



Planning & Transportation Commission Action Agenda: April 27, 2022

Meeting
6:00 PM

Call to Order / Roll Call

6:02 pm

Chair Lauing: Good evening, I'd like to call to order the Planning and Transportation Commission regular meeting of April 27th of 2022 and having done that we have a resolution on the hybrid meeting that Miss Tanner will address.

Assistant Director Rachael Tanner: Thank you. We will take up the resolution on the hybrid meeting and in advance I'll just verbally read some information about our hybrid meeting. If you are wanting to join the meeting you can join virtually via zoom at <https://zoom.us/join> and use Meeting ID 916 4155 9499 or you can use the phone number 1-669-900-6833, and again use the same Meeting ID when calling: 916 4155 9499. You can also submit public comments via email to planning.commission@cityofpaloalto.org. Emails submitted at this hour may be difficult for the Commission to take in or read, but will be provided to the Commissioners at a later time, and posted online as well. If anybody does join us in the Chamber, they can also submit Public Comments here, live in person at the City Hall in the City Council Chambers. So, with that in place, I believe that we can take our roll call first, and then we can take up the resolution to continue allowing meetings by teleconference for the next thirty days.

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1 Madina Klicheva, Administrative Assistant: And I'll conduct the roll call. Chair Lauing?

2

3 Chair Lauing: Present.

4

5 Ms. Klicheva: Vice-Chair Summa?

6

7 Vice-Chair Summa: Present.

8

9 Ms. Klicheva: Commissioner Chang?

10

11 Commissioner Chang: Present.

12

13 Ms. Klicheva: Commissioner Hechtman?

14

15 Commissioner Hechtman: Present.

16

17 Ms. Klicheva: Commissioner Reckdahl?

18

19 Commissioner Reckdahl: Here.

20

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1 Ms. Klicheva: Commissioner Roohparvar absent today.

2

3 Ms. Klicheva: Commissioner Templeton?

4

5 Commissioner Templeton: Here.

6

7 Ms. Klicheva: We have a quorum.

8

9 Assistant Director Rachael Tanner: Thank you Madina, and then if the Commission would like to
10 consider adoption of a resolution to authorize use of teleconferencing, again this allows us to
11 have not only the hybrid set up we have but for Commissioners who need to participate
12 remotely, to continue to participate remotely as needed during the next thirty days. Let me
13 know if there are any questions from the Commission about it.

14

15 1. Adoption of a Resolution to Authorize the Use of Teleconferencing for Planning and
16 Transportation Commission Meetings During Covid-19 State of Emergency

17

18 Chair Lauing: Mr. Hechtman did you have a question?

19

20 MOTION

21

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1 Commissioner Hechtman: I Move the adoption of the resolution.

2

3 Chair Lauing: Okay, Thank you. A second?

4

5 SECOND and VOTE

6

7 Commissioner Chang: I'll second it.

8

9 Ms. Klicheva: Great, then I'll conduct the vote. Commissioner Chang?

10

11 Commissioner Chang: Yes.

12

13 Ms. Klicheva: Commissioner Hechtman?

14

15 Commissioner Hechtman: Yes.

16

17 Ms. Klicheva: Chair Lauing?

18

19 Chair Lauing: Yes.

20

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1 Ms. Klicheva: Commissioner Reckdahl?

2

3 Commissioner Reckdahl: Yes.

4

5 Ms. Klicheva: Vice-Chair Summa?

6

7 Vice-Chair Summa: Yes.

8

9 Ms. Klicheva: Commissioner Templeton?

10

11 Commissioner Templeton: Yes.

12

13 Ms. Klicheva: Motion carries 6-0, thank you.

14

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

16

17 Chair Lauing: Thank you.

18 **Commission Action**: Motion by Hechtman, seconded by Chang. Motion Passed 6-0, Roohparvar
19 absent.

20 **Oral Communications**

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

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1 Chair Lauing: Okay, are there any Oral Communications from the public on items that are not
2 on tonight's agenda? There are none in Chambers.

3

4 Madina Klicheva, Administrative Assistant: I don't see any raised hands on mine right now.

5

6 Assistant Director Rachael Tanner: If there's anybody who is participating online who would like
7 to give public comment on item not on the Agenda, please raise your hand at this time. We
8 have no raised hands Chair.

9

10 **Agenda Changes, Additions and Deletions**

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

12 Chair Lauing: Okay. So say none, we'll move along to Agenda Changes, Additions and Deletions.
13 Do we have any?

14

15 Rachael Tanner, Assistant Director: There are none from Staff.

16

17 Chair Lauing: None from Commissioners, so we'll go on to City Official Reports, Assistant
18 Director Tanner.

19 **City Official Reports**

20 2. Directors Report, Meeting Schedule and Assignments

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1 Rachael Tanner, Assistant Director: Good evening Commissioners, it's great to be with you all in
2 person today and thank you to those Commissioners who are also joining online. I want to start
3 off by just wishing a happy Administrative Professionals day to our wonderful Madina Klicheva
4 who dutifully serves the Commission. She can probably now add to her resume zoom
5 aficionado, YouTube, what else are we on? Different technologies that we've had to learn now
6 the iPads, now these giant screens, and so we just want to thank you for the service you
7 provide getting our paper packets ready, getting our digital packets ready, and then of course
8 conducting this meeting. We really could not do without you, literally, I could not be over there,
9 we would be having all meetings in person if it were me, because I do not have the skills that
10 you have. So, I just really want to thank you for your service to the Commission.

11

12 Madina Klicheva, Administrative Assistant: Thank you.

13

14 Rachael Tanner, Assistant Director: You are very very welcome. And then, just to update we
15 have had a busy few months these last few months as a commission. I think we've had maybe
16 two months where we've had extra meetings just to fit in all of the work that we have to do.
17 We don't anticipate that pattern continuing for the rest of the year. We were looking ahead
18 yesterday at some of the upcoming items. Certainly, you still have a robust items ahead of us,
19 particularly in June. We anticipate the Housing Element; the Policies and programs will be
20 returning to us so we want to make sure that the Commission can spend time with that.

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1 In addition, we'll be having our date for the ADU policies, not next week, but likely on May 25th
2 the second meeting that we have in May, and we'll be into the summer after that. So certainly,
3 I don't want to say slowing down, but maybe not the same pace that we've been keeping for
4 the last few months. Which I think will be a definite welcome for Commissioners. But never say
5 never, you may get an email requesting a Special meeting so don't hold me to that declaration.
6 That's the sum of updates for me. If there are any questions from Commissioners, I'm happy to
7 take those now.

8

9 Chair Lauing: I see no questions. Okay, so we'll move to Item Number Three.

10 **Action Items**

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

13

14 3. PUBLIC HEARING / QUASI-JUDICIAL. 1033 Amarillo Ave [22PLN-00016]:
15 Recommendation on Applicant's Request for Preliminary Parcel Map with Exceptions
16 to Subdivide a 20,787 square foot R-1 zoned property into two (2) lots, where Lot 1
17 will be 10,668.50 square feet and Lot 2 will be 10,118.77 square feet. Exception is
18 for minimum lot width and maximum lot size. Zoning District: Single Family
19 Residential (R-1).

20

21 Chair Lauing: Our first Action Item, a PUBLIC HEARING / QUASI-JUDICIAL on 1033 Amarillo Ave.
22 Recommendation on Applicant's Request for Preliminary Parcel Map with Exceptions, and we'll
23 go into the details on that.

24 Rachael Tanner, Assistant Director: Great thank you. I'm going to introduce Amy French, our
25 Chief Planning Official who'll be presenting the report for 1033 Amarillo.

26

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1 Amy French, Chief Planning Official: Good evening, I'm Amy French, Chief Planning Official.
2 First of all, if there are any disclosures before I launch into the presentation, I thought I'd give
3 room for that. None? Okay. I'm going to share my screen.
4 Okay. Is everyone seeing the presentation?

5
6 Chair Lauing: Yes.

7
8 [unidentified]: You may want to go to the display settings and swap that. There you go. Great.

9
10 Ms. French: Okay. The item tonight for consideration is 1033 Amarillo, as noted on the Agenda,
11 the Preliminary Parcel Map with Exceptions. This is the project site located in Midtown a
12 20,787-square foot lot in the R-1 zone district. The applicant requests a lot split as described in
13 the staff report. The resulting lots would be each over ten-thousand square feet as noted. Each
14 53.25-foot wide of frontage on Amarillo.

15 The neighborhood setting is single-family residential with lots that vary in size from
16 approximately 4,600-feet, square feet, to 11,900-square feet. Many lots are 50-feet wide and
17 some are 56. Most of the houses in this vicinity including the existing cottages on the subject
18 property were built in the late 1940's to early 1950's. The parcel is currently developed with 4
19 one-story cottages arranged in a cottage cluster as shown on this slide. Each cottage has

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1 approximately 960-square feet of floor area and two twenty... 200-square foot detached
2 garages and all of that is added to the gross floor area for the site, with is 4,240-square feet.

3 There was a pre-screening in front of Council in October of 2021 and that pre-screening showed
4 a similar proposal. So, one thing to note is when housing units are proposed to replace 4
5 housing units then we expect to see 4 housing units constructed, this is the State Legislation
6 that no net loss of housing. This application is simply a preliminary parcel map with exceptions,
7 it does not include a development proposal.

8 And here are the reasons for the lot split for approval of the same. The resulting lots will be
9 consistent size with the other lots in the neighborhood. The proposal meets the findings for
10 exception, these new lots will be more in compliance with the zoning code maximum lot size
11 than the existing parcel which is oversized. This facilitates the ability to rebuild these housing
12 units under today's code. It's difficult to build four housing units on one lot, for new housing
13 units. So, this is our recommendation. We recommend approval of the project for Council
14 consideration on a future Agenda, based on findings and conditions of approval. That concludes
15 my presentation.

16

17 Chair Lauing: Okay, Thank you. My understanding is the applicant is onscreen, not present. In
18 the pre-meeting it was suggested you may not want to make a formal statement, but you can if
19 you'd like or if not, please tell us that for the record.

20

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1 Ted O'Hanlon, Applicant: Hi this is Ted O'Hanlon, I'm a project manager representing the
2 owners of the property, I'd like to thank the Commission and the planning staff for hearing this
3 item. I don't have a formal presentation. I will say we concur with the findings of the Staff
4 Report and I'm available to answer questions as the Commission reviews the application.

5

6 Chair Lauing: Okay. So, we'll go to any public comment but then as it comes back to the
7 Commission, if there are questions for the applicant through the Chair, those can be answered.
8 Is there any Public Comment on this item?

9

10 Ms. Klicheva: I haven't received any speaker cards and we do not have any raised hands online
11 right now.

12

13 Chair Lauing: Okay. Thank you, then we will go to Commissioners for questions to staff or
14 comments we can just (interrupted)

15

16 Ms. Tanner: Chair, if you'll allow me, I just want to just double check. If anyone is online and
17 wanting to speak on this item, 1033 Amarillo, now is the time to raise your hand, to indicate
18 that you'd like to speak. Okay, no raised hands, just want to be... double sure.

19

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1 Chair Lauing: Okay. I think the item is concise enough that we can do both questions and
2 comments as Commissioners Speak. So let's stop that, whoever would like to go first, let me
3 know. Okay, Commissioner Chang will launch us off.

4
5 Commissioner Chang: I have a quick question. So does Senate Bill (SB), not necessarily specific
6 to this project but it is about SB 330. So when SB 330 requires that there's at least four housing
7 units on the property, does it specify that there ... I understand there can be more units after
8 the lot is split, but does it specify that there needs to be 4 single family homes maintained? Or
9 can it be say one home, and then 3 Accessory Dwelling Units (ADUs), what does SB 330 say
10 about that?

11
12 Ms. French: It is not specific to the housing units of a primary, large primary home, housing
13 unit. It can be ADU, Junior Accessory Dwelling Units (JADUs). Those are all considered housing
14 units.

15
16 Commissioner Chang: Thanks. So I'm supposed to do comments too?

17
18 Chair Lauing: Assistant Director Tanner do you have anything to add to that? Otherwise, I can
19 go on to that.

20
21 Ms. Tanner: [Indicated no with microphone off]

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1 Chair Lauing: Okay, fine. Sure, go ahead.

2

3 Commissioner Chang: So, I think my only concerns about what was presented in the staff
4 packet were on the cottage cluster item. I don't know if, it's unclear to me if subdividing makes
5 it harder to do what our comp plan asks us to do, which is try and retain cottage clusters. So, I
6 think that was my primary area of concern. And then I had .. the other area I thought seemed a
7 little bit confusing was on packet page 25, under section 4, number 2, and it says that the
8 exception is necessary for the preservation and enjoyment of a substantial property right of the
9 petitioner and the rationale is that once the lot is split then the maximum.. then the property
10 owner can take advantage of the maximum Floor Area Ratio (FAR) on the site. However, isn't it
11 true that without a subdivision additional ADUs can be built without a subdivision?

12

13 Ms. Tanner: I'll be honest I'm not sure, I'm just trying to think through the additional ADUs. I
14 think that in terms of what State Law allows, State Law does allow for the addition of Accessory
15 Dwelling Units on pretty much any property single family or multi-family throughout the State
16 of California. So, from allowance, certainly what's allowed, I'm not sure if given the property's
17 current configuration an additional ADU could be added unless it were to take from existing
18 space, in an existing building and I think maybe Mr. Yang can correct me if I'm wrong, but I
19 believe the way that we've implemented ADUs and multifamily properties is that they must be
20 detached ADUs, so I'm just not sure practically if an ADU could be accommodated on the site

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1 but I'm not super familiar with, you know, how the site operates and what the available square
2 footage may be remaining.

3

4 Commissioner Chang: Okay, can Mr. Yang [note – City Attorney Yang] chime in? Or Ms. French?

5

6 Ms. French: I was going to say, if I might, that this is zoned for R-1. So what we have is a non-
7 complying, non-conforming use. And so there is not a right to put an ADU when there's already
8 four units on the property, because it's zoned for single family use. And, if were zoned for
9 multifamily use, then of course, they could ad an ADU to multifamily use. I hope that helps.

10

11 Commissioner Chang: That does help, but then what about the argument in the staff packet
12 that said the maximum FAR for a property of the original lot size is 7,671 square feet, but the
13 maximum house size allowed is 6,000. In this this case there's a four houses on the property so
14 could they... what does our code say about the ability to take advantage of the additional FAR,
15 like are they.. is the property owner allowed to do that without subdivision?

16

17 Ms. French: So a maximum house size is for the primary residential units and I think, I'm not
18 seeing Albert, but I think he was about to chime in, so... that's a different category than gross
19 floor area, floor area ratio, maximum house size. I'll let Albert weight in.

