



PLANNING & TRANSPORTATION COMMISSION MINUTES

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Wednesday, April 27, 2005
REGULAR MEETING at 7:00 PM
Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL:

Commissioners:

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

Staff:

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

AGENDIZED ITEMS:

1. Proposed Capital Improvement Program for 2005-2010
2. Zoning Ordinance Update: Chapter 18.12 Low Density Residential
3. Zoning Ordinance Update: Chapter 18.13 Multiple Family Residential

APPROVAL OF MINUTES: Minutes of March 9 and 30, 2005

Chair Cassel: This is the meeting of the Planning and Transportation Commission. I think I have the wrong agenda this says Wednesday, April 13. Would someone please get me a new agenda? This is the meeting of April 27 at seven o'clock and I would like to call the meeting to order. Will the Secretary please take the roll? Commissioner Packer will be here later.

The next item on our agenda is Oral Communications. Did you want to speak to Oral Communications? Just a moment, I will have a card in a second. Will you fill that out later and go ahead and speak now?

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

1
2 Ms. Lynn Chiapella, Palo Alto: I am a little disheartened by this whole process of ZOU. By the
3 time the public has a chance to comment hours and hours have been spent. The development
4 community, the Chamber of Commerce have all been there ahead of us so you end up with a
5 very angry meeting such as those R-1 meetings that were held in South Palo Alto with a lot of
6 very angry residents which led to that removal of one of the conditions about 6,000 square foot
7 lots and cottages. The meeting I attended was packed out the door and very angry. So I was
8 curious what would happen with the multi-family and I did go to that meeting. Interestingly
9 nobody who owned a property of RM-15, 30 or 40 came only residents came that were going to
10 be affected by these developments. It started about 7:05 it said 6:30 drop-in, 7:05 it started
11 actually and at 7:45 actually I think it was 7:48 everybody was finished and about out the door.
12 The questions asked you could put in writing if you wanted to get anything definitive but as for
13 having your questions answered such as what is the difference between a café and restaurant
14 since we are going to have cafes in up to 2,500 square feet, if I am not mistaken, put into
15 buildings that are residential. I didn't get an answer. I haven't been able to find the answer but
16 there were other questions such as that asked, specific questions, of how that would affect them.
17 They are the R-1 next-door neighbor. We didn't get very far and at 7:45 people sort of fizzled
18 out and went home. It was to go until 9:00 pm. That was the one and only chance for input by
19 the public. We did not have a chance to read the zoning or have it available to really go through
20 it with a fine-tooth comb. They showed a few pictures up there, which was very nice but not
21 helpful.

22
23 The second is that I wanted to put into the record a letter from a woman sent to me because she
24 doesn't feel she gets much help I guess from the city. She moved into an apartment on Alma and
25 the noise is so loud with her windows closed that she has not been able to sleep. She is fighting
26 tooth and nail in her bedroom on Alma from the railroad track noise. She is fighting tooth and
27 nail to get out. Now these are things that you can fix in the zoning codes. She says that, "I am
28 forced to sleep in the bathroom with two pillows around my head and I can still hear then noise
29 outside my windows." Actually, she says if I want real quiet I go to the bathroom and close the
30 door but if she goes to her bedroom or the living room she cannot escape the noise and it is loud
31 enough to wake you up in your sleep. Can you suggest a course of action to encourage
32 apartment owners to replace windows or at least in new developments or redevelopments to put
33 in noise mitigating circumstances. You have that power to do that I don't know if you have the
34 will. Thank you.

35
36 Chair Cassel: Thank you. Is there anyone else who wants to speak to Oral Communications on
37 any item not on the agenda? Thank you.

38
39 The next item on our agenda is the Consent Calendar. We don't have one.

40
41 **CONSENT CALENDAR.** Items will be voted on in one motion unless removed from the
42 calendar by a Commission Member.

43
44 Chair Cassel: Agenda Changes, Additions and Deletions, we have no changes.

45
46 **AGENDA CHANGES, ADDITIONS AND DELETIONS.** The agenda may have additional
47 items added to it up until 72 hours prior to meeting time.

48

1 Chair Cassel: The next item on the agenda is New Business. We have a public hearing. The
2 first item on the agenda is item number one the Proposed Capital Improvement Program for 2005
3 to 2010 for us to review and comment on the Capital Improvement Program. Karen, did you
4 wish to make a report?

5
6 ***NEW BUSINESS:***
7 ***Public Hearings.***

- 8
9 **1. Proposed Capital Improvement Program for 2005-2010:** Review and comment on the
10 Capital Improvement Program for 2005-2010.

11
12 Commissioner Holman: I will make it with the help of the other subcommittee members, Pat
13 and Lee.

14
15 Chair Cassel: Karen, I should say I presume you have copies of this out in the hall. Okay, thank
16 you.

17
18 Commissioner Holman: We did meet with City Staff on April 5 and you have a report in front of
19 you that lists the attendees there. There was a general discussion that started the meeting about
20 budget issues, which of course the CIP is to implement Comprehensive Plan programs and
21 improvements. But a lot of the conversation actually focused around ways to conserve funds or
22 to scale back projects or to readdress some of the projects that might already be in the works.
23 That can be to some extent determined from reading the report.

24
25 Staff had prepared a list of questions based on our previous Planning Commission meeting and
26 those questions were distributed to Staff so they could have some time to prepare answers for us
27 at this meeting. There were some clarifications that were provided at the meeting. I won't go
28 through each and every one of these but a couple of the things that were in the meeting of March
29 30 or our previous Commission meeting was regarding Heritage Park and the question that went
30 to the City Staffers was not quite accurate as to how our intentions were. The comments here in
31 the report do say that the focus was really on developing a plan for the Heritage Park such that
32 with the valiant efforts of Friends of Palo Alto Parks if they were going to do fundraising or
33 anyone else was to do fundraising for play structures that they would be able to do so in a way
34 that would be complimentary to a park design and not ad-hoc placement. That led to discussions
35 as I suggested earlier that we look at the projects that are in line and maybe what the sequencing
36 of those might be. For instance, some parks have play structures that are being replaced that
37 maybe don't need to be upgraded at this point but they are in line to do that. Perhaps some park
38 that doesn't have a play structure at all should take priority over that. That is a City Council
39 decision but we were just raising questions for possible discussion.

40
41 A lot of other questions came up regarding impact fees about when projects are undertaken is it
42 the City's tendency to go further than is required in upgrading in terms of seismic retrofit and I
43 will let Commissioner Lippert speak more to that if he wishes. But there are levels of seismic
44 retrofitting and the City does of course for obvious reasons if you will err on the side of
45 exuberance because of public safety issues in public buildings but nevertheless there are ways to
46 scale projects.

1 There was one omission in the CIP budget that wasn't identified and that is in Infrastructure
2 Reserves that had not been identified and that is that the City Council I believe in February
3 adopted a transferable development rights program for City-owned historic buildings and that
4 will generate some few million dollars and that will be incorporated, it had not been, but will be
5 incorporated.
6

7 There were discussions about making sure that projects having to do with lighting, tree trimming,
8 this sort of thing and this is an ongoing conversation that we have with City Staff in this process
9 that those are focused around most frequently traveled bike paths and pedestrian walkways.
10 Staff is of course working to see that those are coordinated.
11

12 Lee, did you want to speak to the building projects? Or Pat, would you like to? Again, a lot of
13 the discussion focused on many CIP projects but the discussion did not focus very much on
14 specific projects, as the discussion was a broader focus on cost savings and how to best utilize
15 City funds given the budget shortfall that is anticipated. So I am open to questions, comments
16 and other input from the other subcommittee members.
17

18 Commissioner Lippert: First of all I want to commend Karen. I think that she did a great job
19 putting this report together. Just in further explaining in looking at the CIP I looked at it I guess
20 in a much broader picture than getting bogged down in the individual detail of projects. One of
21 the things is that a lot of these projects are renovation or improvements to current infrastructure.
22 In doing so it triggers a couple of requirements one of them is seismically upgrading buildings
23 and structures and the other one is the American's with Disabilities Act. In doing so usually
24 what triggers ADA improvements is a factor of the budget. What generally happens is that on a
25 private sector project they require that the plan checkers or the City Staff that reviews these
26 project requires at least 25% of the budget go into ADA improvements that way if you have
27 public restrooms for instance you can't sort of ignore them you have to upgrade different parts of
28 the building. There are specific guidelines that they follow in terms of what comes first, second
29 and third. Accessible parking and accessibility to the building, actually getting through the door
30 and getting into different parts of the building and then getting into the restrooms because if you
31 can't get to the restrooms there is no point in upgrading the restrooms themselves. So in looking
32 at these projects and a lot of them being renovation work the City should probably be following
33 those same guidelines as to what is readily achievable especially since we do have a budget
34 crisis. Perhaps one way for the City to look at it is that only 20% of any project would be
35 required to meet ADA as to what would be considered readily achievable. Now that is
36 something for I think Steve Emslie and the Chief Building Official to make a determination on.
37 So I have to sort of acquiesce to them but if they were able to make a determination that the CIP
38 only needs to comply with the 20% rule that could represent a substantial savings. As buildings
39 are improved and then re-improved and we get more money into the City coffers those further
40 improvements could be deferred so that represents a major savings right off the bat.
41

42 Chair Cassel: I have a question. The task is to make sure that the CIP implements the
43 Comprehensive Plan. Were you able to determine that it did?
44

45 Commissioner Holman: It appeared to. I personally found nothing that was not implementing
46 the Comp Plan. The only cautionary that I put out there is one I have put out before in that the
47 Comp Plan has several aspects to it of course and some of them are competing. So sometimes
48 when there are retrofits or upgrades or repairs to buildings if they happen to be historic sometimes

1 if there is not a specific and appropriate preliminary work done sometimes that work can actually
2 compete with and be in conflict with other Comprehensive Plan goals. So the suggestion is and I
3 believe Staff is doing this is that an historic structures report be done, which is not an expensive
4 proposition, be done for the City's historic buildings so that when work is done we are not doing
5 one piece of work that implements the Comp Plan while on the other hand being in conflict with
6 other goals of the Comp Plan that being historic preservation. That was the only item that as I
7 went through the Comp Plan that I found as a potential conflict.

8
9 Chair Cassel: Pat.

10
11 Commissioner Burt: Well, I might slightly reframe the question because if we asked does it
12 implement the Comp Plan that could mean does it fully implement the Comp Plan or do we
13 mean is it consistent with the guidelines of the Comp Plan. We got into much more of a
14 discussion of the long range CIP in this year's meeting than we had in previous meetings. Part
15 of that discussion had to do with this very question. As Commissioner Holman stated I think
16 there was a general concurrence that the programs in the CIP are consistent with the Comp Plan.

17
18 Then we have the broader issue of how far will we get in implementing the Comp Plan through
19 this five-year program and how far will we get in implementing the Comp Plan by the time we
20 get a new Comp Plan. We have all recognized that the Comp Plan has a series of goals that are
21 not going to be fully achievable in the period of the Comp Plan. The resources aren't there to do
22 so but it is a template for what we are attempting to do. What was new news at this meeting, at
23 least new news to the Commissioners who were there for the most part, was that by the year
24 2010 this \$10 million year budget allocation for the improvement master plan is going to go
25 away that the budget doesn't allow for a continuation of this level of expenditure. It drops by
26 about two-thirds on what the City will be able to spend on infrastructure, management and
27 upkeep. We have a very serious shortfall within five years. So that led to some additional
28 discussions. If that is the case do we need to take a step back on the programs that had been
29 prioritized under an assumption that this level of funding would continue into the next decade?
30 Some of the projects that we talked about we said do we really need to have that level and that
31 quality of a given project as Commissioner Lippert brought up on some of the issues on ADA
32 requirements and things. The initial Staff answer was that we want to do a first class job of these
33 projects that we are taking on which is certainly desirable and I think was a reasonable
34 assumption five years ago when we thought that we were going to continue to spend \$10 million
35 a year on these kinds of things indefinitely.

36
37 Now if we see a major shortfall happening in five years we may need to reexamine whether
38 projects that we were looking at doing a first class job on it may be better allocation of resources
39 to do an adequate job on them and still conserve the limited fiscal resources to be able to take on
40 some other projects in 2011 that might get zero funding but in themselves are important projects.
41 So we didn't have an ample opportunity to go into a great depth on this subject but it was
42 something that became a new perspective for us on the entire comprehensive look that we have
43 been taking on the CIP is now being changed. I think that we felt that there is a need to take a
44 big step backwards and reexamine this and that Council is going to need to take a big step
45 backward and reexamine it.

46
47 How does that come into the Planning Commission purview? Well, if part of our responsibility
48 is to review consistency with the Comp Plan and part of it has to do with whether we will be able

1 to achieve a reasonable amount of the implementation of the Comp Plan then on the second half
2 of that responsibility this issue comes into play. Because basically if important things that are in
3 the Comp Plan aren't even going to be able to be touched then the allocation of resources issue
4 becomes more important. So that is a broad overview issue that was something that we ended up
5 struggling with without real answers to but we wanted to challenge Staff to relook at that entire
6 issue as we became more aware of it.

7
8 Chair Cassel: Michael.

9
10 Commissioner Griffin: Well, along with that I guess it raises the question what was Staff's
11 comment on that? Did you discuss the ramifications of this development that you unearthed in
12 the process of discussing this?

