



CITY OF
**PALO
ALTO**

Planning & Transportation Commission Action Agenda: February 22, 2023

Council Chambers & Virtual
6:00 PM

Call to Order / Roll Call

6:03 pm

Chair Summa: Good evening everyone. I'd like to call to order the regular meeting of the Planning Commission on Wednesday, February 22nd. Can you please call the roll?

Ms. Veronica Dao, Administrative Assistant: Chair Summa?

Chair Summa: Present.

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: Here.

Ms. Dao: Commissioner Hechtman?

Commissioner Hechtman: Here.

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1 Ms. Dao: Commissioner Reckdahl?

2

3 Commissioner Reckdahl: Here.

4

5 Ms. Dao: Commissioner Roohparvar?

6

7 Commissioner Roohparvar: Present.

8

9 Ms. Dao: Commissioner Templeton?

10

11 Commissioner Templeton: Here.

12

13 Ms. Dao: We have a quorum.

14

15 Chair Summa: Thank you very much and Ms. French, do you need to read the instructions?

16

17 Ms. Dao: Pursuant to AB 361, this meeting will be held with the option to attend by

18 teleconference or in person. Members of the public may provide live public comment by

19 submitting a speaker card prior to the start of public comment on that [note – video and audio

20 cut out]. [note - video and audio started midsentence] Agenda during the oral communications

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1 portion of the meeting. Spoken comments via a computer or a smartphone will be accepted
2 through the Zoom App. To address the Commission, go to zoom.us/join, Meeting ID is 916 4155
3 9499. When you wish to speak click on raise hand. To offer comments using a regular phone call
4 1-669-900-6833 and enter the Meeting ID 916 4155 9499. When you wish to speak on an
5 Agenda item hit star (*) 9 on your phone so that we know that you wish to speak.

6
7 Chair Summa: Thank you for that and now we'll go to public comment and that's for any
8 members of the public that would like to comment on items that are not on our Agenda. Do we
9 have any speakers?

10 **Oral Communications**

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

12 Ms. Veronica Dao, Administrative Assistant: No, we have no public comment.

13
14 Chair Summa: No speakers? Okay, then we'll move onto agenda changes, additions and
15 deletions.

16 **Agenda Changes, Additions and Deletions**

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

18 Ms. Amy French, Chief Planning Official: No changes for this evening.

19
20 Chair Summa: Okay then I guess we will go to the Director... the City official reports.

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1 **City Official Reports**

2 1. Directors Report, Meeting Schedule and Assignments

3 Ms. Amy French, Chief Planning Official: Good evening, Amy French, Chief Planning Official.
4 Looking forward to the next meeting, talking about that just so we can talk about our
5 schedules. We do have a couple of items for the meeting of the 8th for the Planning and
6 Transportation Commission. But I am looking at potentially taking a break for spring break on
7 the 29th of March and our item seem to be on the 8th and the April 12th. So, if it's not a bother
8 for anyone on this Commission to take a break that's something we're looking at now. If there
9 are items that come up I can have a substitute liaison for that meeting.

10

11 Chair Summa: [unintelligible – off mic]

12

13 Ms. French: You're welcome.

14

15 Chair Summa: Thank you for that. Any other City reports?

16

17 Ms. French: I will check into... I was going to look and see who the rep is for... I think we didn't
18 have any Council items that needed representation from the Planning and Transportation
19 Commission in February but I will look ahead to March.

20

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1 Commissioner Hechtman: Mic.

2

3 Ms. French: Is my... I will look ahead to March and figure out if there might be some items that
4 we would want to have representation and reach to that rep from the Planning and
5 Transportation Commission. And then I don't know, is Rafael in the audience? Okay, we don't
6 have a rep from Office of Transportation for tonight.

7

8 Chair Summa: We do not have someone? Okay.

9 **Study Session**

10 Public Comment is Permitted. Three (3) minutes per speaker.

11 Chair Summa: Alright, thank you for that and we will move on to our... we don't have a study
12 session.

13 **Action Items**

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

16

17 2. 2147 Yale: Preliminary Parcel Map with Exceptions to Subdivide Existing Parcel into
18 Substandard Lots

19 Chair Summa: So, we will move onto our first action item which I can going to step out of the
20 room for because I must recuse because I live within 500 feet of the applicant site. So, I will be
21 turning it over to Vice-Chair... the meeting over to Vice-Chair Chang and I will leave so thank
22 you. Yes, we need disclosures from the Commissioners (interrupted)

23

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1 Vice-Chair Chang: Oh right, okay. Great, so we'll start with the Staff Report then on this item.

2

3 Ms. Amy French, Chief Planning Official: Thank you, yes, this was a continuation from the
4 previously advertised meeting and to this date certain. I'll it over to Emily. Yes, we need
5 disclosures from the Commission (interrupted)

6

7 Vice-Chair Chang: Oh, right, okay.

8

9 Ms. French: We didn't do that last time.

10

11 Vice-Chair Chang: Thank you for reminding me, so do any Commissioners have disclosures
12 regarding the items for 2147 Yale, and I can start by saying I did visit... I went to go look at the
13 property in question from the sidewalk. Anybody else?

14

15 Commissioner Reckdahl: I did a drive-by but I haven't talked to anyone else.

16

17 Vice-Chair Chang: And then Commissioner Hechtman.

18

19 Commissioner Hechtman: I had a brief conversation with the attorney for the applicant here,
20 Mr. Hanna, whom I served with [note – audio, and video cut out] on the Crescent Park

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1 Neighborhood Association Board together for many years. So, we had a brief discussion really
2 about the legal issues that are provided in their material and the points provided in the Staff
3 Report.

4

5 Vice-Chair Chang: Okay, is (interrupted)

6

7 Commissioner Templeton: No disclosures for me.

8

9 Commissioner Roohparvar: None for me.

10

11 Vice-Chair Chang: Thank you, everyone. Okay so are there any concerns with any of those
12 disclosures? No, okay then we'll start with a Staff Report, thank you.

13

14 Ms. Emily Foley, Planner: Thank you. My name is Emily Foley and I am the project planner and
15 this is the Staff presentation for this item if I can get it full screen. There we go, so the item
16 before us this evening is a Preliminary... is an application for Preliminary Parcel Map with
17 Exceptions at 2147 and 2149 Yale Street.

18

19 The project request is a two-lot subdivision of an existing 5,770-square-foot parcel in the two-
20 family multi-family zoning district with Neighborhood Preservation overlay. This application

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1 requires an Exception to allow lots smaller than the minimum size of 5,000 square feet as well
2 as lots shorter than the minimum depth of 100 square feet and it creates non-conforming
3 setback and floor area for the two existing houses on the lot.

4
5 For background, this parcel is in the College Terrace neighborhood and this is an image of the
6 original tracked map from 1891. At this time the lots had been established as underlying lots
7 that are 25 feet by 115 feet along this block. However, because these lots were never
8 separately conveyed the two lots in question identified as Lots 1 and 2 of block 48 of this map.
9 Because they were never separately conveyed they are not legally recognized as two separate
10 lots. In 2007, the existing houses were constructed. The existing configuration is two detached
11 single-family houses with attached garages and a shared uncovered parking space. The RMD
12 zoning district specifically allows for two-family use under one ownership which this fit under
13 when it was going through the application process and is the current use today.

14
15 The project overview that this application is applying for is a proposed subdivision to subdivide
16 the property into two lots. Proposed Lot 1, which is 2147 Yale Street, would under this
17 configuration be 57.53 feet wide and 50 feet deep as well as 2,885 square feet. Proposed Lot 2
18 would also be about 50 feet wide and about 57 feet deep and 2,885 square feet. In Attachment
19 B where it is listing the zoning conformance for the two lots. The titles of the columns are

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1 flipped so it says Lot 1 where it should say Lot 2. However, the information in each column is
2 consistent for the lots.

3
4 The key considerations for the Commission this evening is that we are recommending project
5 denial because the lot sizes proposed are substantially smaller than the minimum allowed. It
6 would create nonconforming setbacks and floor area and it does meet the findings for a
7 subdivision which if met require a project to be denied. Specifically Finding #3 and it does not
8 meet the findings for an Exception which they are required to meet in order to be approved.
9 Specifically, Findings #1, #2, and #4.

10
11 And as I stated previously, Staff recommends [note – video and audio cut out] and recommend
12 denial of the proposed project to the City Council based on these findings. And the applicant
13 and representative are here to make their presentation as well, thank you.

14
15 Vice-Chair Chang: Thank you. Does anybody have any quick questions for Staff or if you feel
16 comfortable holding them until after the applicant speaks then we'll do that? If you do have
17 questions that you think would be timely at this point though. Okay great, thank you. Alright,
18 let's hear from the applicant, please.

19

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1 Mr. John Hanna, Applicant Representative: Evening Madam Vice-Chair Chang and Members of
2 the Commission. My name is John Hanna, the firm of Hanna and Van Atta, I'm here
3 representing Kathrine Gelman and Firth Griffith who are the owners of these two properties.

4

5 I want to call your attention back to the College Terrace map which is the origin of this whole
6 issue. You'll see on there where they... where the two lots are shown in yellow. It's kind of hard
7 to see, but those are the two... are two lots that are on that map. Where on the map when it
8 was recorded, there's never been anything else recorded, and their legal description remains
9 today parcels 1 and 2. The problem is that we have two owners now who hold title as Tenants
10 in Common. They're two separate houses, two separate structures, separate garages,
11 everything is separate, but they hold title as Tenants in Common, and why? Well, the owner of
12 the property back in 2007 applied for and received approval to build a duplex. So, what did he
13 do? He didn't build a duplex, he built two separate homes, and in so doing he ignored the
14 existing recorded lot lines on the subdivision map. And instead of building the homes on the
15 two lots with the dividing line between them. He built them with the boundary line between
16 the lots running right through the middle of both houses. The duplex was allowed at that time
17 because they changed the zoning from what was originally an R-1 residential subdivision and
18 they put in the RM zone so they could increase density to allow the opportunity for more
19 housing and so forth. But essentially College Terrace was developed originally and has largely
20 remains today a single-family residential subdivision.

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1

2 Now the Staff has described this as a proposal to divide an existing lot into two lots and that's a
3 bit misleading because there's not one lot there. Any record that you look at, Title Insurance
4 Policy, any deed is going to describe parcels are Lots 1 and 2. So and they've continued to be
5 described that way. They... when I had a discussion about this with the City Attorney Albert
6 Yang. We talked about this and I said you know, we ought to try a Lot Line Adjustment here
7 would be a simple way to do it. And he said yeah it would be a simple way to do it but there's
8 one problem and that is that your map was recorded so long ago that we can't recognize those
9 lots as legal lots.

10

11 Well, by allowing what happened to happen I think you overlooked a very simple way of solving
12 the problem was now exists and that was the State Subdivision Map Act provision. Now you
13 know, as well as I do, that subdivisions are very complex procedures, very complex. You file a
14 map, it gets reviewed by Staff, they check the lot sizes, the dimensions, they review your
15 grading plan. You have to provide for sewer, for utilities, for streets, for paving. You have to put
16 up a bond and then you get your map recorded. So, it's quite an involved process. The
17 legislature said well there's certain cases where we ought to simplify that. So, they adopted this
18 Government Code Section 66412 which was indented to have a simple procedure and they said
19 that a Lot Line Adjustment can be made between lots. Provided they're... you're starting with
20 fewer... four or fewer lots of adjoining parcels and you don't end up with any more lots than

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1 you had to begin with. And if that's the case, it says then the local agency shall limit its review
2 and approval to determination of whether or not the parcels resulting from the Lot Line
3 Adjustment will conform to the General Plan and applicable special plan, zoning, and building
4 ordinances. And the advisory agency shall not impose any conditions or exactions except to
5 conform to local General Plan and so forth. So, the law's fairly simple, it's fairly straight
6 forward. Now but what's wrong? Well, the City attorney will tell you that a California court
7 some 22 years ago said that a lot described on a Parcel Map, which was recorded before the
8 State Subdivision Map Act was recorded, would not be considered a legal lot for purposes by
9 this section. Now, why did they say this? Well, you have to look at the case that they had before
10 them and here I'm... you know I'm sorry I'm getting into the legal issues here but we got
11 lawyers on the panel. They were looking at a map which was simply a grid system laid on a
12 1,000 acres of open space. That was the map they were looking at. There was no subdivision,
13 nothing was built, they're just looking at this recorded piece of paper. No dimensions, no...
14 nothing for grading, nothing for sewers, nothing and so they said we can't allow a lot on that
15 map to be considered under this Lot Line Adjustment. So, rather than going into a lot of detail
16 and say well here's what you would have to have in order to be considered a legal lot. They said
17 but let's simply this and we'll just say that if the lot was recorded on a map that was recorded
18 after the Subdivision Map Act. Then we'll say its okay, why? Because under the Subdivision Map
19 Act, you have a merit of all these procedural requirements that are all contained within the
20 statute. So [note – audio, and video cut out] it has to have all these things in it that I've talked

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1 about here. So, the City attorney will advise you that Lots 1 and 2 can't be considered parcels
2 because of this case. Now, he's just doing his job here which advising you that well okay, here's
3 the statute but here's this case out here that interrupted it this way. But I appeal to you to
4 consider the difference.

5
6 Courts interrupt and apply statutes differently, depending upon the circumstances of the case.
7 We're told that you can't rely on the College Terrace map because it's so old, but we're here...
8 we're not dealing with lots on a grid system on a paper map. These lots are there, the
9 subdivision is there, the streets are in, they're public, there... the sewers are in, the utilities are
10 in and they've been there for 100 years. So, to say well, we can't rely on that map because of
11 the date it was recorded because of that case doesn't make any sense and because of the
12 difference in circumstances. So, I guess what I'm saying is that, and this is my opinion if this
13 same case... if this case were to come before any court today with these facts based on this
14 College Terrace map. There isn't any question in my mind how the court would rule. They
15 would say this is different. This is not a 1,000-acre map on open space with nothing done. This
16 is different. There's a subdivision that's been here for 100 years and you can rely on the fact
17 that these in fact are lots which are described legally as Lots 1 and 2. So, the attorneys among
18 you know that [unintelligible] is important and precedents should be followed, but there are
19 any... you can look at almost any case, important case, and find that it at some point has been

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1 distinguished because of different facts and different ruling is made based on the same statute.
2 So, that's what we're dealing with here.

3

4 Now, the Staff has made some findings that the lots, the two lots that we propose, are or would
5 be consistent with the policies in the General Plan, the site is compliant with the zoning, the
6 design of the subdivision will not cause environmental damage or injure fish or wildlife or other
7 habits... habitats. It's not likely to cause serious public health problems and there's no finding
8 that it would conflict with public easements or that it would violate the goals and policies in
9 spirit of the law. Now all of these findings are contained within the Staff Report and the
10 nonconformities which exist. They're already there. These are like the hundreds of other lots in
11 Palo Alto that are grandfathered in as nonconforming lots. So, all you would be doing here is
12 taking two nonconforming lots that are grandfathered in and changing the boundary line
13 between to where it ought to be; where it should have been moved to when they agreed to
14 build these two separate homes.

15

16 So, if you... if we can look at the number two again I guess. Number three, sorry, you can see
17 there you know these are obviously two separate homes. Go to the next one. You can look at
18 them from the street, they're two separate homes. Each have their own garage and they each
19 have their own parking place and a third place in the center that they can share. And if a Lot
20 Line Adjustment were approved there would be an easement that would be created between

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1 them. And I should say that when I talked to the City attorney about this, about the Lot Line
2 Adjustment, and we discussed that... this is before I had gone back and looked at the case upon
3 which... the facts of the case upon which this decision was made. That you had to have a map
4 that was recorded after Subdivision Map Act. Why he said that he thought that our chances of
5 getting approval would be improved? He didn't say we'd get it but he said he'd thought we'd
6 have a better shot if we file a Parcel Map with Exceptions than if we asked for a Lot Line
7 Adjustment. Presumably because of this ruling, this case that I discussed, so go to the next one.

8
9 So, here is the proposed Tentative Map, and if you go to the next one. Here is the proposed site
10 plan and you see its so obvious. It makes such common sense to do it this way, it should have
11 been done this way back in 2007, and somebody, more than one person, was obviously asleep
12 at the switch and allowed this to happen.

13
14 So, I will say this that whether the City decides to do a Lot Line Adjustment or to do a Parcel
15 Map with Exceptions. Is there anybody who is going to tell a City that you can't do that? I don't
16 think so. I don't think so. The City has control over its own mapping procedures and I don't
17 think there's anybody that could tell the City that if you correct this what is obvious mistake?
18 That you're doing something illegal or something beyond your powers to do.

19

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1 So, I guess we're asking you to please do the right thing here. Either a lot line or approve a
2 Parcel Map with Exceptions. So, that these two folks can each have their own home instead of
3 owning half of each other's homes. So, that if they... one of them wants to change the
4 bathroom fixtures or decide where they're going to plant roses or petunias they don't have to
5 have a meeting.

6

7 Vice-Chair Chang: Mr. Hanna, if you could just wrap up quickly.

8

9 Mr. Hanna: Okay, so that's it, I would ask you to really consider this and please do the right
10 thing. Thank you.

11

12 Vice-Chair Chang: Thank you. Alright, before we take public comment on this item does any
13 Commissioner have questions?

14

15 Commissioner Templeton: Thank you, Vice-Chair. Thank you for the presentation. I have a
16 question for Staff. So, reading Point #4 on Packet Page 18, can you explain why approving the
17 changes here would endanger Palo Alto's housing vision?

18

19 Ms. Foley: So, what we included in that finding is that because the RMD district specifically
20 allows for the two family use under one ownership. We were saying that if it (interrupted)

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Ms. French: Are you reading from the Staff Report?

Ms. Foley: So, what we have is that it would potentially set a precedent for other RMD zoned properties, and if it becomes... I think this was potentially in response to the applicant's letter that was implying that having the tenancy in common arrangement wasn't something that the City should support where it isn't necessarily something that the City would be involved with.

Commissioner Templeton: I'm not sure if that's what it looks like to me. It looks like the four things... the findings that you had on your slide, the one that it doesn't meet. Is that right or am I out of order on which the Exception are?

Ms. French: So, if I may? So, you're looking at the Exception Finding 4 as opposed to the Preliminary Parcel Map finding. Is that right?

Commissioner Templeton: Yeah, does that line up with the slide you showed earlier about the one area that this application... I'm trying to understand the City's objection because it's not clear.

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1 Ms. Foley: So, it doesn't meet this finding because it creates a violation of the Zoning Code for
2 required setbacks and floor area. So, in this case, the setbacks are slightly smaller than what
3 would otherwise be required. The floor area is slightly larger than what would otherwise be
4 allowed and (interrupted)

5

6 Commissioner Templeton: The property has already been built, correct?

7

8 Ms. Foley: Yes, and the (interrupted)

9

10 Commissioner Templeton: I guess I don't understand. All of those Exceptions have already been
11 granted. The property has been built.

12

13 Ms. Foley: Because when the property is looked at as whole the numbers shift slightly. You
14 know, 50 percent of the property is slightly different than 50 percent of the individual
15 (interrupted)

16

17 Commissioner Templeton: Hold on, so I'm going to try and do a demo here so I can try to
18 understand it better. So, in... when my kids are in school they have a piece of paper, they fold it
19 this way, they call it hotdog. They fold it this way they call it hamburger. Right, it's still the same
20 piece of paper, so we're talking about the same parcel or two parcels and instead of folding it

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1 like this. We're going to fold it like this. The structures the same, they've already been built,
2 already been approved, so what is the... in order for us to be able to decide on... to make a
3 recommendation on this. We need to understand the City's objection and so far the objections
4 sound very theoretical because the property has already been built. So, can you help us tease
5 that nuance out, please?

6
7 Ms. Foley: So, although the project's already built, it was built to the specifications of looking at
8 the property as one single lot and when do divide it into two it changes. Specifically, for the
9 setbacks, the street side setback along Yale Street is 16-feet whereas the front property line
10 setback is required to be 20-feet and that's always for the narrow side. And so... but it's also for
11 whichever one is... has the frontage, so (interrupted)

12
13 Commissioner Templeton: Did the City make a mistake approving this building the way it is?

14
15 Ms. French: No.

16
17 Ms. Foley: No.

18
19 Ms. French: the City did not (interrupted)

20

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1 Commissioner Templeton: Help us understand, help us understand because it's not making any
2 sense.

3

4 Ms. French: Yes, okay, and I... if I was asleep at the wheel I approved this report as it went.

5

6 Commissioner Templeton: Then you're the right person to help us understand. Thank you, Ms.
7 French.

8

9 Ms. French: [unintelligible – cross talk] was [note - video and audio cut out] at the time that it
10 was one lot with a duplex construction which in the RMD, which is two-unit multiple family
11 residential district, was the kind of development that was being sought in the RMD. Not
12 (interrupted)

13

14 Commissioner Templeton: But this is not a duplex, it's two free-standing homes.

15

16 Ms. French: Well, its two units on a property which counts (interrupted)

17

18 Commissioner Templeton: Detached.

19

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1 Ms. French: Yes, but under the same ownership. When it came through that's what it was
2 approved as, under the same ownership with two units on one property. So, that is considered
3 two units on one property that follows the RMD district. So, it was not approved in error.

4

5 Commissioner Templeton: So, it's completely compliant in all other ways except where the lot
6 line is, is that right?

7

8 Ms. French: Well, the lot line was not recognized as a legal lot based (interrupted)

9

10 Commissioner Templeton: Was that a mistake or was that?

11

12 Ms. French: No, that was not a mistake.

13

14 Commissioner Templeton: So, why is it that D say to... this... I know it's super technical and I'm
15 not trying to be difficult. I just want to understand it.

16

17 Ms. French: It was the 1800s, it was the 1800s (interrupted)

18

19 Commissioner Templeton: But it's on the deed.

20

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1 Ms. French: Right.

2

3 Ms. Foley: So, it's the underlying lot line. The legal parcel description describes it... the
4 description has to be based on something that came be referenced and so what was referenced
5 was the original map for College Terrace. However, that's where the lot conveyance becomes
6 relative because although the description of this lot... the description of this one lot is Lots 1
7 and 2 from the book of College Terrace's original subdivision. That is not... it's still one lot.

8

9 Commissioner Templeton: But it was included in your presentation, so do we dispute that map
10 or no? Does the City dispute that map or no?