20

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1 Chair Lauing: Counselor Yang.

2

3 Mr. Albert Yang, City Attorney: So, it's a little bit more complicated in this case because a
4 multifamily use is non-conforming. So, they aren't allowed to expand that non-conformity and
5 so it's hard to say how ... without taking a deeper look at it, how that might interact with State
6 ADU laws, but in general, without a subdivision and without a rezone they would only be able
7 to replace the buildings kind of in the locations that they currently are, within the building
8 envelope that currently exists. They aren't permitted to make any changes, in short.

9

10 Commissioner Chang: Thank you. That's helpful, Thank you.

11

12 Chair Lauing: Commissioner Hechtman.

13

14 Commissioner Hechtman: Thank you. Ms. French thank you for the brevity of your staff report. I
15 thought the written report was very clear, so I really didn't need much augmentation. And,
16 generally I want to say that I agree that the findings are sufficient and supportable but there's
17 one issue that I want to hone in on. And to start, Ms. French, if you wouldn't mind pulling up
18 the map of the property that shows the proposed subdivision line that bisects the property.
19 That would be sheet 3 of 3 I think, in the BKF set. That will work if you want to enlarge it. I want
20 to be... everyone to be able to see the driveway, that's really what I want to focus on.

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1

2 Ms. French: So here's the new lot line and then this is showing a driveway here. Strattling

3 [interrupted]

4

5 Mr. Yang: Amy you need to change your display settings.

6

7 Ms. French: Sorry.

8

9 Mr. Yang: To make it a little bit bigger.

10

11 Ms. French: There we go.

12

13 Commissioner Hechtman: Good. Okay I want to just identify for my fellow Commissioners that

14 this lot line is going to run right down the middle of the parcel, and I've got no issue with that.

15 And it happens to be.. it happens that on this particular parcel, the driveway that serves all

16 these 4 cottages today and whatever they are changed to in the future, happens to be right in

17 the middle of the parcel too. So this lot line nearly exactly splits it. And so, I want to talk in a

18 minute about condition 2 of the conditions of approval, which deals with that fact, but before

19 we leave this diagram, I wanted to find out from staff if they have investigated the private

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1 utilities that are on this property, you know the water and sewer lines, which would be private
2 from the street frontage back, to see if any of those cross this new lot line.

3

4 Ms. French: I'm sorry to say I have not been fully engaged on this project, this is Emily is our
5 Project Planner reporting to Jody Gearhart and so I do not have the answer to that. That's
6 something I can ask.

7

8 Ms. Tanner: If you'd like, and due the Chair, if you want to ask the [unintelligible] the location of
9 the utilities but that's at the discretion of the Chair and if the project sponsor is aware.

10

11 Commissioner Hechtman: Yeah, if the Chair is willing and Mr. O'Hanlon knows that would be
12 great.

13

14 Chair Lauing: Yes, go ahead.

15

16 Mr. O'Hanlon: Ok the.. part of the application that was reviewed by staff included public works
17 engineering and utilities on how a future iteration of the site might be serviced for the utilities,
18 they didn't find any that were, I guess, meandering along that proposed line that you are
19 mentioning. Emily, Amy's colleague was my primary contact on this, so I'm sure she would
20 concur.

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1

2 Commissioner Hechtman: Alright. Thank you Mr. O’Hanlon. So, now Mr. French, if we can go to
3 condition number two, proposed condition number two of approval, which is packet page 26.
4 You may have it in some other place.

5

6 Ms. French: I have it online on my screen and I’ll upload my screen.

7

8 Commissioner Hechtman: Thank you.

9

10 Ms. French: And, I’m probably not sharing the proper way.

11

12 Commissioner Hechtman: This is perfect, and its large enough people can see it. So, it’s entitled
13 “SHARED DRIVEWAY EASEMENT”. So, the reason I’m bringing this up is to highlight that today
14 this property is all owned by one LLC, as it needs to be because it’s one parcel. But once ... if the
15 parcel map is approved and recorded, it becomes two parcels; and it’s possible that the LLC
16 could sell one of those parcels. And so what staff has recognized is there has to be a right...
17 when you look at that driveway, if somebody, you know.. put a fence on the parcel line, there’s
18 not enough width for cars to come to and fro. And so, they have to have these reciprocal
19 easements. And so, staff has presented that concept here in condition number two. And I think
20 as this moves forward to Council, we want to confirm that for the existing improvements...

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1 existing cottages, that there are not any of the utilities on site that cross that line, because if
2 there are, they need to be part of this easement arrangement too. So, in other words, if I lived
3 in one of the cottages on the left and my sewer line was over by the cottage on the right and it
4 broke, I have to be able to cross into that other parcel to repair it. So, I just, as this moves
5 forward, it sounds like this is not an issue, but that should be double checked on it's way to
6 Council. The other aspect, and maybe this is... this is an issue I deal with somewhat frequently
7 in my work, and in... the form... and this maybe .. I don't want to get too deep in the legal
8 weeds here, but the form that this usually takes, is something called a Covenant of Easement.
9 And the problem is that under State Law, you can't grant yourself an easement over your own
10 property. And so they have this thing called the Covenant of Easement that says .. it's recorded
11 as an easement, but it has a special provision that says 'at such time as parcel A and parcel B
12 are not owned by the same entity this easement springs to life' and the easements are created.
13 Because there's sort of a question about this form that's described in condition number two,
14 for.. just to put the parcel.. put the easement on a map and have a note in the map that the City
15 is third part beneficiary, which it should be... I don't have any issue with the parts A and B here
16 but the question I have is whether that's really effective. Normally, now this is ... essentially a
17 lot split, it's a subdivision. And so normally you'd see this when the same issue comes up in
18 larger subdivisions, you know, multiple houses are being built and they are doing these shared
19 easements and those are usually accompanied by a Conditions, Covenants, and Restrictions
20 (CC&Rs), a set of CC&Rs, and that's where the easements are ... and it has that same language

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1 as the parcel is sold by the developer, these easements spring into being. So I'm not suggesting
2 that this little lot split needs a set of CC&Rs but, but it might need ... number one it might need
3 a Covenant of Easement instead of just an easement on the Map. A number of the ... some of
4 the jurisdictions I work with actually have a form for that. There's not a lot of work for the
5 property owner but when I handle these, I actually ... the drawback of a solution like this is it
6 doesn't .. the simplicity on the Map doesn't inform the property owners of something
7 important once the parcels are separately owned, how to maintain the shared improvements.
8 What's the arrangement if there's a pothole, how does it get fixed? And so, some of the
9 Covenants of Easements I prepare and see will deal with things like maintenance and insurance
10 and indemnification and you can't put all that on a map, but you can in a Covenant of
11 Easement. So, I guess I'm going to ask our staff if Palo Alto ever uses a Covenant of Easement
12 would they accept it if the owners thought that was a better approach to satisfying condition
13 number 2, to serve their long-term purposes. Could they do that instead of the easement on
14 the map, submit the Covenant of Easement with the map to be recorded. Those are my
15 questions.

16

17 Mr. Yang: So, I can answer all of those questions. Yes, we do use Covenant of Easements and I
18 agree that is a likely direction that makes the most sense here. And it's something we can
19 clarify on the way to Council with this. So, my understanding is that the need for an easement
20 was identified at the last minute, so Staff rushed to get something in but we will finesse it.

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Chair Lauing: Was that all Commissioner Hechtman?

Commissioner Hechtman: Yes, Thank you.

Chair Lauing: Okay. Great thank you. Other Commissioners with comments? Let's see, I think that's Commissioner... Vice Chair Summa.

Vice-Chair Summa: Thank you. Thank you for the presentation. I had a question also about finding number 2 that the design of the proposed subdivision is not consistent with applicable, general, and specific plans. And, in addition to the Cottage Cluster L33 that is mentioned, it's mentioned cottage clusters and the advantages of such type of smaller housing types... studios, cohousing, duplexes, and quadplexes is mentioned in several other places for their desirability as they provide a range of housing options for people and are naturally affordable. So, and we also have another policy L2.7 Support efforts to retain housing that is more affordable in existing neighborhoods including a range of smaller housing types. Another one, L2.8 about infill redevelopment minimized displacement of existing residents, another one about cottage clusters, and then another one L3.4 which mentions the desirability of entries and a presence on a street. I find ... I find it... I'm concerned that this lot division could lead to displacement of residents, and a loss of naturally affordable housing and given that State Law allows the owner

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1 of this property to remodel or even rebuild these units, it would still be more expensive than as
2 brand-new rebuilt units but I'm concerned about losing 4 naturally affordable units. I believe
3 you can have one ADU on the property, you can have one ADU and one JADU on the existing
4 property of every R-1 lot. And if I'm incorrect about that someone correct me. And, so after
5 they're divided, will the condition, will SB330 then protect each divided lot and require them to
6 have two units each so the total will still be four?

7

8 Mr. Yang: Yes, that's correct.

9

10 Vice-Chair Summa: Okay. And [interrupted]

11

12 Mr. Yang: I guess to address your other point about ADUs, it's not clear to me that an ADU and
13 a JADU could be added to this property as it currently exists since it is a non-conforming
14 multifamily use.

15

16 Vice-Chair Summa: Okay, so you think the State law doesn't allow an ADU and JADU on a non-
17 conforming property?

18

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1 Mr. Yang: Well, it's not that it's allowed on a property with a multifamily use, what is more... I
2 think more likely is that it would be permitted to build 2 detached ADUs on the lot but that
3 again, that comes down to an issue of finding the actual space for them.

4
5 Vice-Chair Summa: Okay, so, so I thought the law was written more about the zone and didn't, I
6 don't recall it, but you know I'm sure you know better than I. But then, when it's divided, if
7 somebody built 2-units on each lot it still would be non-conforming so they wouldn't be able to
8 build an ADU and JADU on those divided lots is that also true? By the same reasoning?

9
10 Mr. Yang: Correct, and again because it's non-conforming they would only be able to build to
11 the same building envelope that currently exists on each divided lot.

12
13 Vice-Chair Summa: After it's divided, they still have to build within the existing footprint.

14
15 Mr. Yang: Actually, I'm realizing now that SB9 would allow them to construct 2-units outside of
16 the, if they were redeveloping on a divided lot, they would be able to construct 2-units without
17 regard to the previous envelope. So, disregard my first statement about what could happen
18 after the split.

19

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1 Vice-Chair Summa: Okay. And so, I'm a little troubled about losing naturally affordable housing
2 and displacing residents especially right now. I also didn't understand the exception finding
3 number 2, and I think Commissioner Chang asked about this but, necessary for the preservation
4 and enjoyment of a substantial party right of the petitioner. So, the maximum FAR for the
5 prop... the 20,000 square feet was the 7,671 but that exceeds the maximum sized
6 [unintelligible] which is 6,000. I don't understand how that is even relevant when they always
7 will have to have at least 4 units and maybe some combination of ADU and JADU. I don't see
8 how that explains the necessary preservation and enjoyment of the substantial property right
9 of the petitioner, at all, so... that's a bit of a question for me. And I think that the ... so where
10 I'm going a little bit is I don't quite see the reason for the lot division and how it will ... it won't
11 help necessarily with adding housing units, it has to maintain housing units. It creates, it sort of
12 forms... it doesn't solve the problem back 2-units have no relationship to a street. It doesn't
13 seem to make things better for me and I almost don't understand what the point is in and if its
14 ... and yes, so I'm not able to make all the findings, the ones I've mentioned for the exception
15 and the subdivision, in both cases it's number 2. So, what I'm interested in hearing what my
16 other colleagues have to say.

17

18 Chair Lauing: Commissioner Reckdahl.

19

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1 Commissioner Reckdahl: Yeah, so I have a question for staff about the process if the landowner
2 wanted to redevelop without a lot split. They would propose to knock down the buildings and
3 rebuild. Under what conditions... the City's not ... by right they could build in the current
4 footprint, in the current size, the City's not prevented from relaxing those rules. Correct?

5

6 Mr. Yang: It would require rezoning.

7

8 Ms. Tanner: So, I think maybe, and Mr. Yang and Ms. French can help me, correct me when I'm
9 wrong, I think where the challenge that we are kind of facing is I think is two-fold. One is that
10 we are looking at a lot split and we don't know what the future of the property is. We don't
11 have an addition proposal to do XYZ that we can compare and say Oh... so this is kind of where
12 this is going.

13

14 Commissioner Reckdahl: Yeah.

15

16 Ms. Tanner: What we have is a proposal to split the lot essentially so, have 2-homes... 4-homes
17 in the same configuration that they are today, but two legal parcels, legally separate parcels. So
18 that I think is the biggest challenge probably that we are all facing. It's like what's going to be
19 really different besides the legally separation of the parcels. And the other challenge is that
20 because of the no net law, it's a non-conforming situation right now. So even though our comp

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1 plan wants us to preserve this situation, it's a con-conforming situation. If somebody came
2 today and wanted to do the same configuration on a single family's home lot, they couldn't do
3 it, unless they [unintelligible] of SB9 they couldn't do a cottage cluster on a single family
4 [interrupted]

5

6 Commissioner Reckdah!: With zoning you get a lot of stuff grand-fathered in. You get to do it
7 before the zoning changed.

8

9 Ms. Tanner: Right. And that's what Mr. Yang is kind of indicating is that because it's con-
10 conforming they could rebuild essentially the same con-conforming structures that they have,
11 but they couldn't... what I understand is they couldn't necessarily kind of clear the site and do
12 something that's totally different.

13

14 Commissioner Reckdah!: Not by right, but the City still could approve any project that with
15 some variance of zoning.

16

17 Ms. Tanner: So, I think that's what Mr. Yang is saying. They would have to apply for rezoning of
18 this parcel that would have to be a legislative action the City Council would approve.

19

20 Commissioner Reckdah!: Yup.

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Ms. Tanner: Well and first the applicant would have to want to do that, to apply for a Legislative Action and then the Council would have to approve that Legislative Action of a Rezone for them to do something that is not conforming. Or, I think if the lot was split and it met the conditions of SB9, then redevelopment could take place under the conditions of SB9. Is that right Ms. Yang, that kind of what you were trying to communicate earlier?

Mr. Yang: Yeah, that's right. I'm sorry if I confused that in my comments to Vice-Chair Summa earlier, but if the lot is divided then the... you know you could have two lots under SB 9 that didn't have to be in the exact same location or the same size as the existing units.

