housing Element itself.

26 Mr. Yang explained a subsequent EIR was needed only when new information of substantial
27 importance that could not have been known showed that there would be a new significant
28 environmental impact. Any new trends would have to show that there was an increase in
29 environmental impacts and then the City would be required to do a subsequent EIR. He
30 mentioned that the scope of the discussion was on the Housing Element and that any other
31 Comprehensive Plan discussion should be held at a different time.

32 Vice-Chair Chang commented that the City is dependent on the City of San Francisco's water
33 and with the projected growth in all jurisdictions. She was concerned that in reality there may

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1 not be enough water to support the growth, even though the City had a paper contract that
2 legally protected the City. She acknowledged that did not affect the Housing Element but
3 believed there were real concerns that the City should consider for the Comprehensive Plan.
4 She referenced Packet Page 103, the total development in Table 4, and mentioned that the
5 assumption per household was a different figure than what was in the Comprehensive Plan EIR.
6 She asked Staff to explain the difference.

7 Ms. Karly Kaufman, Environmental Consultant, commented that 2.51 persons per household
8 were a recent assumption from the California Department of Finance. She acknowledged that it
9 was conservative and slightly higher than the Comprehensive Plan assumed.

10 Commissioner Hechtman found it fortunate that the 2017 EIR considered a maximum build-out
11 of 6,000 dwelling units and that the City was not subject to doing a subsequent EIR.

12 Commissioner Reckdahl asked how long did it take the City to draft the 2017 EIR.

13 Mr. Lait predicted several years.

14 Commissioner Hechtman believed that the addendum was the right tool and supported it.

15 Vice-Chair Chang noticed in the Staff Report that 35 percent of the RHNA was located in the GM
16 and ROLM-zoned areas. Many of those areas were near Freeway 101 and she asked how many
17 of them were within 500-feet of the freeway.

18 Mr. Wong remarked he did not know the answer at this time.

19 MOTION

20 Vice-Chair Chang moved the PTC recommend the City Council adopt the Draft 2023-2031
21 Housing Element.

22 FRIENDLY AMENDMENT

23 Commissioner Hechtman asked if the intention was to add the rest of the Agenda description to
24 the motion which was “subject to refinement following comment from HCD”.

25 Mr. Yang agreed that language should be included in the motion.

26 MOTION RESTATED

27 Vice-Chair Chang moved that the PTC recommends the City Council adopt the Draft 2023-2031
28 Housing Element subject to refinement following comment from HCD.

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1 SECOND

2 Commissioner Hechtman seconded.

3 VOTE

4 Ms. Dao conducted the roll call vote and announced the motion carried 5-0.

5 MOTION PASSED 5(Chang, Hechtman, Reckdahl, Summa, Templeton) -0 -1(Roohparvar absent)

6 **Commission Action:** Motion by Chang, seconded by Hechtman. Pass 5-0 (Roohparvar absent)

7 4. Amendment to Palo Alto Municipal Code Title 18 Chapter 18.42, Standards for Special
8 Uses, to Codify Firearms Sales Limitations Ordinance; CEQA status—exempt under
9 CEQA Guidelines section 15061(c)(3)

10 Ms. Amy French, Chief Planning Official, reported the permanent ordinance would replace the
11 temporary Firearms Ordinance 5559. The City Council adopted the temporary ordinance in
12 August 2022 and then extended it to June 2023. The proposed amendment to Title 19 Chapter
13 18.42 was to codify the firearms sales limitations ordinance in section 18.42.210. Staff was
14 seeking a recommendation from PTC to City Council regarding the proposed changes. Firearms
15 Dealer was permitted by right as a retail use before the Council adopted an urgency ordinance.
16 City Council established Municipal Code Chapter 4.57, Section 5.47.020 which required a
17 Conditional Use Permit (CUP) along with a Firearms Permit from the Police Chief. Regulations
18 for the storage of firearms were outlined in the Palo Alto Municipal Code 9.07. The Municipal
19 Code contained a definition for Firearms Dealer that was proposed to be carried into Chapter
20 18.42. The new Code section would codify the requirement for approval of a CUP, incorporate
21 the CUP process in Chapter 18.77, and formalize the City's ability to impose reasonable
22 conditions of approval. Included in the Packet was a map that highlighted the areas where
23 Firearms Dealers are allowed to have a business. Those areas were selected based on criteria
24 outlined in Palo Alto Municipal Code 4.57 Section 4.57.050.

25 Chair Summa invited members of the public to share their comments; seeing none she invited
26 Members of the Commission to discuss the item.

27 Commissioner Templeton asked why firearms were permitted to be sold in East Meadow Circle.

28 Ms. French noted that a portion of East Meadow Circle was beyond 250-feet from residential
29 areas.

30 Commissioner Templeton understood the parcels that could be permitted to sell firearms were
31 adjunct to a larger lot.

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1 Ms. French confirmed that was correct.

2 Commissioner Templeton asked if PTC could discuss the areas that were close to residential
3 areas.

4 Mr. Albert Yang, City Attorney, remarked the 250-foot requirement was part of Chapter 4.57
5 regulation on who could obtain a dealer permit. The item agendized for the PTC to discuss was
6 the CUP requirement and the criteria were beyond the scope of the discussion.

7 Commissioner Templeton commented that a CUP was the best solution to overcome the
8 potential shortfalls the 250-foot criteria could cause.

9 Commissioner Reckdahl found it interesting that the criteria required a dealer to be 250-feet
10 from schools but 1,200-feet from a massage establishment. He asked what was considered to
11 be a Firearms Dealer.