11

12 Ms. French: The original subdivision from the 1800s was presented in the slide for the
13 understanding of the Commission that that's where things started back in the day before the
14 Subdivision Map Act. Yes, that's (interrupted)

15

16 Commissioner Templeton: But you don't dispute those lines exist and are part of the
17 description of the property?

18

19 Ms. French: We have considered that one site for development under the RMD zoning district.

20

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1 Commissioner Templeton: Thank you for answering my questions. Just for the applicant and the
2 Staff to know, I'll be taking the remainder of this meeting via Zoom, thank you.

3

4 Ms. Hanna: [unintelligible – off mic]

5

6 Vice-Chair Chang: Would you like to hear from the applicant? Yes, please go ahead.

7

8 Ms. Hanna: The... [unintelligible] comment that the City has considered this to be one lot. Well,
9 you can't create a lot just by saying well that's a lot. If there're two recorded lots on a map you
10 can't just say well as far as we're concerned it's one lot. It doesn't work that way and the other
11 thing I want to point out is that in the Staff Report on Page 2, it says if a subject property is the
12 only one within Palo Alto's RMD zoning district with TC ownership and two single-family homes.
13 So, it's not as if approving this is going to release some monster that's going to destroy the
14 zoning or whatever. It's a one-shot deal, one of a kind. Something that (interrupted)

15

16 Vice-Chair Chang: Mr. Hanna, could you just limit your comments to answer Commissioner
17 Templeton's question? Alright, thank you. Yes, can we hear from our City attorney?

18

19 Mr. Tim Shimizu, City Attorney: Good evening, my name is Tim Shimizu, I'm an Assistant City
20 Attorney filling in for Mr. Yang and just to clarify what's underlying the City's position that this

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1 is one lot is that as Ms. Foley referenced. The recorded documents referred to indeed refer to
2 this as Lot 1 and Lot 2 and we can see that it does that because of the original College Terrace
3 map, the historical one from the 1800s. It similarly identifies akin to that, right those lines, and
4 so over time... the problem with that is, is that the Supreme Court of California has recognized
5 that simply the presences of those maps, even if they're recorded back in the 19 century, don't
6 by themselves create legally recognized lots. They're literally just lines on a piece of paper until
7 or unless the lots have been separately conveyed prior to the act... the Map Act or its
8 predecessors. So, if the applicant can show that at one time in history Lot 1 and 2 were
9 conveyed separately. The City would have to recognize those are legally separate lots, not
10 withstanding any other requirement with the Subdivision Map Act. But as... we've asked for
11 that, we have not received that, and therefore we are in this position where now we have to
12 comply with the provisions of the Subdivision Map Act. And that's why the... we're in this
13 position that the applicant has now submitted this application for... that's before you and just
14 to be clear, the issue of doing a Lot Line Adjustment is not before this body if I'm... is that right?
15 And as the applicant referred to that would be a separate framework. There is a framework for
16 how that gets analyzed but that is not something that the City usually has the PTC do. That's a
17 ministerial decision that usually held at the Public Works Staff level.
18

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1 Vice-Chair Chang: So, if I understand you correctly Mr. Shimizu, you're saying that we should go
2 through the process of looking at these findings and not... and making findings or not making
3 the findings and proceeding accordingly.

4

5 Mr. Shimizu: Yes.

6

7 Commissioner Templeton: Thank you, just a follow-up question, so is the lot developed with
8 two single-family homes as described in the Packet or as a duplex?

9

10 Mr. Shimizu: I guess I'm wondering (interrupted)

11

12 Ms. Foley: So, the... when a development is proposed, and in this case, the development was
13 proposed around 2007. The use is categorized into a use that is allowed by the Zoning Code and
14 so in this case the Zoning Code allows two-family use. And we have not historically required
15 those two family units to be attached. So, whether they're attached or detached there's two
16 units on the property and it's considered two-family use.

17

18 Commissioner Templeton: Thank you.

19

20 Vice-Chair Chang: Alright, Commissioner Hechtman.

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Commissioner Templeton: And I'll be dialed in as soon I'm out of the garage.

Vice-Chair Chang: Great so yes just in case we couldn't hear that. Commissioner Templeton will be joining us by telephone so that she can continue to vote. She'll hear the discussion. Alright
Commissioner Hechtman.

Commissioner Hechtman: Yeah, so and we're just asking questions, we haven't had public comment yet.

Vice-Chair Chang: Right.

Commissioner Hechtman: So, you know a question for Staff on the... I do think there's a little... I think it's tangential but maybe we could clear this up. So, the... in the applicant's documents they refer to this 2007 application that resulted in the structures that are there today as being an application for a duplex. That's the... you know its in their correspondence, they give it a title of duplex, but what I'm wondering is... well, normally we think of a duplex as two units attached with a common wall. Right, but I think what Staff is saying is that that's not necessarily so.

Ms. French: Correct.

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Commissioner Hechtman: Is that right that you can have two separate units on one parcel that are considered a duplex?

Ms. French: It's a two-family use and the way it was described in the approval letter which I'm looking at in front of me is the project site is 5,750 square feet in size and it's for the construction of two multiple-level dwelling units with basements. So, you know they're two separate dwelling units but they're two family on one property.

Commissioner Hechtman: Okay and yeah and I understand how the zoning works and how this structure is consistent. I think what was confusing me and maybe other Commissioners was again reading in the... that maybe the approval was for something that was labeled back in 2007 a duplex and this doesn't look like a duplex. It looks like two separate units but in fact, what was approved was two detached living units. Okay, so that was the only question I had. I'll have comments once we close the public hearing.

Vice-Chair Chang: Commissioner Reckdahl.

Commissioner Reckdahl: I want to go back to the whole lot line issue. The lot line that we see there has no legal meaning in Palo Alto? When a parcels made up of multiple lots, like there are

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1 quite a few lots in... quite a few parcels in College Terrace are constructed with multiple lots. Do
2 those historical lot lines have any legal significance in Palo Alto?

3

4 Mr. Shimizu: So, they do only if those... so back in the... that map that was from 1890s or
5 before. They only have significance in terms of creating legally separate lots if someone can
6 prove that those lots were then actually conveyed separately. But to the extent, that adjoining
7 lots as they were draw on the map stayed together in common ownership throughout history
8 as we think that these two have. The law says, including the Supreme Court says, is that they're
9 not otherwise legally distinct.

10

11 Commissioner Reckdahl: So, the fact that they... this one parcel was... is made up of two
12 separate lots is meaningless?

13

14 Mr. Shimizu: Well, the law doesn't recognize them as two distinct lots. It says they remain as
15 one because they've always been treated as one and they... because they've never been sold
16 apart and we're assuming that's true, that they are still one unit.

17

18 Commissioner Reckdahl: Okay, thank you.

19

20 Vice-Chair Chang: So, I have (interrupted)

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Commissioner Reckdahl: Oh, oh, one more question (interrupted)

Mr. Shimizu: Well and at least to the point of... and this is... this whole framework is basically an Exception to the Subdivision Map Act regular requirements for creating a new you know a subdivision. So, it's not like these people have no option at this point but if they want to avail themselves of this Exception. They have to be able to show that the lots were separately conveyed at one time.

Commissioner Reckdahl: We quite often use the terms lot and parcel interchangeable. Are they different legally?

Mr. Shimizu: So, in this sense no, legally they're... whether you call them a lot or a parcel they're not distinct units.

Commissioner Reckdahl: Okay but so if I say lot, lets example... the applicant used what's quoted like 6612, Lot Line Adjustment Act. Some legal (interrupted)

Vice-Chair Chang: What Page?

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1 Commissioner Reckdahl: This was in the verbal comments.

2

3 Vice-Chair Chang: Okay.

4

5 Commissioner Reckdahl: So, the lot... when we talk about Lot Line Adjustments, what we're
6 really saying is parcel line adjustments?

7

8 Ms. French: Well the parcel is... my understanding is you know parcel numbers are basically for
9 tax purposes generated at the county. So, when we talk about a parcel of land I guess that's
10 something that's equivalent to a lot but.

11

12 Mr. Shimizu: Well, yeah so just to clarify, the... a Lot Line Adjustment already assumes that
13 there are two or more legal distinct recognized pieced of land, whether you call them a parcel
14 or a lot. Whatever you call them and that procedure doesn't... at least the City's position is that
15 that procedure doesn't apply in this case because there is only unit of land. While there may
16 have been intension in 1890 may have been to create more than one. The fact that they've
17 always been kept together conveyed together, and never been conveyed separately means that
18 they can't avail themselves of this Exception to the Subdivision Map Act.

19

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1 Commissioner Reckdahl: Okay and so any lot line facilitation does not apply to this because that
2 line that we see down the center of that parcel is meaningless in Palo Alto's standpoint.

3

4 Mr. Shimizu: That's correct and that's not just Palo Alto, that's the whole State law. That's State
5 law we're following not just Palo Alto's rule.

6

7 Commissioner Reckdahl: Okay, thank you.

8

9 Vice-Chair Chang: [unintelligible] a Commission... Commissioner Roohparvar.

10

11 Commissioner Roohparvar: Thank you. Yeah, I had the same confusion around the lot line and
12 the hamburger and hot dog demo. I think I understand it. You're saying there is not even any lot
13 line on this parcel? There's no lot line. There... it's just a single lot is what your perspective is.

14

15 Mr. Shimizu: So, the position under... the City's position is that it's literally just a line that
16 someone drew in 1890 and put on this map, and had they wanted to effectuate that overtime.
17 They would have had to convey these pieced of land separately, but and no one has ever done
18 that.

19

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1 Commissioner Roohparvar: Right, it was common ownership so based on that you're saying it
2 was... so let me ask you this though. So, from 1890 until 2000 when the Supreme Court case
3 came out they would have been recognized as separate lots because even in their deed they're
4 listed as separate lots with separate parcel numbers, APN numbers, whatnot. Is that accurate?
5 So, pre-2000, 1890 to 2000 they would have been recognized? It's only because of this Supreme
6 Court decision that we now no longer recognize the separate lots. Is that accurate?

7

8 Mr. Shimizu: No, so the (interrupted)

9

10 Commissioner Roohparvar: No.

11

12 Mr. Shimizu: Upon the introduction of the Map Act over time and it's predecessors the... and in
13 addition to courts dealing with cases similar to what the Supreme Court dealt with in 2003 in
14 the Gardner Case. That's the one I keep referring to, what's become clear is that parcels either
15 to get a legal status, a piece of land either has to comply with the Map Act or it's predecessors,
16 or if there was no law at that time such as in the 1890s. It has... and people want to avail
17 themselves of this Exception, you have to be able to show separate conveyance. So, the 2003
18 case confirmed what the State of the law was. It didn't just wholesale change, it didn't create
19 this rule out of nothing.

20

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1 Commissioner Roohparvar: So, I guess what is confusing me is it feels like that there was, and
2 tell me where I'm misunderstanding, there was this lot per the 1890 map. They built...
3 understood there to be two lots, etc. All of a sudden, like the homes, are built, everything is
4 gravy and the law changes, and all of a sudden they lose their rights that they were previously
5 were relying on and expected. It just feels a little bit like, I don't want to say a taking, but like
6 what am I missing here? Is that what happened or no, this was like plain, nothing existed and
7 it's akin to the Supreme Court case where it was just empty lot of land and these laws are
8 subsequently coming into play.

9
10 Ms. Foley: The lot has always been one lot in the sense that prior to when there were two
11 houses here. There was a single-family house that actually straddled the underlying lot line as
12 well and so at that time... we have other rules that prevent having structures from crossing
13 property lines. And so that was... it had already been being treated as one lot prior to the
14 current development as well.

15
16 Commissioner Roohparvar: But then the deed, when it references the property it says Lot 1 and
17 Lot 2. How does the actual deed read? Can you refresh my memory? Does that conform with
18 this vision of lot line, like the recordings and everything like that?

19

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1 Ms. Foley: The legal description that was included in the Title Report I'll need a second to pull
2 that up. It was included on one of the Packet Pages.

3

4 Vice-Chair Chang: I think on old Packet Page 34.

5

6 Commissioner Roohparvar: 24 or 34?

7

8 Vice-Chair Chang: 34 in the old Packet but in the new Packet it's... well, 24 also.

9

10 Ms. Foley: Yeah, Packet Page 32 and so this is the legal description of the property which has
11 APN 137-0-038 which identifies this lot... this property as Lots 1 and 2 of the map of all of
12 College Terrace that we've been referencing.

13

14 Commissioner Roohparvar: Thank you, I don't have any other questions right now.

15

16 Vice-Chair Chang: Okay, I think if Commissioners don't have other questions right now we'll
17 take public comment. Who are our public commenters, Ms. Dao?

18

19 Ms. Veronica Dao, Administrative Assistant: We have one in-person public speaker, Priya. You
20 have 5 minutes.

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Ms. Priya Graves: Good evening, I'm Priya Graves, I live at 2130 Yale, so I'm across the street and a little bit to the north. Given this long discussion about lot lines, most of the properties in College Terrace, or many of them have multiple lot lines underneath them because the whole area was subdivided or was parceled out by the folks in 1890 in these little tiny lots. That's why College Terrace has a number of very small units as well as a number of larger homes. But the larger homes are almost always on two or even three original lots so and they have no current meaning really.

I ask you to support Staff's recommendation to deny this. I understand that the TIC is a difficult situation for the current owners. I understand their desire to be rid of it, but as Staff has pointed out. Doing a subdivision would create a lot of Exception and problems and I see this as a potential slippery slope as a precedent for other subdivision applications. Both in RMD and other places, even folks with ADUs in their back gardens who decide they want to get rid of it and sell it separately. This could be pointed to if you grant this since there's no real... I don't see that there's a real justification for it. You're going to create two lots that have excess square footage, under parked, insufficient setbacks, insufficient lot size. Completely violating the RMD NP zoning which has kept College Terrace as it is, a very eclectic and wonderful mixed neighborhood.

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1 This is not the only two dwellings on a single lot under a single ownership in the neighborhood.
2 There are others so this is not all that unusual and I think the idea of starting that slop of
3 allowing subdivisions under that circumstance is very very risky. I also see that it could
4 potentially lead to problems for these owners or future owners when they want to make
5 modifications to the house or even possibly repairs. That they might or might not be allowed to
6 do so because of the fact that it is so noncompliant. I think that it is much better to leave it
7 compliant at it is. I understand the Tenant in Common is an uncomfortable situation but I think
8 there's got to be a better solution to that. Thank you.

9

10 Vice-Chair Chang: Thank you. Okay, so I think now we have time for a rebuttal, is that correct?
11 Is that the process that we follow, from the applicant? No, there's nobody online, is that
12 correct? Okay, so at this time we have... we can have the applicant's rebuttal and they have 3
13 minutes.

14

15 Mr. Hanna: Well, I'd like to correct one thing that the last speaker said and from the Staff
16 Report this is the only one. Staff says that in its report and I quoted that to you earlier. There
17 isn't any other situation like this, so it's not like we're going down some slippery slope and to
18 tell you the truth I think that legislatures probably going to recognize that they left a loop hole
19 with SB 9 when they limit it to a R-1. I expect that probably the next legislature they'll broaden
20 it and include RM. So, it's not something we can control but you can certainly right here what is

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1 a difficult situation that these folks did not create. And the folks that allowed this to happen
2 perhaps thought they were playing by the book and doing the right thing but when you look
3 back on it. It was not a good decision. It's so obvious from the way this is built that it cries out
4 to be two separate ownerships, not so you don't have to have a family meeting any time you
5 want to do anything. Where you own half of someone else's house and they own half of yours.
6 You know it's just an untenable situation and it certainly has an economic effect on it. Ask an
7 average home buyer who's going to buy into a Tenancy in Common as opposed to buying their
8 own single-family home where they don't have to sit down with their neighbor to discuss any
9 time they want to do anything.

10

11 So, it's something that I think the City has the authority to correct, to make right, and I think
12 that despite these Supreme Court... the Supreme Court decision that was referred to. And I've
13 told you what it was based upon and the considerations it was based upon would simply do not
14 apply here and would not have applied had they'd been looking at a completed subdivision that
15 has been there for 100 years. The decision would have been quite a bit different. Thank you.

16

17 Vice-Chair Chang: Thank you, Mr. Hanna. Alright, so the hearings now closed for comments
18 from the applicant and from the public unless we ask them questions. Alright Commissioners,
19 does anybody have any comments right now? Commissioner Hechtman.

20

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1 Commissioner Hechtman: Thank you, Vice-Chair. I've got a lot of comments so you can cut me
2 off at 5-minutes and I'll save them for later (interrupted)

3

4 Vice-Chair Chang: Sounds good.

5

6 Commissioner Hechtman: If I don't do it myself. So, I have seen this situation many times in my
7 work with these underlying lots and it's in some ways counter-intuitive and it's difficult to
8 grasp, unless you've... until you've been trained on it and here I think it's in a sense distracting
9 us because what's in front of us is a Parcel Map proposal. And the base question is we've got
10 this land, it's got a couple structures on it, do we want to draw a line between them, and to do
11 that we need to deal with the Exceptions that are being requested which are pretty well laid
12 out in the Attachment B Zoning Comparison table. At least a number of them that shows you
13 where it's nonconforming, but I do want to... and maybe I'll just in this first group of comments
14 just kind of talk about this confusion and one lot or two lots.

15

16 So, and the reason it's confusing for people that don't have the training is we've seen a map
17 that was approved by the government back in 1891 and it shows all these little lines getting
18 carved up. If we look at today's assessors Parcel Map and I don't know if you have... I don't
19 know if that's part of your deck that you could pull up, the APN map. If you don't have it, that's
20 fine, but (interrupted)

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Ms. Foley: I mean the reason why we do not is because the APNs from the County have typically not been used to define legal lots since they're only used for tax purposes.

Commissioner Hechtman: I agree, I agree but sometimes even those maps will show... so this parcel only has one parcel number. Right but sometimes those maps actually even show the underlying lot, even though there's only one APN. It will show that phantom line from the 1891 map. So, we have these government maps, government-approved maps that look like there are two lots and then we have this legal description in the deed that says Lot 1 and Lot 2. How can that not be two pieces of land? But the answer is as our Assistant City Attorney has responded it's not two because our State Supreme Court said so and what they said is for... that maps recorded prior to 1893, and this is one of the cases, if it's a map recorded before 1893, unless sometimes after 1893 the pieces that you have were broken up and then put back together, broken up meaning owned by different people and then put back together. If they always stay together then they're together today and notwithstanding this Lot 1 and Lot 2, it's just one lot, it's one parcel. And I was trying to think of an analogy that would be to get us away from the Lot 1, Lot 2, and here's the best thing I could think of. This is the Agenda, this is today's Agenda, alright? It's one Agenda, now there's... it's true there's a left half and a right half but it's just one Agenda and it stays one Agenda unless I tear it in half and hand half to the Vice-Chair. Right, now I have separated these parts. Right, now I could take it back and tape it and it's going to be

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1 one Agenda again. Well, so that didn't happen with these lots as far as we know. Right,
2 apparently Staff asked for that information whether it always traveled together as one chunk of
3 land 50-feet wide by 115-feet long. That was true back in 1891, it was true whenever it got
4 broken off from what was next to it, a lot... which and it looks like 580 College Avenue is
5 probably comprised of Lots 3 and 4 I would think without looking. Alright and so that's how that
6 got broken off and so now it's moved forward treated as this one chunk of land. It had a house
7 on it that sat on top of the lot line. Then when that got torn down... well, sat on top of what I'm
8 going to call the ghost line from 1891. When that got torn down and these two detached... this
9 detached duplex got built. Those were built right on top of that ghost line and so it's always
10 acted that way. So again, it doesn't mean we can't approve this Parcel Map that's been
11 presented to us. We just have to study the ramifications of doing that.

12
13 But what it does mean is that, and it's not on our Agenda so we couldn't consider anyway, but
14 you can only use a Lot Line Adjustment, as our Assistant City Attorney said, when you start with
15 two legal parcels. When you have two legal recognized parcels, so in this situation if 1 and 2
16 had ever been separately conveyed and put back together, now you could do a Lot Line
17 Adjustment, but because they weren't you don't have the fundamental premise to do a Lot Line
18 Adjustment. And so that's why I think that our Assistant City Attorney Yang really gave the
19 correct advice. We can't approve a Lot Line Adjustment because you don't have two lots. You
20 got some chance of an approval if you go by... try a Parcel Map and so that's where we are.

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So, when... I'm going to yield the floor now and I'll come back and talk about what I think about the Parcel Map.

Vice-Chair Chang: Okay, thanks, Commissioner Hechtman. So, I wanted to jump in right now and suggest that we do look at those findings that we need to make or not make. And so, as I look at the Preliminary Parcel Map findings and I'm still using the old Packet from last week because that's what I have tabbed but it's Attachment C. Old Packet Page 26 and new Packet Page 16 and for the Preliminary Parcel Map findings I agreed with Staff's analysis with the exception of... well, with... I disagree for the third Preliminary Parcel Map finding where it says that the site is not physically suitable for the type of development because no development is happening here. The developments already happened and so that's... I don't think that its... there is no development so I have no problem actually with any of the Preliminary Parcel [unintelligible]. I can... I don't have any problem with any of the findings one through seven.

So, then for me, I move onto the Exception findings and that's where I start... I'd like some more information. So, regarding the first finding which... and for these exception findings we have to make all four findings in order to be able to make the... execute on the subdivision. So, the first finding on Packet Page 17 says that there are special circumstances or conditions affecting the

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1 property. And this is where it does sound like, to me at least, that the TIC is a very... it's a special
2 circumstance. When Staff said that it would be only TIC in RMD, how do we know that?

3
4 Ms. French: I would say that's anecdotal beginning that I've been here a couple of decades and
5 I have never heard of one of these. I know they're popular on the east coast but this is the only
6 one that I am aware of. That doesn't mean there aren't any out there.

7
8 Vice-Chair Chang: Okay and then I also saw... thank you. I also saw an applicant's letter that
9 essentially fit... there's no one willing to finance TIC-type sales of TICs except up in San
10 Francisco. So, to me, it seems like this is a special condition affecting the property.

11
12 And that rolls right into the second Exception Finding which is the exception as necessary for
13 the preservation and enjoyment of a substantial property right of the petitioner. So, I guess my
14 question and I should have probably asked this earlier of the applicant is the current applicants
15 bought the property in its current... as a TIC. Is that correct and I'd appreciate it if the applicant
16 could answer the question.