Commissioner Reckdah!: Okay. So, I too have some of the same troubles that Commissioner Summa [note – Vice-Chair Summa] did about findings 2 and also exceptions 2 and 4, because I don't think this is supported by the comp plan. The comp plan explicitly protects cottage clusters. It also stresses the importance of neighborhood culture and naturally affordable housing and I think a lot split here would likely, most likely end up not retaining the cottage cluster. There's no reason to have the lot split apart from moving this parcel away from a cottage cluster and that's protected in the comp plan so I don't see how we can approve this when the comp plan explicitly protects cottage clusters.

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1 Chair Lauing: Commissioner Templeton.

2

3 Commissioner Templeton: Thank you. So, my questions for Staff will start with questions we
4 just heard. So, Ms. French that wasn't in your presentation. Do you have any comments about
5 the cottage cluster protection from the Comp Plan?

6

7 Ms. French: It's definitely a Comp Plan policy I think one of the things that's interesting about
8 that policy is I believe it was intended for those historic cottage clusters that are featured in
9 some parts of town such as College Terrace, where there was an intent to explore districts,
10 Historic Districts with cottage clusters. This is pretty outside of that area in Midtown, it's not a
11 historic property so of course SB9 is an option for them, and retention of the buildings of this
12 case, because they're not historic, is not something that is a concern from a Historic
13 Preservation perspective at least.

14

15 Commissioner Templeton: Yeah, just looking at the property and it looks like it has the
16 asbestos shingles on it. I don't know if you can verify that or not. Do you know?

17

18 Ms. French: I can't, but the applicant certainly could convey information about the property.

19

20 Mr. O'Hanlon: Yeah, I can verify the materials of the roof.

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Commissioner Templeton: Oh, I meant the sidings, the siding.

Mr. O'Hanlon: Okay.

Commissioner Templeton: Yeah. That's okay if you don't know that's okay. Do you know when these structures were built?

Mr. O'Hanlon: In line with the neighborhood, I think in the late 1940's.

Commissioner Templeton: Okay, so I think it's a very high likelihood that they're the asbestos shingles. Okay. My next question is, looking at the photo from Google Street View from February 20, 2022 it says that there's a project application, but Ms. Assistant Director Tanner just said that there was not a project application or is that sign the same sign you would use for a lot split?

Ms. Tanner: I was simply referring that we're not considering as part of this Hearing the future of the project, and that is a challenge that the Commission is... seems to be part of the challenge of the deliberation.

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1 Commissioner Templeton: I think so too. I think it's really helpful to make that really clear. So,
2 thank you for clearing that up. So, I would say that if the parcel remains as 20,000 plus feet that
3 that makes it out of reach for very large percent of people who would be looking to move into
4 Palo Alto; and that splitting it might make it much for affordable. It doesn't address the people
5 who are already living in the units as they are. But, just to look at the affordability from another
6 angle, this might help allow people to acquire half of that extremely oversized lot much more
7 easily. I will also say that my kids went to the elementary school down the street from here, I've
8 been in this neighborhood every school day for 8-years and you know, it is being redeveloped.
9 There's a lot of properties and buildings, buildings that are into the end of their life, and need
10 to be renovated and replaced, and looking at this one understanding that there may need to be
11 some environmental reasons that redevelopment is sought after, that makes some sense to
12 me. I do feel that being able to retain the 4 housing units on the site is the most important part,
13 whether that its defined as a cottage cluster or 2 adjacent properties that share a driveway, I
14 think you'll have the same net affect, but you'll have a better quality of housing available for
15 the people that would be living there. So, those are my thoughts. Thank you.

16

17 Chair Lauing: Okay I had a couple things to comment on. One is I was also had pause at the area
18 that Commissioner Hechtman commented on which is the easement, because everybody who
19 has access to that has to understand that they're always going to have access to that, that's
20 going to be the law, no matter how many units are there, and it could be 6-units. So, everyone

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1 has to understand that. But the second one he fully covered which is basically the maintenance
2 is a whole other deal so there has to be some sort of understanding between parties that own
3 those probably two lots, and so he's already spoken to that. I didn't want to confirm it a
4 different way than that, but it's been confirmed at this point Mr. O'Hanlon doesn't have a
5 specific project and we're looking at a situation with cottage housing that's generally more
6 affordable and the high likelihood, because it's a development, is that would change and if one
7 is going to be an ADU it would likely be 2 pretty high end market rate homes and 2 ADUs . In
8 the context of my colleagues comments I'm wondering if the applicant were actually doing a
9 project where we were going to get 6-units out of that 2 market rates homes and 4 essentially
10 cottage clusters homes, that we would have 4 affordables plus 2 market rates, we'd go up to 6
11 total but maintain the 4 living units. Obviously, we're not going to be able to adjudicate the
12 rents in that regard but that might be a more acceptable approach but that's not on the table
13 right now. So... that's all I have to add to the conversation that's already been had.
14 Commissioner Hechtman?

15

16 Commissioner Hechtman: Sorry, I'm fumbling now that I'm back on Zoom. So, second round of
17 comments, I don't think relocation is on the table either with this application for a lot split.
18 Again, it's not an application to demolish any one of the 4 structures. There are State laws that
19 may apply but it's just not before us and so I don't think we should base our decision on
20 something that's not before us. I did want to mention that cottage clusters are mentioned in

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1 the findings on top of Packet page 24, I think it's the third finding so I think that Staff yeah,
2 Packet Page 24 it's the last part of finding 2, which starts on Packet page 23. So, I think Staff
3 made an effort to wrestle with that issue here. I also think, and I'm sorry I can't point to a Comp
4 Plan policy, but I suspect there is one that has to do with the fact that this is 20,000 square foot
5 lot in an R-1 zone, it's non-conforming, it's too big. We don't want 20,000-square foot lots in an
6 R-1 zone. We want lots no bigger than 9,999 and with this application we can't fully satisfy that
7 because the lot is too big. So that's why they need an exception to have... still have a larger lot
8 size than desired in the zoning but closer to conformity. And a lot of the work we as the
9 Commission do looking at exceptions, that's what we are talking about is something out of
10 conformity, we can make it more conforming if we can't make it fully conforming. I know that's
11 the goal of the zoning ordinance. I would imagine it's a goal of the Comp Plan, but I won't be
12 able to point to a particular policy that says so. The other... I'm not clear that a single-family
13 parcel with 4-units can qualify for an additional unit for an ADU or an additional unit for a JADU.
14 I'm just not certain. I don't know that is addressed in our State Law, because our state law ...
15 the recent changes to State Law in the last few years have been really focused on taking single
16 family homes and compelling local jurisdictions to allow an ADU for that single family home. So
17 they were looking at an example where there's one structure on the parcel and they want to
18 add another and now with a JADU, they want to allow to build one into that home. So I don't
19 know that without the lot split we can ever get more than 4 structures on that parcel. I do note
20 that .. oh, let's see... well oh, I do note in the Staff Report on Packet page 18, this sentence, "It

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1 would be possible to add one ADU to each new lot based on the existing configuration.” So
2 what that is telling us is that it would be possible, with the lot split, to have 6-units, and in fact if
3 you look at Packet page 29, which is Mr. O’Hanlon’s letter to our Planning Director, he states
4 with this lot split essentially... “the property could be redeveloped into two detached single-
5 family homes with an Accessory Dwelling Unit (ADU) or Junior ADUs, creating 4 to 6 dwelling
6 units.” Now again, we’re not looking at the development today but what we are looking at in a
7 lot split is the potential for development. And, here we are seeing a reflection both from the
8 Staff side and the applicant side that there is at least a potential that we could add more units
9 of an affordable nature through this lot split and I think that for reasons some of my fellow
10 Commissioners already mentioned, those are goals of our Comp Plan. Thank you.

11

12 Chair Lauing: Commissioner Chang.

13

14 Commissioner Chang: Can I just ask a clarifying question of Mr. Yang, because I’m just... I
15 wanted to understand better the potential for housing units. So let me see if .. I’m just confused
16 on how... so right now it sounds like what the current lot, it’s unclear if a ADU or a JADU could
17 be added. So, and you said Mr. Yang, I believe, so correct me if I’m wrong, that right now the
18 only redevelopment that would be allowed, would have to take place in the envelope because
19 it's of a non-conforming use, but what I’m confused about is in after the subdivision, wouldn't it

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1 still be of con-conforming use? Or because it's too ... so if you could explain like what about
2 subdividing it makes it such that now we can add more.

3

4 Mr. Yang: Yeah. So, this that confusing was exactly where I started when I was responding to
5 Vice-Chair Summa, and I realized halfway through that, that once the property is divided, then
6 you'll have two units on each lot. SB9 allows you to have two units on each lot. And that's no
7 longer going to be considered a non-conforming situation, to have 2 primary dwelling units on a
8 single-family lot. And at that point, it could be redeveloped under SB9 to change the locations
9 of those two units, it could be redeveloped under SB9 to have a duplex in place of those two
10 units, and then you could also have two ADUs on each of those lots, with a duplex on each lot.
11 As I've thought through kind of the hypothetical possibilities, with this... if this parcel map is
12 granted, you could end up with 4-units on each resulting parcel.

13

14 Ms. Tanner: And sorry Mr. Yang, if I can just... and I want to make sure I get it right too. It could
15 also, once the lots are split, the lots could be completely scraped and the conforming
16 configuration would be a home and detached ADU and a JADU that is contiguous with the
17 primary unit, and that would be the 6, if they did that on both lots. Does that make sense?

18

19 Chair Lauing: Did everyone hear that, I thought it was a little muffled, because your mask.

20

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1 Ms. Tanner: Oh, sorry, that's okay, no worries. That another option would be that if once the
2 lots are divided, they could just scrape the site, or demolish all the units that are there and in
3 it's place on each lot, have a home, a JADU which would be contiguous with the primary home,
4 and then a detached ADU in the rear yard, so that would be 3 on each lot. So that's another
5 configuration that wouldn't be under SB9 but could be possible once the lots are divided.

6

7 Chair Lauing: So, does that equal 6? In your calculations there?

8

9 Commissioner Chang: Thank you. Thank you for explaining that to me, I was really confused.

10 Thank you.

11

12 Chair Lauing: Commissioner Reckdahl?

13

14 Commissioner Reckdahl: What troubles me is that if we do this lot split, we don't know what
15 we're getting. We're giving them a blank check and we don't know what they are going to cash
16 with that blank check. Another option would be leave it as is, that allows the owner to maintain
17 rebuild, remodel, as is. It also allows them to come to the City with a specific project, perhaps
18 some more units with maybe perhaps guaranteed affordability on some of the units and the
19 City then relax and allow them to build on more of the site. But that would be addressing a
20 specific project, so we know what we're getting, we're not just handing over a blank check. And

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1 so, I think that's a much better route. There's so much uncertainty here and the Comp Plan
2 again, stresses how important these cottage clusters are, important how neighborhood
3 character is and how important affordability is. And we don't know that we're getting any of
4 those if we do this lot split. It's just a complete unknown. I don't see the importance of doing
5 that. Thank you.

6

7 Chair Lauing: Vice-Chair Summa.

8

9 Vice-Chair Summa: Thank you, and I tend to agree with my colleague Mr. Reckdahl [note –
10 Commissioner Reckdahl]. I just, I don't understand what the lot split is for at this point in time
11 and that's also troubling to me and I guess that relates to what Commissioner Reckdahl said.
12 Could they currently, I know they can remodel and I know they can rebuild, could they also ...
13 they're currently one-story houses, could they add a basement and a second story as long as it's
14 the same footprint, if they wanted to rebuild there?

15

16 Mr. Yang: So, under the non-conforming use provisions in our code, they cannot, it need needs
17 to be the same building envelope. So, you know, we sometimes call it the shrink wrap rule, if
18 you just imagine.

19

20 Vice-Chair Summa: But they couldn't build a basement under that rule?

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Mr. Yang: No we've prohibited the building envelope to include the basement.

Vice-Chair Summa: Okay. And then if the Chair allows it, I guess since I'm so confused I'd just like to ask Mr. O'Hanlon a question.

Chair Lauing: Sure go ahead.

Vice-Chair Summa: Okay thank you. That simple is, maybe you can enlighten all of us as to why you want the division of the lot, which creates this complicated easement on top of other things, and might result in displacement of tenants, but why do you want it now, in the absence of project, it's very hard to understand.

Mr. O'Hanlon: For us, it's a question of conforming with R-1 standards in October 2021 we did a pre-screening with City Council where we went over several options that might be more interesting to create potentially more units and those that might be smaller, the Council expressed not an interest in doing so, so that's why we proceeded with this lot split. In order, for future alternatives with the property.

Vice-Chair Summa: Okay, but the properties will still be non-conforming after the split. So.

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Mr. O'Hanlon: I don't believe they'd be non-conforming they would be, have found to be conforming with exceptions under the R-1 guidelines.

Vice-Chair Summa: I think that's what non-conforming means. But...

Chair Lauing: I think Counsel Yang said they would still be non-conforming.

Mr. Yang: I'm sorry, I clarified in response to Commissioner Chang's question, if the lot is divided, you would end up with two units on each lot, that is not considered conforming, as a result of SB9.

Chair Lauing: Okay.

Vice-Chair Summa: Okay. Thank you.

Chair Lauing: Commissioner Hechtman?

Commissioner Hechtman: Can Staff remind me, in Palo Alto, do we have a maximum size for an ADU, detached ADU?

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Ms. Tanner: Yes, we do. I believe it depends on what table the ADU is under, but I believe that the maximum size is 1,000 square feet for a two bedroom ADU.

Commissioner Hechtman: Okay. So, I want to partially agree with something that Commissioner Reckdahl said. I do agree that it's the nature of the planning process that we're doing... we're considering a lot split in the absence of the ultimate project, and it's true that we don't know the ultimate development of those two parcels after the lot split. But what we do know, and it's clear in the staff report and it's clear in from the comments we've heard from Staff, is we know the minimum that we're going to get, and that is 4 approximately 940 square foot cottages because that's what's there now. And under SB330, they're not allowed to have less than that. So, what this lot split does, I think, is, it's going to allow, and this is again consistent with the letter from Mr. O'Hanlon, that would allow two of those 940-square foot cottages to be removed and large single family homes built that will accommodate more Palo Alto residents. And then in that large structure, there would be room for a possible JADU in each one that would accommodate additional Palo Alto residents, and then if the owner so chose, they could remove the other 940 square foot cottages and build new ADU's up to whatever the max is, assuming we're in the right table of 1,000 square feet; and have new modern housing for even more Palo Alto residents. So, that's the upside. And we're not certain how much of that would occur but I don't think that Again, I think the nature of this process, that our concern really

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1 here, is the down side and we do know with certainty what the least amount of housing can be
2 provided on the site after the lot split is four.