13
14 Commissioner Burt: Well, it wasn't so much that we unearthed it it was that Staff really
15 informed us of this pending virtual crisis in our infrastructure management. No we didn't have
16 an opportunity to come to a resolution on it but we hope that both Staff and through our
17 comments that the Council will recognize that perhaps the next five years of the CIP need to be
18 reexamined in that light and there may be a necessity for changes in prioritization.

19
20 There is one other aspect to this that has compounded the funding problem. That is that
21 originally the Staff assumptions were that interest that we were accruing on the \$100 million
22 allocation that had been set aside as I understand it would be adequate to compensate for
23 inflationary expenses. Staff has discovered that there are two major problems with that one is
24 cost of construction has exceeded the interest rate which has occurred. We are all familiar with
25 that from a lot of major Public Works projects in the region. Secondly the original estimates
26 were rough estimates done and the outside consultants who made some of those estimates did the
27 best job they could based on the limited information that they had at the time but in some cases
28 they were grossly off. I think the examples had to do with for instance this City Hall
29 reconstruction and I don't remember the exact numbers but I think it was that the cost was
30 quadruple what was estimated. So these are major impacts. The Staff now is discovering them.
31 One of the things we talked about was well if we are seeing a pattern of this kind of thing do we
32 need to do a more comprehensive look at these projects? These overruns have been coming to
33 Staff more in a piecemeal basis and it seems like if we have these limited resources it may be
34 necessary to take a big step backwards and look at that aspect as well and try to identify the true
35 costs of these. The ones that are in our CIP each year they are able to get more precise numbers
36 on those as they get closer and they are reexamining them. So Staff is refining those costs on
37 those outlying projects but it still seems that is a second aspect that needs to be, I think, a big step
38 backward and looked at more comprehensively.

39
40 Chair Cassel: The funding part of that is very interesting but what we need to do tonight is see
41 whether we can forward this CIP indicating that it is meeting the Comprehensive Plan programs
42 and you say there is a real concern about being able finance that in the future and that we may
43 need to look at assessing the different programs as to priorities.

44
45 Commissioner Burt: Right. It brings up the question if we are now recognizing that we can't
46 fund implementation of some of the highest priority Comprehensive Plan programs then it calls
47 into question whether the CIP is consistent with the Comp Plan. So there is an ambiguity in one

1 sense the Planning Commission is not responsible for the fiscal elements of this on the other
2 hand we have a broader question of the ability to achieve the primary objectives of the plan.
3

4 Chair Cassel: What I am kind of looking for is a summary of what kind of report you would like
5 us to make to City Council as to whether this meets this goals or doesn't and if it meets it within
6 what kinds of limitation. This is very interesting but does it or should we have some limitations
7 on that?
8

9 Commissioner Holman: Yes, I think it does require some limitations. To follow up on
10 Commissioner Burt's comments there are dotted through here there are cautionaries. Maybe not
11 as much as there should be in the report but cautionaries about things needing to be reevaluated.
12 The reason that the budget conversation is more than just interesting is that if there isn't funding
13 available to do these projects, as Commissioner Burt says, are we going to be out of compliance?
14 So then the issue of, as Commissioner Lippert brought up, scaleable projects that then comes into
15 play. There are priorities for housing but one of the other issues that came up is the Alma Street
16 substation site and moving that. It is very expensive and what the City can get back in terms of
17 either selling or leasing that land it is a money-losing proposition, which isn't clearly stated in
18 the CIP. So this is more than just an interesting conversation. I appreciate your comments.
19

20 Chair Cassel: No, I am not suggesting it is just an interesting conversation I am trying to see if I
21 can get a summary of that interesting conversation. It is very important if you can't fund what
22 you hope to fund and I agree with you on that. I am trying to find some way to summarize it.
23

24 Mr. Don Larkin, Senior Deputy City Attorney: I think, if I can interrupt, the conversation is
25 important but it is also partly beyond the purview of the Planning Commission really what the
26 Planning Commission needs to do is reach some conclusions as to the consistency with the
27 general plan. The budget issues are very important and worthy of discussion but that is not what
28 the Planning Commission is being asked to forward on at this point.
29

30 Commissioner Burt: So if we see that the program itself when we look at individual projects
31 those projects may not be inconsistent with the Comp Plan but the program as a whole is not
32 adequately consistent with the objectives of the Comp Plan, is that within our purview?
33

34 Mr. Larkin: That would be within the purview as long as it is limited to and is this consistent
35 with the objectives of the Comprehensive Plan.
36

37 Commissioner Burt: So that was the distinction I was attempting to make earlier.
38

39 Mr. Larkin: That is why I didn't interrupt you earlier but I think that if the conversation goes on
40 it is important to make sure that the focus in maintained.
41

42 Commissioner Burt: My question for the rest of the Commission then would be is the
43 Commission interested in our report to the Council attempting to tackle these broader concerns?
44

45 Chair Cassel: Annette.
46

47 Commissioner Bialson: I think at the very least we should alert Council with regard to these
48 items and rather than present something that is rather bulky to them something short with our

1 concerns forcefully stated would probably get at least a request for some further explanation. I
2 think that is what we should do. If we go into too much detail we will get lost in the noise. So
3 however the subcommittee thinks would be best to and most impactful would be appropriate as
4 far as I am concerned.

5
6 Chair Cassel: Let me make a suggestion. Could you make an overall statement and have this
7 attached? I don't want to not pass this I think it is good work and I think it is very interesting. I
8 think you raise some interesting questions tonight. I was trying to get a summary overall
9 statement to proceed forward with.

10
11 Commissioner Burt: I think that we could, the question is whether we could adequately craft
12 language right now in the form of a motion. If not, does the timeline allow the subcommittee to
13 come back to the Commission with a recommendation or would the Commission as a whole be
14 comfortable with giving the subcommittee a sense of their intent and delegating to the
15 subcommittee the crafting of that?

16
17 Chair Cassel: Let me first ask Steve about the timeline involved. Our next meeting is May 11 is
18 that too late to get something to City Council? When is this going to City Council?

19
20 Mr. Steve Emslie, Planning Director: The budget is going June 20 so you would have time.

21
22 Chair Cassel: So they could come back at the next meeting with a summary overall statement
23 and we could then vote on it. Would that be all right?

24
25 Mr. Emslie: Yes, you could do that.

26
27 Chair Cassel: Is that agreeable? Great, thank you. Then this could be attached to that summary
28 statement. That is good work, thank you very much for a lot of work and careful listening and a
29 lot of good suggestions.

30
31 The next item on our agenda is Zoning Ordinance Update. May I ask for a Staff presentation?

32
33 **2. Zoning Ordinance Update**: Review and recommendation to the City Council an
34 Ordinance adopting a revised Chapter 18.12 (Low Density Residential Districts) of the
35 Zoning Ordinance, pertaining to regulations for the Residential Estate (R-E), Two-Family
36 Residence (R-2), and Two Unit Multiple-Family Residence (RMD) Districts (Current
37 Chapters 18.10, 18.17, and 18.19, respectively), and incorporating the provisions of the
38 Neighborhood Preservation Combining (NP) District (Current Chapter 18.30); and
39 amending Definitions in Chapter 18.04.

40 **SR Website**: <http://www.cityofpaloalto.org/cityagenda/publish/planning-transportation-meetings/1.pdf>

41
42 Mr. John Lusardi, Planning Manager, Special Projects & ZOU: Madam Chair, Susan Ondik of
43 the ZOU team will be making a short presentation. This item has recently gone to the Council
44 and we have taken their direction and with their direction crafted a draft ordinance for your
45 recommendation back to the Council in May. Thank you.

46
47 Ms. Susan Ondik, Planner: Good evening. The agenda item tonight as John said is for
48 Commission review and recommendation of the adopting ordinance for the Low Density

1 Residential chapter. Just to review, the Low Density Residential chapter is regulations for RE,
2 R-2, RMD and related to RMD the NP combining district. The chapter now reflects many of
3 those items that were changed with the adoption of the R-1 chapter.
4

5 As you may recall the Commission reviewed and recommended the Low Density Residential
6 chapter with their discussion on the R-1 chapter in August.
7

8 Chair Cassel: Susan, could you bring that mike a little closer to you? Not everyone can hear
9 you. Maybe you can slide around the end closer to John. Thanks, I think that will help.
10

11 Ms. Ondik: We proceeded to Council with the R-1 chapter and the LDR recommendations
12 earlier this month and Council adopted the R-1 chapter with some modifications and directed
13 Staff to return with an adopting ordinance of the LDR chapter and we have a May 16 Council
14 date, just so you know. What I will briefly go over tonight are those items that are different from
15 the last time you looked at this chapter. The differences mainly stem from the Council changes
16 in the R-1 district along with a couple of clarifications. They are also covered in your Staff
17 Report.
18

19 So those changes include the provisions for second stories on substandard lots have been
20 removed leaving the 17-foot height restriction and one story limitation. On second dwelling
21 units the provision for allowing a smaller second dwelling unit on a smaller lot size in RE is
22 removed retaining the existing one-acre requirement. A larger attached unit up to 450 square
23 feet is now 250 square feet is now allowed similar to the adopted R-1. Staff has retained the
24 provision for a small second dwelling unit up to 450 square feet in the two unit R-2 zone on lots
25 6,000 to 7,500 square feet. The language adopted with the R-1 chapter regarding noise-
26 producing equipment has basically been duplicated in this chapter as well that is for those three
27 zones. The Staff Report also mentions two clarifications one for a smaller bed and breakfast up
28 to four rooms in the RMD district and allowing tandem parking similar to the R-1 district for
29 these other low-density residential districts. That basically concludes my presentation. Curtis
30 and John and myself are available for questions if you have them. Thanks.
31

32 Chair Cassel: Lee.
33

34 Commissioner Lippert: I am particularly concerned about the R-2 zone and the second story
35 provision. Would applicants be permitted to apply for variance due to reasonable hardship?
36

37 Commissioner Lippert: Yes, the current ordinance allows for a variance application for a second
38 story, findings have to be made obviously with respect to the variance. What we are removing is
39 the as a permitted right in the Zoning Ordinance per the Council's direction in the R-1. But a
40 variance could be applied for, yes.
41

42 Commissioner Lippert: Could you summarize very briefly what the process would be in
43 conjunction with the IR process?
44

45 Mr. Lusardi: There would not be an IR process for second stories on these lots because R-2 is
46 not subject to the IR process. So the only review process would be the variance application
47 process.
48

1 Commissioner Lippert: Thank you.

2
3 Chair Cassel: John, would you summarize the changes that Council made to the R-1 zone? I
4 don't know if everyone got that they voted. On Monday they did the second reading, two weeks
5 ago they made these changes. Is everyone here clear on what those changes were? Everyone
6 here appears to be clear but I think it would be good to summarize what the changes were that
7 they made. What were the three major changes that they made from what we were doing?
8

9 Mr. Lusardi: There were two major changes that the Council made to the Planning and
10 Transportation Commission's recommendation in the R-1 Single Family Residential District.
11 The first one is to remove the provisions to allow small detached and attached second units on
12 lots between 7,000 square feet and 8,100 square feet. But they did also amend the lots that are
13 135% larger than minimum lot sizes, which is 8,100 square feet. They added a provision to
14 allow small attached units of 450 square feet on those particular lots. The second change they
15 made is as Commissioner Lippert pointed out was they eliminated the provision to allow second
16 stories on substandard lots. So now the current application for a variance would stand rather
17 than the Individual Review application process that was proposed by the Planning and
18 Transportation Commission and the Staff. Those are the major changes that were made. They
19 amended the language for equipment generating noise.
20

21 Chair Cassel: So they took a Staff recommendation for the noise, which was slightly different
22 than ours, more conservative than what is there now but an adjustment that allows the Director to
23 find that it meets certain requirements and thus not have the equipment enclosed under certain
24 limited circumstances.
25

26 Mr. Lusardi: Right. It would still be required to be within the building envelope outside all the
27 setbacks but where it can be demonstrated through specs on the equipment that it can meet the
28 noise requirements then the Director has the discretion to not require substantial enclosure.
29

30 Chair Cassel: The other piece that they did in the R-1 second units is that they did not allow a
31 parking space in the setback. I think that was the other major piece that happened. This all
32 happened two weeks ago, it was rewritten up and it was passed on second reading without
33 comment this last Monday. Michael.
34

35 Commissioner Griffin: I wanted to follow on with this discussion about noise because as I read
36 this I am concerned that the way the language is stated that it might encourage applicants to
37 appeal to the Director of Planning and Development on a rather consistent basis. I don't know if
38 Staff wants to comment on that but how do you see this playing out from a practical standpoint?
39 Is everyone that is going to build a new house going to say well, I want you to take a look at my
40 air conditioner for example to see whether or not I am exempted from the ordinance provisions?
41

42 Mr. Lusardi: I discussed this with the building official recently on this approach and there is a
43 lot of this equipment that can be housed such as pool equipment. That will continue to be
44 required to be housed. But there is equipment such as air conditioner units that need a certain
45 amount of venting especially around the sides and what would be required is they would be
46 required to submit specification sheets on that equipment that demonstrates that they can meet
47 the noise requirements and that enclosure would substantially harm the performance of the
48 equipment.

1
2 Chair Cassel: That was passed by City Council and it is now being included in this ordinance
3 that we are now looking at for the low-density units.