17
18 Mr. Firth Griffith: Can you hear me?

19
20 Vice-Chair Chang: Yes, we can hear you.

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1

2 Mr. Griffith: Yes, my wife bought the property while I was aboard and Santa Clara County told
3 her she would only be subject to TIC for several quarters because they would not accept two
4 people from Palo Alto signing checks depending on who at home. They said that the City of Palo
5 Alto would not continue this TIC agreement also and I think your situation is a little bit
6 (interrupted)

7

8 Ms. Kathryn Gelman: It's a little different, so I purchased the home in May 2011 about 6 weeks
9 before my neighbors did and [unintelligible] had represented me. And my original... the TIC that
10 I signed was with Twelve and Busters which was very unusual and then when Firth and Yuqing
11 bought it. There was another TIC that I didn't realize existed. The TIC that I signed was written
12 by an attorney in San Francisco. It lists San Francisco, not Palo Alto. It was all very very
13 confusing. I'm not sure if that answers your question but it was (interrupted)

14

15 Vice-Chair Chang: Yes, thank you, thank you.

16

17 Ms. Gelman: Okay, thank you.

18

19 Vice-Chair Chang: So, it sounds like this is... I mean to me at least it sounds like it's a unique
20 situation. I guess for... my question to Staff is if we were to say oh the TIC is an unusual

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1 situation. Is there anything to prevent every single homeowner or every single property owner
2 in RMD in College Terrace to then create TICs and then say oh now I have a unique situation?
3 So, that what I wanted to ask and does City of Palo Alto have any control over that at all?

4
5 Ms. French: I mean this could be Citywide single-family homes as well. I don't know... I mean
6 Tenancy in Common is not something the City regulates. Right because (interrupted)

7
8 Ms. Foley: So, the ownership structure of any given parcel is not something that the City
9 regulates and that's why we did not consider that to be a special condition of the property since
10 we would just be looking at Development Standards and.

11
12 Vice-Chair Chang: So, I'm confused about that statement that the ownership structure is not
13 something that we regulate because RMD specifically says its suppose to allow for multiple
14 dwellings under the owner... under single ownership. So, this is multiple dwellings... two
15 dwellings under the ownership of two parties.

16
17 Ms. French: Well, it's a single owner as far as the... I mean a Tenancy in Common is a single
18 ownership. It's like... kind of like a trust or something right were two parties are part of the
19 Tenancy in Common. I'm not a lawyer.

20

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1 Ms. Foley: The Tenancy in Common was not a condition or requirement for the two units being
2 built. That was determined by the developer when they became ready to sell it.

3
4 Vice-Chair Chang: Okay but if I think about the spirit of the law for RMD I don't think that... I
5 wasn't there but I don't think the intention was that oh we could then have Tenancy in
6 Common of all of these parcels executed in exactly this way. So, for example, we don't want
7 people building an ADU and then selling that ADU to somebody else and that's essentially what
8 these developers figured out a way to do. Is that (interrupted)

9
10 Ms. French: Yeah, I think there wasn't any monitoring by the City what came in through the
11 Architectural Review process for a two-unit development was a single ownership. So, the City
12 had... was no... did not take part in anything related business dealings after that.

13
14 Vice-Chair Chang: And then I guess I have a question for Mr. Shimizu then. Is there any way that
15 we could prevent this from happening in the future because I do feel for the applicants here. Its
16 clearly a very sticky situation and sure I can say that they should have known better and
17 entered into this situation but it sounds like it was very confusing.

18
19 Mr. Shimizu: So, you know, what the City can do to better educate homeowners or home
20 buyers or home renters about the nature of the arrangement they're... you know a private

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1 business transaction is a little bit beyond perhaps what the City thinks its job is. That, you know,
2 certainly the City could always consider at a policy level efforts to weighed into that. I mean but
3 again, you know, in general, though that's a policy question about how far the City would like to
4 use its resources to educate people about that.

5

6 Vice-Chair Chang: Okay thanks, I mean I just see that this type of problem is going to continue
7 on and only become more common. Especially with the construction of many ADUs.
8 Commissioner Reckdahl has a (interrupted)

9

10 Commissioner Reckdahl: I mean I don't consider the TIC to be a special circumstance and I think
11 the Staff Report correct. It's a private matter, they... and it's a private matter of their own doing
12 they created on their own, they wouldn't have had to buy the property and to think... I mean
13 the Staff says that and the Staff Report says that the... this private arrangement shouldn't effect
14 zoning. Zoning should be independent of what the funding is and I agree with that. I don't see
15 any reason... I mean I had friends who... two bachelors who bought a house together under TIC
16 and then eventually one of them got married and bought out the other half. So, for them, it was
17 a wonderful situation but the fact that they went into that situation doesn't mean that they
18 should get some zoning impact. They were a single owner buying together just like any other
19 single owner so I don't consider that a special circumstance.

20

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1 Vice-Chair Chang: Thanks Commissioner Reckdahl and Commissioner Templeton has rejoined us
2 and she has some (interrupted)

3
4 Commissioner Templeton: Hi, thank you. Yes, I've been listening in to the discussion. I
5 appreciate the accommodation. Just thinking about the ADU point that you brought up Vice-
6 Chair. I was wondering if Staff can tell us if ADU is zoned in the same way as this particular
7 parcel and if we think that somehow making it accommodation or exception for this parcel
8 would effect in any way how ADUs could or couldn't be split up in the future.

9
10 Ms. Foley: So, it is my understanding that the ADU State law does state that ADUs cannot be
11 separately conveyed from the main house but I (interrupted)

12
13 Commissioner Templeton: Thank you.

14
15 Ms. Foley: Oh okay.

16
17 Commissioner Templeton: Thank you, yeah that's sufficient. I just wanted to make sure because
18 I... we do a lot of, you know as we process these discussions and look for edge cases and
19 consequences. We do a lot of speculation and I just want to make sure that we're all on the
20 same page because that was my understanding as well. That ADUs would be treated very

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1 differently than this particular zoning situation. So, I don't think we're in danger of setting a
2 precedent for ADUs with however we treat this situation. Thank you.

3
4 Vice-Chair Chang: I was going to follow up on what Commissioner Templeton was asking and
5 wanted to make sure she was back before I followed up on one of her earlier questions. She
6 was asking why Staff is concerned about setting a precedent by doing something with... by
7 granting this application. And could Staff explain because I'm not sure that Staff really
8 answered that question to Commissioner Templeton's satisfaction and didn't at least for my
9 satisfaction. So, if Staff could try to address that question again about why with respect to
10 Exception Finding 4 Staff says allowing this Exception would violate the spirit of the law by
11 setting a precedent for other RMD-zoned properties.

12
13 Ms. Foley: So, because the... because College Terrace is an entire neighborhood built up of
14 parcels that are based on this map. I think it... at that time we were thinking of if this would be
15 used for other two family uses in that... in the RMD district that have the underlying parcel lines
16 regardless of the ownership structure. However, as Commissioner Hechtman explained that is
17 separate from any given application for a Parcel Map.

18
19 Vice-Chair Chang: Okay so Staff's logical at the time was that allowing the Exception would then
20 kind of make real all of these ghost lines that are all over College Terrace but given what

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1 Commissioner Hechtman has said its actually an entirely separate issue. So, it's probably not a
2 problem, so then I think that only issue that... where I would see a slippery slope problem is
3 that other Tenancy in Common applicants could come to us and say well I have a Tenancy in
4 Common with my other RMD... you know another lot in RMD. Can you please draw a line
5 between? Is that the slippery slope than that you're now concerned about?

6

7

8 Ms. French: I mean I wouldn't limit it just to College Terrace and RMD. There could be... you
9 know there's an RMD close to here and maybe even beyond RMD. Other zones where you're
10 (interrupted)

11

12 Vice-Chair Chang: Right so it could be... couldn't you then take an ADU, like a house with an
13 ADU, and have a Tenancy in Common agreement with that? Is that not allowed?

14

15 Ms. French: I think the house could be a Tenancy in Common.

16

17 Vice-Chair Chang: But not the ADU.

18

19 Ms. French: But not the ADU.

20

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1 Vice-Chair Chang: Okay but then for any other parcel in Palo Alto that has multiple residents.
2 Any other duplex, any other triplex, could come and say well lets or say the cottage clusters for
3 explain where there's four pieces could say well divide this into four then.

4
5 Ms. Foley: It is somewhat uniquely for the two-family uses because when you have three or
6 more units we have existing limitations on condo conversions. So, that should be taken into
7 consideration.

8
9 Vice-Chair Chang: Okay, that's helpful. Other Commissioners have questions? Commissioner
10 Templeton.

11
12 Commissioner Templeton: Thank you and thank you for that additional discussion. I think that
13 was really helpful. I guess when we read the Packet and read about the City's concern, about
14 Staff's concern here. It's hard for us to scope it and that's what we're really trying to do with
15 this exercise of talking about the different kinds of cases. Is, you know, it's written very large
16 and alarming like this could have devastating consequences to our whole housing vision plan
17 and we don't really know what that means. How many... like you said you're concerned about
18 setting a precedent. Well, it doesn't happen to ADUs, it doesn't happen to cottage clusters, it
19 doesn't happen to... you know we've eliminated a lot of it. What's the scope of this concern?
20 Can you clarify that, please? Thank you.

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Vice-Chair Chang: I actually don't necessarily have a concern about setting a precedent. I'm trying to understand what Staff's (interrupted)

Commissioner Templeton: Oh, I'm sorry Vice-Chair, I was not referring to you. I was referring to the Packet.

Vice-Chair Chang: Oh sorry, yeah I was trying to understand (interrupted)

Commissioner Templeton: Sorry about that.

Vice-Chair Chang: Because I was trying to scope what is the scope of this.

Commissioner Templeton: Yeah, we're kind of circling the same question.

Vice-Chair Chang: Great, so that we're clear on that question, please answer Commissioner Templeton's question.

Ms. Foley: I don't specifically have a count of how many two-family use parcels we have in the City.

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Ms. French: No, I mean that's information that could be obtained. I'm... a memory of 20 years ago is coming up for me and I don't know there was a time when we passed an ordinance that was very clear that you could not subdivide these. I think it was R-2 and RMD. I mean that was way before SB 9 so you know the landscape has changed but the City was pretty strong in not allowing lot splits where you're suppose to have two under the same ownership. And I remember an uncodified ordinance from way back on that. I can't remember where that is in the Code but it should be the subdivision (interrupted)

Vice-Chair Chang: Can you online hear Commissioner... hear Ms. French?

Commissioner Templeton: Barely.

Vice-Chair Chang: Could you speak closer to the mic? Thank you.

Ms. French: Sorry, I was just remembering an ordinance that the City passed, I believed it was neighbors uncodified ordinance at the time, to make very clear in our Code and perhaps it was around the 2000s. That you cannot split lots in the R-2 and RMD. You cannot condominium-ize I suppose. That was the ordinance and I am remised to not know which part of the Code it made it into.

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Commissioner Templeton: Well, would this be considered condominiums?

Ms. French: No.

Commissioner Templeton: Two single-family homes.

Ms. French: Well, right now they're... yeah they're not condominiums. They're not air space condominiums because it's a Tenancy in Common.

Commissioner Templeton: Right so I'm just trying to understand if the ordinance you're recollecting is relevant.

Ms. French: It may not be. I'm not sure I understand your question.

Commissioner Templeton: You said that there was strong reasons not to lot split for condominium purposes is what you recollected and I'm asking since this isn't condominium purposes. Would that Code that you're recollecting be pertinent or not? It sounds like it's not... it's tangential.

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1 Ms. French: I think it is tangential.

2

3 Commissioner Templeton: Okay so I'm sure we'll... we're all coming at this from different angles
4 but really we're trying to understand what's in and what's out and what applies and what
5 doesn't apply. And I really appreciate Staff answering our questions because it is a tough one,
6 but as we try and figure out how to make this decision and looking at the point that Staff is
7 saying doesn't work. We're trying to figure out what are the ways and also, just incidentally, if
8 there's another way that this should be approached that we haven't discussed that the
9 applicant should consider or the PTC can consider. That would allow them to achieve their end
10 goal through a mechanism that Staff can be on board with. We should also... we would love to
11 hear that as well.

12

13 Vice-Chair Chang: Other Commissioner comments? Commissioner Hechtman.

14

15 Commissioner Hechtman: Thank you, so actually I want to sort of pick up on the tail end of the
16 last set of comments I made. I did think that Mr. Hanna's point, that the State law that City
17 Attorney and I have been referring to really applied under different circumstances, I think that's
18 actually an interesting argument and I haven't really studied all those cases with that in mind. I
19 know its certainly true for some of them but the constraint we have is that we have to follow
20 the State law until the State law changes. And so, if somebody can... if Mr. Hanna's right, and he

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1 often is, if somebody can take that case to the State Supreme Court and have them say yeah
2 well okay if it's open space that's the rule from 2000 but you know where it's all laid out its a
3 different rule, then we can go forward that way and maybe that will happen and if there's no
4 Parcel Map tonight, maybe it will happen in 2 years and then it can be done. Who knows but I
5 do think it's a good point and I didn't want to ignore it and dismiss it because he may well be
6 right.

7

8 I did want to say Tenancy in Common... I think we're getting confused by that... a little or
9 waylaid by the form of ownership. Tenancy in Common is not really that unusual of a tool. I
10 don't know how often it's used in Palo Alto but if you drive through San Francisco and you see
11 all those three beautiful three-story Victorians. Right with three entries, right? Very many of
12 those are owned by a collective of people who each wanted to own a floor and the way you do
13 that is you collectively buy it and then you have this agreement that says I get to use the first
14 floor, you get to use the second and he gets to use the third. And that... I think that's what
15 happened here on this lot and its perfectly appropriate for it to happen. You know alternatively,
16 it could be owned by one person who lives in one and rents out the other. That's allowed, it can
17 be owned by a company that rents out both of them or you know, or has it's a share holder son
18 and daughter live in one and the other. Right, it's all same ownership and actually, I thought
19 about... because I have concerns about [unintelligible] by Parcel Map. I was thinking about is

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1 there another way to get these folks where they want to go and where they want to go is they
2 want the two structures separately owned.

3
4 Right and so the first thought I had was can we condo it, but then when we look at the zoning,
5 and see it has to be under one ownership. Even though you I think technically might be able to
6 get a condo approved, although I don't know if we do a two condo, they couldn't separately
7 own them so it wouldn't get them to where they were going.

8
9 The other thought I had was on the zoning and I wonder if Staff could pull up the zoning map
10 for this area of College Terrace because I'd like to take a look at that.

11

12 Ms. Foley: I can do that, it will just take a minute. [unintelligible – crosstalk]

13

14 Commissioner Hechtman: Okay and while you're doing that let me sort of talk about the Parcel
15 Map and sort of my concern. So, this land is in the RMD district, right that's multi-family zoning.
16 Alright, Palo Alto has a lot of single-family zoning. They don't have enough multi-family zoning
17 and in fact, our new Housing Element is going to make more multi-family housing or more
18 dense the multi-family we have. I think that's more accurate and I think we need to do that. We
19 need to find more housing and we need to... and so just as some people during that Housing
20 Element process wanted to protect the integrity of the single-family neighborhoods, I'm

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1 concerned about protecting the integrity of the multi-family neighborhoods and keeping them
2 multi-family.

3

4 And so, one of the concerns I have here is that if we do this lot split, Parcel Map lot split, what
5 we will have done is essentially created two single-family lots in an area of multi-family and I
6 am concerned... and they're micro lots. Right because this whole... I have a 6,000-square-foot
7 lot which is pretty standard. Kind of on the small side for Palo Alto, probably about... maybe
8 average size. This is a smaller lot right now and they want to break them into two lots under
9 3,000 square feet which in my business we call micro lots. Right, it's kind of a different product.
10 I don't know that I'm averse to that product but if we're going to create that product in Palo
11 Alto, we need to do it in a thoughtful way rather than a piece meal way and so when I look at...
12 even before I look at the findings and I've said many times that we have to have ordinances and
13 standards that people who want to build something in Palo Alto can rely on. They see it in print
14 and if it says you can do this then you should be able to do it. The concern I have here, and
15 again, I think Attachment B, the zoning comparison, the table... tells the tale is that none of the
16 rules apply. Right, in order to grant... two create two separate lots we make the size of lots
17 nonconforming. We make the minimum site depth nonconforming. The front setback which is
18 supposed to be 20-feet is 16. The interior which is supposed to be 6-feet is 3.6, the rear which is
19 supposed to be 20-feet is 6 or 3.2, and it's slightly more than the amount in floor area. The
20 Exceptions kind of swallow the rule here and that's really the concern I have is that I don't want

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1 to erode the multi-family district. I don't want it chopped up into little single-family homes and
2 people manipulating or working through the laws to do that.

3

4 The reason I've asked for the zoning map to be pulled up and can you help me out?

5

6 Ms. Foley: Yeah, so if you can see my cursor, this parcel is the subject property. It is the one
7 that is directly to the boarder of the CN zoning district at the intersection of Yale Street and
8 College Avenue.

9

10 Commissioner Hechtman: Thank you, so the thought I had and the reason I wanted this map up
11 is one thought I had is what if we rezoned the property to R-1 because then they can do an SB 9
12 lot split. So, but to rezone the property, which is not the application before us tonight, but to do
13 that you have to be... you pretty much have to be bordering on what you want to rezone to on
14 at least one side, preferably at least two or else you get into this spot zoning concept and what
15 I'm seeing... I'm not seeing any R-1 in the vicinity of this. So again, my goal here was... is to try
16 to think of a way to help these folks get where they're going but I don't even think that idea
17 would work because it would be spot zone. And so, I mean I'm not suggesting it but I just hadn't
18 seen the zoning map to see if it might work.

19

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1 So, based on all that I feel for these property owners but on the other hand, I feel like they got
2 exactly what they bought and so they haven't lost any value. I appreciate that they could
3 enhance their value if they could accomplish this lot split. But I don't think our rules allow it and
4 so you know the value of the parcel is this one parcel with two lovely homes on it. And so, I
5 think I'm... so I am not necessarily wedded to every word in the draft findings but generally I
6 support them.

7

8 Vice-Chair Chang: Commissioner Templeton.

9

10 Commissioner Templeton: Thank you. This is a question for Staff is if this application was to put
11 the lot line where it is on the 1800s map would you still oppose it?

12

13 Ms. Foley: We would not be able to consider reestablishing the underlying lot because it would
14 cut through the existing buildings.

15

16 Commissioner Templeton: Even... why that's a catch-22 right there. The reason why I was
17 asking is I was wondering if they could sell each other those lots if we were able to split it the
18 other way and then they would be able to move the lot line after that because perhaps that
19 would be more like things around it. I don't know, so you're saying it wouldn't... it's the

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1 structure that the City approved that's preventing them from splitting the lot along the
2 underlying lot lines, historic lot lines.

3

4 Ms. Foley: So, it would still be the same process. It would still need to go through the Parcel
5 Map with Exceptions process and so we would have to make new findings for that lot
6 configuration. And you know, hypothetically if we were to do that without really having taken
7 time to consider that. We would certainly consider the fact that it would be a new property line
8 cutting through existing structures as a potential reason to recommend denial for that.

9

10 Commissioner Reckdahl: But even if the structures weren't there it would still be
11 nonconforming because it would be too small.

12

13 Ms. Foley: Yes.

14

15 Commissioner Templeton: That's my question, okay. So, but it would still be something the City
16 would object to because the structures are on it and because its nonconforming. Even though it
17 would be aligned with other lots in the neighborhood.

18

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1 Ms. Foley: Right and because the lots would be significantly smaller than the 5,000 square foot
2 minimum and the 50-foot minimum width and 100 foot. It would meet the depth but that
3 would be it.

4

5 Commissioner Templeton: What percent of lots in the neighborhood do you think, and you can
6 just ballpark this, are those original really small skinny lots?

7

8 Ms. Foley: So, we can pull up the zoning map again because (interrupted)

9

10 Commissioner Templeton: Yeah, let's take a look.

11

12 Ms. Foley: [unintelligible – crosstalk]

13

14 Commissioner Templeton: It looked like there was a lot, like a significant number that would be
15 noncomplying in the same way. That's what it looks like to me, so yes it would be noncomplying
16 but in the same way, everything else is.

17

18 Ms. Foley: So, I'm trying to zoom in a little bit further. This... you can see the two addresses but
19 we have this as one rectangle so... oop, sorry that it's moving around on us.

20

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1 Commissioner Templeton: That's okay. It's nice that you were able to pull this up, thank you.

2

3 Ms. Foley: So, we know that, at least for reference, this rectangle here is approximately 50-feet
4 wide and 115 feet long. Just as an example, it appears that the 2133 and 2139 lots are quite a
5 bit narrower but the 2145 lot is approximately the same size as the neighboring subject lot.
6 Across the street, it's a similar condition in terms of there being a wide range in the size of the
7 lots.

8

9 Commissioner Templeton: Okay, thank you and I'm just trying... what I'm trying to get at here is
10 if... there's a lot of technicalities. And I understand that's what we're doing but it's trying to
11 figure out are there other ways that this works for the neighborhood and it sounds like there
12 might be. They're not before us, those are other kinds of applications to consider basically,
13 right?

14

15 Ms. French: Yes, other kinds of applications such as Commissioner Hechtman noted. Rezoning
16 to let's say CN which is next door. You know, that would involve as well a Comprehensive Plan
17 change if the underlying is residential. So, you know, there's multiple I guess other possibilities
18 but they're not before us.

19

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1 Commissioner Templeton: Okay so the City's primary objection is right now all of this land that
2 we're discussing tonight is owned by "one person" and that is the problem with splitting... one
3 problem with splitting the lot is that that would take away from the intention of the zoning and
4 neighboring properties. And the other is that the lots would be really small but I think we can...
5 that... so my concern is that when that part is brought up. I look at the rest of the stuff around it
6 and there's so many others that are really small too. Right so it's hard to tease apart the specific
7 thing that we're... that the City is opposing. Thank you for kind of walking through some
8 scenarios there.

9

10 Vice-Chair Chang: Other additional comments? No comments, would anybody like to make a
11 motion? Go ahead.

12

13 MOTION

14

15 Commissioner Hechtman: Alright well I will hazard a motion. I move that the PTC recommend
16 to the City Council the Staff recommendation.

17

18 Vice-Chair Chang: Second, is there a second?

19

20 SECOND

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Commissioner Reckdahl: Second.