3

4 Chair Lauing: Commissioner Templeton.

5

6 Commissioner Templeton: Thank you. It's seems to me that what has been expressed as
7 concerns here, yeah like Commissioner Hechtman said, they don't seem to be that big of down
8 side to have 4 or up to 6 units on the space. I do really object to the large property size as it is,
9 it's 20,000 square feet. That's tremendous, it's double what we allow in Palo Alto, and I think
10 bringing it down towards the size of a conforming lot is better, it can't be split in such a way
11 because it's a couple hundred square feet more but this is an improvement of the situation and
12 I know that we like to scrutinize our projects here and really go over it thoroughly and this is an
13 important part of our process, but in the end, being able to become comfortable with uses that
14 are legal in R-1 zoning is important for our City because the alternative is to build the kind of
15 projects that of late we have often objected to. So finding a way to say Okay, if we make this
16 change to the property lines, how will that fall out? It will be more appropriately sized lots, it
17 will be no net loss of housing potentially two more smaller units that will be more affordable
18 along the lines of the units that are currently there. So I think there's a lot of questions that
19 have been brought up, but the upside is something that I think we can all agree about. If we are

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1 able to have at least 4 and no more than 6 units on this 20,787 square foot lot, that's a win for
2 Palo Alto. So I think we should make the change.

3

4 Chair Lauing: I have a couple comments in response to all this. I think the difference here
5 between what Commissioner Reckdahl said and kind of how you explained it Commissioner
6 Hechtman is that you were talking about upside, which is true, there's an upside that we'd get
7 more than 4 units, but I think what Commissioner Reckdahl was saying is the down side is we
8 may not get more than 4 units and not only that, there are going to be two at very high market
9 rates so we're going to actually lose two affordable housing units. I'm not trying to put words in
10 your mouth, but that's how I heard each of your comments. And, you know, the fact that a lot is
11 20,000 square foot is quite odd and there's no discussion about that. But we're going to do all
12 this and potentially not get any upside as you admitted I think, Commissioner Templeton you
13 also used the words it's possible but it's not for sure. I was surprised when I read this and asked
14 it in the Staff meeting and then Mr. O'Hanlon's been asked about it again, I don't know why you
15 don't want to automatically go to 6 units just for return on investment but that's your choice.
16 So, I think threading the needle here if we could do it, not sure if we can, is to say what we
17 really want is... we want 6 units. We want plus two. So, we know we're getting something out
18 of this and then those would likely be more affordable, so we get two units total to our
19 inventory and 4 instead of 2 that are probably affordable because they are ADUs. That would
20 be an easier judgment here. There's no disputing the Comp Plan discussion about coll... the

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1 clusters here, and there not just in College Terrace, so I don't think the focus here should be on
2 the lot is too big, that's true, but it's not that relevant to the housing units that we're getting.
3 It's still going to be a 10,000-square foot lot, plus or minus, with two units on it. So, we're not
4 gaining any units and we do have some what potentially a muddy easement so I'm persuaded
5 by comments from my colleagues here, still have to figure out how to make it work here to get
6 a motion but I definitely understand the conundrum that's being raised here. There isn't a
7 project, or even an intent by the applicant to go to 6 here. So, any other comments?

8

9 Commissioner Templeton: Yes. Thank you Chair. You mentioned that these were affordable
10 units already.

11

12 Chair Lauing: In the sense that cottage clusters are presumed to be more affordable units
13 because of size.

14

15 Commissioner Templeton: You mean less expensive, but not affordable, quote/unquote, in the
16 terms of like restricting, somehow?

17

18 Chair Lauing: Not required to be restricted, Correct.

19

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1 Commissioner Templeton: Right. So I think my additional comment just to try and come to a
2 consensus on this which is a huge opportunity for our city, I think what's before us is not the
3 number of units. What's before us is the lot split which is required to get the additional units.
4 And then secondly, when the project is ready, it will come before us, or the City Council or the
5 Planning Department with the number of units and I think it's totally acceptable for us to, you
6 know, make remarks, or comments or encouragements but what's before us... encouragements
7 to lean towards 6 if that is indeed the consensus of the Commissioner but what's before us
8 today is the necessary prerequisite for getting 6 units and that is why this conversation is a bit
9 frustrating and confusing for me, because if we don't approve the lot split, we don't get the 6
10 units. And it's... it is the definitive thing that's before us. I understand we can talk about well,
11 what if we reimagine the project and spent tens of thousands of dollars coming up with an idea
12 to even get more units, well lets be realistic, this is in an R-1 zone neighborhood, surrounded by
13 other single family homes. I don't know that we would realistically be able to move forward on
14 that and even if we did, that's hypothetical at this point. What is right before us, right now,
15 where we can have an immediate win for the City is to approve this lot split.

16

17 Chair Lauing: Vice-Chair Summa.

18

19 Vice-Chair Summa: Thank you. Gosh, I just don't, I guess some of feel there's a lot of certainty in
20 getting 6 units but I can see it going a lot of different ways. I can see a family buying both units

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1 and using them for themselves, which is one of the things we can't control about ADUs, I can
2 also see this lot split being followed by an SB9 lot split which would result in 12 units, if I'm
3 counting correctly. Which may or may not be as desirable to the neighbors, so I don't feel at all
4 secure about 6 units being the absolute outcome of this division, in the absence of a project. So
5 I'm still too... there's still too much uncertainty for me.

6

7 Chair Lauing: Commissioner Chang.

8

9 Commissioner Chang: Where I'm getting stuck is still where I started. So, I was looking at the
10 preliminary parcel map findings in which my understanding is that in order to grant, the
11 subdivision needs to be consistent with things in our Comp Plan. And I'm... then Staff... in the
12 Staff Report it actually says that this is consistent with our Comp Plan because there is no future
13 project on the table right now, therefore, it's going to stay a cottage cluster. However, by ... as I
14 look at it, by creating the subdivision we enable the loss of a cottage cluster. So, I'm looking at
15 the Comp Plan telling us that we're supposed to retain and encourage this type of development
16 and by allowing the subdivision we actually enable the destruction... potential destruction, we
17 don't know what will happen of a cottage cluster. So that's where I'm still like, I'm still stuck.
18 Because yes, it is a big lot, but there's 4 houses on it right now. We don't want big lots because
19 we want to have lots of houses on smaller lots, so that's essentially happening already. And so

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1 that's where I'm struggling. Like I just think that by subdividing, we enable the removal of a
2 cottage cluster. Thank you.

3

4 Chair Lauing: Commissioner Templeton

5

6 Commissioner Templeton: Thank you. I think that's a really interesting perspective on it that my
7 fellow Commissioner has just shared. I would love to hear it asked as a question to Staff about,
8 you know, if Staff thinks it's consistent based on the comment on Packet page 24, can they
9 clarify that and address the concerns that were shared here. And I would also say, you know,
10 the comment of if we are destroying a cottage cluster... the cottage cluster in this case means,
11 before the 4 units are available on the property and if the law requires that 4 units be on the
12 property whether it stays as it is or its redeveloped, I'm not sure we can say that we have
13 destroyed a cottage cluster. I think that what would happen is that we would have changed the
14 cottage cluster, might be more accurate, that we still retain the same number of units but I'm
15 open to hearing what other people think about that. But Ms. French, are you able to address
16 the item about the Comp Plan on Packet page 24 in more detail?

17

18 Ms. French: Looking at Packet page 24 I can bring that up but I'm staring at it so, you know, in
19 these findings we do throw into these findings policies from the Comp Plan. There are policies...
20 other policies that we don't have listed here. And you're talking about Packet page 24, finding...

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Commissioner Templeton: 2.C, it's at the very top.

Ms. Tanner: I believe it starts on 23 and then goes on to page 24. I think while Ms. French is looking at that, what I might offer is that the Comprehensive Plan, as we all know, is quite robust and contains a number of policies that are adopted by the City as part of the Comprehensive Plan are not necessarily all incorporated into the City's Municipal Code as rules in the code. However, we do as Ms. French was saying, we look at projects that come to ARB, PTC, and other bodies, we look at, does this conform to the Comprehensive Plan and where can we find conformance and where does it not conform so in some ways Policy L1.3 and L3.1 are ways that this potential subdivision does conform, and I think as far as the preservation of the cottage cluster Ms. French was indicating both previously that that may have been intended to particularly protect historic cottage clusters of which this is not one, but even if this is referring to all cottage clusters it certainly is a place where I think, you know, PTC members may find that they find that that does... this product does not support that particular policy in the Comp Plan it doesn't mean that it is totally out of step with the rest of the Comp Plan though, again there's two policies that support it and so, I think that what, as far as destruction that Commissioner Templeton was referring to, and I think Commissioner Chang you're indicating maybe is enabled by this. Certainly, the configuration of future structures could be different than what many people mean when they say a cottage cluster, and so, the relationship between the

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1 buildings and the units, even if there are more units, could be different than the relationship
2 between the existing units today. So, I would leave that up to the eye of the beholder, perhaps,
3 to understand if that's destruction of a cottage cluster, or if that's simply a reconfiguration of a
4 cluster of housing units that are still going to be in relative close proximity of one another.

5
6 Ms. French: And I'll just add to that, you know, the Comprehensive Plan citations, it's a
7 balancing act as Assistant Director Tanner noted. So, the other thing that I would call attention
8 to is the wording of Policy 3.3, it says "Recognize the contribution of cottage cluster housing to
9 the character of Palo Alto and retain and encourage this type of development." So, part of this
10 is interesting, we're encouraging new cottage clusters in a way with SB9, it's a possibility that
11 we will see cottage clusters with SB9, and there may be other ways to modify the zoning code,
12 as part of the Housing Element going forward to encourage new cottage clusters. [interrupted]
13 We have a housing work plan item that was in the last Housing Element. This is an opportunity
14 we are going through our Housing Element update right now to consider some zoning changes
15 to allow additional cottage clusters, where appropriate.

16
17 Commissioner Templeton: That's really helpful. Thank you both so much, that's really helpful.

18
19 Chair Lauing: I just want to make one comment on what you said there, Commissioner
20 Templeton, and the last point. You know, I don't see how 4 homes at this point that are smallish

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1 cottage oriented stay the same if we split the lots and a large market rate home goes up with a
2 cluster and even as is, with a cottage, not a cluster. So, we would have two probably 3-5 million
3 dollars market rate homes and 2 other homes depending on how the applicant eventually
4 decides to do that. So I think that Ms. Change comments are very directed at that. That it's not
5 retaining the cottage aspect of it and there isn't a project here, so it's difficult. Feel free to
6 respond Ms. Templeton [note: Commissioner Templeton].

7

8 Commissioner Templeton: Commissioner Templeton, yes, Thank you. I'm happy to respond. I
9 would say that my experience, and I've got a few friends that live in these cluster
10 arrangements, where you have single-family homes and smaller homes, multiple single-family
11 homes and smaller homes that share a driveway and it does have the effect of being cottage
12 cluster feel, the vibe of it. It's really interesting and I've seen a lot of that downtown. It'd be
13 interesting to see it played out here especially I'm encouraged because of the way they are
14 planning to split the driveway, that they will retain that court feel. I grew up on a court and I
15 totally value the way that... with the houses sharing that space in front brings people together
16 and I'm personally very encouraged by it because of the design of the shared driveway,
17 although it does have it's other limitations as you noted. Thanks.

18

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1 Chair Lauing: I was just saying that we are not going to end up with 4 cottages. That was my
2 only point and therefore we will have two homes, highly likely that will be much more
3 expensive and not as affordable. That was the only point I was making. Vice-Chair Summa.

4
5 Vice-Chair Summa: I have a question for Staff. In the land use, the narrative part of the Comp
6 Plan, "Village Residential" which includes cottage clusters, courtyard housing, duplexes,
7 etcetera, the net densities will range up to 20 units per acre and my quick math which is
8 probably correct because it's done by my colleague not me, under the scenario that the
9 applicant could decide to exercise his rights to an SB9 split after the original spit at 12 units...
10 which would result my calculations 12 units, if I'm correct, that would be 26.1 units an acre so it
11 would exceed what we even imagine in terms of units per acre. I mean that's a hypothetical
12 scenario but that's what we're dealing with here, so ...

13
14 Ms. Tanner: I'm sorry, you'll have to repeat the beginning part of the scenario, I'm not
15 understanding what the scenario is.

16
17 Vice-Chair Summa: In the Comp Plan under "Village Residential" which includes cottage
18 clusters, densities up to 20 units per acre are imagined.

19

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1 Ms. Tanner: Right, but this land is not zoned for that and so it would have to be rezoned under
2 those circumstances to allow that type of development, so again it's another area where
3 there's a Comp Plan policy or direction really, but not an actual policy that a property owner
4 could avail themselves of.

5
6 Vice-Chair Summa: Yes, but I'm thinking under State law under SB9, if the property owner at a
7 later date, wanted to subdivide under SB9. And another way, and this is not what the applicant
8 is asked for, but ano... I believe they could subdivide right now into 3 properties which could
9 guarantee 6 smaller ... I know it's not what the applicant has asked for so it's sort of irrelevant
10 but it's once again, the struggle of understanding why the division now and how the City will
11 benefit from that as well as current residents and everybody involved.

12
13 Ms. Tanner: Yeah, I would just suffice to say that certainly if the property is subdivided the
14 applicant, if eligible could avail themselves of SB9 and certainly if each resulting parcel, so if the
15 lot split were approved as proposed today, we'd have two lots that would be, I believe lets just
16 call it 10,000-square feet each and then we would have... those two lots could be subdivided so
17 there could be 4 lots, and then each of those lots, they could have housing units there, they
18 would only be eligible for I believe a primary home, JADU and ADU would be the maximum and
19 that would be three on each of those hypothetical 4 lots. So that's my math on what is feasible
20 but again that would be if both of those splits qualify for SB9 which has certain parameters in

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1 terms of ownership and primary residency and things like that. So, I don't know if that helps
2 and I see Mr. Yang maybe wanted to provide some comment.

3

4 Mr. Yang: Yeah, I guess I don't want to get too deep into hypotheticals so I would just say, I
5 wouldn't rely too much on 12 or 8, or anything along those lines.

6

7 Ms. Tanner: Perhaps the last comment which would be in terms of dividing the lot into three
8 lots, I think that it would be allowable in terms of, you know, standard and substandard lots and
9 all that but I think part of that would certainly require that before that division into three lots
10 could be finalized the buildings would have to be demolished. Because you can't subdivide a lot
11 with... you can't have a property line going through an existing building and so that's not really
12 feasible without redevelopment of the property as like a contiguous with that map being
13 finalized.