4
5 Commissioner Griffin: So if I understand it we can't change anything on R-1 but we still have
6 an opportunity to change it in the materials that are in front of us tonight. Is that correct?
7

8 Mr. Lusardi: You can make a recommendation to the Council for different language with respect
9 to the low density residential and noise equipment. We are reporting as to what Council, and
10 they were very specific in their direction and we assume they would be applying the same
11 recommendation to low density residential.
12

13 Chair Cassel: Karen.
14

15 Commissioner Holman: I have two questions. One is a follow up on a question from
16 Commissioner Lippert earlier, which is regarding variances for second habitable floors on
17 substandard lots. Give an example of findings that could be made. What would the situation
18 need to be to be able to make a finding? I don't want to take a lot of time just give me one
19 example.
20

21 Mr. Curtis Williams, Consultant: I think it would be very difficult but for instance suppose there
22 was a huge oak tree on the ground level that prevented a first floor expansion and there was the
23 one side towards the neighbor that maybe could have a partial second story on it was some
24 distance away from the house on the neighboring lot. It could be possibly found that there are
25 physical site circumstances that prevent conforming with the ordinance and building out on that
26 first level that justified, it is very subjective and I don't know whether that would or not, but that
27 is the kind of thing. A variance is there really to address those physical unique circumstances
28 such as protecting a tree or a slope or something along those lines.
29

30 Commissioner Holman: I am asking just for clarity for all of us and also because of some
31 variances that have been granted for this where I can see no physical constraints. So I was just
32 wanting to get some clarity on that.
33

34 Then also regarding basements in 18.10090 it talks about basements that will not be counted as
35 floor area ratio and what will. In the R-1 there was an exclusion for existing homes that have, I
36 think it was limited to historic homes, that had a floor height three feet or above above grade that
37 the basements would not be counted as floor area ratio. I do not see reference of that in here and
38 it seems like it would be consistent with what is allowed in R-1.
39

40 Mr. Williams: That provision I believe and I will have to double check it here is in the definition
41 of gross floor area, which applies to the low density residential, as well as the R-1 section. Let
42 me find that here.
43

44 Chair Cassel: I had a question of order here. We are taking just a few questions now and then
45 having the public hearing or should we take the questions now. Last time we took the questions
46 right away and had a complaint and since we have a lot of questions at this point and not very
47 many people speaking I thought it might be helpful to take our questions and then they could

1 comment on our questions as well for this particular time. I know it is different but I don't
2 appear to have any cards at this time but I may later.

3
4 Mr. Williams: If I could respond to that one question. On page five and the top of page six on
5 the adopted definitions that are attached which is what the Council adopted for R-1 but they
6 applied just in the definition section and this all applies to low density residential as well. The
7 bottom of page five says, for residences basically historic designated residences that gross floor
8 area is excluded for new or existing basement area where the level of the first floor is three feet
9 or more above grade and up to 500 square feet of unusable attic space as well.

10
11 Commissioner Holman: For clarity should it not be included also on 18.10090 because it is kind
12 of a little hide-and-seek thing that we have going on here I think. Because 18.10090 does speak
13 specifically about what is or isn't included in floor area ratio regarding basements?

14
15 Mr. Williams: We certainly can do that, yes. So on 090, which subsection are you looking at?
16 Oh, inclusion in gross floor area?

17
18 Commissioner Holman: Yes, sir.

19
20 Mr. Williams: Yes, I think we could just add to that section and clarify that is excluded as per
21 the definition for the historical category.

22
23 Commissioner Holman: Thank you.

24
25 Chair Cassel: Pat, do you have a question?

26
27 Commissioner Burt: Yes, as long as we are on basement I have a new question on this that
28 wasn't part of what we had discussed previously when we did our initial review of it. First, does
29 Staff have any familiarity with what are either regulations or practices on pumping out, I don't
30 know what the design is, maybe I will describe the circumstance and then you can help me out
31 here. It appears that basements have been put in recently and we have considerable growth in the
32 use of basements in the non-flood plane areas that there is considerable pumping that is being
33 done evidently during the wet season and perhaps more so this year because it is an abnormally
34 wet season that people have to pump from I don't know whether it is the separation between the
35 basement and the surrounding earth or what is going on there. Maybe Commissioner Lippert
36 knows better as an architect but there is pumping that goes out onto the street and the problem
37 that we have just noticed in our neighborhood and a whole pattern of this is that the homes that
38 have had basements put in and this new pumping that is going on creates large pooling. This is
39 pooling 100 yards long and four feet wide that sits in the street for two weeks at a time because
40 there is no real drainage into a storm drain in there. We have a whole new pooling issue. Maybe
41 Lee has the ability to clarify this for me.

42
43 Chair Cassel: We were told by the building people that there shouldn't be any pumping after
44 they once sealed it.

45
46 Mr. Lusardi: The Council raised this issue too with respect to single-family basements and the
47 pumping issue and we discussed this with Public Works and Engineer. They did reference the

1 fact that they have the ability to limit pumping and they do generally limit pumping. So I think
2 the situation you are describing sounds like that is something we need to kind of look into.

3
4 Commissioner Burt: I want to clarify this is not during construction phase.

5
6 Mr. Lusardi: I understand that, yes.

7
8 Chair Cassel: So you want Pat to tell you something more specific about a street. Lee?

9
10 Commissioner Lippert: I can clarify it. New basements are generally dry spaces and the way
11 that is achieved is that there is a separation between where the soil is and where the basement
12 wall is. That is achieved by putting in gravel rock and then a membrane and then you have the
13 concrete wall. What happens is that when it rains a certain amount of moisture, water, percolates
14 down into the soil, it hits the gravel rock area and generally it just drops at that point. Water
15 finds the path of least resistance so it is not entering the basement. The pumping that you might
16 be seeing is in the event that a basement does get wet, people do have plumbing fixtures down
17 there, they do have showers and bathrooms. There is a sump located in the basement and the
18 sump is just a pump that if there is any water that accumulates in that basement space it then
19 finds the lowest area, the sump is located in a well and the water is then pumped out to the street.
20 Now, in the event of a major flood, if it is in a flood plane of course the basement is going to fill
21 with water and the sump is going to work overtime in terms of pushing that water out to the
22 street. You have to have it pumped out. I don't think that's the case of what you are looking at.

23
24 Chair Cassel: The issue here that we are looking at is we are looking at whether we should have
25 basements and we were assured that this pumping of water was not happening at that time that
26 that had been sealed and that that wouldn't be happening.

27
28 Commissioner Lippert: Correct.

29
30 Chair Cassel: So we went ahead and proceeded on the presumption that we weren't going to be
31 getting this excessive amount of pumping of water out onto the street all year long. So now the
32 question relevant to this ordinance that we have in front of us is are we able to accomplish that
33 goal and thus should we be having the basement situation that we have now?

34
35 Commissioner Lippert: The only two things that I can imagine is number one pumping is
36 happening from older basements, ones that were not designed to be dry spaces. The other
37 thought is that you are not going to have people putting in new basements in areas that are flood
38 planes because that is prohibited by FEMA.

39
40 Commissioner Burt: So these are neither flood planes nor old basements. These are basements
41 that are two to three years old and there is significant pumping going on. So it is neither of those
42 cases. So I don't know the exact cause but one of the thoughts that I would request Staff to just
43 look at is whether we may want to look at the adjacency of a storm drain inlet to basements. If
44 there is this pumping that is a pattern then maybe we simply have to look at having storm drain
45 connections more when people put in basements. I wouldn't pretend to have a solution on this I
46 wanted to flag an issue that was really surprising that it is a pattern going on and it is a discussion
47 in our neighborhood saying gee what is happening here this is a whole new thing that we never
48 saw before and we are realizing that it seems to be related to basement pumping.

1
2 Mr. Lusardi: Staff will discuss this with Public Works and we will put it on our agenda for our
3 Development Review Committee and discuss it at that point too.

4
5 Commissioner Bialson: Can I say something here?

6
7 Chair Cassel: Yes.

8
9 Commissioner Bialson: I absolutely agree with Pat and you can put down my street as one of
10 those where we have neighbors gathering to see how much water is being pumped out. This has
11 been going on for three years.

12
13 Commissioner Griffin: I will reiterate the same concern and I will even go further and say that I
14 spoke with a plumber who had been summoned by a house in my neighborhood to check on the
15 pumps and the plumber reported that the pumps were pumping into the sewer system as opposed
16 to the storm drains. I am not an expert on this sort of thing but I thought that the idea was that it
17 was not a good idea for basements to be pumped into the sewer system because then that caused
18 a capacity problem with the sewage treatment plant, etc., etc. So yes, I agree it is a bigger
19 problem I think than perhaps the Public Works Department realizes.

20
21 Chair Cassel: So that has duly been reported and will be followed up on. Thank you. Karen.

22
23 Commissioner Holman: I brought up concerns about this earlier when we were looking at the
24 low density residential and I am wondering if some of this could be happening where there is,
25 and I don't know, is this happening where there are several redevelopments near each other or in
26 your case it is not.

27
28 Chair Cassel: I don't think we are going to solve it tonight so I am trying to keep it focused on
29

30
31 Commissioner Holman: The reason I was going here was because when we had the
32 environmental consultant come to us we spent really not very much time with them and when I
33 mentioned that there were several developments happening on the same block he really kind of
34 blanched when I suggested that it was what he was saying that there could be a larger when there
35 are numerous developments in a close proximity. So I am just wondering if that needs to be
36 given a second look. Also we talked briefly about having two story basements in this
37 community and whether that should be allowed or not. Now it is quite expensive but we have
38 two of them and is that really someplace we want to go? I think given this basement
39 conversation and the concerns that have been raised we might want to discuss that a bit.

40
41 Chair Cassel: Do you want to discuss that tonight or do you want to let them go back and look it
42 and get some more information about this? The two story ones we have two and we know one of
43 them is way up in the hills. I don't know where the other one is.

44
45 Commissioner Holman: There are two right here near Downtown.

46
47 Chair Cassel: Okay. Is that an issue that everyone here wants to talk about tonight in
48 relationship to this low-density group?

1
2 Commissioner Holman: Well, if the Staff is going to come back to us with issues regarding
3 basements I think that the time to talk about the two level basements would be at that time but I
4 wanted to get it on the table so that it is on the radar.
5

6 Chair Cassel: Thank you. Do I have more questions about the low-density issues that are in
7 front of us? Pat.
8

9 Commissioner Burt: As we all saw, Council had a lot of concerns with the second units. Is this
10 the correct time to comment on that?
11

12 Chair Cassel: Yes.
13

14 Commissioner Burt: As I listened to the City Council meeting several things occurred to me.
15 One is an apprehension that I think maybe a number of us had had and we briefly discussed
16 when we were talking about the second units or the granny units was that as the Comprehensive
17 Plan recognizes there are really two fundamentally different segments to our City. There is the
18 older part of the city and then the South Palo Alto post war development that is a more suburban
19 model. Those different parts of the city have really different development patterns and they
20 correlate to the historical practice of having second units. The only other maybe somewhat
21 newer area of the city that has a good number of them is Barron Park. I think that we have a lot
22 of apprehension that existed within those parts of the city that don't have second units that it
23 could fundamentally alter the character of their neighborhoods. So even though that
24 apprehension may be greater than the reality would have created it is still a different outlook
25 toward them. I think that those people who live in neighborhoods where there are second units it
26 is no harm, no foul, big deal they are part of the character of the neighborhood, it gives variety
27 and it is fine. For neighborhoods that have no second units that are all single family R-1 lots
28 there is a great deal of apprehension. So it goes back to did we throw the baby out with the
29 bathwater? Was there a possibility like we have done in some of other zoning aspects to look at
30 the existing pattern of a neighborhood and have that influence the regulations on a given zoning
31 aspect, in this case the second units. I can see that Staff has gone through a lot of work on this
32 and Council ended up being pretty emphatic on the response and there is probably not a great
33 deal of enthusiasm to reexamine this issue but I don't think this aspect of it was looked at.
34

35 The other thing is I would just like to give two more comments that I think were not recognized
36 adequately during the Council. I heard some Council members concerned that it would, even
37 with the 15 unit limit that Staff proposed, which I thought was a good additional constraint on
38 that proposal that some Council members were concerned that it would fundamentally alter the
39 character of the neighborhoods even though we are talking about citywide on average one per
40 square mile per year and others arguing that it would have no consequential impact on the
41 housing supply. So I kind of had a hard time understanding how those two contradictory things
42 could happen simultaneously that it could have an overwhelming impact and an inconsequential
43 impact at the same time. So we are still in the process of reviewing this and I think even though
44 it may fall on deaf ears.
45

46 Chair Cassel: Well, this particular ordinance, Pat, has in it some of these R-2 units in some
47 sections. What we have before us tonight is the low-density units and the question is they
48 included that 450 square foot unit that we had in the smaller part of the R-2 and they didn't

1 include it in the substandard units in the RM and let's see what did they do in the RMD. So
2 some of it they included here because these were two family unit sections designed for that. So
3 what we need to do now though I am very frustrated with what happened on the second units the
4 question for us is are we going to include what they have included here for the second units and
5 would you like to include this or did you want to include more? Bonnie.