Vice-Chair Chang: And Commissioner Templeton.

Commissioner Templeton: Yes, I was wondering if the maker would consider voting on a per-finding basis.

Commissioner Hechtman: Let me just ask Commissioner Templeton for a clarification. Do you mean seven votes for Attachment C and (interrupted)

Commissioner Templeton: If Staff could bring up their findings that they wanted out input on that might be helpful because most of them I can support but that's just an option of how to phrase it. I was just throwing that out there.

Vice-Chair Chang: Commissioner Templeton, is it because you want to offer City Council a little bit more granularity in our thinking?

Commissioner Templeton: Yes, I want to show where we're all really aligned and where we might have differences so that would save them time potentially.

-
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Vice-Chair Chang: I like that idea, but that's just me.

Commissioner Hechtman: So (interrupted)

Vice-Chair Chang: What does the maker of the motion say?

Commissioner Hechtman: Yeah so I'm not... I'm open to that so but what I think we would want to do is to the extent that anybody wants to craft one or another of these total 11 findings. Let's get that done first and then as to the rest of them that nobody seems to want to touch, we can adopt those as a group or vote on those as a bunch.

Vice-Chair Chang: Can you restate what you just said? I'm not I understood.

Commissioner Hechtman: Yeah so there are 11... there are a total of 11 findings here that need to be made. Seven... in the positive or negative seven for the Preliminary Parcel Map findings. That's Attachment... that's all Attachment C and then four for the Exception findings. So, it's a total of 11 findings.

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1 Vice-Chair Chang: So, are you suggesting that if anybody has a disagreement with what's
2 written in the Staff Report we should highlight that?

3

4 Commissioner Hechtman: Yeah right, we should start (interrupted – crosstalk)

5

6 Commissioner Reckdahl: [unintelligible] individually and then we don't need to vote on all 11.

7

8 Commissioner Hechtman: Yeah, I wanted to avoid 11 votes.

9

10 Vice-Chair Chang: Yes.

11

12 Commissioner Hechtman: I wanted to vote on anything that any Commissioner wants to modify
13 and then we'll vote on whatever's left.

14

15 Vice-Chair Chang: Okay so then you'd have to (interrupted)

16

17 Commissioner Hechtman: So (interrupted)

18

19 Vice-Chair Chang: Take your motion off the table.

20

-
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1 MOTION WITHDRAWN

2

3 Commissioner Hechtman: Yeah so I would withdraw my motion.

4

5 Vice-Chair Chang: Alright, Commissioner Templeton is there a particular finding that you would
6 like to pull out?

7

8 Commissioner Templeton: Yeah, I wanted to bring up the slide because it seemed like in the
9 slide version of this that was shown earlier it was boiled down to a smaller set of things. So, I
10 was wondering if you could bring up that slide deck that you were showing when you first
11 presented.

12

13 Vice-Chair Chang: In the Staff presentation, please.

14

15 Commissioner Templeton: Thank you and at the end.

16

17 Vice-Chair Chang: There we go.

18

19 Commissioner Templeton: Right so why is this 1, 2, 3, and 4, that's for the Exceptions, right?

20

-
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1 Vice-Chair Chang: Correct.

2

3 Commissioner Templeton: Okay so that's I think where my concerns mostly lie.

4

5 Vice-Chair Chang: Do you also have a concern with Finding #3 for the findings for a subdivision
6 because in either case that would cause the subdivision to fail. So, I actually do have... I do not
7 agree with Staff's finding for a subdivision in Finding #3.

8

9 Commissioner Reckdahl: Oh, but when you do a subdivision it has to meet Code.

10

11 Vice-Chair Chang: No but the finding says... is that the site is not physically suitable for the type
12 of development and there is no development occurring on this. So, that's why I just disagree
13 with Staff. I think it is suitable for the type of development, there's nothing wrong with it.

14

15 Commissioner Reckdahl: But there... you have to treat the subdivision as if those structures
16 where being constructed today. So, from that aspect they don't meet the FAR, they don't meet
17 the lot coverage.

18

19 Vice-Chair Chang: Okay.

20

-
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1 Commissioner Reckdahl: The fact that they're already built is irrelevant.

2

3 Commissioner Templeton: This is what I was trying to ask Staff about at the very beginning
4 because it... this objection doesn't make any sense. So, if they could... if Staff could clarify why it
5 needs to be treated as new development rather than... like it's semantic. It doesn't... I think we
6 need a little bit more explanation on that from Staff about why they're objecting to building a
7 building that's already been built.

8

9 Ms. Foley: It's because of the way that it changes the setbacks so let me switch screens.

10

11 Commissioner Templeton: Okay because they're changing the front... what's the front and
12 what's the side?

13

14 Ms. Foley: They're changing what's the front and what's the side. That also in turn changes
15 what's the rear and what... and creates a new interior lot line between the two houses as well.

16

17 Commissioner Templeton: But it doesn't actually change anything because the structures are
18 already built that way and it's been fine.

19

20 MOTION #1

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Vice-Chair Chang: In fact,... can I... I just wanted to add to what Commissioner Templeton was saying. There was a similar subdivision map change that came before the PTC, it was on Channing, in which it was a Subdivision Map Act where the buildings were not going to change at all. And it was a very... like somewhat similar to this and there was some nonconformance and Staff recommended that one which took a conforming lot and make one that was nonconforming... made one that was nonconforming one that was conforming.

And so, I... I mean I think I... so I guess I would propose a motion to vote on Preliminary Parcel Map Finding 3. That the site is not physically suitable for the type of development and I would say that I cannot make that finding.

SECOND

Commissioner Templeton: I'll second that.

Vice-Chair Chang: Okay, any additional comments?

Commissioner Templeton: You may want to clarify when you say you cannot make the finding.
Yeah, so (interrupted)

-
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Vice-Chair Chang: So (interrupted)

Commissioner Templeton: Its double negative.

Vice-Chair Chang: I know because we have to do a... so it says if we make any of the following findings then we need to deny the Parcel Map. So, I cannot make the finding that the site is not physically suitable for the type of development. Therefore, I cannot deny the Parcel Map on the basis of Item... of number three.

Commissioner Templeton: Seconded.

Vice-Chair Chang: And if there's no other comments then I think we can... oh, Commissioner?

Commissioner Reckdahl: May I?

Vice-Chair Chang: Yeah.

-
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1 Commissioner Reckdahl: I just want to discuss it. The... you're creating two substandard lots.

2 They do not meet the zoning requirements (interrupted)

3

4 Vice-Chair Chang: But that's not (interrupted)

5

6 Commissioner Reckdahl: For a minimum lot size.

7

8 Vice-Chair Chang: You're right, I hear what you're saying there but that's not what's... so,

9 they're... but that does not... there's Finding #2 that... there's different findings and this is not

10 that it's not physically suitable for the type of development. That's not talking about the... you

11 know if it were in a bog then it would be not physically suitable for the type of development; or

12 in a marsh but it... that's not the case.

13

14 Commissioner Reckdahl: I guess this is to be a question for the attorney. What does the term

15 physically suitable mean? Does that include things like setbacks and minimum lot size or is it

16 just you could construct it there or is it you could... can you construct there consistent with

17 zoning? Those are two different questions.

18

19 Ms. French: I'd like to jump in as well on the fact of substandard lot which is of definition of a

20 substandard lot versus less than standard. And I'm thinking back and it's not on the Agenda but

-
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1 the other Parcel Map we talked about with Exceptions. They needed Exceptions because not
2 because they were creating a by definition substandard lot, but less than standard.

3

4 Vice-Chair Chang: Less than standard, yes.

5

6 Ms. French: So, there's a difference in our Zoning Code as to substandard versus less than
7 standard. It's semantics but there is a definition so these would be substandard in size.

8

9 Vice-Chair Chang: Alright, if there's no other comment then let's take... oh Commissioner
10 Hechtman, sorry about that.

11

12 Commissioner Hechtman: So, I do think sometimes these language... State law language is
13 difficult to wrap your arms around but as used in the Map Act physically suitable doesn't mean
14 the thing won't fit. I mean my 6,000-square-foot lot could physically accommodate 10, 600-
15 square-foot micro homes. It could fit those right and so that doesn't mean I can come and apply
16 for a 10-lot subdivision of my 6,000 square foot lot and so physically suitable is as
17 Commissioner Reckdahl was suggesting. It's really in the context of the requirements and so
18 here the problem is, is there's not enough room... well, the first problem is the... each parcel
19 would be less than 3,000 square feet which is not as big as 5,000 square feet which is a
20 requirement. And because each lot is so small, when you put these structures on it, it crosses

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1 the setback lines in almost every direction, and so I think that's what it means here that the site
2 isn't physically suitable for the type of development. But primary, it really doesn't have to do
3 with these structures that are there because we could scrape the structures and still be here
4 facing this. And the question is can we grant 3,000-square-foot lots where 5,000 square feet are
5 required and I think the answer is no. It's not physically suited because physically it doesn't
6 have enough square footage. So, that's how I read 3 and that's why I would not support the
7 motion. I think that the Staff has it right in their finding here.

8

9 Vice-Chair Chang: Commissioner Templeton.

10

11 Commissioner Templeton: Yes, I just want to point out that it literally does support the
12 structures because the structures have been permitted and built according to what the City has
13 allowed. Now whether we call you know street A the front or street B the front is really not
14 sufficient to deny [note – video and audio cut out]

15

16 Commissioner Hechtman: [note – video started midsentence] because this is a point
17 Commissioner Templeton has made earlier. Again, you go back to Attachment B, the zoning
18 comparison table, look at the first two columns. What was built there complies with every
19 single requirement of the RMD zoning. Size, length, width, number of units, every setback, and
20 maximum floor area. So, there are different rules for multi-family than there are for single-

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1 family, and this... and so it fits because it was built in a way designed to fit the multi-family rules
2 as one parcel. So, I don't think it fits the... when you break it into two pieces and I know it
3 doesn't because that's the last two columns of that table.

4

5 Vice-Chair Chang: Okay, any additional comments? Alright, let's call a vote on this one.

6

7 VOTE

8

9 Ms. Dao: Vice-Chair Chang?

10

11 Vice-Chair Chang: Yes.

12

13 Ms. Dao: Commissioner Hechtman?

14

15 Commissioner Hechtman: No.

16

17 Ms. Dao: Commissioner Reckdahl?

18

19 Commissioner Reckdahl: No.

20

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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 3. The Chair may reduce the allowed time to speak to three minutes to accommodate a larger number of speakers.

1 Ms. Dao: Commissioner Roohparvar?

2

3 Commissioner Roohparvar: No.

4

5 Ms. Dao: Commissioner Templeton?

6

7 Commissioner Templeton: Yes.

8

9 Ms. Dao: Motion does not carry 2 to 3.

10

11 MOTION #1 FAILED 2(Chang, Templeton) -3(Hechtman, Reckdahl, Roohparvar) (Summa
12 recused)

13

14 Vice-Chair Chang: Alright, does anybody need to speak to their no votes? I think we kind of
15 covered it but. Alright, let's move on. Is there anything else that you would... we would like to
16 pull out? Alright (interrupted)

17

18 Commissioner Templeton: Well, what about #4 on the Exception findings?

19

20 Vice-Chair Chang: Is there a motion that you would like make?

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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MOTION #2

Commissioner Templeton: Well I find the Staff description justification for claiming that it violates... that the Exception will violate the requirements, goals, policies in spirit of the law to be quite extreme. And I've asked for a clarification on why this is so dangerous to our goals, policies in spirit of the law and requirements but I don't find it. The description is pretty extremist and so I was hoping we could either get a clearer description but if this is... if we're discussing at this point I would just say that... I'm trying to not do the double negative. I will say that the granting of the Exception will not violate the laws, requirements and goals, policies, or spirit of the law. So, I think this one is positive, right?

Vice-Chair Chang: Right.

Commissioner Templeton: It would be a... so (interrupted)

SECOND

Vice-Chair Chang: I'll second it so that we can have... yeah I'll second it just so that we can have the discussion.

-
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Commissioner Templeton: Thanks. I don't think that how we do or don't split this lot will effect the vision of the City's goal to build more housing and increase the density in residential neighborhoods. I don't see yet and Staff has not sufficiently presented that this will cause a devastating catastrophic downstream effect. That's what I'm suggesting that that finding was not sufficiently justified.

Vice-Chair Chang: Any other comments? Yeah, go ahead Commissioner Reckdahl.

Commissioner Reckdahl: Yeah, it raised a lot of points and I don't agree with all of them but I agree with the gist of it. So, especially the last line that is a bit... I think they overplayed their cards on that one but the gist of it is I would not grant #4 so. Are we (interrupted)

Vice-Chair Chang: Commissioner (interrupted)

Commissioner Reckdahl: Are we voting (interrupted)

Commissioner Templeton: Per what?

-
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1 Commissioner Reckdahl: So, this is voting for whether we find the 4 [note – Finding #4] or
2 whether we agree with the Staff description?

3

4 Commissioner Templeton: So, if you don't agree that doing this will not violate the
5 requirements, goals, and policies in spirit of the law. It would be helpful to hear why because...
6 and if your answer is what Staff wrote except for the last sentence that's fine. I'm just... that's
7 what we're trying to figure out. I think (interrupted)

8

9 Commissioner Reckdahl: I think the bulk of the points are correct, I don't agree with the last
10 sentence but I will find for that... [unintelligible] cannot find that so I'm saying no for 4.

11

12 Vice-Chair Chang: Commissioner Hechtman.

13

14 Commissioner Hechtman: So, I don't love the way this the finding is written. That's not Staff's
15 fault, that's the way it's adopted in our ordinance. The granting of Exception will not violate the
16 requirements, well every Exception, the nature of it is to deviate from the requirements. So, I
17 don't love it.

18

19 I do think that perhaps in providing this the finding Staff maybe overstated the impact. I do
20 think that the granting violates the spirit of the law because as I said earlier, that the

-
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1 accumulation of Exceptions necessary to allow this are contrary to what our efforts should be
2 to mostly follow our requirements. And you know, to... so that's really where if I were writing
3 this finding I would be saying that they cannot make Finding 4 but for this different reason. That
4 the accumulation of necessary Exceptions makes it inconsistent with the spirit of the law.

5

6 Vice-Chair Chang: Thank you, so I'll make a comment on this. I... this is the one finding for me
7 where I'm on the fence. I am concerned about people looking at our decision and then deciding
8 to enter into a Tenancy in... you know on whatever basis we make the decision and trying to
9 replicate the situation because there's nothing that prevent... nothing in our City law that really
10 prevents them from doing that. And so, I don't know where I... which way I would go on this
11 one, especially because it doesn't look like there's enough information to understand how
12 many... we... Staff didn't know how many parcels might be effected by a decision that we make.
13 How many parcels might be excepted by... sorry, effected by any precedent that we're setting.

14

15 But I disagree that it's a problem in terms of the particular lot sizes created by such a
16 subdivision because this is College Terrace and historically it is one of the... it's one of the oldest
17 sections of our City. It is the... it probably has the most nonconforming parcels and
18 developments. Maybe except for downtown north and so I think adding some nonconformity is
19 not a problem, especially because the buildings already exist.

20

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1 Now, whether the buildings shouldn't have been allow to be built in the first place, why they
2 were allowed to switch the addresses to Yale and not have the same required setbacks as
3 everything else on Yale? Now that's a big question in my mind. I think the City made a boo-boo
4 but that has nothing... that's nothing... I mean that's not the fault of the current owners. So
5 that's my thoughts on this particular one and I'm not sure that I can make the finding but that's
6 not... yeah. So, other comments before we vote?

7

8 Commissioner Reckdahl: I mean the last comment is that if we really think that smaller lots are
9 appropriate for College Terrace then I would say we should be changing the RMD zoning as
10 opposed to doing a one-off Exception.

11

12 Vice-Chair Chang: Commissioner Hechtman, did you have something too?

13

14 Commissioner Hechtman: No, I just... if somebody could just clarify what the motion is
15 regarding Exception Finding 4?

16

17 MOTION #2 RESTATED

18

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1 Vice-Chair Chang: The motion is that we can make the Finding #4 that granting the Exception
2 will not violate the requirements, goals, policies, or spirit of the law. That we agree with that
3 statement. Okay, so let's vote on this one.

4
5 VOTE

6
7 Ms. Dao: Commissioner Templeton?

8
9 Commissioner Templeton: Yes.

10
11 Ms. Dao: Commissioner Reckdahl?

12
13 Commissioner Reckdahl: No.

14
15 Ms. Dao: Commissioner Roohparvar?

16
17 Commissioner Roohparvar: No.

18
19 Ms. Dao: Commissioner Hechtman?

20

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 Commissioner Hechtman: No.

2

3 Ms. Dao: Vice-Chair Chang?

4

5 Vice-Chair Chang: I'm going to vote no on this one.

6

7 Ms. Dao: Motion fails 1-4.

8

9 MOTION #2 FAILED 1(Templeton) - 4(Chang, Hechtman, Reckdahl, Roohparvar) (Summa
10 recused)

11

12 MOTION #3

13

14 Vice-Chair Chang: Okay and then just in the interest of speeding things up there are two other
15 findings that I actually could make where Staff couldn't make them. So, I can make the findings
16 for 1 and for 2 under the Exception Findings. So, I believe that there are special circumstances
17 or conditions affecting this property. I also believe that the Exception is necessary for the
18 preservation and enjoyment of the substantial property right for the petitioner. And it may be
19 that they didn't do their due diligence but it sounds like that really in... because in Palo Alto
20 specially TICs are not typically treated for... in this way. That they can't get financing for it and

-
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1 so that is something that they certainly didn't expect and it is a difference that other TICs are
2 not faced with. So, that's my logic for that and I don't know if anybody wants to second that.

3

4 SECOND

5

6 Commissioner Templeton: Sure, I'll second it.

7

8 Vice-Chair Chang: Additional comments?

9

10 Commissioner Reckdahl: I would just add that the property owner's financial situation and
11 zoning are two separate spots. And they have made some bad decisions but its not our zoning
12 responsibility to bail them out of their own bad decision.

13

14 Commissioner Templeton: I would add that while they're not our responsibility, that's the
15 justification for the Exception, and a case can be made that those justifications can be found.

16

17 Vice-Chair Chang: Alright, any other comments? Commissioner Hechtman.

18

19 Commissioner Hechtman: Well, just that my thought is that these special circumstances or
20 conditions are... I don't think they're effecting the property. I think they're effecting the owners

-
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1 and so that's not exactly what the finding... that Finding #1 is focused on. And I think that this...
2 what this finding reminds me of is findings under State law for Variance which talk about special
3 circumstances attributable to the property. And they talk about the physical property and it's
4 surroundings and I think that that's what's intended here is there's nothing weird about this
5 property, like it's got a river running through it and so it really would benefit from being split,
6 you know on th left side and right side of the river. At least that's how I read it so that's why
7 couldn't support the motion as to 1 and I didn't really have any comment on 2 beyond what I
8 said earlier in the meeting.

9
10 Commissioner Templeton: What I am... I'm going to add another comment here. Is it possible to
11 look at the special conditions concerning the property to be all this orientation of what's front
12 and what's side yard and back yard and that's... because we have all admitted that that is a
13 complicating factor. Does that make it a special exception? That's a physical property of where
14 is the front and where is the side.

15
16 Vice-Chair Chang: Well, I'll just chime in quickly here and say I agree with you on that point as
17 well, Commissioner Templeton. Any other comments? I see that Commissioner Hechtman is
18 still thinking.

19
20

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1 FRIENDLY AMENDMENT

2

3 Commissioner Hechtman: Yeah, I'm actually kind of interested in that comment. Would you... I
4 mean the reality is you only need... if any of the four can't be made it doesn't pass, right? So,
5 right now you've got a motion... your motion Vice-Chair Chang is for 1 and 2. If you would split
6 those out so that I could vote separately?

7

8 Vice-Chair Chang: Sure, happy to split them out because (interrupted)

9

10 Commissioner Hechtman: So, that we could vote separately.

11

12 Vice-Chair Chang: I think we're just trying to provide granularity for City Council in a sticky
13 problem. Right, we already know that we cannot make the... we already know as a result of #4
14 that we can't... but so, sure I would support splitting the motion. How about you Commissioner
15 Templeton as the secondary?

16

17 Commissioner Templeton: Yes.

18

19 MOTION #3 RESTATED AS REVISED

20

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 Vice-Chair Chang: Okay great so let's take Finding #1 that we can make the finding that there
2 are... the motion is that we can make the finding that there are special circumstances or
3 conditions affecting the property. You need to second.

4
5 SECOND

6
7 Commissioner Templeton: Second.

8
9 Vice-Chair Chang: Great, alright are there any other comments or can we vote on this?

10
11 FRIENDLY AMENDMENT

12
13 Commissioner Hechtman: Oh, well I think you have to state a sentence for what that... so
14 you've stated we can make the findings but then you need a factual statement basically to
15 replace this. The special circumstance and I think Commissioner Templeton kind of said it
16 before right, the special circumstance or condition affecting the property is that these houses
17 are existing and oriented in the manner that they exist.

18
19 Vice-Chair Chang: Sure, let's add that and Commissioner Templeton, do you agree to add...
20 make that addition? Yes.

-
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1

2 Commissioner Templeton: Affirmative.

3

4 VOTE

5

6 Vice-Chair Chang: Okay, great. Could we have vote on this one?

7

8 Ms. Dao: Commissioner Templeton?

9

10 Commissioner Templeton: Yes.

11

12 Ms. Dao: Vice-Chair Chang?

13

14 Vice-Chair Chang: Yes.

15

16 Ms. Dao: Commissioner Reckdahl?

17

18 Commissioner Reckdahl: No.

19

20 Ms. Dao: Commissioner Hechtman?

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Commissioner Hechtman: Yes.

Ms. Dao: Commissioner Roohparvar?

Commissioner Roohparvar: Yes.

Ms. Dao: Motion carries 4-1.

MOTION #3 PASSED (Chang, Hechtman, Roohparvar, Templeton) -1(Reckdahl) (Summa recused)

MOTION #4

Vice-Chair Chang: Okay and then now I'll move onto the second part of the original motion is that I can make the second Exception finding that the exception is necessary for the preservation and enjoyment of the substantial property right of the petitioner because of the unique situation in how they... in which they entered a TIC and the availability of financing in our City for it.

SECOND

-
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Commissioner Templeton: Second.