14

15 Vice-Chair Summa: Yes. But that would guarantee 6 units, is that right?

16

17 Mr. Yang: No, the only thing that's guaranteed is 4 units (interrupted)

18

19 Vice-Chair Summa: Oh, that's right.

20

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1 Mr. Yang: Because of the no net loss law.

2

3 Vice-Chair Summa: Okay. So, it'd guarantee 5 I guess.

4

5 Mr. Yang: No. Four.

6

7 Vice-Chair Summa: Well, if it's split into three lots...

8

9 Mr. Yang: Then you could have one unit on each of two lots and two units on the third lot, but
10 there's no guarantee for anything more than 4 units under State law.

11

12 Vice-Chair Summa: I see. Okay.

13

14 Chair Lauing: Commissioner Hechtman.

15

16 Commissioner Hechtman: Thank you. No one needs to get too far out on SB9, just some
17 reminders about what the law actually says, one is you can't... neither the owner of the lot, nor
18 anyone in concert with the owner of the lot can use SB9 to split two adjacent lots. So, there is
19 no scenario here where we do a lot split now, creating two lots, and there are SB9 lots created
20 of each of those so that would create a total of six lots. That can't happen under SB9. Also, I'll

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1 remind the Commission that under SB9, if you do even the one lot split, the owner of the land
2 has to commit to live on one of the par... in one of the structures on one of the parcels thus
3 created for a period of three years. Those are limitations so I don't think that that's really where
4 this is going and I'm noting that these existing lots that are being proposed are 53-foot wide
5 each I'm trying to imagine how you'd split one of those, you're not going to run it length wise
6 because then you'd have 26-foot wide lots bisecting all of the cottages, which even if you tore
7 them down, what you wind up with would be dominoes so I don't see that as a likely scenario.
8 It's not in front of us and whatever the State law is that allows people to do, they can do that.
9 And I don't think that it serves our process here to imagine every possibility that could occur
10 after an approval of this lot split. Again, I see this as an opportunity to provide more housing to
11 Palo Alto residents, current and future, and this Commission routinely voices support for that
12 concept, so here there's an opportunity to actually do it. Not a guarantee... well, in some sense,
13 almost a guarantee that more people will live on the property than can now in the four
14 structures. Which incidentally, those 4 structures total I think 4,200-square feet. I think actually
15 that's including the 400 square feet of garages. So, you know, how many bedrooms are there,
16 we are creating the possibility of more bedrooms, even if we only get four units. More
17 bedrooms, and that's a plus. That's what we are encouraged to do and what State law is
18 pushing us to do.

19

20 Chair Lauing: Commissioner Chang.

-
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1

2 Commissioner Chang: I'd like to ask a question about the driveway and the easement and this
3 might... it would be directed towards Mr. Yang. So, as currently written, the shared driveway
4 would kind of be in perpetuity unless both the owners of both parcels agreed to do away with it
5 but, as Mr. ... Commissioner Hechtman was suggesting, maybe it needs to be structured
6 differently such that the easement only springs into effect once one of the parcels is owned...
7 once the two parcels do not have the same owner. In that case, I guess I'm trying to
8 understand... I'm probing because of what something that Commissioner Templeton said where
9 you know we're going to have a shared driveway on this property for in perpetuity, is that the
10 case? In other words, if a covenant of easement was done instead, then there could be two
11 driveways, right? The easement doesn't need to exist until the property is... the two parcels are
12 owned by two different parties. And the whole, like if... I'm just wondering can these lots be
13 completely scraped and then two you know, completely reconfigured such that there isn't a
14 shared driveway.

15

16 Mr. Yang: Yeah. I guess there's a couple things to respond to there, an easement can't be
17 created between two lots that are owned by the same owner so we would have to use that
18 covenant of easement format, or something similar to that to achieve that. So, the easement
19 would not exist until the properties are owned by two different owners. And then it is possible
20 that those two lots could be developed to have two separate driveways. We have some

-
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1 standards that we just adopted and I think these are reflective of existing standards, long term
2 standards regulating the minimum distance between curb cuts, distance between driveways, so
3 I don't know practically how the spacing would work out, if you could have two sperate
4 driveways but theoretically yes, it's possible and in that case the easement would no longer be
5 necessary unless as Commissioner Hechtman asked about earlier, there is some other reasons
6 like underground utilities, service connections.

7

8 Commisioner Chang: Thank you.

9

10 Chair Lauing: Commissioner Reckdahl.

11

12 Commissioner Reckdahl: One of the big problems in Palo Alto is that we're getting to have one
13 type of housing, big houses, expensive houses, and if this lot split goes, we're going to have 4
14 big houses, that's the most profitable, most in demand, and so what we'd be doing is
15 converting this cottage cluster into a McMansion cluster, and I don't think that's what we want.
16 So, I do not support this.

17

18 Chair Lauing: Commissioner Templeton.

19

-
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1 Commissioner Templeton: Yes. I just wanted to encourage, I think we've had really good
2 discussions here and I think there are things where we could agree and is there any way we
3 would be able to find something to agree on here? I'm struggling because the housing is not
4 what is in front of us. The lot split is what's in front of us and I know we have our fears and our
5 preferences but, you know, how do we come together and how do we craft a proposal of a
6 motion that we can get support, broader level of support from. So, I just want to encourage
7 that if there's things that we can do here, this is a good opportunity. A 20,000-square foot lot
8 split is a good opportunity.

9

10 Chair Lauing: Yeah, you know, Commissioner Hechtman said we're going to get more housing
11 and it's almost guaranteed. I don't agree with that. Commissioner Templeton you said it's a
12 possibility we get more housing out it and I totally agree with that. I think the problem here to
13 address the last comment that you made, is that to get to... I'm just hearing the same thing you
14 are, to get to a motion that we could support, it seems like it would have to be coupled with
15 more housing and maintain that we had still 4 "more affordable" cottage type homes,
16 otherwise, there's just no benefit to the City for this, because there's no guarantee whatsoever
17 and the high probability is it's going to go to high market rate. So, if there's a way that you
18 could maybe couple... what we could couple those together, maybe. But otherwise, I think this
19 has to go back to Council with a probably not, unless it's accompanied with a project. Again,
20 just reading the tea leaves right now. Commissioner Hechtman?

-
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Commissioner Hechtman: I'm just going to make a couple points and then I'm ready to vote. First, first point is I don't believe that you can build, lot split or no lot split, I don't think you can build 4 McMansions on this property. I think with the lot split you going to have one full-size single-family home and the second structure, which is already 940-square feet is going to be an ADU and that is not a McMansion. That is limited to 1,000 square feet. So, there's no scenario that I'm understanding with this lot split where you get a cluster of McMansions. The second point is, right now, I think it's reasonable to expect that each of these 940 square foot cottages has two bedrooms and that puts eight bedrooms on the property. And I am certain, that if somebody goes through the trouble of removing two of those cottages and building single family homes, those are going to be more than two-bedroom homes. At least three bedrooms, possibly four or five bedrooms, certainly if they're going to be a McMansion, as suggested by one my fellow Commissioners, that's four or five bedrooms. And that math is undisputable, that there will be more bedrooms on that 20,000 square feet [property], and more occupancy available. And that was really my point. That is virtually a certainty. I'm ready to vote.

Chair Lauing: Okay we need a motion.

MOTION #1

-
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1 Commissioner Templeton: I move the Staff recommendation.

2

3 Chair Lauing: I'll call on you. Commissioner Templeton.

4

5 Commissioner Templeton: I don't know, is my hand still raised, sorry if my hand wasn't raised.

6 But yes, Thank you Chair. I move the Staff Recommendation.

7

8 Chair Lauing: A second? Commissioner Hechtman.

9

10 SECOND

11

12 Commissioner Hechtman: I'll Second, I'd to ask for clarification but I'll second for the purpose of
13 doing that.

14

15 Chair Lauing: Okay. Did you want to speak to your second?

16

17 Commissioner Hechtman: That's okay, thank you. Just wanted to clarify, while not in the Staff
18 Report Staff's recommendation, I understood Staff during our dialogue suggest that they would
19 investigate the covenant of easement issue and finding out if there are utilities underground. I
20 wanted to find out if that was to be included in your motion.

-
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Commissioner Templeton: Yes.

Commissioner Hechtman: Then my second holds. Thank you.

Chair Lauing: So that's a Friendly Amendment, or accepted by (interrupted)

Commissioner Hechtman: It was part of the intent of the motion. Staff recommendation as modified in this proceeding.

Chair Lauing: Yup, that's fine. Okay, other rounds of comments now that we have a motion?

Commissioner Templeton: I'm just wondering if Ms. French would like to put the slide up so everybody knows what they are voting on.

Ms. French: I... sorry, I have not written down the motion, but you want the (interrupted) Staff recommendation displayed?

Commissioner Templeton: Sorry. Yeah, I thought you had the... that's what I meant. I thought you had a slide for that. If I'm incorrect we don't have to do that.

-
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Ms. French: I have a slide for the Staff recommendation, yes.

Commissioner Templeton: Thank you.

Ms. French: Which I could manipulate I suppose to incorporate the thing about the covenant.

Chair Lauing: [unintelligible] Sorry.

Ms. French: This one.

Chair Lauing: Okay seeing no other commissioners right now comment, I just wanted to make my own comment relative to the motion and the discussion. As I said, I just don't see any net benefit and I think there's a downside risk that we're going to get rid of less expensive homes and of course we also need market rate homes for RHNA and everything else, I understand that but given the Comp Plan guidance here and the fact that there is no project dedicated to creating more units notwithstanding the bedrooms comment that Mr. Hechtman made. I just find it hard to go with it, unless we have any leeway to Mr. , who's our Counsel, to Albert to say that, you know, we pass it with some amendment that a certain number of units is required and that's probably not going to work so. Mr. Yang, you want to comment to that?

-
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Mr. Yang: Yeah. [Unintelligible-Audio issues]

Ms. Tanner: Albert you're talking real-ly slowly (group laughs).

(crosstalk)

Chair Lauing: Is that your machine, or your attitude right now? (crosstalk) There we go.

Mr. Yang: require a certain type of.

Ms. Tanner: Albert can you hear us?

Mr. Yang: Sorry, am I having (interrupted) connection issues? Sorry (crosstalk) I can hear you.

Mr. Tanner: Okay, we can hear you as well. I think we could not understand you, I will say. Because it was very longated so you might just try sharing what you said again.

Mr. Yang: Yeah, so if I'm coming through clearly (interrupted) I can't think of a mechanism to include that sort of requirement as part of the preliminary parcel map, that there be a certain type of development.

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Commissioner Templeton: Could we, Mr. Yang, could we ask or require them to bring any subsequent project before the planning commission for review?

Chair Lauing: If we specified a number, we wouldn't even have to do that but I think Mr. Yang is saying we can't.

Commissioner Templeton: Okay. Just finding to find common ground here, thank you.

Chair Lauing: No, I appreciate that. Any other comments from Commissioners. Oh, you're ready to vote. Commissioner Templeton your hand is still up. Okay. Then let's go to a vote.

VOTE

Ms. Klicheva: Commissioner Chang?

Commissioner Chang: No.

Ms. Klicheva: Commissioner Hechtman?

-
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1 Commissioner Hechtman: Yeah.

2

3 Ms. Klicheva: Chair Lauing?

4

5 Chair Lauing: No.

6

7 Ms. Klicheva: Commissioner Reckdahl?

8

9 Commissioner Reckdahl: No.

10

11 Ms. Klicheva: Vice-Chair Summa?

12

13 Vice-Chair Summa: No.

14

15 Ms. Klicheva: Commissioner Templeton?

16

17 Commissioner Templeton: Yes.

18

19 Ms. Klicheva: Motion Failed 2-4.

20

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1 MOTION #1 FAILED 2 (Hechtman, Templeton) – 4 (Chang, Lauing, Reckdahl, Summa).

2

3 Chair Lauing: The good news about this is I think that very valid arguments were raised on both
4 sides and that is part of the minutes, including our comments on the motion.

5

6 Mr. Yang: [unintelligible]

7

8 Chair Lauing: You're breaking up again. Can you turn off your (crosstalk). Turn off your video
9 please Mr. Yang.

10

11 Ms. Tanner: I think what he's saying is we do need a motion to deny then or not make the
12 findings to conclude the...

13

14 Chair Lauing: Can you hear us now Mr. Yang?

15

16 Ms. Tanner: We would need an alternative motion.

17

18 Chair Lauing: Okay fine. So, we need a motion. Anyone, Vice-Chair go ahead.

19

20 MOTION #2

-
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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Vice-Chair Summa: I will try. I make the motion to deny the applicants request to divide the lot because of the uncertainty of the outcome and because not all the findings can made specifically finding #2 of the Parcel Map findings and findings #2 and #4 of the exception findings. Thanks.

Chair Lauing: Second?

SECOND

Commissioner Reckdahl: Second.

Chair Lauing: Second by Commissioner Reckdahl. Any discussion on this motion? Okay, please call the roll.

VOTE

Ms. Klicheva: Commissioner Chang?

Commissioner Chang: Yes.

-
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2 Ms. Klicheva: Commissioner Hechtman?

3

4 Commissioner Hechtman: No.

5

6 Ms. Klicheva: Chair Lauing?

7

8 Chair Lauing: Yes.

9

10 Ms. Klicheva: Commissioner Reckdahl?

11

12 Commissioner Reckdahl: Yes.

13

14 Ms. Klicheva: Vice-Chair Summa?

15

16 Vice-Chair Summa: Yes.

17

18 Ms. Klicheva: Commissioner Templeton?

19

20 Commissioner Templeton: No.

21

-
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1 Ms. Klicheva: Motion Carries 4-2.

2

3 MOTION #2 PASSED 4 (Chang, Lauing, Reckdahl, Summa) – 2 (Hechtman, Templeton).

4

5 Chair Lauing: Okay thanks for your reference on this. We'll now move on to (interrupted)

6

7 Commissioner Templeton: Chair?

8

9 Chair Lauing: Yes, Sorry. Okay. Commissioner Hechtman?

10

11 Mr. O'Hanlon: May I ask the Commission to in what manner would you see this again? Because
12 we don't have certainly on what we would propose. We invested time and money in the
13 opinions of City Council in October, who showed no interest in us deviating from any R-1
14 standards that might support us creating more units. And this was the alternative we were left
15 with. Us (interrupted)

16

17 Ms. Tanner: Mr. O'Hanlon, I certainly can understand the response, I think though, at this time
18 the dialogue with the Commission had kind of ended, unless through the Chair, he would like to
19 recognize you to hear your comments so that's up to Chair Lauing.