6
7 Vice Chair Packer: Well, I don't know if I can respond to that question directly right now. I just
8 wanted to say that I echo Pat's comments on the Council's action on the second units. I also
9 wanted to mention for whatever ears may choose to listen is that what the whole second unit
10 issue is probably ignoring is the big elephant in the closet and that is all the nonconforming or
11 illegal units that are out there in many different neighborhoods including South Palo Alto. When
12 we start dealing with grandfathering and those issues of those units, and I know we avoided
13 talking about this in the Comprehensive Plan, this issue of second units is going to come back
14 and the policymakers are going to have to deal with the issue that there are property owners who
15 would like to have second units. They have done so by building them illegally. I know of some.

16
17 Chair Cassel: You know I am going to stand up, turnaround, have a good laugh and sit down
18 again. We are discussing tonight this low-density project and we are so angry about this other
19 one that we can't get to it.

20
21 Vice Chair Packer: So coming back to that I think the proposal that is before us tonight is
22 probably the best we can do given where the Council is on this subject. I support what is before
23 us tonight.

24
25 I also just want to apologize to the Commission for being late I was at an open house at my
26 daughter's school. So I don't know what I missed.

27
28 Chair Cassel: Zariah will note that you are here. Let's go on. Lee, on the subject of this low-
29 density matter before us.

30
31 Commissioner Lippert: Actually I have a question for the City Attorney. Doesn't state
32 regulation basically say that local jurisdictions cannot prohibit these second units all that they
33 can do is establish the criteria and the regulations by which these units can be developed? Is that
34 not correct?

35
36 Mr. Larkin: That is correct and the current Zoning Ordinance and as it does stand after the
37 adoption of the new Zoning Ordinance Update does regulate second units it does not prohibit
38 second units.

39
40 Chair Cassel: Is there anyone else who would like to make a comment on the changes that have
41 been made in what we have been talking about or any other changes in these low-density
42 residential districts? Annette.

43
44 Commissioner Bialson: We don't have any members of the public who wish to speak to this?

45
46 Chair Cassel: I had not opened it to the public at that point I had no cards. If you would like to
47 give that card to Zariah. If anyone else would like to speak on this issue I will open the public
48 hearing. Thank you very much.

1
2 Ms. Chiapella: Thank you very much, Phyllis.

3
4 Chair Cassel: You will have five minutes.

5
6 Ms. Chiapella: My first question was I guess the daycare thing was settled whether there is
7 seven, eight or six in a house. I couldn't quite get a handle on that but looking through this
8 myriad of – I guess that was settled. I am a little askance that there is no definitions anymore
9 that used to be six or less was small and six or more was large and now it is sort of up to the
10 discretion of I guess whoever just wants to do it. Perhaps they have to consult with the City. I
11 am a little concerned that a daycare of 14 can move in right next door to you and you will have
12 no idea and they may have three or four teenagers as well. But be that as it may I am a little
13 concerned on this lighting that appears on page ten, lighting in R-2 districts. I can't tell how that
14 relates to R-1 or RM-15. Is that different or is that the same? It is just kind of a freestanding
15 paragraph. I don't know if it is an improvement or whether it is actually making our life...

16
17 Chair Cassel: Page ten of which section?

18
19 Ms. Chiapella: I am looking at what I think is part of the Staff Report. There are so many
20 sections in here I don't know.

21
22 Chair Cassel: Section A where it says not yet approved?

23
24 Ms. Chiapella: Yes, not yet approved. At the top of that lighting in R-2 districts. If you are
25 living in a cottage in R-1 next door is this going to be an improvement for you or are you going
26 to have more lights coming in through your windows? I can't get a handle on what this means. I
27 know the Staff has drawn these nice pretty pictures that show what an R-1 looks like and it is 30
28 feet tall and it is a huge house but sadly most of us don't have those houses. We live in 1,500 or
29 1,100 square feet, at least most of us in South Palo Alto who live in the original homes. So I am
30 asking when my neighbors want to do something are they going to stick up something that is
31 even more intrusive than they already have and I am going to have 12-foot lights banging into
32 my windows or how is that going to work? I can't tell from this it doesn't seem to offer any
33 information as to how that is better or worse for those of us that live next door to R-2 or near R-
34 2.

35
36 The next thing I had a question on is the [Kerry amendment] which you may not recall any of
37 you, however, the [Kerry amendment] is somewhat famous or infamous. It is on page 27, not yet
38 approved. It shows here that it is not yet approved it looks to me like this is exactly the language
39 that is in the old ordinance. Unless I go through word-by-word with a ruler I can't say, there is
40 no verification here. However, the old [Kerry amendment] that midnight hour amendment to
41 protect certain vested interests in Palo Alto was going to be removed in 1978 because housing
42 was very important. Somehow along the way we seemed to have just plain discarded that or
43 forgotten about that and the reason is that what were once physician's houses or lawyer's houses
44 where they practice in their home slowly but surely became converted to just a plain medical,
45 dental or lawyer office. In 1978 there was a strong movement to change that back to housing
46 with an amortization period of 25 to 30 years just like all the other amortizations that were done
47 in that period. I think it is time to take a hard look at that. We don't really need a lot more
48 dentists in town. We really don't need lots more lawyers or physicians or whatever

1 professionals. We have lots and lots of offices. So I would like you to really think about that. If
2 not now when are we going to take a look? It has been now almost 30 years since we last looked
3 at it. So I think that is really important to get the housing stock back in shape particularly when
4 there is no way that the permitted changes can be monitored and as is well known both to you
5 and Planning Commission Staff they have not been monitored. So they have all steadily
6 increased in usage regardless of what it says on a piece of paper. A dentist office became a gym.
7 A dentist on Middlefield decided to have a liquor license in his dental office. I do not know what
8 he wants to do but the City approved it. Fortunately the state did not and said it was not to be
9 done. He didn't need it and I don't know what he was up to. Another one was my doctor's
10 office was turned into a computer agency of some kind. So this cannot be monitored. You have
11 no way to know who has an office or doesn't or did or didn't so I hope you will take a hard look
12 at that. Thanks.

13
14 Chair Cassel: Thank you. Is there anyone else who would like to speak at this time? Thank
15 you. I will close the public hearing. Is there any response that Staff would like to make?

16
17 Mr. Williams: Yes, I don't know if we need to go back through the daycare issue.

18
19 Chair Cassel: Well, you need to just explain that it is a state law.

20
21 Mr. Williams: State law provides that the city cannot make this decision as to whether seven or
22 eight comprises a small or a large daycare. It is defined in state law. It depends on the age of
23 children, how many children are living in the home, ages of those children living in the home. It
24 is a very sort of complicated thing. So there is flexibility under six or less is definitely a small
25 daycare home, over eight is definitely a large daycare home but primarily that seven number is
26 dependent on some other circumstances. So what we did in the code is we essentially identified
27 the range and quoted the exact section of state law that dictates that. Someone who wants to
28 open a daycare facility in their home has to get licensed by the state and go through those hoops.
29 So that is where that came from.

30
31 The lighting in the R-2 district is pulled from the existing code there is no change in that. There
32 are a lot of provisions in here where if we hadn't heard problems on them we didn't try to make
33 changes in them. I don't think that same lighting provision is in R-1 but I am not sure. Sue, do
34 you recall if that is 12 foot recreational lighting or something like that? So anyway, that is why it
35 is in here it is just a carryover from the existing ordinance. So there is no change in terms of the
36 impacts associated with the regulations for that.

37
38 The grandfathered offices issue, it had been our intent originally to, when we were going to try to
39 get the whole ordinance together, to get grandfathered provisions changed along with everything
40 else. Since we were going sequentially and at this point we will be visiting the grandfathering
41 section as Ms. Packer was mentioning like for second units but for all of these provisions at that
42 point to see what stays and what is out of date and what gets changed. So that will be addressed
43 through the Zoning Ordinance Update process. At this point we have continued to just be sure
44 that we haven't taken anything out that there might be some reason to not take it out now and it
45 might cause some problems so we have left it in there. Now if there are changes in those uses I
46 think you would need to make a complaint to the department or whatever because I don't see
47 provisions in this language for changing uses or expanding those uses. It basically says that they
48 can remain as medical and professional offices.

1
2 Chair Cassel: Karen.
3
4 Commissioner Holman: Two questions. One have to do with the grandfathered uses, can I make
5 sure that I have this clear then? So even though the R-1 low density and this low density
6 ordinances are going to be adopted by Council to whatever degree they are that we will be
7 readdressing all the grandfathered issues throughout the low density ordinances that are just
8 going to be adopted recently?
9
10 Mr. Williams: Yes, we will be coming back to that and addressing them and it will be the same
11 with the multi-family and industrial sections as well.
12
13 Commissioner Holman: Then one other question having to do with lighting, which has come up
14 here before. One is if I could I would like to ask Ms. Chiapella if there is an identified problem
15 that exists since this is the existing code. Then the other is a question about lumens and what
16 Staff might be able to enlighten us about because as we have shielded lighting still the lumens
17 are an issue and there are examples of that. What is Staff doing to address the intensity of light?
18 Then also we haven't closed public hearing so I would like to as Ms. Chiapella if there is an
19 existing or identified problem that maybe we are not aware of regarding lighting.
20
21 Chair Cassel: Regarding lighting?
22
23 Commissioner Holman: Yes, regarding lighting, which she brought up.
24
25 Chair Cassel: Does the rest of the Commission want to hear that? I am not hearing any other
26 Commissioners who want to waive that.
27
28 Commissioner Holman: Does it take anybody else to do that?
29
30 Chair Cassel: That can be brought to the Staff is you want to. Okay, go ahead. Do you have a
31 specific example? Lynn, she is asking you a question. You have to use the mike. Ms. Chiapella
32 is going to respond to Karen's question.
33
34 Ms. Chiapella: No, there is no such thing as a 12-foot lamppost on the property line that is what
35 I am worried about is that it is going to get worse.
36
37 Chair Cassel: Thank you.
38
39 Ms. Chiapella: But we do have an issue with that particular issue which I have already brought
40 up.
41
42 Chair Cassel: Okay.
43
44 Commissioner Holman: Thank you.
45
46 Chair Cassel: Lee.
47

1 Commissioner Lippert: I think I might be able to shed some, excuse the pun, light on what the
2 issue is. Often times homeowners will install bell type light fixtures on the corner of their house
3 to illuminate the side yard specifically for intruders but also because there are animals, skunks
4 and raccoons that do sort of scurry down those side yards. In installing these bell light fixtures
5 they are basically spotlights or floodlights and they do spill onto your neighbor's property. It
6 does create a bit of a nuisance so if there is a way for Staff to look at that and write some
7 provisions that regulate that that would be very helpful I think and make for good neighbors.
8

9 Chair Cassel: Is that not in here that we are not supposed to be doing that in this ordinance? I
10 think that is in the ordinance that we are not supposed to be spilling the light over onto the
11 neighbors. I think I read that. It is just a question of getting it enforced and getting it out so
12 people understand it. That's another issue.
13

14 Commissioner Holman: To clarify my question or comment is I understand that the spillover is
15 addressed however, there is a lumen issue where sometimes porch lights or yard lights are so
16 intense that they are just beacons as you come down the street.
17

18 Chair Cassel: Can you respond to that? Is that covered under some other ordinance?
19

20 Mr. Lusardi: Well it is covered in the R-2 ordinance under lighting is shielded so that direct light
21 cannot extend beyond the property line. We feel that is not just a light that spills over but a
22 bright light that someone could see from an adjacent property. So if a code violation were
23 reported we would follow up on that.
24

25 Commissioner Holman: So if there is an intensity of a light that exists on someone's property
26 and it is bothersome as you are coming down the street four houses away, two blocks away that
27 would be a violation of this code? It is not spillover light.
28

29 Mr. Lusardi: If it was deemed that it was not shielded though, I think the work 'shielded' that is
30 in there requires it to be shielded so you don't get that brightness several blocks or off the
31 property.
32

33 Chair Cassel: Is anyone interested in making a motion? Pat.
34

35 Commissioner Burt: I just want to make sure I understood this correctly. I thought I understood
36 Commissioner Holman's concern to be you could have a shielded light that is nevertheless a very
37 high wattage and it is shielded and there may not be direct lighting visible but is the concern that
38 still based upon the lumens of the light that you get more of an impact than you would perhaps
39 even from a very low wattage unshielded light. Do I understand this issue correctly?
40

41 Commissioner Holman: Yes.
42

43 Chair Cassel: Go ahead.
44

45 Mr. Lusardi: I think again we are referring to the code where it says 'shielded' that the light has
46 to be shielded. The brightness is determined obviously not only by the wattage but how the
47 shielding affects the light, the spillover or shine past the property lines. So I think we would
48 look at it in that context. Is that going to solve every case or every bright light that is in the

1 residential neighborhood? I don't know and I honestly don't think so but if it is demonstrated
2 that that light is bright enough to spillover past the property line then a code enforcement action
3 would be looked at as far as reducing that light effect. We have done that. We have done that on
4 properties.

5
6 Commissioner Burt: What does spillover mean? I am struggling honestly to understand this.
7 Certainly a light could be visible and have spillover but it could be a very low impact spillover
8 on an adjacent property. I am not sure how we are drawing a line here. I am just not following
9 how the distinction is being made between something that you are saying has no spillover. Well,
10 it could be a low wattage light and still have spillover but it is negligible impact. So I don't
11 follow yet and maybe I could be guided.

12
13 Chair Cassel: Lee.