Vice-Chair Chang: Are there any other comments in addition to what's already been said earlier? Ok great, let's call a vote on this.

VOTE

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: Yes.

Ms. Dao: Commissioner Templeton?

Commissioner Templeton: Yes.

Ms. Dao: Commissioner Roohparvar?

Commissioner Roohparvar: No.

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 Ms. Dao: Commissioner Reckdahl?

2

3 Commissioner Reckdahl: No.

4

5 Ms. Dao: Commissioner Hechtman?

6

7 Commissioner Hechtman: No.

8

9 Ms. Dao: Motion fails 2-3.

10

11 MOTION #4 FAILED 2(Chang, Templeton) -3(Hechtman, Reckdahl, Roohparvar) (Summa
12 recused)

13

14 Vice-Chair Chang: So now I think we can do one final clean-up motion. I don't know if
15 Commissioner Hechtman wants to do that one.

16

17 Commissioner Hechtman: Sure, so just... let's see, so where we came down on those votes is, is
18 it correct that the only change we made is to Exception Finding 1 from the Staff
19 recommendation or was there another one?

20

-
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1 Commissioner Templeton: That's the only one that passed, thank you.

2

3 Commissioner Hechtman: That's the only one that passed, okay. Alright so then I will move that
4 the PTC recommend to the (interrupted)

5

6 Ms. Foley: Commissioner Hechtman, can I get a clarification? So, for Exception Finding 1 we...
7 the Commission is agreeing that there is a special circumstance?

8

9 Commissioner Hechtman: Yes, the last motion that was approved is that there is a special
10 circumstance or condition affecting the property in the existing layout and arrangement of the
11 houses that are present.

12

13 Ms. Foley: Okay, thank you for the clarification.

14

15 Commissioner Hechtman: So, that finding and the statement that would follow it and so and
16 that vote was the only departure agreed to by all of the... majority of the Commission as to any
17 of the other 10 findings. So, now I'm going to make a motion to cover those 10.

18

19 Ms. Foley: Thank you.

20

-
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1 MOTION #5

2

3 Commissioner Hechtman: So, I will move that the PTC recommend to the City Council the Staff
4 recommendation except regarding Exception Finding #1 where their recommendation is as the
5 PTC has already voted to recommend.

6

7 Vice-Chair Chang: Is there any discussion? Oh second, sorry. We need a second.

8

9 SECOND

10

11 Commissioner Reckdahl: Second.

12

13 Vice-Chair Chang: Commissioner Reckdahl seconds the motion, any discussion? Alright, could
14 we take a roll call vote, please?

15

16 VOTE

17

18 Ms. Dao: Commissioner Hechtman?

19

20 Commissioner Hechtman: Yes.

-
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1

2 Ms. Dao: Commissioner Roohparvar?

3

4 Commissioner Roohparvar: Yes.

5

6 Ms. Dao: Commissioner Reckdahl?

7

8 Commissioner Reckdahl: Yes.

9

10 Ms. Dao: Vice-Chair Chang?

11

12 Vice-Chair Chang: Yes.

13

14 Ms. Dao: Commissioner Templeton?

15

16 Commissioner Templeton: No.

17

18 Ms. Dao: Motion carries 4-1.

19

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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1 MOTION #5 PASSED 4(Chang, Hechtman, Reckdahl, Roohparvar) -1(Templeton) (Summa
2 recused)

3

4 Vice-Chair Chang: Alright, thank you, everyone. I think that concludes (interrupted)

5

6 Commissioner Templeton: Nope, not yet.

7

8 Vice-Chair Chang: Oh, nope, you're right, you're right. Commissioner Templeton, would you like
9 to speak to your no vote?

10

-
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1 Commissioner Templeton: I sure would, thank you so much Vice-Chair and so I apologize, my
2 cat is deciding to get involved here. But yeah, so I voted no on this because I think that there
3 have been some missed steps. It appears to be some missed steps during the history of this lot,
4 of this parcel, and the building of two single-family homes on what's meant to be a multi-family
5 property. And some missed steps in the past have created a scenario where the current owners
6 are finding themselves in difficulties where we don't have higher-density property. More
7 housing on that lot anyway, like there's a whole bunch of things that we have allowed to
8 happen as a City that have gotten us to this point. So, I really think that is frustrating in that it's
9 compounding the problem here. That we're not allowing them to do things because of the way
10 we allowed them to build. And so, the applicant is in quite a bit of a tight spot because of the
11 City's role in the history and how that is compounding their inability to get the changes that
12 they're requesting at this time. So, I think that it's pretty frustrating to be in this spot and I can
13 imagine... and I have some sympathy for the applicants who have found themselves in a bit of a
14 circle here in terms of the approval process being... in the past being kind of used as a
15 justification for the denial of changes going forward. So, I would love for us, as a City, to reflect
16 on that and see if there are ways that we can plan ahead better and avoid creating scenarios
17 like this. Thank you.

18

19 Vice-Chair Chang: Thank you. Alright, that concludes the discussion on this item and now we
20 need to bring Commissioner... Vice... sorry, to bring Chair Summa back.

-
1. Spokespersons that are representing a group of five or more people who are identified as present at the meeting at the time of the spokesperson's presentation will be allowed up to fifteen (15) minutes at the discretion of the Chair, provided that the non-speaking members agree not to speak individually.
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Commissioner Templeton: Should we take a break, Vice-Chair?

Vice-Chair Chang: I think that sounds like a good idea. How about... let's see what time is it right now?

Commissioner Templeton: 8:15.

Vice-Chair Chang: 8:15 so let's come back at 8:25.

Commissioner Templeton: Sounds good, thank you.

[The Commission took a 10-minute break]

- Commission Action:** Motion by Chang, seconded by Templeton. Fail 2-3 (Summa recused)
- Commission Action:** Motion by Templeton, seconded by Chang. Fail 1-4 (Summa recused)
- Commission Action:** Motion by Chang, seconded by Templeton. Pass 4-1 (Summa recused)
- Commission Action:** Motion by Chang, seconded by Templeton. Fail 2-3 (Summa recused)
- Commission Action:** Motion by Hechtman, seconded by Reckdahl. Pass 4-1 (Summa recused)

3. PUBLIC HEARING/LEGISLATIVE: Adoption of Amendments to Palo Alto Municipal Code Chapter 18.09, Accessory and Junior Accessory Dwelling Units due to Direction from the California Department of Housing and Community Development (HCD). Environmental Assessment: Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines sections 15061(b)(3), 15301, 15302 and 15305.

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1 Chair Summa: Thank you to my colleagues and Vice-Chair for handling that other item and we
2 will go ahead and continue with Item #3 which is an update to Chapter 18 of the Municipal
3 Code required to adjust our law on Accessory and Junior Accessory Dwelling units to be
4 consistent with the State’s law and also some additional items that Staff wanted us to discuss.
5 So, we can go ahead and have a Staff Report, please.

6
7 Ms. Amy French, Chief Planning Official: Hello, I wanted to make sure I knew Garrett Sauls, our
8 planner for the project, is remote for this meeting and I wanted to make sure that he’s come
9 back. Do you see if he’s back in? Okay.

10
11 Chair Summa: He is there.

12
13 Ms. French: Thank you.

14
15 Mr. Garrett Sauls, Planner: Good evening, Commissioners. I am here, hopefully, you all are able
16 to hear me well enough. We are here tonight talking again about Accessory Dwelling Units.
17 Something that I think we all have kind of a lot of now a lot of knowledge on given how many
18 times I think we’ve probably talk to you all about this. So, I have a brief presentation so
19 hopefully, we’ll be able to keep some of the discussion a little bit focused on the items that we
20 want to talk about.

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The first thing that I wanted to talk about is kind of just a recap on the timeline of some of the previous hearings that we've had last year related other HCD-related changes as well as local changes we wanted to make and Council hearings that had happened closer to the end of year in December. So, last year Staff and the PTC met on July 13th, August 10th, and September 28th. That is... those... during those meetings we talked about changes occurring at the State level where the City needed to adopt its local ordinance related to additional height for ADUs, additional standards in terms of proximity to transit, and also adopting some potential regulations that the City Staff had noted where mostly about Code clean up; or other configurations of our current ordinances that we wanted to clean up related to the increased interest in development of ADUs.

On December 12th, Staff went to the City Council to approve only the State law changes that needed to be put in place prior to January 1st this year. The items that were left out of that Council report were the items specifically referring to any sort of local changes to the City's ordinance that were not effected by the new laws... by the new State laws. Originally those were planned for a January and February City Council meeting but about a week and a half after we had that item heard at City Council. We received a second response letter from HCD and that as you noted is on December 21st which is shown at the bottom of the slide here.

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1 As a result of that communication we had with HCD, we're today again to talk about some of
2 the items that HCD Staff raised as issues with the City's local ordinance. And then some
3 additional items that Staff had noted with continued conversations with the public and
4 applicants on ADUs where we want PTC's feedback on some additional local regulations. And
5 out end timeline and end goal for being able to adopt these changes is to bring this item back
6 to the City Council either mid to late April or early of May in order to adopt both the
7 recommendations from HCD as well as all the other local code changes that the PTC has
8 discussed since July of last year.

9

10 Included in the attachments to the Staff Report is the first HCD letter which we received on
11 December 23, 2021, the Staff response to that in February of 2022, the second letter as I noted
12 to earlier December 21 of last year, and our Staff response which was January 13 of this year.
13 As a part of that response, in January of this year, Staff was also required to provide HCD with a
14 timeline to bring these changes to get them adopted which is what I had noted before about
15 trying to ideally go by April or May to City Council to get these changes adopted.

16

17 So, HCD comment's circled around these five items that you see here. The first one talking
18 about Daylight Planes for what we call as Table 2 units, our local Development Standards for
19 ADUs. HCD had noted that Staff's interpretation or application in interpretation of the nuance
20 of what State law had identified for Development Standards for units outside of Subdivision E

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1 which is within our Zoning Code referenced as Table 1 units. That Staff would... that Staff is not
2 able to or the City is not able to apply Daylight Planes to those units. So, you see in the Staff
3 Report that it talks a little bit more in length about that as well as identifies in the draft
4 ordinance that was attached to the Staff Report the removal of Daylight Plane requirements for
5 that within Table 2.

6
7 Items B and C are interrelated in that HCD was noting that Junior ADUs in particular are limited
8 in where they can be developed and that the City's ordinance seemed to be expanding
9 impermissibly where JADUs could be developed whereas State law does not current permit.

10 And specifically, what that means is that the City's ordinance had been adopted in 2020
11 identified that Junior ADUs would be able to have, under Table 2, a 4-foot setback. Consistent
12 with what ADUs were allowed to do for attached ADUs or detached ADUs. Staff was trying to
13 mirror that flexibility for Junior ADUs in order to encourage that development and HCD
14 [unintelligible] that with Junior ADUs the only allowance for their development is within an
15 existing or proposed buildable area of a property. And what that means in laymen's terms is
16 whatever setbacks you have for your property that is also what bins and defines the area for a
17 Junior ADU could be developed. In conversations that we had with HCD, Staff noted that in
18 terms of how that information is conveyed and how that's expressly written into the City's
19 ordinance. Staff felt that it was easier to communicate to the public a separate setback for a
20 Junior ADU rather than to say that the house for the purposes of building a Junior ADU may

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1 have a 4-foot setback. That the nuance was a bit more complicated with the ladder statement
2 than the former which is why Staff had preferred instead to continue to identify a 4-foot
3 setback for Junior ADUs. And with the noise-producing equipment location standard, Staff
4 believes that there's a misunderstand from HCD initially on what this specific provision was
5 allowing for which is primarily just to encourage again Junior ADU development by relaxing
6 standard... location standards for noise-producing equipment. Rather than to say again that
7 Junior ADUs cannot be following some other sort of standard or setback.

8

9 The items that you see kind of stered adjacent to these B, C, and E, these are items that Staff
10 does not believe require any motion to be made tonight in order to ensure that the City's
11 ordinance is consistent with State law.

12

13 For Item D, this specifically talked about entryways for Junior ADUs that from 2017 until
14 recently the City has had a regulation that identifies any sort of attached unit cannot have a
15 door way or an entryway that faces the same way as the primary unit. Effectively they would
16 need to have a doorway or an entryway that faces a different property line. Either the side or
17 the rear or different property line. That way there isn't some kind of confusion in terms of what
18 is considered to be the primary unit for the building. HCD argued that this could potentially
19 create an issue, though undefined, as to were this type of development can occur, or could
20 create a boundary or a barrier for ADU development in the future, and suggests that Staff

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1 incorporate a provision within the Code that says that this policy applies when possible or when
2 feasible. And Staff's concern primarily is that that term is not very clearly defined and can
3 create a non-enforceable provision in our Code. That we'll spend time arguing between
4 applicants or trying to convince applicants that this policy can't apply and not and Staff's
5 suggestion would be to either to... would primarily be to simply remove this provision.

6

7 And Item E is something that the PTC previously discussed in the July 13th meeting of last year
8 which was to remove the allowance or remove the requirement that attached parking to ADUs
9 be counted towards that maximum square footage of that ADU. HCD felt that was not
10 something that was permissible under State law, which is something that the PTC previously
11 felt was something that we wouldn't want to incorporate as a... within our existing Code, and it
12 would be a disincentive towards ADUs.

13

14 Some additional items that were raised within the Staff Report, we talked about conversion or
15 relocation of uncovered parking spaces. When you have existing one-car garage converted to
16 an ADU it has different allowances to not replace that parking space versus when you have one
17 covered space and an uncovered space next to it. That you can't... currently there's no provision
18 in City law or State law that allows the removal of that uncovered parking space. To put it in a
19 different location or not have to place it back on the site at all. Staff had noted this was kind of
20 out of step with what could be possible for a two-car garage. Doing something very similar and

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1 could create a multi-step process for someone to be able to first develop a garage or build a
2 garage and then convert it to an ADU. Staff is looking to possibly suggest modifying that
3 language in order to allow uncovered space to also be replaced in a different location on the
4 site.

5

6 Item G is about privacy measures for Junior ADUs which specifically is related to some
7 additional complaints that Staff had been receiving for ADUs that had been developed within
8 the City. This item was raised by a couple Commissioners in the previous meetings in July and
9 August about deciding or trying to understand where privacy measures could be effected or
10 impacting... I'm sorry, privacy measures within our Table 2 standards, our Chapter 18.9.040,
11 identifying where we could possibly delineate. Our privacy measures needs to start applying
12 when you don't have a floor level. When you might have a raised building that extends above a
13 fence, an adjacent fence. Staff would be wanting to get additional feedback from PTC on that.

14

15 Item H specifically is about the previous decision on September 28th about the City's affordable
16 ADU program and Staff is wanting to get some additional input from the PTC on whether or not
17 they want to continue, or proceed with that program based on the issues that Staff had raised
18 in the Staff report.

19

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1 Item I is something that was not identified into the Staff Report. It was something that came up
2 actually as this week during some plan reviews which was that we had some individuals and
3 applicants identifying an interest in putting a basement underneath an attached Junior ADU or
4 ADU that serves the primary unit. Staff has some concerns about how that could possibly be
5 manipulated to extend the maximum size of the home beyond what is traditionally thought of.
6 This item is not... was not noticed or included into the Staff Report so it would be something
7 that Staff would be wanting to have a motion or a recommendation or action on March 8th
8 when we plan to return to the PTC.

9
10 We discussed that last time and a little bit more in detail to give some context as to how
11 basements are regulated in the City of Palo Alto. Primarily it's limit... it's regulated based on the
12 size of the existing first floors footprint. In a maximum case scenario, you could potentially or
13 someone could potentially have a 6,000-square-foot home and the way our Code currently
14 allows for basements. It really only allows basements underneath that first floor's footprint.
15 However, small or how ever large that is. If it's 2,000 square feet, the basement could similarly
16 be 2,000 square feet underneath it. If it's 6,000 square feet it could also be 6,000 square feet.
17 As I noted before, a JADU or potentially an ADU could be attached to that home and be
18 somewhere between 500 to 1,000 square feet in size. Where the City also has a potential
19 bonus... a bonus of 800 square feet. Given that footprint isn't very clearly defined to distinguish
20 between a primary or a secondary unit where that basement can occur. Currently, the one

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1 interpretation could be that even though a house... a primary home may have 6,000 square feet
2 for example and they may have a basement that is matching that same size. If they have an
3 attached Junior ADU or an ADU that exceeds that maximum house size. They could potentially
4 have... you could think of a toe almost underneath it. That is then serving... expanding the
5 basement beyond the primary building's footprint which wouldn't typically be allowed under
6 normal circumstances in the event that there weren't the current provisions about Junior ADUs
7 and ADUs in the City and State law. And so, Staff has some concerns about how that could
8 create issues in terms of expanding useable space for the primary home that is unintended.

9

10 So, draft language as you can see here would something we would present during the March 8th
11 hearing. That would identify where basements are more specifically related to or basements
12 that serve primary units would not be able to extend under their attached ADUs or JADUs when
13 they utilize that bonus floor area, lot coverage, or maximum house size limitation. These are
14 some examples of the issues that I'm specifically talking about where in a traditional scenario
15 you may have a primary units first-floor footprint and basement underneath it. In the example
16 that we were reviewing during some plans... during applications that had been submitted to us.
17 There was an attached Junior ADU and the primary unit were an applicant had proposed to put
18 a basement underneath that Junior ADU that only was serving the primary unit. And here may
19 be an example of a situation we again traditionally think of where a Junior ADU or an ADU has a
20 basement but it's cleanly or clearly broken out between the two units.

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Staff's recommendations would be to approve the draft ordinance that's included with the Packet and ideally to take a straw poll for any direction to Staff on Items F, G, and I; which could be returned... which could return in the formal recommendation at the next PTC hearing and that concludes my presentation.

Chair Summa: Thank you for that presentation and so a question for Staff and my colleagues. B, C, and E, Staff does not need a motion on. Do you want to hear discussion of that at all or do my colleagues want to discuss those if we don't need to make a motion, or does Staff want it? Go ahead.

Vice-Chair Chang: I do have a question, just clarifying question regarding B.

Chair Summa: Okay and we can just keep... we can... feel free to ask as many questions as we want then about those items but we don't need a motion. So, why don't we go to clarifying questions from the Commission and after that we'll take any public comments? Commissioner Reckdahl.

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1 Commissioner Reckdahl: I have a question about the current requirements for basements.
2 We're limited to the size of the primary floor or the ground floor. Does it have to stay within
3 the footprint? Can it extend under the lawn at all?

4

5 Mr. Sauls: So, for basements for single-family homes you are limited to that first floor's
6 footprint. So, the only areas you're able to extend beyond it is where we've identified as
7 something as a completing a square. If you can envision kind of an H-shape with that bottom H
8 part kind of blocked out with the top you have kind of [unintelligible] almost, right? You can
9 think of that as being an uncovered porch and within those areas typically the... what... typically
10 what will happen is someone will put an eave kind of covering over that entry porch area. And
11 that does still create a footprint under traditional circumstances when we count lot coverage or
12 floor area. And so, there are areas where people can kind of build underneath that space that
13 doesn't necessarily have a living room or a bedroom as maybe an entry porch. So, that's kind of
14 the only area where we do have that provision allowance. Otherwise, we would need... we
15 would require all properties to have a basement underneath the footprint... the first-floor
16 footprint of the building.

17

18 Commissioner Reckdahl: And for that H, could you cover the whole square that the H is in? So,
19 could you have a basement that is actually bigger than the FAR on the ground floor?

20

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1 Mr. Sauls: I thing again, in theory, in that specific example, it could be the case though we
2 would be counting the lot coverage as being the same. Meaning in terms of the footprint that's
3 being created, you think of it more a... we think of it more of a two-dimensional aspect of all the
4 footprint. The structure that's created on the ground or creates this plane downward onto the
5 ground and so when you think of how that creates a boundary or a barrier within the buildable
6 area. Its still is the same footprint, it just might not have as I said before an enclosed space like
7 a bedroom.

8
9 Commissioner Reckdahl: Okay, you mentioned that this could be for both JADUs and ADUs. I
10 understand how a basement in a primary house could go under a JADU. How could it go under
11 a detached ADU?

12
13 Mr. Sauls: So, it wouldn't go under a detached ADU, it would just be an attached ADU.

14
15 Commissioner Reckdahl: Okay and so those slides that showed JADU/ADU, they really were just
16 talking about JADU?

17
18 Mr. Sauls: It could be clearer but what I should have just said instead was attached ADU or
19 JADU.

20

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1 Commissioner Reckdahl: Okay, gotcha, thank you.

2

3 Chair Summa: Commissioner Chang [note – Vice-Chair Chang].

4

5 Vice-Chair Chang: I had a clarifying question regarding B, the calculation of floor area for ADUs
6 and JADUs, and in the Staff Report on Packet Page 55. The last sentence of... I just want to
7 clarify it and make sure I understand. No changes are being made to the ordinance as a result of
8 Letter Number B, is that correct?

9

10 Mr. Sauls: Correct.

11

12 Vice-Chair Chang: Okay and then there's the last sentence of that section that says Staff will
13 continue to be flexible with how floor area and lot coverage are afforded homeowners to
14 encourage ADU/JADU development which is a really broad statement. So, that always is scary
15 so it just... what is it... flexible mean?

16

17 Mr. Sauls: In the context of this specific item, I think what we're identifying is that we're going
18 to be flexible in how we apply the setbacks for Junior ADUs. And in particular, given how the
19 State is saying well you know, you can't build a JADU outside of this envelope. Right, you can't
20 push this little wedge out from this box, this envelope of the building, and say that's what the

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1 setbacks are for the Junior ADU because Junior ADUs can only be built within that box. And so,
2 what we're saying is we don't entirely disagree with HCD's statement that JADUs can be built
3 within that existing box or that proposed box. But that we are also going beyond State law to
4 further incentivize Junior ADUs by saying we can allow the setback for a Junior ADU of a 4-foot
5 provision, which is not currently allowed by the State based on their understanding of our local
6 Development Standards. So, we were being... we're trying to be flexible in how we apply that so
7 we can make it clear and communicate it more clearly to the public who might not understand
8 the nuance of you can build a home to a 4-foot setback for the purpose of building a Junior
9 ADU, rather than saying the Junior ADU has a 4-foot setback.

10

11 Vice-Chair Chang: Okay, thank you.

12

13 Chair Summa: If there are no other clarifying questions we'll just go to the public. Do we have
14 any public speakers on this item?