20

-
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1 Chair Lauing: Well, I think the core comment was heard and I understand that but given that
2 we've taken our votes, this will now go back to Council with our recommendations, and they
3 have to pick it up. That's basically where we are. Commissioner Hechtman? Sorry, that's just
4 the state of where we are.

5
6 Mr. O'Hanlon: Right, and I understand that I don't agree with the findings of the denial, I don't
7 agree with the lack of support of this motion, I feel like this is pushing on the private
8 homeowner's rights and I guess clearly we'll have to take that in a different direction if that's
9 the way we have to go.

10

11 Chair Lauing: Okay. Commissioner Hechtman?

12

13 Commissioner Hechtman: To speak to my no vote briefly, I do hope that the applicant has
14 better success with the Council in its deliberation on this. I'm frustrated with these results and
15 particularly the logic of the majority, at least 3 of the 4 and I think all 4, is that upgrading these
16 residential structures will make them less affordable and under that logic we shouldn't allow
17 anyone to make improvements to any single family home in Palo Alto, because every time an
18 owner puts money into their home, it increases it's value. That makes it more expensive for a
19 buyer to buy, or a renter to rent. That's part of the logic that prevailed here on this. So, I hope
20 that's not a consistent piece of logic that we have here at the PTC, or the City Council.

-
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Chair Lauing: Commissioner Templeton?

Commissioner Templeton: Thank you. I'm very surprised that the majority would go against the suggestions of City Council on how this should come to us. I think that... well I'm most surprised that we voted to uphold a 20,000 square foot non-conforming lot in the face of our RHNA situation here in Palo Alto where we want to see if we can find ways to bring in more units in ways that fit in with the neighborhood look and feel. And I would encourage our dialogue to be less rigid and more oriented towards finding a solution together, because that's where we really as a recommending body can help Council. So, I encourage us to think about that going forward, and to have better discussions that lead toward common ground rather than polarization. Thank you.

Chair Lauing: Okay. We'll no move on to the next Agenda Item, which is downtown in Lieu Parking ban.

Commission Action: Motion by Templeton, seconded by Hechtman. Motion Failed 2-4.

Commission Action: Motion by Summa, seconded by Reckdahl. Motion Passed 4-2.

- 4. PUBLIC HEARING: Recommendation for City Council adoption of an Ordinance Amending Palo Alto Municipal Code Section 18.52.070 (Parking Regulations for Community Development Director Jurjis Assessment District) to Continue a Temporary Ban the Eligibility of Commercial Office Uses Above the Ground Floor to Participate in the Downtown Parking In-Lieu Program and Making Clerical Amendments to PAMC Section 16.57.010 (Applicability) in Chapter 16.57 (In-Lieu

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1 Parking Fee for New Nonresidential Development in the Commercial Downtown (CD)
2 Zoning District).

3

4

5 Mr. Tanner: Thank you. I'll be handing this over to Sheldon Ah Sing and to Rebecca Atkinson.

6 I'm not seeing, There's Rebecca. Excellent. When ever you're ready Rebecca, you can begin.

7

8 Ms. Rebecca Atkinson: Thank you all. Thank you Chair, Thank you Planning Commission

9 members. I'm Rebecca Atkinson, planner in the City's long range planning division. Next slide

10 please. This agenda item tonight is to return to the Planning Commission to discuss one of the

11 City's existing temporary policies. Specifically, the temporary policy is the temporary ban on the

12 eligibility of new above ground office floor area in the downtown to participate in the City's

13 existing Downtown Parking in Lieu program. I know that was a very long sentence, but in

14 general, to repeat. The ban removes the eligibility of new above ground office floor area to be

15 able to participate in the Downton Parking In Lieu program. So, I'll be referring to this

16 temporary ban, to this as a temporary ban throughout tonight's presentation. I've shown on

17 this slide in the Staff presentation I'd like to briefly move through the purpose of this meeting,

18 provide some background on the temporary ban and an overview of stakeholder expressed

19 potential effects of the ban, next steps for public hearings, and the Staff recommendation. Next

20 slide please. Next slide.

-
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1 For easy reference. Here's the text for the temporary ban as excerpted from the Municipal
2 Code. This text is only in the code section for the Downtown Parking In Lieu program. As you'll
3 hear later in the presentation, Staff received feedback on the temporary ban ranging from
4 support for letting the ban lapse to support for the ban to be permanent. Next slide please. The
5 temporary ban was established as part of a larger package of housing related policies, discussed
6 by Council in 2018. It came into effect in 2019 when Council approved the temporary ban, they
7 imparted direction for the Planning and Transportation Commissioner to study its effects. Due
8 to COVID and staffing, the temporary ban was subsequently extended twice, and now currently
9 expires in August of 2022. The purpose of the meeting tonight is for the PTC to review the
10 results of the Staff study on the Temporary Ban, hear additional public feedback, discuss and
11 recommend a direction to City Council ahead of expiration. As for a brief background on the
12 ban, we're next going to review what aspects of the municipal code remain the same and what
13 differs with the ban. Next slide please. Next slide.

14 As outlined on this slide, the temporary ban did not and does not change the overall Parking In
15 Lieu program in the sense of the downtown parking assessment district boundaries remain the
16 same, as well as the basic site eligibility criteria to access the program, downtown retail,
17 restaurant service and other uses can still access the Parking In Lieu program, underlying
18 downtown parking requirements remain the same, and as before, new participation in the In
19 Lieu program would still come from any new eligible entitled downtown floor area that has
20 never been previously assessed. Next slide. Next slide again.

-
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1 As discussed in the Staff Report, Staff researched development activity before and after the
2 effective date of the temporary ban which was May 2, 2019. A summary of the basic general
3 findings is included on this slide. Bottom line, Staff did not receive any housing related
4 applications since the temporary ban, nor were there many housing-related applications prior
5 to the ban. It is unknown what roll, if any, the concurrent pandemic and recession played into
6 this. Looking back at 10 years of development activity before the ban, there are no overall
7 trends for downtown housing development, nor trends in overall use of the downtown Parking
8 In Lieu program. The use of the program was infrequent and as needed, and as entitled. Some
9 projects in the downtown did provide parking on site and did not need to access the program.
10 Next slide. Next slide. Thank you.

11 As discussed in the Staff report, Staff conducted community outreach efforts in February and
12 March of this year, Staff conducted interviews and had a virtual community meeting, Staff also
13 received feedback emails as included in the Staff Report as Attachment D. Staff also
14 coordinated with other City departments. Next slide please. Feedback received from
15 community members ranged from, as I mentioned before, from support for letting the ban
16 lapse to support for the ban to be permanent. Reasonings for this feedback generally related to
17 the topics on this slide and the next slide as discussed in the Staff Report. Key feedback
18 included the importance of the decision on the temporary ban to be consistent with other City
19 policies for downtown. But which policies? Some stakeholders focus more on economic
20 development and wanted more office, others were interested in overall parking management

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1 goals, and some were more interested in housing and working on the job to housing balance.

2 You can go to the next slide please.

3 What was most clear to staff was that there are many City initiatives currently active and
4 underway that relate to the future of downtown. These include the Housing Element Update,
5 the University Avenue Street Scape project, Council requested adjustments to commercial and
6 residential floor area ratios in the downtown, and even the potential downtown Housing Plan
7 for which the City received a Regional Planning Grant. The results of these initiatives would
8 provide helpful contacts for any new policy related to the ban. Next slide.

9 Staff is here with you tonight for the purpose expressed earlier. We are looking forward to the
10 discussion in regarding further next steps. Staff is scheduled to bring the results of this meeting
11 to Council on June 6, and again on June 20th, so that the direction can be established before
12 Council break and the August 1st, 2022 expiration date. Next slide.

13 As included in the draft resolution, in Attachment A, Staff recommends the continuation of the
14 temporary ban for another 3 years, which allows for significant progress on the underway
15 active initiatives for downtown. Distinct from the recommendation on the ban, Staff also
16 recommends making the listed minor clerical amendments to the code. The potential
17 alternative actions are listed in the Staff Report including recommendations for the ban to lapse
18 or become permanent. Next slide please.

19 If you have any questions or would prefer to email feedback to us, please feel free to contact us
20 with information on this slide. Thank you.

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Chair Lauing: Okay thanks for that staff presentation. I think basically tonight there is the recommendation to extend for 3 years the temporary status, we could also make the temporary ban permanent, or we can remove the temporary ban entirely. Only the first of which is recommended by staff. So just wanted to put all that on the table. Does anyone know if there's any public comment on this?

Ms. Klicheva: I haven't received any speaker cards, let me quickly check online.

Ms. Tanner: If anybody is online and would like to give public comment on this item, now is the time. Please raise your hand and you will be called on to give comment. Don't see any raised hands in the zoom attendee list.

Chair Lauing: Okay. Commissioner Templeton?

Commissioner Templeton: Thank you Chair. I think that Staff make a pretty good presentation about we have some information, but it was collected during a period of time that was remarkable and unusual, and I think that the Staff recommendation of extending it for 3 years is probably the right way to go, so we can get more accurate and useful information.

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1 Chair Lauing: Commissioner Chang.

2

3 Commissioner Chang: I agree with Commissioner Templeton. I do have one question actually,
4 about the TDR program. And so, my question to Staff, to Ms. Atkinson, thank you for your
5 presentation, is... are there lots of sites downtown that need rehabilitation for either seismic
6 rehabilitation or historic rehabilitation? Like how significant is that problem, or maybe we just
7 don't know.

8

9 Ms. Atkinson: I'm not sure if any other Staff person wants to take that question.

10

11 Ms. Tanner: Do you have a sense about that? Or do you need someone else to chime in?

12

13 Mr. Yang: I think we might not have the Staff members that we need here. I know the City has
14 done a seismic survey but it's our building department that has taken the lead on that.

15

16 Commissioner Chang: Okay, that's fine, I just thought I would ask but I think that continuing the
17 ban for 3 years which is a relatively short time probably doesn't affect, isn't going to have an
18 outsized effect on the TDR participation so I'm less worried about that. So, it's not necessary for
19 me to still support the Staff recommendation. Thanks.

20

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1 Chair Lauing: Other Commissioners? Vice-Chair Summa.

2

3 Vice-Chair Summa: Thank you very much. Thank you for the presentation. And also thank you
4 to the members of the public. There was some really good letters with a wide range of concerns
5 and interest, but I thought they were very well informed letters. I'm not a big fan of the In Lieu
6 program but that's not what's before us tonight. I am... I do think for a variety of reasons it
7 makes sense to extend the ban temporarily. One is we have really, because of Covid and the
8 unpredictability of that we don't really have what the Council wanted to look at... us to look at,
9 oh is this working, is it having an effect, is it having a bad effect. So, extending it would allow us
10 to hopefully get some of that data because there just wasn't, people weren't working, and
11 people weren't building housing, and because of the pandemic. Also, I do think it's a good ... it's
12 good not to make a permanent decision this evening because of all the other planning exercises
13 for the downtown area. They're so numerous and we want to make sure we don't make a
14 decision tonight that would negatively affect those issues. And I sort of feel the way about...
15 same way about TDRs I think it's the wrong time to make a big change in that and I certainly
16 support the concept of TDRs for seismic upgrades and for maintaining historic resources. So,
17 yeah, I think the Staff Recommendation makes good sense and I agree with my two colleagues
18 who have already spoken.

19

20 Chair Lauing: Commissioner Hechtman.

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Commissioner Hechtman: Thank you. First I want to just clarify something I found in the Staff Report, because I haven't dealt with the In Lieu Parking program before and on Parking page 33, I was trying to learn how it works. To the extent if it means anything to my fellow Commissioners, there's some criteria, so if you're residential you can't use the In Lieu program, if you're non-residential you can, but yet there's some criteria in our Code, and that criteria is stated on Packet page 33, there are 5 of them and what confused me is the intro to those 5, in the Staff Report said that the "non-residential development must meet the following eligibility requirements", and that made me think they've got to meet all 5, which didn't make sense to me when you read the 5, but I went and looked at the Code and actually, Staff was kind of just paraphrasing. What the Code says is that you have to meet one or more of the following. So that clarified for me, so I just wanted to share that with my fellow Commissioners in case you were also orienting yourself to the Parking program. And maybe that item can be cleaned up when this goes to Council so that they don't have the same curiosity. So, looking kind of big picture to me, it seems to me that the practical affect of this ban since 2019 when it was first imposed, was freezing downtown, and that is not a result of the pandemic, because if you're paying attention to what's happening all throughout the south bay and north of here, people are building like crazy, everywhere. Everywhere but Palo Alto. So, I think that, and I'm not saying that this ban is totally responsible for it, but I think it has something to do with the fact that everything is getting build all around Palo Alto, but not in Palo Alto. So, we're not seeing new

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1 commercial development, which would naturally want to build up downtown, because to build
2 up they have to provide on-site parking and that's not penciling for them, with the ban. We're
3 not seeing new residential development because they don't get the Parking In Lieu program so
4 they have to supply on-site parking so then it doesn't pencil for them. And we're not seeing
5 new mixed-use development because the owners can't use the Parking In Lieu program above
6 the ground floor to reduce construction costs to the extent that they would need to in order to
7 make the residential component pencil. So, the question is, is a measure that has the effect of
8 freezing development downtown in the best interest of the City's long-term goals for a vibrant
9 downtown. And that's not a... that seems like a slanted question. It's really not intended to be
10 because from my perspective this is dilemma, because I agree with the statement of Staff in the
11 Staff Report that if we lift the ban, that could encourage redevelopment downtown with multi-
12 story office and once that happens on a particular parcel, that parcel is essentially lost to future
13 residential development because once they put all the money into whatever, three or four
14 new... three or four stories of office, they're not going to scrape that in our lifetime to put
15 something new in with housing. So, I am supportive of getting this figured out and extending
16 the ban. I would like to hear from staff... but I think this should be a priority of the City's to get
17 this figured out. So, I would like to hear from Staff on, with the right encouragement and
18 funding from Council, what can't be accomplished in two years, so that we need to extend it for
19 3, so I'd like to hear from Staff on that, and I also... I did want to say that I do like the idea of ...
20 that Staff loaded on Packet page 37 about exempting from the ban the use of existing TDR's or

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1 projects generating TDR's for the reasons that... for those purposes that Commissioner Summa
2 had mentioned: Seismic rehabilitation, or historic rehabilitation. I like the idea of doing that
3 because we do want to incentivize that kind of work. Thanks.