14
15 Commissioner Lippert: I think that what Pat might be alluding to is that there needs to be maybe
16 some technical language. When it comes to sound we are used to decibel ratings and whether
17 something is heard at a certain level on the adjacent property or at a certain distance away.
18 Maybe what has to happen is that in this case it needs to be a certain luminescence at the surface
19 on the adjacent property. That can simply be written into the ordinance.

20
21 Chair Cassel: I am interested in a motion and then we do more debate if we want but I think we
22 have done a lot of detail debating. This is an interesting question and we need some follow up
23 on that one I think.

24
25 Commissioner Lippert: I will do a motion if you want.

26
27 Chair Cassel: Yes, I would like a motion.

28
29 MOTION

30
31 Commissioner Lippert: I have no problem with these recommendations. I move that we approve
32 these recommendations and forward them to Council. I do have some concerns about some of
33 them but overall I think it is a relatively good section and I have no problem with it.

34
35 SECOND

36
37 Commissioner Bialson: I will second that.

38
39 Chair Cassel: Okay, the motion has been moved by Lee Lippert and seconded by Annette
40 Bialson that we approve the low-density chapter that is to go to City Council on May 16. Lee,
41 would you like to speak to it?

42
43 Commissioner Lippert: Yes. My concerns are again with the items that have been outlined here
44 the second stories for substandard lots, the limitations that are put on second dwelling units on
45 the RE zone but all in all I think it is just fine. My concern with the substandard lots I think can
46 be handled through the variance process maybe even the HIE process if it is an existing building.
47 I think that in the end we will probably find that the allowance for the 450 square feet, which is
48 not permitted, will be coming back to us at some point in the future.

1
2 Chair Cassel: Annette.
3
4 Commissioner Bialson: I think that Lee stated it very well and I have nothing further.
5
6 Chair Cassel: Would anyone else like to make comments? Karen.
7
8 Commissioner Holman: I just would like to ask the maker and seconder of the motion if the
9 motion includes the clarification regarding houses with basements that start three feet or more
10 above grade per the earlier comments, which would be consistent with the R-1?
11
12 Chair Cassel: You mean relating to historic?
13
14 Commissioner Holman: Yes. I was just asking if that was intended to be included in the motion.
15
16 Commissioner Lippert: I was not intending on including that in the motion but if you would like
17 to suggest an amendment I would be open to hearing that.
18
19 Commissioner Holman: I am suggesting an amendment. I am offering a friendly amendment to
20 include that being consistent with the provisions of R-1.
21
22 Chair Cassel: Just a second, let me see, is that in the ordinance? I think it is in it.
23
24 Commissioner Holman: It is just a clarification.
25
26 Mr. Lusardi: I think what Commissioner Holman is suggesting and we are fine with that is just
27 simply cross-referencing in the R-2 chapter where that historic issue is in the definitions. It is a
28 simple cross-reference.
29
30 Chair Cassel: Can you make that a friendly amendment?
31
32 Commissioner Lippert: Fine, I will accept that.
33
34 Chair Cassel: Would you accept that?
35
36 Commissioner Bialson: My understanding is Staff is going to do it. I think rather than put that
37 into the motion since Staff is going to do it anyway it need not be in the motion. I would rather
38 send City Council a clear motion. So I would prefer not to accept it if Karen is satisfied that
39 Staff can be trusted to make that modification by their assent to it right here.
40
41 Commissioner Holman: Sure, if that is cleaner that is fine with me if Staff is agreeable to
42 making that change.
43
44 Commissioner Lippert: Thank you.
45
46 Chair Cassel: Okay, anyone else want to make some comments? Bonnie.
47

1 Vice Chair Packer: I will be supporting the motion if my fellow Commissioners don't object to
2 the fact that I came in late, however, this document has been before us several times and I have
3 had plenty of time to absorb it. I also would like to point out I didn't have the R-1 ordinance that
4 was approved by Council in front of me but I happen to have our existing old R-1 ordinance and
5 I found that paragraph about lighting is the same for R-1 as it is in this low density. So lighting
6 code has been around for many years and apparently has not been much of a problem. That is
7 just sort of an FYI so you know that.

8
9 Chair Cassel: Anyone else want to make a comment on the motion? Karen.

10
11 Commissioner Holman: I am never sure where to make this comment. It is not really a
12 comment on the motion it is just to complete the item. That is that we have raised questions
13 about basements that we want to have information about that come back to us. Then while
14 indeed this lighting issue has come up before and it was not changed for the R-1 it has come up
15 again so I am trusting that Staff will come back to us with some indications about what we
16 should do regarding lighting as the lumens have gotten more intense in more recent lighting
17 fixtures.

18
19 Chair Cassel: I will support the motion. Like other I am disappointed that we weren't able to do
20 more with the second units. I agree with Lee that that will come back in some form to us. We
21 obviously have some issues on basements and some issues on lighting that I think are going to
22 need to be addressed but this particular motion should proceed and go forward. We can continue
23 to look as we look at other issues about the lighting because I think we are all facing an intensity
24 issue that we have been looking at and is coming forward to us.

25
26 Lee.

27
28 Commissioner Lippert: I just have on other comment and this is really for Steve Emslie. With
29 regard to flood lighting the City might want to begin to look at in terms of regulating residential
30 flood lighting that may be flood lights that are on motion sensors and on for a certain duration in
31 general so that we require all residences that are going to have flood lighting that they be
32 activated by motion sensors rather than on 24/7.

33
34 Chair Cassel: Okay, these may not fall under the Zoning Ordinance they may fall under
35 something else. Okay, go ahead.

36
37 Commissioner Burt: Well, as I think a number of the Commissioners have expressed there was
38 certainly disappointment that so much of the second unit recommendations were not adopted by
39 Council. I think that the Council recognized some concerns in the community that were valid
40 and they addressed but the circumstances of the City Council meeting kind of doesn't allow for
41 the extensive discussion and exploration of alternatives that we have and the Staff has as we go
42 through this in greater depth. I was trying to figure out would there be an opportunity to relook
43 at the second unit issue in a way that addressed the concerns that the public and the Council
44 raised but not throw out as much of it as the Council made the decision to do.

45
46 I was considering making a recommendation to Council that they direct us to reexamine this
47 issue. An alternative which might have a better chance of being listened to is that if we have our
48 retreat or joint meeting with the Council maybe this could be a topic that we would discuss with

1 them and offer to revisit this issue through that. I know that we had asked Staff for a
2 clarification on whether the establishment of the Planning and Transportation Commission had in
3 fact included the requirement for an annual joint meeting with Council that was unclear. The
4 Staff Report to the Council when we were created as the Planning and Transportation
5 Commission recommended it and we didn't have an answer as to whether it was adopted that
6 way. So maybe we could get an answer back from Staff on that issue and then perhaps this
7 would be an agenda item to fold into a joint meeting with Council.

8
9 MOTION PASSED (7-0-0-0)

10
11 Chair Cassel: I will so note that. Then I will call for a vote. The vote is on the low density
12 Zoning Ordinance Update for the low-density chapter, Chapter 18.10 all those in favor please say
13 aye. (ayes) All those opposed? I have no nays. Any abstentions? That motion passes
14 unanimously seven to nothing with everyone voting yes.

15
16 We will take a short break and then go on to the next one. Thank you.

17
18 I would like to call this meeting back to order. I'm missing two of us and a Staff member.

19
20 Commissioner Griffin: Do you have a quorum?

21
22 Chair Cassel: I do have a quorum. The next item on the agenda is the review and
23 recommendation to City Council of an ordinance adopting and revising Chapter 18.12 Multiple
24 Family Residential District of the Zoning Ordinance pertaining to regulations for the RM-15,
25 RM-30, and RM-40 Multiple Family Residential Districts. I believe this is not our final review
26 before this goes to City Council this is in fact a time to get input and discussion and get this
27 ready for the next level of review. Would Staff like to give us a report?

28
29 **3. Zoning Ordinance Update:** Review and recommendation to the City Council an
30 Ordinance adopting a revised Chapter 18.13 (Multiple Family Residential Districts) of the
31 Zoning Ordinance, pertaining to regulations for the RM-15, RM-30, and RM-40 Multiple
32 Family Residence Districts (Current Chapters 18.22, 18.24, and 18.26, respectively), and
33 incorporating provisions of the Multiple-Family Residence District Guidelines (Current
34 Chapter 18.28); and amending Definitions in Chapter 18.04.

35 **SR Website:** <http://www.cityofpaloalto.org/cityagenda/publish/planning-transportation-meetings/291.pdf>

36
37 Mr. Lusardi: Yes, Madam Chair and members of the Commission Clare Campbell from the
38 ZOU team will be making a brief presentation. As the Commission knows we brought this
39 preliminary draft chapter to the Commission in February where you provided comments and
40 raised some questions and directed us to go to the Architectural Review Board with some of the
41 issues for their recommendation and discussion. We have done that we have met with the
42 Architectural Review Board twice. Board Member Solnik from the Architectural Review Board
43 is here this evening to discuss their review and answer any questions that you might of the
44 Architectural Review Board.

45
46 As the Chair pointed out this is not your last review of this chapter. We have identified some
47 information that we need to gather and develop some more and discuss probably with the ARB

1 and the HRB again and we will be coming back to the Commission in the future with the
2 additional information. Clare.

3
4 Ms. Clare Campbell, Planner: Good evening. So John did the introduction already. You have
5 seen the chapter already and we are here again to go over some other items that we have included
6 with this report. We have also held two outreach meetings since we last met and that was in
7 March and April. Also we have been to the ARB. What we have done is included all of the
8 comments from the various meetings that we have been to and we have provided some feedback
9 and some revisions in the report that we have today.

10
11 I want to just touch on the review process for the RM projects. Typically most of the projects are
12 actually projects that have three or more units are going to go to the Architectural Review Board
13 and sometimes I think when we are looking at all of the code we are not always remembering the
14 review process that we have in place that is required and does a very good job of reviewing these
15 projects that come forward to the City. Also, part of the review is the performance criteria that is
16 part of the code section and the performance criteria provides additional standards to be used in
17 the design and evaluation of projects that come forward and help form desirable projects that are
18 coming in. Also we have the context based design form code and that is going to be coming
19 forward in the future too.

20
21 The following uses and standards are not proposed to be changed. We have allowable uses
22 except for the neighborhood serving retail and services. We have maximum densities, maximum
23 height and maximum FAR. So none of these particular development standards are being
24 changed.

25
26 Some of the key issues that were addressed in the report and that we are talking about tonight are
27 setbacks and daylight planes, minimum residential density and support personal services and
28 retail. This table goes over the proposed changes and the ARB, David, has worked hard with us
29 to come up with these proposals for the setback and daylight planes. So basically we have two
30 sections here, we have the first section on the top where when sites are abutting low-density
31 residential zones and it is when it is adjacent to the zone districts and not adjacent to uses we
32 have a ten-foot interior side setback and the daylight plane would match the abutting zone's
33 requirements. That is for the low-density residential zones when you are next to them. When
34 you are abutting a commercial or multi-family zone we have two different categories here. We
35 have ones with the lot width equal to or greater than 70 feet and the other section is lot widths
36 less than 70 feet. This is addressing the substandard lots that is why we have that separated. For
37 the lots that are equal to or greater than 70 feet the interior side setback would be ten feet and the
38 daylight plane would be none. Then for lot widths less than 70 feet the interior side setback
39 would be six feet and the daylight plane would be ten feet high starting at the property line, 45
40 degrees within the first ten feet from the property line. So basically that is going to cover the
41 first ten feet in from the property line and we have illustrations in your packet that show the
42 general concept of what these daylight planes and setbacks are getting at.

43
44 The minimum residential density, the existing code calls out minimum densities in the purpose
45 statement of each chapter so it is not something that is new to what we are doing here today.
46 Also the Housing Element, Program H-2 supports the minimum densities and it states it right
47 there for you in the quotes. So for the RM-15 we have a minimum density of eight units and a

1 maximum density of 15 units per acre and RM-30 is 16 and RM-40 is 31. So that just basically
2 gives you that range.

3
4 For the support services, retail and cafes in the RM-30 and 40, we have revised the section to
5 incorporate the comments from the Commission, ARB and the public and we have refined the
6 definition of the neighborhood serving uses and that is also in your report that you can read
7 through. All of the uses that are being proposed require a conditional use permit and this review
8 process evaluates many of the concerns that neighbors raised. It talks about the noise impacts,
9 the parking issues, lighting, odors, etc. Staff will impose appropriate conditions of approval to
10 further regulate these businesses and we can actually deny a conditional use permit if it is not
11 appropriate. That is something that we can do.

12
13 The next steps for the zoning ordinance are Staff will perform further analysis on the items that
14 we have listed out in the Staff Report and we are going to get additional comments from the
15 ARB and HRB and through community input as well. We are going to return to the Commission
16 with analysis and a draft of the RM zoning chapter. That's it, thank you.

17
18 Chair Cassel: David Solnik from the ARB. Would you like to make some comments?

19
20 Mr. David Solnik, Architectural Review Board: In general the ARB responded very favorably to
21 the proposal that we saw in its current version, it's last version. There was discussion about
22 setbacks, side setbacks in particular and daylight planes and I will mention a couple of issues that
23 came up there. There was also discussion about the retail, allowing retail uses in the larger
24 projects, which the Board favored and in particular favored the incentive of allowing a certain
25 small percentage to be outside the allowed square footage for the larger projects.