15

16 Ms. Veronica Dao, Administrative Assistant: Yes, we have one raised hand on Zoom, John
17 Kelley.

18

19 Chair Summa: We do have a public speaker.

20

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1 Ms. Dao: Yes.

2

3 Chair Summa: Just one?

4

5 Ms. Dao: One.

6

7 Chair Summa: Okay, why don't we take that comment first then?

8

9 Ms. Dao: John, if you can unmute yourself and then you can talk.

10

11 Mr. John Kelley: Thank you very much, Chair Summa, Vice-Chair Chang, Commissioners. Other
12 than Sections G and H of the Staff Report, I believe that you should generally follow City Staff's
13 recommendations but I urge you to do much more tonight. I believe City Staff are trying to do
14 right by the public. Staff's recommendation concerning uncovered parking, Section F, is one
15 such example, but the PTC should also ask whether the years-long saga of Palo Alto finally
16 conforming with 2020 State mandates makes any real sense.

17

18 For years, Palo Alto has followed what might be called the minimalist approach to
19 implementing California's 2020 ADU reforms. That minimalist approach has imposed costs on
20 Palo Altans. There have been individual costs and there have been collective costs.

-
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1 Uncertainties about whether Palo Alto will truly respect State ADU laws have very likely
2 deterred ADU production over the last few years. There may well be people who would have
3 already permitted and built ADUs during that period. Except for disagreements with City Staff
4 and actually rented those ADUs to others. Such applicants have, in a meaningful sense, lost
5 rental income. Others who might have used such ADUs to provide shelter for family members
6 have incurred the cost of renting alternative forms of shelter for loved ones. Beyond
7 individually born costs, the minimalist approach has cost us all in terms of the time, energy, and
8 perhaps third-party costs that the City has incurred. As the City Council recently discussed, we
9 should not forget the opportunity costs as well of City Staff not investigating other City
10 priorities.

11

12 Consequently, I would urge you initially not to pursue Sections G and H of the Staff Report
13 which would discourage some clear stories and could have the effect of reducing light reaching
14 the interior of an ADU when there's no reasonable privacy concern, and which would pursue a
15 suboptimal approach to building affordable ADUs.

16

17 But more importantly, and in addition, I would urge you to move beyond the City Staff's
18 recommendations in three important ways. First I encourage you and the PTC to recommend to
19 the City Council that City Staff both a) give people seeking to build ADUs the full benefit of new
20 State laws when they first go into effect and b) seek technical assistance in preliminary reviews

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1 from HCD and local design professionals before submitting proposed ADU ordinance for
2 consideration. Secondly, I urge you to establish a date certain before May 31, 2023, when the
3 PTC will take up possible changes to both the 12/22 ADU Ordinance. Including Citywide two-
4 story ADUs and the 2020 Impact Fee increases which I think are really misguided. And third, I
5 would ask for an accounting of the cost of both Staff and outside resources of any for pursuing
6 this past strategy of a repeatably adopting only minimalist interpretations of new State housing
7 laws. Thank you.

8

9 Chair Summa: Thank you, Mr. Kelley, and is that our final speaker?

10

11 Ms. Dao: Yes, I don't see any more raised hands.

12

13 Chair Summa: Thank you so much and we'll bring that back to the Commission and I just
14 wanted to clarify. I believe Staff wants votes on A, D, and H and a straw poll on F, G, and I. So,
15 who would like to start us off? Commissioner Hechtman.

16

17 Commissioner Hechtman: Thank you and I think the idea I hear earlier is we'll go serially so let's
18 talk about A, get that done, and okay. So, I did want to thank Staff and for the members of the
19 public, the version of the red-lined ordinance that... or revised that's in our Staff Report may
20 have been confusing because there are a lot of underlines and cross outs there that actually

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1 nearly all of them relate back to recommendations we've already made. And so, we don't have
2 to... what our focus is tonight is on just the new changes that Staff is recommending. And Staff
3 was kind enough yesterday to distribute another version of the ordinance that had Mr. Yang's
4 identification of this PTC recommended before or this is responsive to HCD. So, in other words,
5 it's new and it turns out there's only four new things. We're seeing three of them here, Packet
6 Page 66 is where in our Packet this table is and there's one more on Packet Page 69 and I think
7 that's it. There are a couple that are... that we already recommended that happened to be
8 responsive to new HCD concerns so good for us. Yeah, so this one on 69 so let's... starting with
9 A, so I just wanted to kind of focus us there to the extent we're talking about actual language.

10

11 So, here we're talking about Daylight Plane which is Item A, and the question I had, so, we're
12 making some changes to the ordinance table to meet... to address HCD's concern. My question
13 on this table is and you can see the underline. So, I understand where we crossed out the 8-foot
14 and the 45 degrees, but then we've added in the first column underlying zone standard per
15 Footnote 7. So, if you scroll down to Footnote 7 is has to do with height which I understand why
16 that's referenced in the height section below the Daylight Plane but I was wondering if that's
17 the right... if that footnote was intended for that location. And if so, how is that different for the
18 900-square foot column than if you go over to the 500-square foot column where it says
19 underlying zone standard that doesn't include Footnote 7?

20

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1 Mr. Sauls: It most likely show just included Footnote 7 on the right-hand side as well. The way
2 State law is written, and that's actually reflected in what's highlighted shown down here, is it
3 created this additional standard for attached ADUs that didn't exist prior to 2023. And what it
4 identified is what's written down here is could have an attached ADU that up to 25-feet in
5 height or the height limitation in that underlying zoned district that applies to the primary
6 dwelling unit. And so how Staff is understanding that change is basically to say that you could
7 have a 25-foot tall ADU but as it relates to the standards that apply to the primary dwelling
8 unit. Our normal Zoning Ordinance has Daylight Planes related to how tall those things could be
9 built as they get further away from the sides or from the center of the property. And so, I think I
10 would say probably 7 should be extended at this point as well as it's mostly just trying to mirror
11 this same aspect as it relates to Attached ADUs and Junior ADUs which are both attached units.

12
13 Commissioner Hechtman: Okay, alright, so that's... yeah, that's very helpful so if Staff will note
14 that moving forward and so then if I'm understanding Footnote 7, even though it doesn't
15 specifically reference Daylight Plane and I note that that's not even underlined, that's existing
16 language so basically the way Footnote 7 operates results in the Daylight Plane that HCD needs
17 in order to have consistency with State law. Is that right?

18
19 Mr. Sauls: That Staff, not HCD, Staff.
20

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1 Commissioner Hechtman: Oh, but Staff is responding to HCD's comments here.

2

3 Mr. Sauls: Right they're... we're responding to HCD's comments about detached ADU Daylight
4 Planes. They specifically didn't raise any issues in terms of attached ADU or Junior ADU Daylight
5 Planes (interrupted)

6

7 Commissioner Hechtman: Got it.

8

9 Mr. Sauls: Related to how they're defined by this new standard that the State adopted and so
10 that's where I was talking about this kind of added caveat of this high... I'll zoom in a little bit. It
11 might be very small to see. This added language of or the height limitation in the underlying
12 zone district.

13

14 Commissioner Hechtman: Alright.

15

16 Mr. Sauls: And in most cases, that's for R-1 districts, for example, a Daylight Plane that starts
17 out at 10-feet and goes in at a 45-degree angle on the sides of the property.

18

19 Commissioner Hechtman: Alright, so the action to address HCD concerns, if we go back to the
20 table, is really in the middle column. It's the N/A, that change that now has N/A, right?

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Mr. Sauls: Right.

Commissioner Hechtman: Because that's the detached, so that's where we're responding to...
okay, alright. Well, I'm clear then and supportive of these changes to address Item A thanks.

Chair Summa: Any other comments on this one? I did have a question about footnotes also. It looks like on Table 2 here at the bottom square foot exemption, when in conjunction with a single-family home. It looks like in attached/detached and JADU columns you're removing the reference to Footnote 4, is that correct?

Mr. Sauls: That might have been an error. I believe that should be the same though I think perhaps what it was trying to show instead is rather than having 4 referenced in both. 4 is not referenced over on this left-hand side here, so it still is relevant to these two types of scenarios here.

Chair Summa: Thank you. Any other comments or we can actually take a motion on this one? I thought we were going to do them one at a time. Is that what all prefer? Okay.

MOTION #1

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Commissioner Hechtman: So, I will move Staff... that the PTC recommend to the City Council Staff recommended changes to the ordinances regarding Subject A, Daylight Plane.

Chair Summa: Second, do we have a second?

SECOND

Commissioner Reckdahl: Second.

Chair Summa: Thank you. Comments from the maker and the seconder?

Commissioner Hechtman: No.

Chair Summa: Okay, could we please conduct the vote?

VOTE

Ms. Dao: Chair Summa?

-
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1 Chair Summa: Yes.

2

3 Ms. Dao: Vice-Chair Chang?

4

5 Vice-Chair Chang: Yes.

6

7 Ms. Dao: Commissioner Hechtman?

8

9 Commissioner Hechtman: Yes.

10

11 Ms. Dao: Commissioner Reckdahl?

12

13 Commissioner Reckdahl: Yes.

14

15 Ms. Dao: Commissioner Roohparvar?

16

17 Commissioner Roohparvar: Yes.

18

19 Ms. Dao: Commissioner Templeton?

20

-
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1 Commissioner Templeton: Yes.

2

3 Ms. Dao: Motion carries 6-0.

4

5 MOTION #1 PASSED 6(Chang, Hechtman, Reckdahl, Roohparvar, Summa, Templeton) -0

6

7 Chair Summa: Thank you very much. Unless I have any comments on B and C that people would
8 like to make, I think we can go on to D which is the next one we have to take a motion for.

9 Commissioner Chang [note – Vice-Chair Chang]

10

11 Vice-Chair Chang: So, my comment or question is regarding D so if nobody else has... okay. So, I
12 understand Staff's concern about not wanting to create an unnecessary burden by using the
13 word "suggested by HCD when feasible". But if this is a real preference that we have and I don't
14 know the full history of the preference. But if it is a real preference that we have then can't
15 we... is there a way for us to indicate our preference somewhere that doesn't create
16 unnecessary burden for Staff? I understand that if we don't want to be arguing back and forth.
17 If we can't actually enforce it but at the same time if we have guidelines that are preferred and
18 I feel like in other places in the Code we've said things like when feasible or I feel like we've
19 given guidance before.

20

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1 Mr. Sauls: Yeah and I would say that is correct, however in those scenarios they're more or
2 likely to be related to findings for approval for discretionary projects. Where of times those are
3 intentionally kind of vague or obscure so that Staff has some ability to kind of fluctuate... sorry
4 not fluctuate, interpret that as they need to. With ADUs in particular, a lot of the standards
5 have been very focused on finding... sorry, not finding, making standards objective and clear
6 and simple any by saying something is applicable when it's feasible. While you may have a
7 scenario that 90 to 99 percent of the people will say okay, that's not to big of a deal for me. You
8 know, you may still have others who might say I'm just not going to do it and if we raise the
9 issue that well, we think that this is feasible to do. Its harder for us to be able to say it's feasible
10 without a clearer, more objective understanding of what that means. Where right now we
11 don't have a definition for example of what that means.

12
13 Vice-Chair Chang: And so, I really understand that and I understand like I'm supportive of
14 removing the language when feasible but is there... so first of all, could you maybe enlighten me
15 on the history of this and where the desire to have this language came from?

16
17 Mr. Sauls: So, I would say that the desire of where this kind of came from is when in 2017 ADU
18 standards where significantly relaxed. In Palo Alto, a lot of people started coming in building
19 attached ADUs, and converting their garages. And in particular, what would happen is someone
20 would have an attached front-facing garage, where they converted to an ADU, and you have

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1 your main entryway over on this side. And now you might try to put in a new entryway on the
2 same facing... same street-facing side that's for the second unit. Staff and the City at the time
3 said we don't think that's a good design choice because it creates a visual clutter and confusion
4 as to where the entry to the building is. So, our preference at that time was to divert it off to
5 kind of either a side or even a rear property line to think or direct it, an entryway, to another
6 property line. Either again to the left, right side, or front ways for maybe a corner lot even you
7 can think of. From a design aesthetic perspective again, it was trying to not overly clutter one
8 space or confuse or visually confuse from just that initial read perspective what that looked like.
9 That was kind of or that's my understanding of how we approached it initially.

10

11 Vice-Chair Chang: That makes sense to me and I understand that we can't enforce any such
12 thing but is there a... I mean given that we felt strongly enough about it to put it... to attempt to
13 put it in our Code. Is there a place where we could make it as a suggestion, like a design... you
14 know, a suggestion? Because I think many times people will follow a suggestion and those who
15 aren't going to then you don't have to fight with them if it's not within our Code as a regulation,
16 or as something... using the when feasible language. So, I guess I'm just trying to find is there a
17 way that we could get the 93 percent of people who would probably go oh yeah, that's a good
18 point to do that and to do what we were hoping for?

19

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1 Mr. Sauls: Could we? Yes, I guess I would maybe bring up a comparison of the Eichler Design
2 Guidelines which haven't really been used since they've been established about a couple 4 or 5
3 years ago. So, to my understanding and I think Chief Planning Official Amy French can certainly
4 talk probably a lot more about this. City Council didn't want to make that a requirement for
5 development for Eichler standards, for Eichler homes, or for Eichler tracks. They wanted it as
6 guidelines and after over the last 5 or 6 years since those have been adopted. I might have been
7 asked once about that and when I said oh it's a guideline. It's not a requirement, they're like oh
8 okay, thanks and kind of walked away from it.

9
10 Vice-Chair Chang: Thanks, no that's good feedback because it sounds like it's just not really... to
11 much work and not enough benefit. If it really is a good design principle then you hope the
12 individual's doing this to their own home, converting a garage into an ADU, will make the right
13 decision on their own. So, that's reasonable, thank you.

14
15 Chair Summa: We'll go to Commissioner Reckdahl and then to Commissioner Hechtman.

16
17 Commissioner Reckdahl: I generally agree with what Commissioner Chang [note -Vice-Chair
18 Chang] was saying. You know, people buy in large want their house to look nice, so I don't think
19 we have to micromanage the aesthetics. I think they will do their best to make their house look
20 good.

-
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Basic question, ADUs, do they have a separate address from your house?

Mr. Sauls: Yes.

Commissioner Reckdahl: And so, you could put the street number or whatever above each door and people would know where to go?

Mr. Sauls: Yes.

Commissioner Reckdahl: Okay, thank you.

Commissioner Hechtman: So, I'm thinking entirely similarly to Vice-Chair Chang. I agree that the design features is desirable for people to know about. One of the reasons I like having it in the ordinance is it people read that and they start thinking about it as part of their design. I also understand the HCD's concern but along the lines that Vice-Chair Chang was saying, I think... well, let me just drop the possibility that we don't take out this language, but instead, we add that it shall be encouraged but not required. So, that way it's here in print so people can think about it and might realize hey this is a good idea for my design, but they can see it. They don't have to do it and then as this travels whatever route through approvals, it's also City Staff and

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1 the ARB if the ARB looks at it, also sees this language is not required so they don't punish
2 people for not doing it. It's just... so anyways, that was my thought which is keep the language
3 but add that. It's not the feasibility language, that's not vague, you know we say it's encouraged
4 but not required. Then it's clear you don't have to do it but you should think about it because
5 it's a good idea.

6

7 Chair Summa: Commissioner Roohparvar.

8

9 Commissioner Roohparvar: Thank you. I actually... sorry I lost my train of thought. I actually am
10 ambivalent. I don't think we should require it. I think it's going to cause a lot of churn but my
11 question. I had two but one I can remember now is the addresses, they have to be at the front
12 of the house right, like the front of the ADU? Even if the ADU's door is in the back, for the
13 mailman to be able to deliver. Is that accurate? I know San Jose does that, I was wondering if
14 Palo Alto does the same thing.

15

16 Mr. Sauls: I believe so, the purpose, of course, is to make it easy for (interrupted)

17

18 Vice-Chair Chang: Emergency.

19

-
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1 Mr. Sauls: Emergency services to be able to access the homes but I would be surprised for a
2 detached unit at least that number would be at the front. It might still be on that unit if it's
3 tucked in the back for example, but they might have some system or map system that brings
4 them to the same property but would divert the unit in the back rather than the one up front.

5

6 Commissioner Roohparvar: I mean I get why for aesthetic purposes maybe we don't want two
7 doors in the front. I think design is ARB's purview therefore I don't... it's not really my fight. I
8 think it's for whoever sets the design standards and what good should look like and the
9 architects. That's my view on that and then the second issue is I actually think it's more
10 practical to allow people to have that door in the front. Especially if you're renting it out, for
11 emergency services, for mailman, for all these different reasons. It makes more sense and I
12 know San Jose actually requires even if the JADU's tucked in the back to have the sign in the
13 front for emergency purposes or a directional sign saying here mailman, you need to go to the
14 back to be able to deliver it. Otherwise, they were running into issues with missed mail and
15 problems like that. So, for those reasons I just... I think we should just leave it up to the
16 applicant to figure out if they prefer an aesthetic or a practical approach depending on their use
17 of the JADU. Thank you.

18

19 Chair Summa: I don't see any other lights. I'll add that I think Commissioner Hechtman's
20 solution is a good one and if there are no other comments I will entertain a motion.

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Commissioner Hechtman: I was curious about some Staff feedback on that before we have a motion.

Mr. Sauls: I was actually going to raise a question just to the PTC in general. From at least just initially from what I am hearing in terms of expressing that, forward to the Council and presumably maybe receiving the same feedback. Expressing that to my colleagues and training them on it. When it comes to saying something is applicable when feasible, I would probably say 7 out of 10 times that means we're not going to do it. Only in the sense of trying to... like I mentioned before have that I wouldn't say argument but just have that conversation with the applicant. Especially when it's something that's not required is very challenging to do and then to say no, we really need to do this. Especially in a scenario where we're doing a... we have a ministerial action which focuses a lot on objective criteria. When we introduce a subjective criteria of something like when we think it's a good thing to go or happen. It just gets really difficult to really hold them accountable and ourselves as well.

Commissioner Hechtman: So, the language encourage but not required doesn't do any of that. So, I'm asking Staff what they think about language along that line.

-
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1 Ms. French: I think it's a good suggestion. Garrett, what did you think about that one since it's
2 not putting into the hands of Staff to make a decision? It's just advisory.

3

4 Mr. Sauls: I would say that it's probably equivalent to saying when feasible. From a practical
5 standpoint, it's equivalent which if that's the case, you know it just might be something that
6 when we do our plan check and reviews we won't, as you note Commissioner Hechtman, we
7 won't comment it as a requirement.

8

9 Commissioner Hechtman: Oh okay.

10

11 Ms. French: It's just not... I think what I like about it is it's not saying to Staff help them figure
12 out if it's feasible.

13

14 Commissioner Hechtman: Right, it's not.

15

16 Ms. French: I like not having to have Staff in that role.

17

18 Commissioner Hechtman: Right, right and I'm intending to take feasibility out of it because this
19 language it can be totally feasible but I don't want to do it and that's okay. Right, it shall be
20 encouraged but not required. Alright, so shall I hazard a... shall I make a motion?

-
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Chair Summa: I see that Commissioner Templeton would like to speak so we'll do that first.
Commissioner Templeton.

Commissioner Templeton: Thank you, yeah I just want to weigh in that I don't think we need to have language in there that is meaningless and we're just going to have to go back in a few turns and change it out. So, that's fine with me and I would also say that its strange that we're doing this without any kind of input from emergency services or postal services or all these people we've talked about that might be effected by where the choice of door and entrance are. So, you know, maybe it goes to Council we could at least talk to our emergency services about it and see what they think. Thanks.

Chair Summa: Thank you. Commissioner Chang [**note – Vice-Chair Chang**]?

Vice-Chair Chang: I just wanted to respond to something Commissioner Templeton said which is I don't... we're not requiring anything from a... I guess the State has told us that we're not allowed to do what our Code said. So, if we... we're not requiring anything and it shouldn't really have a barring then with respect to emergency services, right?

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1 Commissioner Templeton: Well, several people mentioned it tonight and I just think it's
2 interesting that there are implications of where the entryway is placed that we're not even
3 discussing and that the State is not discussing. So, as an aside in response to the comments that
4 were brought up. It might... if that was something we knew anything about, if that has been
5 studied it would be worth sharing. It sounds like some other cities are taking that into
6 consideration so I just wanted to throw that out there as a consideration for Staff.

7

8 Chair Summa: Thank you. I don't believe actually and Staff can correct me if I'm wrong. I don't
9 believe you're required to put your house address on your house. I mean it's a really dumb
10 thing to do because emergency services can't find you but I don't believe there's any City
11 requirements regarding that. Is that correct?

12

13 Mr. Sauls: I don't know (interrupted)

14

15 Ms. French: I think new homes would have to follow that but I think existing homes... yeah
16 Building Code. So, if you're going through the Building Permit Process for a new home I think
17 you do need to have an address but you know existing homes not.

18

19 Chair Summa: Okay thank you. Commissioner Reckdahl.

20

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1 Commissioner Reckdahl: Question for Staff, what's our interaction with public services, police,
2 and fire? When a new ordinance goes through do you vet that with them? Is that standard
3 practice, or do they only get contacted on special occasions?

4
5 Mr. Sauls: Probably in general, it would really just depend on if its like really specifically related
6 to something that they also deal with a lot. In this instance, when it comes to address
7 assignment there's a separate very ministerial, and small aspect of a permit that they need to
8 file or a property owner would need to file but that doesn't even... I don't think that really even
9 gets routed in terms of what might be typical for a Building Permit. I think it just kind of gets
10 handled a little bit more casually.

11
12 Commissioner Reckdahl: So, our current ADU Ordinance may have not been vetted with fire
13 and police? Do we know?

14
15 Mr. Sauls: No, in the sense of talking about address assignments or where the address should
16 be place [unintelligible – crosstalk].

17
18 Commissioner Reckdahl: Or this door issue?

19
20 Ms. Sauls: No.

-
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Commissioner Reckdahl: Okay, thank you.

Chair Summa: Any other comments from Staff or the Commission? If not we... Commissioner Roohparvar.

Commissioner Roohparvar: Thank you, just one final comment for me. I do feel that in this instance with the entryway thing, as it became clear, it hasn't been vetted by police or services or postal office. I think aesthetics here is trumping practicality. Considerations, health services, etc. I wouldn't be supportive of a motion that encouraged any sort of location for the entry doorway etc. for that reason. But I would support not including the language and leaving it up to the applicant. It also resolved the Staff concerns that were raised as well. Thank you.