4
5 Ms. Tanner: To your question Commissioner Hechtman, I think your question was what... if the,
6 at least how I'm interpreting it is if the extension was 2 years how might that change things and
7 what could be accomplished within a two-year time frame? Is that kind of more or less
8 (interrupted)

9
10 Commissioner Hechtman: More than that, I'm wondering if what you're proposing to spend
11 three years doing something, I'm asking can it be done in two.

12
13 Ms. Tanner: Okay, I think part of... some of it is that the time itself in terms of understanding
14 what the impact of the ban is on development and perhaps a less impacted by Covid time, or
15 different impacted by Covid time frame is part of idea, and Ms. Atkinson might speak if there is
16 additional work that would be underway that could be accelerated certainly one could argue
17 two years I maybe is as reasonable as three in terms of understanding, you know, does this ban
18 negatively or positively impact office or housing development. I don't know, Ms. Atkinson, if
19 there's other work that we proposed to undertake during the extension of the ban.

20

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1 Ms. Atkinson: I think Council recently put forward to City Staff to explore adjustments to the
2 floor to area ratio for commercial and residential downtown, and I think that's a big... a big
3 direction and requests... and that actually very much influences the financial penciling of
4 different projects. That's just one example.

5
6 Ms. Tanner: Yeah, and I think the other projects that would be underway that are kind of, I
7 would say aligned initiatives, they are not directly impacting office development or housing
8 development, would be the Housing Element itself, the University Avenue Street Scape project,
9 and the other projects. So those are going to be all on their own timeline, but they may either
10 encourage or discourage you know, more development activity to happen downtown. I don't
11 know that any of those could be sped up per say, nor that they are the most direct impact on
12 the development activity that we would be monitoring in the time period for which the ban is
13 extended.

14
15 Chair Lauing: I think the Staff Report did a really good job on exactly that point, I was going to
16 mention, on 36, because you're naming exactly what has to be done and we need that data
17 before we can kind of work this project, so ... I thought this was really well done. Was that all?

18
19 Commissioner Hechtman: Yes, Thank you.

20

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1 Chair Lauing: Okay, Commissioner Reckdahl?

2

3 Commissioner Reckdahl: Yeah, I do support this ban I think that three years sounds like a long
4 time but to figure out the information and then get an action plan, three years is actually quite
5 short, so... I would not support shortening it to 2, although I do agree with the sentiment of
6 let's get it moving. One thing that bothers me is the lack of housing downtown, and I don't
7 understand why doesn't housing have the ability to use the In Lieu program?

8

9 Ms. Tanner: Why doesn't housing have the ability to use the In Lieu program?

10

11 Commissioner Reckdahl: Yeah, exactly. You would think if they wanted to encourage housing
12 downtown, you'd want to give them every possibility to ...

13

14 Ms. Tanner: Sure, I mean I think you know, that doesn't have the ability because it's not
15 allowed in the Code is a simple answer so certainly it's a recommendation this body could make
16 to Council to consider flipping it to have the ban on.. you know, commercial uses above the
17 ground floor, having access to the In Lieu in addition to maintaining that, adding you know...
18 allowance for housing projects to avail themselves to In Lieu. I would have to talk to some
19 developers to get more specific, I know just generally sometimes.... It can often be kind of
20 contextual to the region that you're in so some areas, like Boston, New York it's coming for

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1 folks to rent or purchase parking spaces that may be a distance from their home and that can
2 pretty common, I think for our region it's not as common for someone to rent or purchase a
3 housing unit and then have their parking space be in a separate building somewhere else. In
4 particular, the In Lieu program supports the development, that the City takes those funds then
5 builds public parking garages and so I think it would be a little bit ... while technically that
6 housing unit, that renter or owner there's a new parking space perhaps built somewhere in the
7 downtown, it isn't like they have a parking space that is assigned for their vehicle, and so if I'm
8 building a housing unit, a housing development, condos or apartments downtown and I don't
9 want to have any parking, I'm going to do my In Lieu program instead .. it works kind of on
10 paper, but there isn't actually a parking space assigned for that dwelling unit and then that can
11 be not marketable so they may no want to go through with it, because they aren't able to sell
12 or lease that property because there isn't actually a parking space. That may have been too
13 long of an answer but ...

14

15 Commissioner Reckdahl: So, where downtown can someone who has an In Lieu spot park?

16

17 Ms. Tanner: So, the In Lieu spot, the In Lieu program is, so for example, sorry, I'm just trying to
18 think it out, all the different, recent meetings with City Council that, what they wanted to do
19 with some of the In Lieu finds that have been collected, but the way it works is that I'm building
20 something, I'm not building a parking space in my building, on the site of the building, I'm giving

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1 the City money and the City will bill and aggregate you know, a parking structure. My building,
2 my commercial tenants, they don't have a space assigned to them. But there are parking spaces
3 available that they may get a parking permit for, they may have to pay for, so, I don't want to
4 say it's a theoretical space, but it isn't like a one-to-one connection, that I have this commercial
5 building or housing building, and this is a space that's reserved for the users of that building
6 only.

7

8 Commissioner Reckdah!: So, these In Lieu spots would be in publicly owned garages, owned by
9 the city.

10

11 Ms. Tanner: That's how the In Lieu program works, yes.

12

13 Commissioner Reckdah!: Okay and is there any case where someone is building a building and
14 have access parking that they could get funds and convert some of their parking spots to In Lieu
15 spots?

16

17 Ms. Tanner: That's not how the program currently functions, it doesn't mean the program
18 couldn't function in such a way, but it's not how it's currently designed.

19

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1 Commissioner Reckdahl: Okay, so the money that's collected from the In Lieu program that
2 goes into a special fund and that's sitting there just waiting, and do we know what the balance
3 is on that?

4
5 Ms. Tanner: Someone does, I do not know off the top of my head. I know that the City Council
6 did recently take action to I believe give direction to work with, though our Real Estate
7 department on looking at building additional parking facilities in conjunction with housing, and
8 so, making sure... to see if we could have a develop who wanted to build affordable housing in
9 conjunction with a public parking garage.

10
11 Commissioner Reckdahl: Okay. Thank you.

12
13 Chair Lauing: I had a question of Staff. Love Stakeholder outreach, could you say how many
14 people you were able to get to? The specificity in the letters was great.

15
16 Ms. Tanner: Maybe you can let us know how many folks participated in the focus groups and
17 other outreach that you did?

18
19 Ms. Atkinson: There were three people in the virtual community meeting, and we did a series of
20 interviews with approximately 5 people.

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Chair Lauing: With what? What was the last part?

Ms. Atkinson: Approximately 5 people because some people attended the virtual meeting as well.

Chair Lauing: So, relatively small sample right now.

Ms. Atkinson: Yes, and then of course all the emails we submitted.

Ms. Tanner: Do you think that some of the maybe Mr. Ah Sing wants to chime in, but some of those interviews and focus group participants represent folks who own multiple properties and so have that perspective in the downtown. Mr. Ah Sing, did you want to add to the outreach question.

Mr. Ah Sing: Yeah, I was just going to add that to the emails we did send, pretty extensive email blast out to the downtown businesses, so that was a big outreach that we did.

Chair Lauing: Okay, Commissioner Templeton.

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1 Commissioner Templeton: Chair, did everybody get a change to comments? I was going to
2 make the motion.

3

4 Chair Lauing: I was going to actually... just make one other comment.

5

6 Commissioner Templeton: Yeah, whenever you're done.

7

8 Chair Lauing: Yup. I was just going to say that I do thing that the TDR's need a very tight
9 concerted look under the microscope as well, but I don't think we want to be tackling that now,
10 or in the year, I think it really should be coupled with all the other data. That's a sticky wicket.
11 It's not just automatic, but it definitely should be addressed. Any other comments? Okay. We
12 can go to a vote.

13

14 Commissioner Templeton: Should I make the motion?

15

16 Chair Lauing: I thought you did.

17

18 MOTION

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1 Commissioner Templeton: Oh, I was waiting for your comments to complete, but yes, I moved
2 the Staff recommendation.

3

4 Chair Lauing: Right, I thought you had already, sorry.

5

6 SECOND

7

8 Vice-Chair Summa: Second.

9

10 Chair Lauing: Okay. Thank you. Any other comments? I don't want to cut anybody off.
11 Commissioner Hechtman?

12

13 Commissioner Hechtman: I am interested in the TDRs so I don't want to, but I support the
14 three-year ban... the Staff recommendation, and I don't want to vote no on this motion if I
15 don't have to. After the vote on this motion, can I make a motion regarding the TDRs and see
16 how that fares? Or once the motion is voted, is this item done, and we move to the next
17 Agenda Item?

18

19 Chair Lauing: I'm open to a supplementary motion in that regard, yeah.

20

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1 Commissioner Hechtman: Then I'll hold the TDR issue until after we conclude this motion.

2 Thank you.

3

4 Chair Lauing: Okay.

5

6 Commissioner Templeton: Does Staff want to put up the motion so we can all be on the same
7 page for what we're voting on?

8

9 Chair Lauing: He did not add anything on your motion so we're just voting on that.

10

11 Commissioner Templeton: Yeah, I just wanted to make sure everybody knows it includes the
12 stuff that was on the slide, and if it's not possible to bring up then we don't bring it up.

13

14 Ms. Atkinson: I'll bring it up in just one second.

15

16 Commissioner Templeton: Because there was some details about... in the second bullet that I
17 don't recall. There ya go, Thank you. Thank Chair.

18

19 Chair Lauing: Everybody's read it? Okay, let's do the roll call, thanks,

20

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1 VOTE

2

3 Ms. Klicheva: Commissioner Chang?

4

5 Commissioner Chang: Yes.

6

7 Ms. Klicheva: Commissioner Hechtman?

8

9 Commissioner Hechtman: Yes.

10

11 Ms. Klicheva: Chair Lauing?

12

13 Chair Lauing: Yes.

14

15 Ms. Klicheva: Commissioner Reckdahl?

16

17 Commissioner Reckdahl: Yes.

18

19 Ms. Klicheva: Vice-Chair Summa?

20

21 Vice-Chair Summa: Yes.

-
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Ms. Klicheva: Commissioner Templeton?

Commissioner Templeton: Yes.

Ms. Klicheva: Motion Carries 6-0.

MOTION #1 PASSED 6 (Chang, Hechtman, Lauing, Reckdahl, Summa, Templeton) – 0.

Commissioner Templeton: And just to clarify, the text on this doesn't say three years, is that what everyone understood? (crosstalk)

Ms. Tanner: I believe the Ordinance says three years.

Commissioner Templeton: Great, I just want to make sure we're all clear. Thank you.

Chair Lauing: Commissioner Hechtman would you like to make a secondary motion?

MOTION #2

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1 Commissioner Hechtman: I would, thank you. I move that the PTC recommend to the Council
2 exemption from the three-year extension of the ban recommended by the PTC for existing
3 TDR's and for all downtown applications that propose generation of TDR's for either use, no
4 sorry, I'm limiting that... All downtown applications that propose generation of TDRs to be sold
5 such that projects is proposing seismic rehabilitation and/or historic rehabilitation downtown
6 could remain incentivized.

7

8 Chair Lauing: I hope you have that typed up for us to look at. I'm sorry, I was reading from the
9 second full paragraph of Packet page 37, the two areas that Staff had suggested we consider for
10 recommendation, and I am moving that we recommend those.

11

12 Ms. Tanner: I will restate it just to make sure that I'm reading the same part. "An exemption
13 from the ban from all downtown applications that propose the generation of TDRs for either
14 use on-site or to be sold to the projects proposing seismic rehab and/or historic rehab
15 downtown, remain incentivized." Is that the right section?

16

17 Commissioner Hechtman: Right, that's the second part, because there's two kinds of TDRs that
18 the first part is contained in the first sentence of that paragraph, the existing TDRs. Do you see
19 that?

20

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1 Ms. Tanner: I see, so the existing and future TDRs [unintelligible].

2

3 Commissioner Hechtman: Future is limited to seismic rehabilitation and historic rehabilitation
4 projects.

5

6 Chair Lauing: So, your motion is that the, in front of us is to recommend to Council that we
7 make that change now.

8

9 Commissioner Hechtman: Correct.

10

11 Chair Lauing: As contrasted with us, you know, considering that in a hearing and all that kind of
12 thing. Just to clarify your motion.

13

14 Commissioner Hechtman: Yes.

15

16 Chair Lauing: Okay. Is there a second to that (interrupted)

17

18 Commissioner Hechtman: Those things should be exempt from the three-year ban that we're
19 recommending.

20

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1 Chair Lauing: Is there a second for that? Okay, seeing no second then we won't be proceeding
2 with that. Okay, that concludes both of those items.

3
4 Commissioner Reckdah!: I'd like to make a comment to that, I do support the concept of I would
5 want a future dial on this, but I'm not prepared to do that tonight. I understand that would be...
6 potentially that could be a very good thing to do, but not tonight.

7
8 Chair Lauing: Yeah, since there's no motion there's no necessity to speak to it, but yeah, yeah...
9 okay. Commissioner Chang did you have a comment?

10
11 Commissioner Chang: Yeah, I did. I would just, my comments are in line with Commissioner
12 Reckdahl, but just to request to staff that maybe somewhere in some of the ongoing projects
13 that are going to take place over the next few years, if we can get more information on the
14 magnitude of this issues, in line with my initial question, that would be really helpful for when
15 this comes back, at a later date.

16
17 Ms. Tanner: Certainly. I think one of the challenges is that it would be reporting on things that
18 haven't happened, so we would get the report on TDR projects, TDRs that have been sold and
19 not used, but since future... any future historic rehab or seismic rehab the market may not be
20 very robust for purchasing those TDRs it would be hard to know that someone wanted to sell a

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1 TDR, wanted to obtain and sell a TDR and then it didn't happen because it would be measuring
2 something that didn't occur.

3
4 Commissioner Chang: Right, no I understand that, what I meant was that the seismic, the need
5 for seismic retrofitting, for example, or the number of buildings that could be historically
6 retrofitted and maybe how long it's been, you know, some idea of the magnitude of the benefit
7 that the City would be getting, or the need to create this exemption. Thank you.

8
9 Ms. Tanner: Definitely. And not to prolong the issue, but if the Commission is interested in
10 Council knowing that there's further interest in this topic that could be something that is either
11 part of a motion or that we can include in the Staff Report that there seems to be further
12 interest in discussing this at the Commission level and learning more about kind of the interplay
13 between TDRs and the ban. I hear there's interest here, and maybe that can just be conveyed,
14 perhaps it can come back separately during the three years.

15

16 Chair Lauing: Thank works. Yeah.

17

18 Ms. Tanner: Great.

19 **Commission Action**: Motion by Templeton, seconded by Summa. Motion Passed 6-0.