26
27 Let me make a couple of comments particularly about the side setbacks because I know that is
28 something of concern and it is something that we discussed. The contextualism is becoming a
29 big part of the code and so we were very happy to see in this example where you are looking at
30 RM next to R-1 that essentially it is adopting the daylight plane of that neighboring zone which
31 is just a form of contextualism that seems very appropriate to be incorporated into the RM
32 zoning. That is what this is showing. If you can go to this one.

33
34 One of the things that makes this zoning different from the previous is that with regards to
35 second stories is that in the past there were both daylight planes and second story setbacks which
36 are to a large extent redundant and you can see that in that graph. There is both a setback drawn
37 in and a daylight plane drawn at an angle and I think one of the strategies in this rewrite is to
38 eliminate the second story setback and just have it be a daylight plane rather than having these
39 two sort of contradictory and sometimes conflicting things. I think that makes sense and the
40 Board thought so as well. Daylight planes have become more favorable, more commonly used
41 and they simply make sense because you allow a gradual increase in the height rather than a
42 stepped increase in the height as you move away from the side property line.

43
44 This graphic on the left, which I think, is very helpful for us because it showed what is
45 happening on substandard lots. Substandard lots in RM are very different animals than they are
46 in R-1. In R-1 they are an exception so they are actually properly named. They are nonstandard
47 in the sense that they are not the norm. In RM zoning they are misnamed because the Staff has
48 done the work of showing that the numbers of substandard lots and in fact they are over 50% so

1 they are not nonstandard. So it is very important to take the substandard lots very seriously
2 because they represent the majority of the RM lots in fact. Where they are substandard because
3 of width and many of them are and 50 foot is a very common width in fact for the substandard
4 lots that is what is shown there on the left. You can see that essentially the second story is
5 prohibited meaning it is far worse than R-1 zoning. So the fact that this is getting corrected
6 seemed to the Board to be a good thing.

7
8 The strategy is where the zone is next to R-1 it is adopting the daylight plane of that zone or any
9 low density it is adopting the daylight plane of that zone. Where it is not it is adopting what is
10 shown here. Essentially what that is is a an R-1 daylight plane but the setback rather than being
11 ten feet is going to be allowed to be six feet on the ground floor but it is incorporating a daylight
12 plane between six and ten feet, which is the same as R-1, even though this is not adjacent to R-1.
13 This is just an RM zone adjacent to an RM zone or adjacent to commercial but nevertheless it is
14 referencing, it doesn't reference it explicitly but in fact it is an R-1 daylight plane. So that
15 seemed if anything extremely conservative given that R-1 is nowhere to be found there. We
16 were happy about that. The other thing we were happy about that this is doing is that unlike the
17 building that you can see to the right of it that has the shear two story wall, it could even be a
18 three story wall, that daylight plane that six foot and then ten foot setback, six foot going back to
19 ten foot, is going to encourage architects to not do shear ten foot walls. In fact even though on
20 paper the setback is six foot and not ten foot it actually mitigates the effect of that very
21 substantially. The first floor is mostly hidden by a fence because fences tend to be six or seven
22 feet anyway so the fact that the first floor is allowed to go a little closer has a minimal impact but
23 has a great benefit in that it breaks up that side. Even though these will all be reviewed by the
24 ARB imagine a 50-foot wide lot if it was a ten foot side setback that leaves 30 feet. The
25 proposals that would come to us would inevitably show just a straight ten-foot high wall at that
26 side. The ARB could say can you setback that second floor some more? If they only have 30
27 feet to begin with and they set it back another five feet they would have a 20-foot wide second
28 floor. So the idea that hopefully zoning doesn't encourage bad design where we are hoping that
29 this is a way of encouraging good design by encouraging this sort of setback in those side walls.
30 That's it. Thank you.

31
32 Chair Cassel: Thank you. Do we have any questions because we do have two people who
33 would like to speak? Bonnie.

34
35 Vice Chair Packer: I have two questions. With regard to an RM building whether it is on a 70
36 foot or greater or 70 foot or less wide lot next to a commercial building did you take into
37 consideration those commercial buildings that are in those blue shaded zones that those are the
38 zones that require special requirements because those commercial buildings are next to
39 residential areas? In all the C districts, CN, CS, CC2 there are special requirements for daylight
40 plane and height and setbacks and all this stuff is those buildings are next to residential zones.
41 So did you take that into consideration? So if you have the RM building, a commercial building
42 that is next to R-1 that commercial building had to be designed to meet the special development
43 standards that are in the code today. So I wondered if it is next to commercial and it is greater
44 than 70 feet and the RM building doesn't have any daylight plane it just has the ten foot setback
45 whether that is going to create some design or context problems. Do you understand my
46 question?

1 Mr. Lusardi: I think what you are referring to is in commercial zones that are adjacent or within
2 150 feet of a residential then it has to meet the requirements of 35 foot height in those residential
3 zones.

4
5 Vice Chair Packer: I think there are also special daylight plane requirements too as I read the
6 code.

7
8 Mr. Lusardi: We will look at that. I am not sure that we address that here but we can look at that
9 if you like.

10
11 Vice Chair Packer: As an example it is 18.45070 for the CS district there is a whole bunch of
12 daylight plane and height kinds of requirements.

13
14 Chair Cassel: So you want to look at that?

15
16 Vice Chair Packer: I want to see if those buildings that had to be built under those requirements,
17 that is a zone it is on our zoning map, it is all shaded with those blue lines. So it is a district in a
18 sense it is like an overlay almost although it is not called that. So I would think that the RM that
19 is next to those kinds of buildings you might want to look and see how that is going to affect the
20 development standards for the new RM.

21
22 Then my other question is what would happen if the new RM project has the residential property
23 in the back, in the rear? All the drawings show the daylight plane for these adjacent side lot
24 lines. What happens if the only adjacency is in the rear? Would there be a rear daylight plane as
25 well and would the rear setback be different?

26
27 Mr. Williams: Well, the rear setback would stay the same, I think it is ten feet in here, but the
28 daylight plane would match the rear daylight plane. That is what it says in here rear and side
29 interior daylight planes match the adjacent zoning district. So yes the setback would be the
30 setback that is in here. The setback doesn't necessarily match the other setback but the daylight
31 plane does.

32
33 Chair Cassel: Lee.

34
35 Commissioner Lippert: My understanding is that with the IR process we eliminated front and
36 rear daylight plane did we not?

37
38 Chair Cassel: No.

39
40 Mr. Williams: No.

41
42 Commissioner Lippert: Okay.

43
44 Mr. Lusardi: You are referring to single family?

45
46 Commissioner Lippert: Correct.

47
48 Mr. Lusardi: There is no front daylight plane but there is a rear daylight plane.

1
2 Commissioner Lippert: Okay. Then one other question is that in our last discussion some of the
3 really small RM sites we talked about whether they could be redeveloped as R-1. Are we going
4 to allow that?
5

6 Mr. Williams: We have made provisions that depending on how small the properties are yes for
7 I think the RM-15 and RM-30. What we have said is in RM-15 single family can be developed
8 on lots that are less than 8,500 so anything that is smaller than the standard lot size. Then for
9 RM-30 and RM-40 could have duplex up to basically that minimum lot size, 8,500 square feet.
10 So we have provided that there could be single family and duplex in the zone but is on a
11 substandard size parcels. So once you get to the standard size we shouldn't be having those uses
12 any more.
13

14 Chair Cassel: I would like to open the public hearing. I have two cards. The first person to
15 speak is Betsy Allyn and the second person to speak would be Bob Moss. You will have five
16 minutes to speak. If there is someone else with another card they should bring it up. Please give
17 us your name and your address, thank you.
18

19 Ms. Betsy Allyn, Palo Alto: I live in the Green Acres II neighborhood. To begin with I would
20 like to thank Mr. Burt for his comments on basements which I think we are all going to live to
21 rue the number that are being put in in Palo Alto as we speak. However, on to the matter at
22 hand. I want to support Deborah Ju, President of the Charleston Meadows Association. Her
23 letter to you regarding the proposed new mandatory minimum densities for RM-15, 30 and 40
24 which could eliminate your discretion and the Council's discretion to approve plans under a
25 certain density. The proposed changes tie your hands in cases where thoughtful judgment may
26 be required. We are very aware of that because we are very near Hyatt which as you know has
27 changed hands and will come in I suspect at 185 units under your RM-30 it would have come in
28 at 256. So these changes would be major. We also in that area of South Palo Alto are going to
29 be exposed to a great many RM-30, 40 and 15 lots that you see on your map over there. I would
30 ask you to note where is the housing shortage. This is my first list of housing that is going on
31 and is being proposed and will be proposed near us which includes the condominiums and
32 townhomes and Bayshore and Loma Verde, the Campus for Jewish Life 480 units, Mayfield site
33 which is 250 I guess, 110-1101 East Meadow 75 condominiums, 928-1180 East Meadow 76
34 units, 195 Page Mill Road 92 units, 4146 El Camino 11 units, Hyatt 185 units, Elks 100 units,
35 Alma Plaza we don't know yet, Mayfield Mall possibly 150 units. This was all within probably
36 a mile of where we are. Then 575 Middlefield Road convert office buildings to six units. I am
37 leaving the ones Downtown alone. Not included in this small survey are many office
38 developments that include two to three residential units, 1805 El Camino, 260 Homer, 820
39 Ramona and on and on and on. This is why I agree with Ms. Ju and several of the people living
40 along the Charleston and Arastradero corridor which we are still trying to protect which still has
41 15 schools and is a school corridor. As these housing units come in more and more and more we
42 are going to lose the opportunity for a Charleston/Arastradero corridor but we must have a
43 smaller minimum density on these projects so you as a Commission will be allowed to use your
44 discretion and the Council will be allowed to use their discretion on a site by site basis. Thank
45 you.
46

47 Chair Cassel: Thank you. Bob Moss to be followed by Lynn Chiapella.
48

1 Mr. Bob Moss, Palo Alto: Thank you Chairman Cassel. First addressing the issue of requiring
2 compatibility with residential zones when you are talking about daylight planes I agree with that
3 but I think you should be talking about residential uses not residential zones because among
4 other things there are a number of residential uses which are PCs and I don't want to see those
5 excluded. So we should be just talking about having high density match the setbacks of the
6 nearby residential uses.

7
8 Second on the commercial in the project I kind of wonder how we are going to control the type
9 of commercial we get. I can just see having three nail salons in one of these buildings or
10 something like that. So you might want to talk about what kinds of compatible commercial you
11 are going to allow. Maybe you want to do it in such a way that if you are going to have 800
12 square feet you can't have three similar or identical uses they have to be diverse.

13
14 Then finally I want to talk about the same thing that you already heard about from Betsy and
15 Deborah Ju and that is the suggestion that you should impose a minimum density on residential
16 in any zone. That is absolutely absurd. Let me give you about half a dozen reasons why. First
17 you may not realize it but in 1970 to 1971 I was one of the people who incorporated the City of
18 Rancho Palos Verde and we had a number of subcommittees that looked at the feasibility of the
19 incorporation. I was the chairman of the one that looked at the financial issues. We found at that
20 time that residential property did not pay for the services required by a municipality.
21 Interestingly enough the higher the density of residential the greater the deficit and that was before
22 Proposition 13. So by imposing a minimum density you are imposing a maximum cost on the
23 city. March 9 you had a presentation by the Staff about the City's built-in structural deficit to the
24 extent that you imposed minimum densities you increase the structural deficit to the City and
25 push the City closer and closer to insolvency. Bad idea.

26
27 Second, I have been in this room a number of times when developers have come in proposing
28 densities significantly lower than the maximum allowed. When asked why aren't you building at
29 a higher density they have always said we can't make money, we can't build attractive project,
30 we can't build projects that people are going to want to live in if we have to build to the
31 maximum density. We can build a better project, a more viable project if we build at a lower
32 density. So what you are doing by imposing a minimum density is you are saying that you and
33 the Staff are smarter than the developers and you are telling the developer what he can do and
34 what he can build and what he can sell. No way.

35
36 Finally, when you talk about imposing a minimum density you are ignoring CEQA, you are
37 ignoring environmental impacts, and you are ignoring traffic requirements. We had a nine-
38 month moratorium on the Charleston corridor to look at traffic impacts for proposed densities.
39 We found the traffic impacts could be quite significant. Now you are going to suggest that we
40 should ignore that, ignore potential traffic impacts, ignore potential impacts on the schools and
41 impose a minimum density? Bad idea.

42
43 Finally, the rationale for doing this is that the Comprehensive Plan has a policy statement, H-2,
44 that says you should do it. A former Council member told me that one of the best things about
45 the Comprehensive Plan is it is comprehensive and it can be amended at any time on two weeks
46 notice. So I think if you want to consider that seriously maybe what we want to do is amend the
47 Comprehensive Plan and eliminate that policy. Bad way of doing business. It is not good public
48 policy.

1
2 Finally, since I have a few seconds left let's talk about granny units. The comment was made
3 that Barron Park has a number of granny units. True. Almost all of them are illegal. There were
4 two illegal granny units on my street. I could point to half a dozen more within a block or two.
5 So don't think the fact that there are a lot of granny units in Barron Park means that we welcome
6 them and we think it is a good idea and that makes it compatible. If they were legal granny units
7 maybe but a lot of those things you would not want in your neighborhood.