Chair Summa: Thank you and if there are no other lights or hands I'll go ahead and take a motion.

MOTION #2

Commissioner Hechtman: I will move that the PTC recommend to the City Council regarding Item D, entryways for ADU/JADUs, that the language of subpart (k) (1), the design subsection

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1 on Packet page 69 be retained rather than removed. That first sentence and the following
2 language be added after “except on corner lots” and the comma we would add “it shall be
3 encouraged but not required that” and that’s the end of that insertion and then we continue in
4 the sentence “the unit” and delete the word “shall”. So, that the beginning of this... the first
5 two lines would read “except on corner lots it shall be encouraged but not required that the
6 unit not have an entryway facing the same lot line “property line” as the entry... entranceway
7 to the main dwelling unit unless” and the sentence continues.

8

9 Mr. Sauls: So, I’m sharing my screen here, maybe it might be easier for you reference where
10 you’re talking about.

11

12 Commissioner Hechtman: Crossed out so after corner lots right after the... after the comma
13 rather than before it, we’d add the language it shall be encouraged but not required that.

14

15 Mr. Sauls: Sorry, some freehanding right here. It shall be (interrupted)

16

17 Commissioner Hechtman: Yeah, it’s pretty impressive and then two words past that you would
18 eliminate the word shall strike out shall. Yep.

19

20 SECOND

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Vice-Chair Chang: I'll second that motion.

Chair Summa: Thank you, would you like to speak to your motion or your second?

Commissioner Hechtman: I would just very briefly to address Commissioner Roohparvar's concern. You know, what I'm looking at is the ordinance is already here and it already requires you to not have your second entrance on the same face as your front entrance. And that was adopted by previous Councils based on recommendations from previous PTCs and I think that would have been the time that I hope that emergency services and whatnot would have been consulted if that was an issue. Here, we're... what we're doing is we're just softening that so that it's not a requirement any... it was a requirement until the Council says otherwise but it will no longer be a requirement if they follow our recommendation. Just something that's out front there for them to think about. So anyway, that's what... I share this concern but I'm wanting to trust that our government looked at that back when they made this a requirement.

Chair Summa: I guess we can go ahead and have a vote on that. Oh?

Commissioner Templeton: Can we do... any comments?

-
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1 Chair Summa: Sorry Commissioner Templeton, I didn't see you.

2

3 Commissioner Templeton: Oh, thank you, so I'm still... I would still like to hear from the maker
4 the justification for the PTC making this recommendation. It just feels very... well, I mean it's
5 the design section that feels very out of scope but it also... I thought Staff said that none of this
6 was vetted with the emergency services. So, I mean I get that you want to trust it but we did...
7 we asked and they said no.

8

9 Chair Summa: Go ahead.

10

11 Vice-Chair Chang: Well, I'm not wanting to make design decision but I... because it is out of our
12 purview I also don't want to strike it. I don't know what the full context was for why we had
13 that and so what I'm trying to do is in me supporting Commissioner Hechtman's motion is to
14 meet the requirements that HCD had placed upon us. While also honoring whatever the intent
15 was in the past. So, but if we would like to insert like a... some advice that maybe Staff should
16 run this little question by emergency services. I think that that would make sense.

17

18 Chair Summa: Commissioner Hechtman, did you want to say something else?

19

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1 Commissioner Hechtman: Well no, again it's already... I guess it's a requirement and so while I
2 guess the question would be to emergency services do you have any problem with softening
3 this requirement or should we eliminate it entirely? I suppose that's one way you could look at
4 that if the HCD has commented negatively on this as a requirement. So, we've got do
5 something to it, and if emergency services felt strongly that it's a bad idea to even encourage it,
6 then maybe we should get rid of it, even though our design preference may be different. So,
7 I've got... I think it would be useful if as this travels to Council emergency services were
8 consulted. So, I'm agreeing with Commissioner Templeton.

9

10 Chair Summa: Commissioner Roohparvar, is your hand up again?

11

12 Commissioner Roohparvar: Yes, super quick, yeah I would be open. I agree with Commissioner
13 Templeton around inserting any sort of language around running this by emergency services
14 and I view this as we put in the requirement. HCD said no, you can't do this. If you kind of want
15 to do it we'll let you sort of do it if you put in feasible and therefore it's not really a
16 requirement. That's how I view or interpret HCD's guidance here and there was something else
17 that I forgot. Commissioner Templeton was there... oh, this is my question to Staff. This seems
18 really out of scope for us. Did we make this... I don't remember it, maybe I missed the meeting.
19 We made the recommendation around design and to put the entryway here or was it ARB or
20 someone else? We did it, PTC did this design recommendation?

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2 Mr. Sauls: This was incorporated in the 2017 ordinance, so it would have gone to the PTC at
3 least. I wasn't a part of that ordinance update so I don't know off hand if they went to the ARB
4 to ask that question. In general, as it relates to emergency services, the Building Code and Fire
5 Code primary focus about ingress and egress to these buildings. So, whether the address is at
6 the front of the building or at the back of the building, I think they certainly will go where they
7 can, but as it relates to kind of looking at from a building plan check standpoint. A lot of time
8 their focus is on how people can enter and exit that unit and make sure that they have proper
9 paths of travel to it.

10

11 Commissioner Roohparvar: And postal services, okay so this was insert in 2017... in the 2017
12 ordinance and the reason we don't remember it is it wasn't for example during my term or
13 Commissioner Templeton's term or any of our terms. And you're... and what you just said is
14 you're not clear if it was PTC or ARB or somebody else who inserted it, is that what...?

15

16 Mr. Sauls: Not off the top of my head. I don't know if that original ordinance from 2017

17 [unintelligible – crosstalk]

18

19 Commissioner Roohparvar: So, that makes sense now because I was like I do not remember
20 putting this in. This is like it's out of our scope, thank you.

-
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Mr. Sauls: Yeah, this was carried forward from that original ordinance.

Commissioner Roohparvar: Got it, okay thank you. Commissioner... sorry Commissioner Templeton, I interrupted you. Where you going to say something?

Commissioner Templeton: No, I was just going to say what you said about the term so it was before our time.

Chair Summa: Okay, if there are no other comments we can go ahead and have the... call the vote.

VOTE

Ms. Dao: Vice-Chair Chang?

Vice-Chair Chang: Yes.

Ms. Dao: Commissioner Hechtman?

-
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1 Commissioner Hechtman: Yes.

2

3 Ms. Dao: Commissioner Reckdahl?

4

5 Commissioner Reckdahl: Yes.

6

7 Ms. Dao: Commissioner Roohparvar?

8

9 Commissioner Roohparvar: No.

10

11 Ms. Dao: Chair Summa?

12

13 Chair Summa: Yes.

14

15 Ms. Dao: Commissioner Templeton?

16

17 Commissioner Templeton: No.

18

19 Ms. Dao: Motion carries 4-2.

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MOTION #2 PASSED 4(Chang, Hechtman, Reckdahl, Summa) -2(Roohparvar, Templeton)

Chair Summa: Thank you and now I think we... if it's agreeable to everyone I think we should go to Item H which we also have to vote on and then the last three items will be a straw poll if Staff (interrupted)

Commissioner Templeton: Chair?

Chair Summa: Yes.

Commissioner Templeton: May I just briefly say what my no vote was for?

Chair Summa: Oh, I'm so sorry, please do both of you.

Commissioner Templeton: Sure, thank you, so my no vote was just because I think this particular one is not a PTC question. We also discussed that it was properly vetted. Those are the reasons I voted no, thank you.

Chair Summa: Thank you. Did you want to speak to your no-vote Commissioner Roohparvar?

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Commissioner Roohparvar: Same concerns, this doesn't seem to have been a PTC decision and we didn't have... it wasn't properly vetted. Thank you.

Chair Summa: Thank you. So, would you like to do H colleagues next or? Okay, so let's go to item H which is the affordable housing question.

Vice-Chair Chang: Packet Page 59, Packet Page 59.

Chair Summa: Yes, it starts at the bottom of Packet Page 59. Do I have any questions or thoughts? I see that Commissioner Chang [note – Vice-Chair Chang] ...

Vice-Chair Chang: Yes, so my thoughts on this is that we went back and forth and came up with a proposal for an affordable ADU program but we're essentially being told by an administrator who knows a lot about it that it's really not feasible. And so, I think I know that City Council had asked us to consider... had asked PTC to consider an affordable ADU program but we're basically being told there's no way to do it. To actually execute on it so I think I would just say that we stop working on that given the barriers that are suggested by Alta Housing.

Commissioner Templeton: Is that a motion, if so I second.

-
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Vice-Chair Chang: It's not motion but that was my comment. I'll let other people... I'd be happy to make a motion in a moment but I want to see if there's any other comments.

Chair Summa: Commissioner Hechtman.

Commissioner Hechtman: Yeah I agree, it's disappointing because I think some version of this could be beneficial but we're learning from the experts that this model that we conceived really is not going to work in reality and so I think we should not spend further time on it.

Chair Summa: Commissioner Reckdahl.

Commissioner Reckdahl: I agree, I'm disappointed. I think it was a pilot, I think we could have learned something but if they say it's not going to work I don't think we should waste their time.

Chair Summa: Commissioner Templeton.

Commissioner Templeton: Thank you, yeah I am not surprised about this and I agree with our conclusion here that we shouldn't continue with it. That doesn't mean we shouldn't find other

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1 creative ways to understand affordable housing and that includes some of the concerns that
2 were brought up when we were debating this the first time around which was what if I allow
3 my elderly parent to live in a space on my property. Is that affordable housing? In a way it's not
4 deed restricted but we have to really understand what the needs are and how we can actually
5 make it happen. So, I think while I do think we should agree to discontinue this program, we
6 should also explore other ways to understand and measure affordable housing in our
7 community. Thank you.

8

9 Chair Summa: Thank you and I will say that our hope is that this is sort of naturally affordable
10 housing anyway and I agree with my colleagues that the experts don't really think this is going
11 to work and that seems right to me. That being said, I do think though that we have an
12 unprecedented level as Staff says of affordable housing projects which is very hopeful in the
13 City. I mean we can never have enough really to accommodate all the people that need it so
14 that being said unless there are other comments, I will go ahead and take a motion.

15

16 MOTION #3

17

18 Vice-Chair Chang: Alright, I will move that we discontinue work on the pilot affordable housing
19 program because the housing administrator has said that is it infeasible for a number of

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1 reasons. Although we are all disappointed and believe that there should be much more
2 affordable housing in the City.

3

4 SECOND

5

6 Commissioner Reckdahl: Second.

7

8 Commissioner Templeton: Okay.

9

10 Chair Summa: Thank you. Would you like to speak to your motion or second?

11

12 Vice-Chair Chang: So, I was kind of speaking to it at the end after because.

13

14 Chair Summa: Then if there are no other comments and I don't see any hands we can go ahead
15 and call the vote.

16

17 VOTE

18

19 Ms. Dao: Vice-Chair Chang?

20

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1 Vice-Chair Chang: Yes.

2

3 Ms. Dao: Commissioner Hechtman?

4

5 Commissioner Hechtman: Yes.

6

7 Ms. Dao: Commissioner Reckdahl?

8

9 Commissioner Reckdahl: Yes.

10

11 Ms. Dao: Commissioner Roohparvar?

12

13 Commissioner Roohparvar: Yes.

14

15 Ms. Dao: Chair Summa?

16

17 Chair Summa: Yes.

18

19 Ms. Dao: Commissioner Templeton?

20

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1 Commissioner Templeton: Yes.

2

3 Ms. Dao: Motion carries 6-0.

4

5 MOTION #3 PASSED 6(Chang, Hechtman, Reckdahl, Roohparvar, Summa, Templeton) -0

6

7 Chair Summa: Thank you so much and that... now we will go back to Item F which is on Packet
8 Page 56, conversion/relocation of uncovered parking stalls and this is to remove a two-step
9 process. And if Staff can just confirm that this... the outcome could be achieved in what we're
10 trying to do is simplify a... regardless of whether we make these changes and what the changes
11 do. It simplifies the process to not require a two-step process saving time and money.

12

13 Mr. Sauls: Correct.

14

15 Chair Summa: Thank you and so I see Commissioner Chang's [note - Vice-Chair Chang] light.

16

17 Vice-Chair Chang: I am fully supportive of removing all two-step processes so I'm happy to
18 make a motion but.

19

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1 Mr. Sauls: And just a point of clarification, there isn't any language in the draft ordinance yet so
2 what we would do is just make a motion to have Staff provide draft language at the next
3 hearing.

4

5 Chair Summa: Would someone like to make that motion?

6

7 Commissioner Reckdahl: One thing that I think is important is when we did the garage
8 conversion. That the driveway still be allowed even if it's in the setback to be parking spaces
9 and so whatever language you have for this should echo what we did for the garages. Because I
10 think if you lose the parking spots that are outside the setback, inside the setback still would be
11 a better way of than pushing them on the street.

12

13 Mr. Sauls: Let me just share my screen again real quick, so is the draft language that we have
14 related to parking. Specifically, what we would be doing is where we have one and two, primary
15 two, we had adopted in 2020 language to allow JADU, Junior ADUs, to be converted from an
16 existing garage. And those spaces can be replaced within the front yard setback or a street-side
17 setback. That's what you see here in A and B so we would mirroring something like that as well
18 in this instance for uncovered spaces that are expanded into for an ADU or JADU.

19

20 Commissioner Reckdahl: Very good.

-
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Chair Summa: Commissioner Hechtman.

Commissioner Hechtman: Do we really need a motion and vote on this or just to have Staff hear that a consensus of us are interested in Staff coming back with language in the draft ordinance following this approach?

Chair Summa: My understanding was that was what Staff needed, the ladder. Not in a motion but rather to hear that in general if there was support or concerns.

Commissioner Hechtman: Okay so I would support Staff coming back with some draft language.

Chair Summa: And I would too, any... oh, Commissioner Templeton.

Commissioner Templeton: Thank you, my only comment here is that it's a bit of a stretch to assume that garages are used for cars. I don't know anybody who parks their car in their garage in Palo Alto. Although I'm sure it does happen but there's just a plethora of people that use it for storage. So, I... when I read the language that you had up there it was all like covered parking and parking and parking and parking and replacement parking. Well, just keep in mind that some of that is... it's not replacement parking and that language implies that garages are

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1 only used for parking which is not true. So, I don't know if there's any need to change that, I
2 just wanted to throw that out there that its... was my reaction reading that text.

3

4 Chair Summa: Thank you so what I'm hearing and I hope Staff is hearing is in general we
5 support what you're suggesting and look forward to you bringing back the precise language.
6 And unless there are other comments on this one we can move on to G which starts at the
7 bottom of Packet Page 57 and this is about privacy issues. Comments? Commissioner Reckdahl.

8

9 Commissioner Reckdahl: I certainly think this is an area that I would support, especially the fact
10 that ADUs can be 4-feet from the fence. I think that any window that's facing that should... if it's
11 above the fence line it should be frosted and not openable. I know people whose next-door
12 neighbors have a big window looking down into their house and they feel like they're always
13 being watched. So, it's fine you can have windows, you can have fake... even face those
14 windows towards the fence but if they're above the fence line then they should be frosted.

15

16 Chair Summa: Not sure who was first. Commissioner Chang [**note – Vice-Chair Chang**]?

17

18 Vice-Chair Chang: I also... thank you Chair. I also agree with Commissioner Reckdahl that the
19 windows above the fence line should be frosted but I think he said that they should be... they
20 shouldn't be openable or not operable. And for that I actually would like if there was some way

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1 that we can allow them to be... there's certain types of windows where you can open them a
2 little bit and at least there's airflow but not the traditional sideways sliding window.

3

4 Chair Summa: Commissioner Hechtman and then Commissioner Templeton.

5

6 Commissioner Hechtman: Ghost light.

7

8 Chair Summa: Oh. Commissioner Templeton?

9

10 Commissioner Templeton: Thank you. This might be just for Staff to clarify but I have a window
11 in a room in my house that is above 12-feet and I can look out it and see the tops of my trees. I
12 don't see into my neighbor's houses. What would this ordinance change mean for that kind of
13 use case? Would I have to frost it?

14

15 Mr. Sauls: Right, so if we... if the PTC wanted to establish a height limit for example for when
16 these privacy measures apply. The easiest way to do that might be and the most practical way
17 for Staff to easily implement it would be to say there is a certain height. Where either the
18 window that goes beyond this or any full part of a window that's beyond it needs to be... needs
19 to have obscured glazing which basically kind of just disrupts the ability when the windows

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1 closed for anyone to just see full complete images of individuals. Blurry would be what you'd be
2 experiencing instead and vice versa.

3

4 Commissioner Templeton: Well, why would I want the City to tell me that I have to frost my
5 glass if I want to loop up at the trees? I don't understand that.

6

7 Mr. Sauls: So, again it would just be focusing on any sort of scenario where you don't have any
8 sort of trees that might be existing that would prevent any sort of views towards any properties
9 so.

10

11 Commissioner Templeton: Where is that in the language?

12

13 Mr. Sauls: Like I said, this item as well doesn't have any draft language.

14

15 Commissioner Templeton: Oh, it's not... I see, okay.

16

17 Mr. Sauls: Right, it's not there currently so if PTC wants to for example, as I mentioned before,
18 say 10-feet a magic number or cut off where we want anything that's at or above 10-feet to use
19 obscured glazing. That would be something that could be recommended and Staff would come
20 back and say here's this line item where this would be a requirement.

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Commissioner Templeton: My opinion on this is this is probably best handled between neighbors and not as a regulation from the City. That’s my opinion, thank you.

Chair Summa: Commissioner Hechtman.

Commissioner Hechtman: So, we don’t have any language in front of us, and while I’m hesitant to layer more neighbor control over what I build on my property, I am open to at least seeing some language and so if there’s an interest in encouraging Staff to come back with some language we can look at because I think for me that’s really helpful to be able to see it in black and white and then I can really wrestle with it more clearly. Right now, it's all kind of vague for me, well what would we do kind of thing? So, that’s where I’m at is I don’t know that I’ll be supportive eventually but I’m open to looking at some language.

Mr. Sauls: And just for reference in that draft ordinance that was annotated, Items A and B were what was previously discussed to get some additional clarity and recommended by the PTC. Where we’re primarily just trying to better distinguish when second floors or equivalent spaces are created. That is when privacy measures apply, so things like utilizing obscured glazing would be applicable when there’s an actual floor level. And the example provided in the Staff Report was a tall structure that didn’t have a second-floor level and then also didn’t fall

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1 within the bounds of the Table 2 units where Staff didn't have the ability to apply these privacy
2 measures whatsoever. So, that was the point of kind of bringing it back to say in the previous
3 discussion there was some thought around establishing rather than a floor level, a height limit
4 to where privacy should be applied on a building and if that was something that was still the
5 PTC was interested in. We can come back on the 8th, on March 8th to further define what that is.

6
7 Chair Summa: Thank you for that and then Commissioner Reckdahl and then Commissioner
8 Roohparvar.

9
10 Commissioner Reckdahl: Commissioner Templeton brings up a good point. If the window is
11 height on my wall and I'm looking up and I'm not going to be looking down into my neighbors
12 and so that too me is less problematic. The problem that my neighbor had is that when she's
13 standing in the kitchen. The next house next to her has a higher floor so they can stand in their
14 kitchen and look down right at her. And it's right over the fence and so that was... that's where
15 it would be problematic to have windows above the fence when the floor is high enough that
16 it's eye level to the other house. So, I don't know if we want to... well, think about this. This is
17 something... because you have both the height of the fence but also the height of a window
18 within the house and whether that's going to be a privacy concern or not.

19
20 Chair Summa: Commissioner Roohparvar.

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Commissioner Roohparvar: Thank you. I'd be open to language but Commissioner Templeton raises a really good point. I just want to caution us around getting too subjective. I think that I heard something out there well if there's trees and it's okay in front of Commissioner... anyway, I just want to be cautious about that. And second, I wanted to ask Mr. Sauls, has we seen... has HCD provided any sort of guidance on this that you're aware of? Even to other cities because I haven't or have you seen this in these types of glazing requirements in any other cities in California? I'll tell you I did a full assessment as part of something I did and I didn't see this in other cities. I just don't want to set us up for something where the HCD is then going to come back and be like we have a problem with this and we're going back and forth. And I think somebody raised, I think it was a public commenter, wasting money on things that HCD is going to slap our hand on anyway. So, that's why I was like is there any sort of precedent or is there any other instance where the HCDs been open to something like this? Before we go down the exercise of putting together language, putting it before us, arguing about it, like putting it up and then being told don't do this. This creates a barrier to...?

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Mr. Sauls: Yeah so HCD hasn't commented on this aspect of our ordinance in the last two reviews that they've provided. The last one where they more extensively identified items that they felt were issues. In terms of precedent, within the City's own ordinance, this is mirroring policies and approaches we take for our Individual Review applications. So, the most subjective

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1 being application of obscured glazing on a window versus requiring screening landscaping. For
2 example, trees right.

3

4 Commissioner Roohparvar: Right, the JADUs and ADU are different right because they're more
5 ministerial and they're now managed by the State. So, I want to distinguish what we (crosstalk)
6 do for the regular and this.

7

8 Mr. Sauls: Depending on Table 1 and Table 2 units, yes.

9

10 Commissioner Roohparvar: Yeah you said HCD hasn't commented on this. Have you guys put it
11 before them? Like I didn't... I wasn't aware that this (interrupted)

12

13 Mr. Sauls: The entire ordinance was in front of them, yes. So, when we submitted (interrupted)

14

15 Commissioner Roohparvar: But this idea around glazing?

16

17 Mr. Sauls: Yes, when we submitted this to HCD, this policy, other than the minor edits that you
18 just saw in the draft document I showed you. That policy effective was already in place or was
19 adopted in 2020. So, it's not an entirely new program to say, relative to that ordinance that we
20 adopted in 2020, to say now we're really trying to change things a lot. It's just more a matter of

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1 do we want to more clearly define when we think privacy measures should be put in place and
2 if we don't think that that's something that we should do that's also direction to Staff.

3
4 Commissioner Roohparvar: So, the privacy measures, I mean that changes my opinion. The
5 privacy measures that we're debating right now and you guys are putting language together on.
6 HCD has already seen and had no issues with.