20

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1 Chair Lauing: Okay, then moving to the next item the, is our 2022 Work Plan and we'll have our
2 Work Plan Scribe give Staff Report on that, outstanding work.

3 5. Staff Recommend the Planning and Transportation Commission (PTC) adopts the
4 2022-2023 Work Plan and Forward the Plan to Council for Consideration and
5 Approval.
6

7 Ms. Tanner: Well, thank you very much and I think this is our third time with our Work Plan
8 maybe? I think we had the retreat and then we tried the consent idea, and we're back here, we
9 are, I think hopefully I've captured everything that, want to comment, I do just want to draw
10 attention that I was able to go back to the minutes and I think Commissioner Hechtman, and
11 capture some of the edits you wanted, which were underlined on that first page, just to show
12 the difference there. And this will be going to Council on June 1st, is the date that they will be
13 hearing the PTC, ARB, and HRB Work Plans on June 1st. So, I won't prolong you with my spiel on
14 it, I think you've heard it before, but happy to have any questions or if there are any further
15 changes, or refinements that I needed to take those down.

16
17 Chair Lauing: Well before Commissioner Hechtman gets his light up I want to find the first typo.
18 So, on prior year accomplishments in the second sentence, providing is not spelled correctly,
19 you left out an o, and if that's the only error, I'm delighted with your report. I did make one
20 comment in the pre-meeting to Assistant Director Tanner that project goal #7 has already
21 moved along, as I mentioned briefly late in the meeting last week, I had a discussion with the
22 Mayor and the Planning Director and that is going to be continued as we discussed at our

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1 meeting so we can come back and talk about it in more detail, on the thresholds, etcetera, but
2 it still needs to be here because we're doing it and we've accomplished it so I wanted to
3 reference that point. Any comments at all on format or ... it's certainly comprehensive.
4 Commissioner Hechtman?

5

6 MOTION

7

8 Commissioner Hechtman: I just wanted to thank Staff for making the effort to make the
9 clarifications to the Mission Statement along the lines that I was thinking, I appreciate that, and
10 also for filling in the various boxes that inadvertently were missing information last time. It now
11 looks like a complete Work Plan, ambitious, not entirely reactive, which I like, so I think Chair
12 Lauing your driving in that direction is reflective in this document and I'm ready to recommend
13 it to Council.

14

15 SECOND

16 Chair Lauing: Yeah, that was a team effort at the retreat, and I think we got to the right place on
17 that, including some changes to the Mission Statement relative to being very inclusive of public
18 comment. So, I'm happy to second that motion. Anyone else for comments? If not, then let's go
19 ahead (interrupted)

20

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1 Vice-Chair Summa: Just a big thank you.

2

3 Chair Lauing: If not, we'll go ahead with a roll call vote.

4

5 VOTE

6

7 Ms. Klicheva: Commissioner Chang?

8

9 Commissioner Chang: Yes.

10

11 Ms. Klicheva: Commissioner Hechtman?

12

13 Commissioner Hechtman: Yes.

14

15 Ms. Klicheva: Chair Lauing?

16

17 Chair Lauing: Yes.

18

19 Ms. Klicheva: Commissioner Reckdahl?

20

21 Commissioner Reckdahl: Yes.

-
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Ms. Klicheva: Vice-Chair Summa?

Vice-Chair Summa: Yes.

Ms. Klicheva: Commissioner Templeton?

Commissioner Templeton: Yes.

Ms. Klicheva: Motion Carries 6-0.

MOTION #1 PASSED 6 (Chang, Hechtman, Lauing, Reckdahl, Summa, Templeton) – 0.

Commission Action: Motion by Hechtman, seconded by Lauing. Motion Passed 6-0.

Chair Lauing: Okay thank you, we now have a number of sets of minutes to approve with the able assistance of Ms. Klicheva if you want to help us with this but the first one up is February 9, 2022 draft summary minutes, correct? First one?

6. February 9, 2022 Draft Summary Meeting Minutes

-
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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Ms. Klicheva: Yes.

Chair Lauing: Commissioner Hechtman?

MOTION

Commissioner Hechtman: I will move approval of the February 9, 2022 Draft Summary Minutes as revised.

SECOND

Vice-Chair Summa: Second.

Chair Lauing: Second from Vice-Chair Summa. Any comments? Roll call vote please.

VOTE

Ms. Klicheva: Commissioner Chang?

-
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1 Commissioner Chang: Yes.

2

3 Ms. Klicheva: Commissioner Hechtman?

4

5 Commissioner Hechtman: Yes.

6

7 Ms. Klicheva: Chair Lauing?

8

9 Chair Lauing: Yes.

10

11 Ms. Klicheva: Commissioner Reckdahl?

12

13 Commissioner Reckdahl: Yes.

14

15 Ms. Klicheva: Vice-Chair Summa?

16

17 Vice-Chair Summa: Yes.

18

19 Ms. Klicheva: Commissioner Templeton?

20

21 Commissioner Templeton: Yes.

-
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Ms. Klicheva: Motion Carries 6-0.

MOTION #1 PASSED 6 (Chang, Hechtman, Lauing, Reckdahl, Summa, Templeton) – 0.

Commission Action: Motion by Hechtman, seconded by Lauing. Motion Passed 6-0.

Chair Lauing: Okay, the next set is February 23, 2022 draft verbatim and summary meeting minutes of February 23rd. Go ahead, anyone, Commissioner Hechtman?

7. February 23, 2022 Draft Verbatim and Summary Meeting Minutes

MOTION

Commissioner Hechtman: Move approval of the February 23, 2022 draft verbatim and summary meeting minutes as revised.

SECOND

Vice-Chair Reckdahl: Second.

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1 Chair Lauing: Second by Commissioner Reckdahl. Any comments, questions? Go ahead.

2

3 VOTE

4

5 Ms. Klicheva: Commissioner Chang?

6

7 Commissioner Chang: Yes.

8

9 Ms. Klicheva: Commissioner Hechtman?

10

11 Commissioner Hechtman: Yes.

12

13 Ms. Klicheva: Chair Lauing?

14

15 Chair Lauing: Yes.

16

17 Ms. Klicheva: Commissioner Reckdahl?

18

19 Commissioner Reckdahl: Yes.

20

21 Ms. Klicheva: Vice-Chair Summa?

-
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Vice-Chair Summa: Yes.

Ms. Klicheva: Commissioner Templeton?

Commissioner Templeton: Yes.

Ms. Klicheva: Motion Carries 6-0.

MOTION #1 PASSED 6 (Chang, Hechtman, Lauing, Reckdahl, Summa, Templeton) – 0.

Commission Action: Motion by Hechtman, seconded by Reckdahl. Motion Passed 6-0.

Chair Lauing: Thank you, next up is March 9, 2022 draft verbatim meeting minutes.

Commissioner Hechtman, your hand is up.

7. March 9, 2022 Draft Verbatim Meeting Minutes

MOTION

-
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: Thank you, I will move approval of the March 9, 2022 draft verbatim
2 meeting minutes as revised.

3

4 SECOND

5

6 Commissioner Chang: Second.

7

8 Chair Lauing: Second by Commissioner Chang. Any comments, questions? Okay, roll call vote.

9

10 VOTE

11

12 Ms. Klicheva: Commissioner Chang?

13

14 Commissioner Chang: Yes.

15

16 Ms. Klicheva: Commissioner Hechtman?

17

18 Commissioner Hechtman: Yes.

19

20 Ms. Klicheva: Chair Lauing?

21

-
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1 Chair Lauing: Yes.

2

3 Ms. Klicheva: Commissioner Reckdahl?

4

5 Commissioner Reckdahl: Yes.

6

7 Ms. Klicheva: Vice-Chair Summa?

8

9 Vice-Chair Summa: Yes.

10

11 Ms. Klicheva: Commissioner Templeton?

12

13 Commissioner Templeton: Yes.

14

15 Ms. Klicheva: Motion Carries 6-0.

16

17 **MOTION #1 PASSED 6 (Chang, Hechtman, Lauing, Reckdahl, Summa, Templeton) – 0.**

18 **Commission Action**: Motion by Hechtman, seconded by Chang. Motion Passed 6-0.

19

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1 Chair Lauing: Okay great. That concludes all of our Agenda Items. If we could just jump over
2 now to Packet page 13 and just look at upcoming topics. I think you can generally reference
3 that in the Report, and then also the coveted vacation date, I think it's probably time to finally,
4 final, final, final, final say this 27th of July probably works. If everyone is comfortable with that. I
5 don't think we necessarily need a motion for that, but I think we're agreed on that. And I think
6 we can just stop there for now, unless somebody wants to take extra action, I do know that the
7 Housing Element is not going to get to us until about June, and it might be multiple meetings,
8 so we don't want to impede too much before that 27th meeting, or at least before the 13th
9 meeting if we're going to do anything else. I also don't think it's necessary to do that now, we
10 could do it at a later date.

11

12 Ms. Tanner: As far as upcoming meetings, I wanted to know as I stated, on the next meeting
13 we'll just have one item, but it is time sensitive because we'll be needing to get that to Council
14 for the budget, because it's part of the Comp... the Capitol Projects, related to the Capital
15 projects. So, we will have that, I don't usually like to bring just one item before you. And then
16 the following meeting will be taking up the ADU's, the second meeting in May, and that will be
17 a pretty robust topic because we'll be talking both about the changes that you all have voted
18 for to be incorporated as well as addressing some comments from the State Housing and
19 Development Department, some changes that they're requesting we make to the Ordinance,
20 just to make sure it's clear in the ways that it does comply with State law and there's no

-
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1 profusion, and so we'll be bringing that to you all, and then as Chair Lauing just said, Housing
2 Element in June. So those are kind of the next upcoming items you'll be seeing.

3

4 Chair Lauing: Did you mention when you thought ADUs are coming?

5

6 Ms. Tanner: We're aiming for May 25th.

7

8 Chair Lauing: May. Okay. Okay, and speaking of May, Commissioner Templeton you're up in
9 May. I just want to note that for the Council Liaison.

10

11 Commissioner Templeton: Yeah, Yup, you beat me to it. I raised my hand to ask exactly that
12 question are there meetings that you're anticipating PTC related items will come up at Council
13 that I should attend?

14

15 Ms. Tanner: I will take a look at the schedule just give me a moment, I always hate to say
16 slowing down, because I don't want to jinx myself, so but...

17

18 Commissioner Templeton: Vice-Chair Summa are you available to be back up? I do have sort of
19 a dicey schedule in May, so.

20

-
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1 Vice-Chair Summa: Yup, just let me know, we'll email each other if, I haven't looked at the
2 Council... Agenda but...

3

4 Commissioner Templeton: Thank you.

5

6 Ms. Tanner: Sorry, just to give you a little preview ahead of what's coming to Council, again if
7 these dates stay the same and don't change, in May we will be having, there will be a Second
8 Reading of Ordinance, but that will be on Consent, that's on May 9th, so I would say no need for
9 the PTC liaison to be president... present, on May 16th, the Council will be looking at objective
10 standards which the ARB has been doing a lot of heavy lifting on objective standards, obviously
11 they did also come to the PTC, but I think the ARB really is the lead on the objective standard
12 project. And then, Castilleja is currently scheduled for May 23rd, so that is a date that is
13 scheduled there. And that takes us through all of May, and then June 1st the Work Plan.

14

15 Commissioner Templeton: That's fine. Thanks for the heads up on that, and then let's touch
16 base again maybe mid-month and see if anything changed. Thank you.

17

18 Ms. Tanner: Sounds great. Thank you.

19

20 Chair Lauing: Okay, any other comments or announcements?

-
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1 **Commissioner Questions, Comments or Announcements**

2 Commissioner Reckdahl: I do have one comment. I feel sorry for Commissioner Chang because
3 when ever we do a roll call vote we always start at the beginning of the alphabet. Which
4 doesn't seem fair that she's always the lead off hitter.

5

6 Chair Lauing: Uh oh, there's a second to that motion. (crosstalk)

7

8 Commissioner Reckdahl: Should we consider rotating the order so that everyone gets the
9 privilege of going first?

10

11 Chair Lauing: I think the rookie Commissioner is being a little aggressive here. (group laugh)

12

13 Commissioner Templeton: Does Commissioner Chang feel the same way? Or does she
14 (crosstalk) or do you not have a problem with it.

15

16 Chair Lauing: I think it's totally fine. (crosstalk) really good idea.

17

18 Commissioner Chang: Yeah, I think City Council does that, with every subsequent motion they
19 kind of rotate to another commissioner and I would love, I would like that, if the rest of the
20 Commission would agree with it.

-
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Commissioner Templeton: As a Templeton, I like it just the way it is, just kidding, just kidding.

Chair Lauing: Commissioner Hechtman did you have a comment?

Commissioner Hechtman: Unrelated to the motion voting order, which is fine to change and rotate, and I'm sorry if I missed Ms. Tanner mentioning this, but I did want to mention that the May/Fete parade is coming up on May 7th. I think that's a walk downtown, so I'm encouraging people to do it, and I had a question for my fellow commissioners because I, and I assume all of you received an invitation to participate in that as Civic workers of the City, and I was wondering if, I haven't heard of this before, of that aspect of it, and I was wondering if the Planning Commission generally, Planning Commissioners generally try to participate in that, from past experience with those of you Commissioners who pre-date me.

Chair Lauing: The parade was cancelled for a number of years, so that was the problem. Finances, and then Covid.

Vice-Chair Summa: I want to say, I've done it every year, that there was one. I would say the attendance is, I think it's fun, and I think it's a privilege. So, if you have the time, I would encourage you to do it.

-
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2 Chair Lauing: I totally agree and thanks for bringing it up Commissioner Hechtman, because the
3 notice came out really late and I just [unintelligible] to Councilmember last week about that,
4 you guys don't know about it, and I said well we haven't gotten any invitations because I think
5 it's really a great community event, it's really fun to see all those kids there, you get tchotchkes
6 to throw out to the kids and they get these big grins, you go over and hand them something so
7 that's really fun, and we get a chance to socialize as Commissioners, with ourselves, that we
8 don't get a change too very often, as well as with other Commission members and Council
9 members and so on. So... (interrupted)

10

11 Ms. Tanner: And there's a Stanford band.

12

13 Chair Lauing: Well, we don't want to vote on that, but you're correct. So, thanks for bringing
14 that up, I think it's a fun event. Any other comments? Okay, so we don't meet next week, I
15 thought I was going to hear some boos about that, we get actually a week off, all the way over
16 to May 11th, so be well and keep your masks on. Thanks very much. Meeting Adjourned.

17

18 **Adjournment**

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