8
9 Chair Cassel: Thank you. Lynn Chiapella and I have no other cards.

10
11 Ms. Chiapella: I want to support what Betsy and Bob just spoke of. I think a _____ of
12 Staff would actually get a handle the best they could on these granny units so that we actually
13 have an idea of how many residences we really do have in town. There are an enormous number
14 of granny units that I am sure most of you know of some in your area but have no idea what
15 happens in other areas.

16
17 I am concerned about the retail, which was page eight. I understand the CUP process is at least
18 as it has been done in the past once you get that conditional use permit that goes on in perpetuity.
19 So if you get a use into a residential building that is really not very compatible you can probably
20 get rid of that restaurant but you have that conditional use for that piece forever is my
21 understanding of the way it happens. It is not that when someone leaves you can see if the next
22 guy who comes in is reasonable. Many times these very reasonable, the Um-Pa-Pa Restaurant,
23 which became The Edge which became I don't know what now started out as a very nice family
24 polka place where we would all go and dance and you could bring your kids and that kind of
25 thing. They served beer but that is not what it became down the road and it cost the City and
26 everyone else a lot of time and grief. So I think you need to take a really hard look at that.
27 Twenty-five hundred square feet to one use is a very large use unless you are looking at
28 something like Santana Row and you wanted to go in for that kind of development. That is a
29 whole different bag. So I think that 2,500 is a very large use particularly if it is a restaurant. Do
30 you know how many people need to have parking spaces? Is this building going to provide all
31 that? I don't see this very well addressed. Bob is quite right you could get three nail salons or
32 three somethings we see that all over town. I am very concerned about that.

33
34 I also am looking at what you are considering on the requirements. I am concerned that the
35 lighting requirements particularly in RM-15, which is often next door to R-1, could be very or it
36 is not as restrictive as I think it needs to be. It has lots of should be or ought not to spill over
37 kind of language. I think it is very important on the landscaping to create a buffer. It is one of
38 those maybe/should be in this language here, consider and not shall be screened, etc. I think that
39 anything to reduce the noise level, the lighting level so that when the neighbor gets up or goes
40 out in their yard they are not listening or looking at a very large building next door with this
41 minimum density idea and then they have the intrusion of the electrical equipment and what have
42 you. I am very concerned, as I have looked at my neighborhood every time they build a new
43 house or a new apartment somehow the street trees die in the process and they don't come back.
44 So something has to be done to require that the street trees are placed there and it should be by
45 the developer of the commercial or rather of the RM zone with the watering system which
46 somehow doesn't seem to happen. Thank you.

1 Chair Cassel: Thank you. I have no more cards. Did you have a question? Just a minute,
2 Michael has a question.

3
4 Commissioner Griffin: This is a question for both Lynn and Bob. I missed the comment about
5 three mail slots or something. I didn't hear.

6
7 Chair Cassel: Three nail salons.

8
9 Ms. Chiapella: Too many of the same nail salons.

10
11 Chair Cassel: Now I will close the public hearing and bring it back to the Commission. We
12 have been asked to deal with the whole ordinance but to start with three different basic sections
13 and comment on those first. Then if we have other questions, I am sure we do, to go on with
14 that. So I would like to start with number one the development standards for setbacks and
15 daylight planes. Does anyone have any questions or comments on this? Karen.

16
17 Commissioner Holman: I have had previous conversation with Staff and submitted some
18 questions this week as follow up to that. Regarding the development standards including the
19 daylight plane issues it appears that this proposal is being made looking at a map and not
20 considering what is actually on the ground. I say that because a lot of what is on the ground in
21 these multi-family zones is low-density residential type development. Sometimes the use is two,
22 three or six units but the type of development is what you would find in low-density residential
23 neighborhoods. So in looking at the impacts of this kind of change like eliminating or
24 significantly reducing daylight plane I think is going to have quite significant impact on those
25 properties. To go along with that one of the questions I submitted also was about how had the
26 historic properties been identified? I certainly understand that the review process for those
27 properties will not be changing however I do think as I said that these impacts adjacent to
28 historic properties are going to be impacted. I am glad to see this is going to go to the HRB for
29 comment.

30
31 Chair Cassel: Are you making comments or do you want an answer to some of it?

32
33 Commissioner Holman: I am leading to a question.

34
35 Chair Cassel: You had a question in the first one.

36
37 Commissioner Holman: Yes.

38
39 Chair Cassel: Do you want them to answer that one?

40
41 Commissioner Holman: Okay, we could do that if you want.

42
43 Mr. Lusardi: I think as we mentioned in the Staff Report we are going to take these standards
44 and go out and look at what is out there on the ground as you say and see how there may be
45 potential impacts to that. I do want to emphasize I think that the development standards that we
46 are proposing are not necessarily in a manner to increase impacts on adjacent low density
47 residential. I think as David pointed out we are doing it in a way that is sensitive yet creates
48 more efficiency for the development site as far as that goes but we will go out there and look at

1 existing conditions and how these proposed standards could affect some existing conditions and
2 identify those and bring them back to the Commission.

3
4 Commissioner Holman: The other question about these development standards has to do with
5 affordability, with historic properties and with rental units. I think there should be and Staff
6 could respond to this I think there should be not a drawing we have the massing model if you
7 will from a streetscape that indicates what the daylight plane implications would be but there is
8 no indication of how much more FAR would be potentially developed. I understand again that
9 we are not changing the FAR but how much more FAR would be able to be accomplished on
10 these properties because of these changes either with or without lot combining. So if Staff could
11 respond to that I would appreciate it. How is Staff planning on evaluating that?

12
13 Mr. Lusardi: Well, again if the Commission so desires and you want us to go out and look at the
14 potential for where lot combining may occur where you might be losing low density residential
15 structures and being replaced with the multi-family residential structure we can look at that. But
16 again, we are not increasing the FAR. What we might be doing and probably will be doing
17 through the development standards is increasing the density that is the number of units that you
18 could get on a site. Again, we think that is the purpose of the multi-family district is to get those
19 multi-family developments happening. Number two and this is kind of an important point to
20 reiterate and Clare has pointed to it is that you can't take the development standards all by
21 themselves and apply it to a site. You can't take the acreage all by itself and calculate the
22 number of units. You have to put all that together and you have to put in parking requirements
23 and ARB review all that goes together to look at those kinds of development review and what a
24 development would look like and how it would respond contextually to the surrounding area. So
25 it is difficult to single on of these things out and say this is going to generate a higher FAR or
26 higher density. I think you need to look at them all in context.

27
28 Commissioner Holman: Do you think it is possible to do that without having the form code in
29 front of us?

30
31 Mr. Lusardi: Well, I think it is possible to do that but again we have performance criteria that we
32 have drafted and will be bringing forward. The ARB review is not changing with respect to that
33 and how it is dealt with today and will be dealt with in the future ordinance. If the Commission
34 wants more of a comfort level with how the context based design form code will address these
35 issues or respond to these issues we will certainly make an effort to package that and put that
36 together before we come back with a final draft chapter for the Commission.

37
38 Chair Cassel: Lee.

39
40 Commissioner Lippert: In looking at your table here of density calculations how do you define
41 half a unit? You have described here maximum number of units and it goes 1.5 all the way
42 through 10 units. What is half a unit? Is it a studio?

43
44 Mr. Williams: No it is not it is just a calculation. It is just trying to give you a gradation of
45 where some lot sizes kind of fall and then also I think one of the questions we want to ask is I
46 think it is current practice to round down. Well, another way to look at it is whether we should
47 round up if you are over two and a half. So I think that is why we wanted to put those thresholds

1 in so you could see where those break points are in terms of that question. But we would like to
2 get that input from the Commission as well.

3
4 Commissioner Lippert: Okay. Then in following up on that I think that there might be a bit of a
5 loophole in this which is that anything that is three or more units would be subject to ARB
6 review but if somebody were to develop say RM-15 with only two units and it is a two story and
7 it is adjacent to an R-1 zone it would not be subject to an IR review either. Therefore, what you
8 would wind up with is some sort of a duplex type of townhouse configuration that wouldn't be
9 subject to any design review at all.

10
11 Mr. Williams: As you currently do with an R-2 zoned property next to an R-1. It is not any
12 different than that.

13
14 Chair Cassel: Pat, did you have a question?

15
16 Commissioner Burt: No, I think I would just like to concur with the concern that Lee has raised.
17 Whether we already do have that or not if we have recognized that R-1 properties that are
18 impacted that an adjacent R-1 property is subject to an IR review we currently have a loophole it
19 seems that maybe we haven't been recognizing that you could build an R-2 property and have no
20 review at all. That doesn't seem to make sense. So I guess I would like to encourage Staff to
21 relook at that issue and see whether it is something that we need to address one way or another.

22
23 Chair Cassel: Bonnie.

24
25 Vice Chair Packer: Another concern I have on the adjacency to an R-1 especially one that is in
26 the rear right now the existing code says that the rear setback is ten feet and this is what is being
27 proposed here. I was looking at the existing RM-30 it says if it is adjacent to a single-family
28 zone the rear setback has to be one half of the building height. So if they are building a 30-foot
29 high building then the rear setback is 15 feet. So what is being proposed here is different and
30 could have a greater impact on R-1 because the existing code has this extra protection that if you
31 have a higher RM building and there is an R-1 behind it you have to have a greater setback.

32
33 Mr. Williams: I believe that was modeled to some extent on the side as well in the drawings that
34 Clare and David were showing because there is a provision like that on the side yard as well.
35 Our feeling was that that was creating this artificial wedding cake type thing. It is not that the
36 whole structure gets moved back it is that that second story portion gets set back farther in
37 combination with a second story setback and a daylight plane and that the sort of equivalency
38 here was to match the daylight plane to the adjacent use and that that was sufficient and these
39 other things were as David mentioned producing bad design options.

40
41 Vice Chair Packer: I can appreciate that I just want us to take into consideration the concerns
42 especially along El Camino Real where you have this long strip of RM-15, 30, 40 and different
43 things butting up to R-1 not just R-2. The R-1s are right behind it. We have seen projects come
44 before us where the R-1 neighbors were very concerned and we have approved PCs or whatever
45 that have greater rear setbacks. So I don't know how to deal with it but it might be another
46 consideration.

1 If I may since Lee asked a question on density can I ask a question on that? Also I went back to
2 the existing code for the RM-15, 30 and 40 and it has this permitted densities set forth in a
3 different format than is set forth in the calculation here that you gave us today. It is up to 6,000
4 feet, it is one unit, beyond 6,000 feet it is two units or three units if it is RM-40 and then there is
5 a number of square feet depending on the zone is one more unit and 2,800-plus square feet. You
6 know what it is. Well, I went and looked at it and I looked at how many you would get per acre
7 and it is really less per acre if you add it all up. It is different from what you did here. So I
8 wondered why you didn't continue with the format that is presented in our existing code and how
9 the densities compare with what you are proposing to us now? Was there a good reason for it?
10 It just doesn't come out.

11
12 Mr. Williams: The primary reason, I think we reported this to you in February when we
13 presented it we probably spent a little more time on it then, is that that formula is extremely
14 restrictive for these properties. These are the properties that are basically less than 8,500 square
15 feet as David mentioned there are 56% or something of the RM lots are under 8,500 square feet.
16 That to basically limit them to single family or homes or two units was in many cases pretty
17 arbitrary to be that restrictive. So what we have suggested is that it essentially be the 15 units per
18 acre, 30 units per acre whatever the number is applied to the acreage even if the acreage is 15%
19 of an acre or 20% of an acre or something like that. So where you are now maybe able to do two
20 units on an 8,000 square foot lot if you could make three work with the parking and as John
21 mentioned all the other constraints that go into it, if you could make that work we didn't want to
22 prohibit that from happening because those are probably three smaller units at that point.

23
24 Vice Chair Packer: Thank you.

25
26 Mr. Solnik: Could I make one comment about the density? The footnote here says that there are
27 probably other development standards that will rule besides the density. My personal experience
28 is that parking is the one. There is joke in the architectural profession which is form follows
29 parking, which is sort of a joke on form follows function. The reason that joke is there is
30 because in fact every site that I have personally analyzed or done for clients in Palo Alto the
31 parking has determined the density not the density part of the zoning. So it is not just a maybe,
32 this is partly an answer to Karen's question too, parking is really what is driving density and it is
33 just a fact. I think developers would concur with that and that is one of the main reasons why we
34 are not seeing things at the density that would otherwise be allowed.

35
36 Chair Cassel: In some of our previous workshops we have had on form code they were
37 demonstrating to us what some of those problems were and we have received some written
38 material on that problem and how we proceed with it.

39
40 Mr. Solnik: I don't know whether it is a problem it is just that

41
42 Chair Cassel: Well, it is a problem when you are designing you form around the parking.

43
44 Mr. Solnik: Exactly.

45
46 Chair Cassel: That is why you call it a joke but it isn't a funny joke. I was going to ask a
47 question and I forgot what it was. Go ahead.