7
8 Mr. Sauls: Correct, sorry excuse me. Language... we haven't presented any language to them in
9 terms of what we're talking about tonight in terms of should we say 8-feet or 10-feet or 12-feet
10 is the height limit for when you would need to put in obscured glazing. What our Code currently
11 provides and requires is that when you create a second-floor level with an ADU. You would
12 need to incorporate obscured glazing on those windows that face towards an adjacent
13 property.

14
15 Commissioner Roohparvar: So, on the level thing but not on this... the height thing.

16
17 Mr. Sauls: Correct (interrupted)

18
19 Commissioner Roohparvar: The first-floor height thing.

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1 Mr. Sauls: Yeah.

2

3 Commissioner Roohparvar: Cari's [note – Commissioner Templeton] house, okay that's helpful.

4

5 Ms. French: Garrett, could you specify if we're talking about where there's an ADU at the 4-foot
6 setback? I mean we're not talking about something that's 20-feet back, right?

7

8 Mr. Sauls: It wouldn't be respected... it wouldn't... the way our ordinance is structured right its
9 irrespective of how close or far away from the property line it is.

10

11 Chair Summa: Commissioner Chang [note -Vice-Chair Chang].

12

13 Vice-Chair Chang: Well, my concern is that the resistance to ADUs I think from neighbors right
14 and now they don't have much of choice but it's primarily privacy. And I understand that in
15 theory to let it up to... to leave it up to the neighbors is a good idea but that's not really how
16 things work all the time. And if I'm living there and my privacy is being impacted as I just saw
17 this weekend because our... I mean ADUs are new. So, we just haven't thought about all those
18 scenarios and so there was actually, I was just visiting somebody's house and they were
19 building an ADU, and it's going to be great for them. I'm so happy for them but because the
20 flood plane is actually... things are actually changing because of the likelihood of flooding. Their

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1 house or the ADU has to be built higher than their house does and that... and also higher than
2 the neighbor's house. And so, as a result, because it's right up against the 4-feet, there's a
3 situation where if they put a window on that side. I don't know if they have yet but you'd be
4 looking into somebody else's house and so I think just to make it more livable for all. If Staff is
5 aware of situations like this, I think it would be a good idea.

6
7 That said, I hear I think Commissioner Templeton's point about if I'm looking up at the trees,
8 that's not a concern. That also makes sense to me. We want to let in natural light and see the
9 trees and not have it frosted but I also... I mean I don't really want to see inside my neighbor's
10 house accidentally. Right and I don't want to my tenant too or my grandma or whatever and
11 they don't want me looking in. So, to the extent that Staff has ideas about how to solve this
12 problem, particularly given how new ADUs are and I would like to see... I'd like to see a stab at
13 this.

14
15 Chair Summa: I'm not seeing any other lights and I will say that I also approve this and I think
16 it's pretty standard as Staff mentioned. We already have privacy standards in our Individual
17 Review and there are some for in the... on Page 69 and 70 of the proposed Code for egress
18 situations. And so, I think that this is a very common thing and I think it will have the benefits
19 Commissioner Chang [note -Vice-Chair Chang] thinks that making people get along better in
20 more crowded situations. Does Staff feel like they have enough direction?

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Mr. Sauls: I think so just in terms of only getting further clarification. I don't know if its worthwhile to ask if there's a clear delineation that we should look at when it comes to writing how tall or where this privacy should be applying. So, in the example I gave before, should we be looking at 8-feet, 10-feet, 12-feet if we want to make an Objective, sorry, Objective Standard at where this should be applicable?

Ms. French: And I would add to that a finished floor level, I heard that very clearly and I'm aware of the code enforcement cases that I get called out on where finish floor matters. So, and then how close it is to the property line. These are all things we could bring back to you with variations.

Chair Summa: I think it would be hard for me, I don't know how my colleagues feel right now, on the fly to sort of figure out the standards. I would think that Staff might be able to do that based on their knowledge and working with privacy issues already. Unless somebody has a clear idea of specific heights I think... I would rather let Staff come back to us with their best idea.

Commissioner Hechtman: I don't have a particular idea that I think that weigh in on that point but I do think that whatever that height is, when you get to that height that opaque windows are not really the only option. Commissioner Reckdahl mentioned height of the window can be

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1 important. In my bedroom, which is on the second floor, I have a small window that I think
2 starts as I think about it, it starts... it's either 5-feet or 5 ½-feet maybe from finish floor so I can
3 look out that window. I cannot... and I can see trees. I cannot see my neighbors one-story house
4 next to me unless I step on a stool I guess and look down and so there's a relationship there.
5 Now, if my neighbor had a two-story, you know maybe I'd be looking, they could be looking at
6 me too and that's kind of a different issue. I think what we're really focused on there is this
7 taller... because we're talking about ADUs, taller ADUs looking down on primarily single-story
8 single-family homes next to them and so I think that that's something I'd like Staff to think
9 about is whatever height you pick, think about it in terms of options of opaque or a window
10 that doesn't let you look in a downward direction for a normal size human.

11

12 Chair Summa: Commissioner Templeton.

13

14 Commissioner Templeton: Thank you, yeah I'm a little worried about reinventing the wheel
15 here I guess. If we already have privacy regulations for any other kind of house. Why are we
16 redoing them specifically for ADUs? Mr. Sauls?

17

18 Chair Summa: Is that a question for Staff?

19

20 Commissioner Templeton: Yes.

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Mr. Sauls: Thank you, I think as many of the Commissioners were noting, ADU are pretty different compared to single-family homes in terms of where they can be located.

Commissioner Templeton: Well, I don't think they're different in terms of having second stories next door that can look into your house.

Mr. Sauls: I think with (interrupted)

Commissioner Templeton: So, I'm just talking specifically about privacy.

Mr. Sauls: Yeah and that's I think also interrelated to their reduced setback standards as well as now their potentially allowed increase height allowances. So, previously we... sorry, previously there was a 16-foot height limit where from our understanding you couldn't build a two-story home or two-story unit in a 16-foot tall structure. Now, there's the possibility that there's an 18-foot tall ADU that's detached or a 20-foot tall ADU... detached ADU that could be at that 4-foot side and rear setback.

Commissioner Templeton: Sorry to interrupt, that's beside the point. The point is if the structure being built on an adjacent property can look into the other... into the adjacent

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1 property. The privacy concerns are the same. I will say that properties in my neighborhood that
2 have been redeveloped have a second story straight up are not covering their double French
3 door balconies with frosted glass. They look right into my neighbor's yards. Right like it's not...
4 why should a smaller unit have different rules on privacy? Not talking about setbacks and all the
5 other things but if you can see into your neighbor's yard. I think the same rules should apply
6 and I guess I'm just trying to figure out why we're having some kind second standard for the
7 smaller unit.

8
9 Mr. Sauls: Yeah, so I think again every unit... every circumstance is unique and we're trying to
10 envision a policy that's applicable to everywhere within the City where people have varied
11 opinions on what is impactful to them or what isn't. That's not to say that what someone else is
12 able to do right now should kind of be something that you should be able to do towards them
13 or anything like that. I don't think that's your perspective or what's you're trying to suggest
14 there either.

15
16 Commissioner Templeton: No, I'm just saying we don't... we shouldn't necessarily have an ADU
17 privacy and an any other kind of home privacy. We should have privacy standards that are
18 universal and I think if we do already have privacy standards for homes. Why are we redoing
19 them here for just for ADUs and so you don't have to answer that but that's my pushback on
20 this item (interrupted)

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Mr. Sauls: Sure.

Commissioner Templeton: Because it doesn't seem to be necessary if we [unintelligible – crosstalk]

Mr. Sauls: Sure, I would only say that our standards right now more reflect what I think you're interested in.

Commissioner Templeton: Okay, thanks.

Chair Summa: Commissioner Chang [note – Vice-Chair Chang].

Vice-Chair Chang: So, I just wanted to respond to Commissioner Templeton's question about why it's different and I believe it's different because of the nature of the setback. In other words, if you're very close to your neighbor's house as opposed to looking at something in the middle of the lot and looking at it from 4 feet front their lot. It creates a different situation like my kitchen window looks right... if the fence weren't there. It looks right into my neighbor's kitchen window and if it's a little bit higher and even closer. Then just like with Daylight Plane

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1 effects the light, there's also the visual plane and so that's why I think it makes a different
2 because of the 4-feet.

3

4 Commissioner Templeton: Just to respond to that, my kitchen window looks into my neighbor's
5 window and there is a fence there and neither of us are living in ADUs. And so, I'd like to know
6 why an ADU would have a different standard of privacy than our single-family home and I feel
7 like I'm pretty darn close to my neighbor here. Certainly not 4-feet but probably, you know, 12
8 and that's close enough. I mean we literally can see each other so the scenarios that we're
9 describing about how it's different isn't really that different. We are looking right at each other
10 and I think it... I love the idea of having privacy standards for our City and be consistent about it
11 because I think it faces many structures, not just ADUs. Thanks.

12

13 Chair Summa: I would say that I don't think the standards are different. I think the intention of
14 the standard is to protect as well as we can as our city develops. Unwanted situations where
15 people are looking into other people's yard, I think the standards are the same. I think they
16 might need to be looked at carefully with regards to as Commissioner Chang [note – Vice-Chair
17 Chang] setbacks. That being said... oh, Commissioner Hechtman.

18

19 Commissioner Hechtman: I... before Commissioner Templeton raised this issue I had been
20 thinking the reason we're talking about it is because ADUs can be 4-feet away. Other structures

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1 can't be and we didn't design our privacy measures applicable to most homes with a 4-foot
2 setback in mind because everybody else has a bigger setback. But for example, earlier tonight
3 we heard an item from an RMD zone where the interior side yard setback is 6-feet. Right, that's
4 the required setback and I think people in the RMD neighbors have just as much privacy
5 concern and just as much right to protection of privacy. And so, when you're thinking about...
6 and I don't know what the setbacks on my house are. I think they're maybe 10-feet, I think
7 that's... it could be 6.

8

9 Ms. French: 6.

10

11 Commissioner Hechtman: Yeah so what's... why would we have special rules for a delta from 6-
12 feet to 4-feet so and you would need something pretty compelling I think to justify that.
13 Tonight, though I'm just sort of, rather than putting the kibosh on the dialog, interested in
14 supporting whatever Commissioners might want to see some language and just take that next
15 step. But I think Commissioner Templeton's point is really right that we should avoid having
16 different rules for different circumstances unless there's a real difference between the
17 circumstances. And I'm not sure the difference between 4-feet and 6-feet is a big enough
18 difference to compel its own set of rules.

19

20 Chair Summa: Thank you. Commissioner Reckdahl.

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Commissioner Reckdahl: I mean my neighbor that had the problem that was between two single-family houses. So, it isn't just ADUs but I would say we should say what's the best way to tackle this and if we think we have good ideas. We can roll it into the General Code but I do agree making one set of rules for ADUs and one for houses doesn't seem quite right.

Chair Summa: Yeah I agree, that's why I think the standard is to protect people's privacy and not to pick on a house because of its size. And I think the IR standards on this are actually just guidelines, not law... rules. So, they aren't very strong and that's why... and I have seen many times in my experience here in City Hall where people are really upset because the guidelines aren't enforceable. So, I think I appreciate that Staff is trying to make a rule here instead of just a guideline. So, I'm looking forward to seeing what Staff comes back with. If there's no other comments I'll just ask Staff if they think they have enough feedback from us.

Mr. Sauls: I think so just clarifying that PTC in general does want to see some draft language or not.

Chair Summa: Yes, I do think that's... yes. So, since there are no other comments or lights on I think we'll move to our last item which is I [note – Item I] which is a new item that Staff brought up about basements for the primary home being allowed under attached ADUs or JADUs and

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1 but only used by the primary home. So, would anybody like to comment on this item? I will
2 then, I don't see any hands. Oh, okay, I don't know who went first. Commissioner Chang [note –
3 Vice-Chair Chang].

4
5 Vice-Chair Chang: I like the idea... so it sounds like what Staff has found is sort of this... a
6 loophole where people can end up with a bigger primary home and I think our goal is to
7 actually make ADUs more livable. And so, the bonus square footage should really be for the
8 ADU and not for the primary home and so I would support seeing the changes that Staff is
9 thinking about.

10
11 Chair Summa: Commissioner Hechtman.

12
13 Commissioner Hechtman: Frankly, I'm having a little difficulty reacting to something that wasn't
14 in the Staff Report and just presented here visually. And for that reason alone, I would tell Staff
15 take your best shot at what you think you want to recommend... you want the PTC to
16 recommend and bring it back to us on the 8th and let's take a look at it.

17
18 Mr. Sauls: Understood and we apologize, it was a matter of everyone was off Monday and it
19 became an issue on Tuesday. So, we were just trying to bring it up to your attention as best as

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1 we could without understanding we'll actually need to actually write a Staff Report and put that
2 in. We'll certainly do that.

3

4 Chair Summa: Thank you for that. Commissioner Templeton.

5

6 Commissioner Templeton: Thank you. I guess my opinion on this is what is more likely to get
7 the ADU built and I don't know that we know the answer but if having bonus basement
8 whatever makes somebody more likely to built it. Great and if it having a bigger square footage
9 for their ADU makes them more likely to built it, great. I'm not sure I feel the need to prescribe
10 it. That might be on a case-by-case basis but if the City thought that were some interest that
11 the City has in how that plays out. I think we should lean towards what's more likely to get
12 them built, thanks.

13

14 Chair Summa: Any other comments? I actually would I like to see it come back and I sort of
15 worry that because this would be for attached ADUs and JADUs. That it would incentive larger
16 basements which aren't... which not everybody agrees is very good for the environment. And
17 we don't have any control of whether or not people are actually using those attached ADUs and
18 JADUs as... for additional units or whether they're just connecting them to their houses. And
19 this seems like it might encourage that so I would like to see language on that.

20

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1 And I would also like to thank Staff very much for throughout this whole confusing kind of ADU
2 process being very responsive quickly back to HCD and then waiting for quite some time for
3 them to respond back to us. I think that Staff did a really good job of handling that over the last
4 couple years and making it... and making our responses quick and then waiting a long time
5 hasn't been easy. And it's made sort of a funny timeline and a difficult process for Staff to
6 respond quickly and get it to PTC before Council and all these kinds of things. So, I really
7 appreciate Staff's work on this whole ADU process.

8
9 And I think if that's enough feedback for Staff we can... that that item would be complete, Item

10 I.

11

12 Mr. Sauls: Correct.

13

14 Ms. French: So, we would want to have a motion to continue the 18.09 changes that we were
15 just talking about. We've already advertised for the March 8th meeting for the 18.10 and 18.12
16 changes which is the language we would bring about the basements.

17

18 Vice-Chair Chang: So, moved.

19

20 Chair Summa: I think you have to make the motion.

-
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Vice-Chair Chang: Do I have

Chair Summa: Yes.

Vice-Chair Chang: It's late. I would like to move that we continue the changes to 18.10 and to 18.12 to date... wait which one?

Ms. French: Sorry, 18.09.

Vice-Chair Chang: 18.09 and 18 (interrupted)

Ms. French: You don't have to continue the 18.10 and 18.12, just the 18.09.

MOTION #4

Vice-Chair Chang: So, 18.09 to... I would like to move to continue 18.09 to a date certain on March 8th.

Ms. French: Yes.

-
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SECOND

Commissioner Reckdahl: Second.

Chair Summa: Thank you, would you like to speak to your motion? Your second? Okay, then if we can just conduct the vote, please?

Ms. Dao: Commissioner Templeton?

Commissioner Templeton: Yep.

Ms. Dao: Chair Summa?

Chair Summa: Yes.

Ms. Dao: Commissioner Roohparvar?

Commissioner Roohparvar: Yes.

-
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1 Ms. Dao: Commissioner Reckdahl?

2

3 Commissioner Reckdahl: Yes.

4

5 Ms. Dao: Commissioner Hechtman?

6

7 Commissioner Hechtman: Yes.

8

9 Ms. Dao: Vice-Chair Chang?

10

11 Vice-Chair Chang: Yes.

12

13 Ms. Dao: Motion carries 6-0.

14

15 MOTION PASSED 6(Chang, Hechtman, Reckdahl, Roohparvar, Summa, Templeton) -0

16

17 Chair Summa: Thank you so much.

18

19 **Commission Action:** Motion by Hechtman, seconded by Roohparvar. Pass 6-0

20 **Commission Action:** Motion by Hechtman, seconded by Chang. Pass 4-2

21 **Commission Action:** Motion by Chang, seconded by Reckdahl. Pass 6-0

22 **Commission Action:** Motion by Chang, seconded by Reckdahl. Pass 6-0

-
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1 **Approval of Minutes**

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

3 Chair Summa: We have no minutes to approve so we can move right onto Commissioner
4 questions, comments, announcements or future meetings and agendas.

5 **Committee Items**

6 None

7 **Commissioner Questions, Comments or Announcements**

8 Chair Summa: Commissioner Chang [note – Vice-Chair Chang]

9

10 Vice-Chair Chang: So, I just wanted to put a bee in the rest of our Commissioners bonnets
11 regarding we're going to need to work on a Work Plan and also a retreat potentially if we want
12 the... so we have to think about how to do that. And I know that Ms. French had talked about
13 potentially canceling a meeting but I'm just worried that we're going to lose time on some of
14 these things that we need to get done.

15

16 So, that's just a thought and then secondly, wanted to ask if in an upcoming meeting if we could
17 hear back from staff. Nobody from transportation was here today regarding the accidents at
18 Lincoln and Middlefield that I've seen public comments about.

19

20 Ms. Amy French, Chief Planning Official: We'll ask them to attend March 8th.

-
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Chair Summa: Commissioner Templeton.

Commissioner Templeton: Yes, thank you so much Vice-Chair Chang for bringing this up. I am deeply troubled by the accidents that continue to occur in our City and I know you are as well. I have brought this up before and if we are going to ask transportation Staff to join us at our next meeting. I would like to add this to the list. Caltrans is planning to repave El Camino Real in northern Santa Clara County and we, as far as I know, and as far as I've been informed by our Staff, do not have a plan of any kind of how to do that with any kind of safety improvements. I know that Mountain View and Los Altos has a plan that they're working with Caltrans on and that will be implemented and it will address safety concerns that resulted in children's deaths on El Camino. I don't know if we'll be addressing safety concerns that... in areas that have resulted in children's death and other collisions on El Camino in Palo Alto and I'm deeply troubled by it. So, I would encourage our transportation Staff to provide us an update about how they're interfacing with Caltrans to improve safety as part of that repaving project. Thank you.

Chair Summa: Thank you for that. Any... oh I see that Commissioner Chang, [note – Vice-Chair Chang] is that a legacy?

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1 Vice-Chair Chang: [unintelligible – off mic]

2

3 Chair Summa: Commissioner Reckdahl.

4

5 Commissioner Reckdahl: About the retreat, like Parks and Rec, have their retreat on either a
6 Friday morning or on the weekend and it gives a much different feel than it's just another
7 meeting and I like that. Sometimes we go up to Foothills Park and that's a nice change.
8 Sometimes we go over to Mitchell Park Community Center which is getting out of the City Hall
9 and getting at a different time I think is a benefit but are people supportive of that or do they...
10 are weekends... weekday evenings work out better?

11

12 Commissioner Templeton: This might be a question for after the vacancies are filled.

13

14 Commissioner Reckdahl: What is the date for the retreat? It's going to be after the (interrupted)

15

16 Vice-Chair Chang: We haven't set a date, but I just know from last year things kind of got
17 crunched and you know, we had a lot of meetings at the end of the year because we're not
18 doing our work earlier and so I just wanted to think about that.

19

20 Commissioner Reckdahl: Okay.

-
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2 Vice-Chair Chang: And I like in theory the idea of a different time but we have to make sure it
3 works for everybody's calendars and if we were thinking about canceling potential meetings in
4 the future. You know, we can try to put... if it's time that we've already blocked out on our
5 calendar we could be efficient about it too.

6

7 Commissioner Reckdahl: Staff would send out a doodle poll with like 10 different dates and one
8 of them finally would work. Nine would not and 10 would finally be magic so okay, ponder and
9 see if that would be a plus or a minus to be off-site.

10

11 Chair Summa: I'm happy to be offsite and I also think we might want to wait for the new... until
12 we have replacements for... we have new Commissioners so.

13

14 Commissioner Reckdahl: Commissioner.

15

16 Chair Summa: Any other comments? I don't see any hands or lights so I will adjourn this
17 meeting, and thank you all very very much, at 10:14.

18 **Adjournment**

19 10:14 pm

-
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1 Palo Alto Planning & Transportation Commission

2 Commissioner Biographies, Present and Archived Agendas and Reports are available online:
3 <http://www.cityofpaloalto.org/gov/boards/ptc/default.asp>. The PTC Commission members are:

4
5 Chair Doria Summa
6 Vice-Chair Bryna Chang
7 Commissioner Bart Hechtman
8 Commissioner Keith Reckdahl
9 Commissioner Giselle Roohparvar
10 Commissioner Carolyn Templeton

11 Get Informed and Be Engaged!

12 View online: <http://midpenmedia.org/category/government/city-of-palo-alto> or on Channel 26.

13
14 Show up and speak. Public comment is encouraged. Please complete a speaker request card
15 located on the table at the entrance to the Council Chambers and deliver it to the Commission
16 Secretary prior to discussion of the item.

17
18 Write to us. Email the PTC at: Planning.Commission@CityofPaloAlto.org. Letters can be
19 delivered to the Planning & Community Environment Department, 5th floor, City Hall, 250
20 Hamilton Avenue, Palo Alto, CA 94301. Comments received by 2:00 PM two Tuesdays preceding
21 the meeting date will be included in the agenda packet. Comments received afterward through
22 2:00 PM the day of the meeting will be presented to the Commission at the dais.

23
24 Material related to an item on this agenda submitted to the PTC after distribution of the
25 agenda packet is available for public inspection at the address above.

26 Americans with Disability Act (ADA)

27 It is the policy of the City of Palo Alto to offer its public programs, services and meetings in a
28 manner that is readily accessible to all. Persons with disabilities who require materials in an
29 appropriate alternative format or who require auxiliary aids to access City meetings, programs,
30 or services may contact the City's ADA Coordinator at (650) 329-2550 (voice) or by emailing
31 ada@cityofpaloalto.org. Requests for assistance or accommodations must be submitted at least
32 24 hours in advance of the meeting, program, or service.

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