12 Mr. Yang explained it was someone who was in the business of selling or transferring firearms
13 as opposed to an individual sale.

14 Commissioner Reckdahl asked if he sold three or four firearms on the weekend, would that be
15 considered a dealer?

16 Mr. Yang answered yes.

17 Commissioner Reckdahl understood those folks would need a CUP to do that business.

18 Mr. Yang answered they would first need a permit and then seek a CUP in order to establish
19 land use.

20 Commissioner Hechtman confessed he was unsure what the word “transfer” meant in the
21 definition of Firearms Dealer. He asked if the definition came from state law or was it the City’s
22 own definition.

23 Mr. Yang stated he did not know, it was existing language, and Chapter 4.57 was adopted in
24 1996.

25 Commissioner Hechtman believed the criteria was intended to keep uses that could create
26 problems away from each other.

27 Commissioner Reckdahl shared his surprise that bar uses were not included in the criteria.

28 Commissioner Templeton added that having a dealer close to a school was problematic as well.

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1 Commissioner Hechtman suggested that Chapter 4.57 language be revised if it stated that the
2 definition of “Firearms Dealer” was only for the purposes of that chapter. He asked how many
3 definitions were listed in Chapter 4.57.010.

4 Chair Summa answered seven definitions.

5 Commissioner Hechtman asked if any other defined terms in Chapter 4.57.010 were being used
6 in the new chapter.

7 Mr. Yang answered the terms “Engaged in the Business” and “Firearm” was also being carried
8 forward.

9 Commissioner Hechtman supported Staff’s recommendation.

10 Vice-Chair Chang mentioned that the Housing Element will be redefining and rezoning areas
11 and East Meadow Circle will most likely be eliminated from the firearms map.

12 Chair Summa added the map was already outdated because it didn’t recognize University
13 Terrace and agreed that the map should not be included as part of the official ordinance.

14 Vice-Chair Chang supported the ordinance because of the CUP process.

15 MOTION

16 Commissioner Templeton moved the Staff recommendation.

17 SECOND

18 Vice-Chair Chand seconded.

19 VOTE

20 Ms. Veronica Dao, Administrative Assistant, conducted the roll call vote and announced the
21 motion carried 5-0.

22 MOTION PASSED 5(Chang, Hechtman, Reckdahl, Summa, Templeton) -0 -1(Roohparvar absent)

23 **Commission Action:** Motion by Templeton, seconded by Chang. Pass 5-0 (Roohparvar absent)

24 **Approval of Minutes**

25 Public Comment is Permitted. Five (5) minutes per speaker.^{1,3}

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1 5. Approval of Planning & Transportation Commission Draft Verbatim Minutes of
2 February 8, 2023

3 MOTION

4 Commissioner Hechtman moved approval as revised.

5 SECOND

6 Commission Reckdahl seconded.

7 VOTE

8 Ms. Veronica Dao, Administrative Assistant, conducted the roll call vote and announced the
9 motion carried 5-0.

10 MOTION PASSED 5(Chang, Hechtman, Reckdahl, Summa, Templeton) -0- 1(Roohparvar)

11 **Commission Action:** Motion by Hechtman, seconded by Reckdahl. Pass 5-0 (Roohparvar absent)

12 **Committee Items**

13 None

14 **Commissioner Questions, Comments or Announcements**

15 Chair Summa invited Commissioners to share any comments before adjourning the meeting.

16 Commissioner Hechtman appreciated the improvements to the formatting of the Staff Reports.

17 Vice-Chair Chang suggested at the March 29, 2023, regularly scheduled meeting that the PTC
18 discuss its Work Plan. She acknowledged it would be ideal to wait for new Commissioners to be
19 appointed but was worried about having long meetings if the Work Plan was pushed to a later
20 time.

21 Commissioner Templeton did not feel that discussing the Work Plan warranted holding a
22 separate meeting, but if it was the will of the Commission she recommended that the meeting
23 be short.

24 Chair Summa suggested revising the prior year's Work Plan.

25 Commissioner Templeton supported that suggestion.

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- 1 Commissioner Hechtman wanted to ensure that Staffing wasn't an issue if a meeting was held
2 but understood that Mr. Lait would be the Staff liaison. If it was the will of the Commission he
3 would attend the meeting on March 29, 2023, and if not he was comfortable pushing it to the
4 meeting on the 12th of April.
- 5 Commissioner Reckdahl believed that new Commissioners would not have strong opinions on
6 the Work Plan. He commented he'd rather have more short meetings than less long meetings.
- 7 Vice-Chair Chang suggested the Commission hold a meeting on March 29, 2023, and work on
8 the prior year's Work Plan. The Staff could return with any revisions and then the
9 Commissioners could add to the Work Plan as they saw fit.
- 10 Commissioner Templeton asked if the meeting could count as the retreat.
- 11 Vice-Chair Chang answered it could.
- 12 Chair Summa was fine with either but stated that the Commission should be mindful of Staff's
13 availability and plan for a short meeting.
- 14 Ms. Amy French, Chief Planning Official, noted that the prior year's Work Plan was available
15 online.
- 16 Chair Summa recommended that the Commissioners look over the Work Plan and then Staff
17 can decide if a meeting should be held or not.
- 18 Commissioner Templeton suggested that the transportation items identified earlier in the
19 meeting should be brought forward at that meeting as a study session.
- 20 Chair Summa agreed and adjourned the meeting.
- 21 **Adjournment**
- 22 10:05 pm

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