48

1 Commissioner Burt: Could you clarify again how we are proceeding on this? Right now are we
2 just going through the setbacks and daylight plane?
3

4 Chair Cassel: I was trying to stay generally in the area of setback and daylight planes that they
5 were asking us about, the development standards for setbacks and daylight planes and some of
6 the density issues came into that. Then they want us to discuss personal services, retail services
7 and their recommendations on that. Then we may have other questions but they would like us to
8 look at those questions in some detail and give them some guideline. We worked with this
9 before, it came to us before, they have worked on it in more detail and my understanding is they
10 are going to come back to us with more detailed information that is outlined up here under one
11 through four. So they are looking to us for general information and they are specifically going to
12 come back with much more detailed information. They are going to give us a list of lots and
13 sizes to go visit and general areas to walk to go see some of this.
14

15 Commissioner Burt: So the reason for my question is I have questions on areas other than the
16 setbacks and the commercial services.
17

18 Chair Cassel: We should get to that so we should be careful how long we spend on this. We
19 have discussed some of these problems with parking. The comment I wanted to make at this
20 point was I was at the City Council meeting where they discussed the R-1 zoning and when they
21 turned down the attached units in the R-1 zone they said we have an RM zone and that is where
22 the units should be going and that is where we should be seeing the increased density. They
23 were very specific about that.
24

25 Did you have a question, Michael? Do you have a question, Annette?
26

27 Commissioner Bialson: This is restricted to the setbacks and such?
28

29 Chair Cassel: Well, it would helpful if we could get through some of that and then discuss the
30 next one and then have our general questions because we have the whole chapter in front of us.
31

32 Commissioner Bialson: I don't have any questions.
33

34 Chair Cassel: Do you have any more questions on this, Karen?
35

36 Commissioner Bialson: I do want to affirm concern about the rear setback that Bonnie stated.
37

38 Commissioner Holman: I am having a hard time understanding how – one of the questions I had
39 asked was about if parking standards, since that also comes to us separately, if those were going
40 to be relaxed for the RM zones. Following Mr. Solnik's comment about parking driving form or
41 form following parking it has been one of my concerns and I would like Staff to comment on
42 this. One of my concerns has been that we are not going to end up with more housing units even
43 if that is a goal that people agree with in certain particular neighborhoods. I am not sure we
44 should be looking at broad brush of this but at any rate....
45

46 Chair Cassel: Karen, in relationship to the questions that other people have asked me are those
47 questions related to....
48

1 Commissioner Holman: Development standards? Absolutely.
2
3 Chair Cassel: Okay.
4
5 Commissioner Holman: So my concern is that, but parking plays into this, but my concern is
6 given you know I am not saying that the wedding cake is a good design but it has saved some of
7 what is there that is more affordable if you eliminate that, if you relax daylight planes I am
8 having a real hard time understanding how we are not just going to get bigger units and no more.
9 They are just going to be bigger and more expensive. I would really like Staff to address that I
10 am not getting around that.
11
12 Chair Cassel: Actually, Lee would like to address that so let's let Lee try it.
13
14 Commissioner Lippert: These numbers are deceptive because you are right parking is not
15 figured into this but it is a part of it. Each of those units is required to provide covered parking at
16 least one space of covered parking, which feeds into the maximum allowable FAR. So the units
17 do look probably more generous than they should be but that also includes one covered parking
18 space, which is the equivalent of another bedroom.
19
20 Commissioner Holman: That is not lost on me. What I am saying is that the concept that I am
21 having a hard time getting around is we are essentially allowing more FAR.
22
23 Chair Cassel: Are you looking at mass rather than FAR? Is your concern there is going to be
24 more mass to these buildings?
25
26 Commissioner Holman: It is mass. It is FAR. FAR is equated to mass too. So why would we
27 not just end up with bigger more expensive units and no more of them especially if they can
28 avoid ARB review by doing a lot combination, eliminate two smaller units and build two bigger
29 units?
30
31 Chair Cassel: Bonnie.
32
33 Vice Chair Packer: I think Staff has clearly stated that there is no proposal to increase FAR.
34 That is very clear but let me state that one way to keep the units smaller is to embrace the
35 concept of minimum density.
36
37 Chair Cassel: Pat.
38
39 Commissioner Burt: I think that I understood Commissioner Holman's position not that Staff
40 was recommending a specific increase to FAR but that there would be a practical impact of
41 increasing the typical FAR. Now whether I agree or disagree with those recommendations I
42 think that is a clarification of what she was attempting to say.
43
44 Chair Cassel: Okay, are there any other comments on this one? Lee, did you have a question?
45 Does anyone else have a question? Karen, do you have another question on the setbacks? I
46 think we heard your concerns here.
47
48 Commissioner Holman: It is on density it is not on setbacks.

1
2 Chair Cassel: Okay. How do we want Staff to proceed with this? They are willing to bring us
3 back a lot more information. Do you have information you want from us now or do you want us
4 to proceed with anything more definitive?
5

6 Mr. Lusardi: No, I think what we can best do for the Commission is probably take some typical
7 lots that we find out there and take the development standards, existing standards and proposed
8 standards, and do some modeling and do some layouts for you so you get some on the ground
9 insight into what kind of development could happen, how many units, how parking would
10 generate and we will work with the ARB to make sure that those are accurate and good
11 development design.
12

13 Chair Cassel: Okay, so then you have enough from us as to how to proceed on that.
14

15 Commissioner Holman: Excuse me. Can I just make one more comment on that before you go
16 on?
17

18 Chair Cassel: Okay.
19

20 Commissioner Holman: Back to historic just for a moment, yes we are not increasing FAR but
21 we effectively are by making these allowances. So the reason I am bringing historic up now is
22 one of the things that needs to be considered is that redevelopment happens for a couple of
23 reasons. The primary reason in this community is not even condition of existing development. It
24 is because there is potential for more development. The reason I asked that question about
25 historic is because I think that is going to put increased pressure to redevelop properties where
26 there are historic structures.
27

28 Chair Cassel: David.
29

30 Mr. Solnik: Just one thing. I know what you are saying about the FAR. In the ARB we don't
31 see that. We see new developments being at the maximum FAR almost exclusively. They are
32 not necessarily and they are frequently not at the maximum density but they are almost always at
33 the maximum FAR. I don't think there would be any change in that regard.
34

35 Commissioner Holman: You just concurred my concern.
36

37 Mr. Solnik: But this zoning change is not affecting it.
38

39 Commissioner Holman: This effectively and Staff even responded in that way this effectively
40 increases the FAR in that....
41

42 Chair Cassel: You are saying it increases the amount of FAR that is achievable. What they are
43 going to do is develop – what they are going to do, Karen, is try to model some things for us to
44 look at that issue.
45

46 Mr. Solnik: No, the FAR is achievable now. The projects that we are seeing now under the
47 current zoning are maximizing the FAR already and I presume they will continue to maximize
48 the FAR under this change. That maximum will not change.

1
2 Commissioner Holman: Are you seeing development applications coming to you in the RM-15
3 zones? Are you seeing that kind of development coming to you?
4

5 Mr. Solnik: Yes. RM-15 and RM-30 and it has all been at the maximum FAR.
6

7 Chair Cassel: Thank you. Okay, let's look at this next issue and see what we think of this one
8 and what the problems might be, what we may see that the Staff doesn't see. This is personal
9 services, retail services, eating and drinking services in the RM-30 and RM-40 districts. Does
10 Staff want to say anything more about that before we start asking you questions?
11

12 Mr. Lusardi: Only to point out that it is currently in the ordinance and it is allowed in the RM-40
13 for developments of 200 units or more. As we stated at the last meeting we really don't see that
14 reality happening on those kinds of developments so we did want to address the opportunities for
15 small retail or personal services in a 50 unit or more development site in the RM-30 or 40. One
16 of the major goals here is to make sure that there are controls in place with respect to those uses,
17 how they operate, and hours of operation. Secondly, was also to build in some assurance that
18 those uses are really neighborhood serving, pedestrian oriented and not destination uses as far as
19 automobiles go. So those are the two emphases' we wanted to make. To be honest with you I
20 don't think Staff sees a whole lot of that happening even with the proposal that we are making
21 here. So if you really feel that that's going too far or something tell us because we really don't
22 see that development happening an awful lot within the city.
23

24 Chair Cassel: When this came to us the last time what we asked you to do was to look at those
25 uses and make sure they were not as broad as they are in the neighborhood commercial areas
26 because we felt that that was too broad a range of uses and you gave us a narrower sense of use
27 here. Lee, you have a question.
28

29 Commissioner Lippert: I think that when we had reviewed this and when we had defined or
30 when we had put in there eating and drinking establishments the intent was that there was no
31 cooking on the premises that there could be food preparation but we did not expect like a full
32 service bakery or a full service restaurant to be on the premises that would create fumes or odors
33 that would be disruptive to a residential environment. Is that not correct?
34

35 Chair Cassel: I was not sure that was the consensus of the whole group. Is that the consensus of
36 the whole group that there would be none?
37

38 Commissioner Lippert: That is why I am asking for clarification.
39

40 Chair Cassel: Annette.
41

42 Commissioner Bialson: I don't think that was the consensus of the whole group. I think that you
43 are going to have a lot of establishments sought for that would provide food to the residents. To
44 say that they can't cook I think is beyond what would be allowed.
45

46 Chair Cassel: Bonnie.
47

1 Vice Chair Packer: I have a question about the requirement that the maximum size of the space
2 be 2,500 square feet or three percent of the residential floor area whichever is smaller. If it is
3 based on the number of units I was thinking if you had a development that maybe was SRO type
4 you might have a development that is under 84,000 square feet. I think 84,000 square feet of
5 residential space would get you the 2,500. If you had a project that was less than that but it had
6 50 units then they would be limited to the three percent, which would be a smaller space. I
7 wonder whether that is fair. Why would you penalize a project that was smaller because it had
8 smaller units and not let them have the larger space? Why just have a maximum of 2,500 square
9 feet and that's that instead of dealing with the three percent?

10
11 Mr. Lusardi: I think what we were just trying to establish was some kind of ceiling. If the
12 Commission thinks that 2,500 square feet serves the purpose then we would be more than happy
13 to work with that number. I think we also established 800 square feet as a minimum because we
14 have been told by our urban design consultants that 800 square feet is the smallest you can really
15 go to get an efficient retail or personal service space. So that is the number that we have been
16 using that they have come up with.

17
18 Chair Cassel: Michael.

19
20 Vice Chair Packer: I just want to follow up. Are we going to have a definition of residential
21 floor area because I don't know if that is defined? We have a concept of floor area that includes
22 various things including the garage and this provision raises a different category that isn't clearly
23 defined. So if we are going to limit it to the residential floor area I would suggest a definition of
24 some sort.

25
26 Chair Cassel: Michael.

27
28 Commissioner Griffin: John, you said that Staff is of the opinion that not very many of these
29 spaces will actually be used or come to pass even though they are allowed they are not going to
30 happen. Would you like to elaborate a little on that? Why do you think we will not see a lot of
31 these?

32
33 Mr. Lusardi: Well, maybe David can add to this but these types of retail spaces are not revenue
34 generating. That is they do not create the revenue or make the pro forma of the project so they
35 are almost always subordinate to the residential units. We have heard over and over again major
36 mixed-use developments where retail spaces are a very difficult component to make happen and
37 be successful. So what we are really trying to do is establish an incentive for this to happen
38 through allowing it to be exempt from the FAR and recognizing that there may be an opportunity
39 out there to serve a particular neighborhood. But given the size of Palo Alto and where retail is
40 already located and stuff we don't see this as being a high number of development happening. I
41 don't know that we want to preclude that from happening as well. So our best bet is to build in
42 provisions such as the ARB review, conditional use permits, limit or get very specific on how
43 these operations can occur and what kinds of uses can happen so that opportunity is there.

44
45 Mr. Solnik: The ARB has been a strong proponent of it because of its, and Drew has really been
46 especially strong, because it is reducing traffic. That is really the issue is we always talk about
47 reducing traffic but we don't really provide them the means to allow people not to have to drive.
48 This was an incentive to do that. When we have asked applicants why don't you put something

1 like this in there they say well it just doesn't pencil. We have asked we often ask. Of course this
2 would be a different story because this would be over and above, this would incentivized. This
3 would be something that wouldn't take out of their other income producing square footage it
4 would add on to it. So I suppose it is a bit of a test of will they bite or will they not and we don't
5 know until the start putting their numbers together and see whether they do it or not.

6
7 Chair Cassel: David, related to that the maximum number here is 2,400 square feet and the
8 minimum is 800 that you can have would you find businesses that would use all 2,400 square
9 feet and still be serving just that complex and the immediate neighbors or would it be better to
10 have some maximum for the size of some units?

11
12 Mr. Solnik: For the size of each?

13
14 Chair Cassel: For each because it will vary but should we not have something larger than 1,200
15 in order to keep this?

16
17 Mr. Solnik: To keep it a maximum. Even though you allow say 2,500 it has to be broken down
18 into say two or something like that, I think that sounds reasonable. I think that is a good point.

19
20 Chair Cassel: Annette, did you have a question?

21
22 Commissioner Bialson: No, I am just interested in what Staff comes back with on this item.

23
24 Chair Cassel: Karen.

25
26 Commissioner Holman: My hope was and my memory is and my wish is that we would concur
27 more with Commissioner Lippert's concern regarding food preparation. Previous experience and
28 some study has indicated that it is very, very difficult to achieve compatibility with food
29 preparation in a housing development. Providing foodstuffs is very, very different than food
30 preparation and I just think there are all kinds of issues involving that.

31
32 I would concur with Chair Cassel's comments about having a maximum size of service space. I
33 am not sure how I feel about 1,200 but we will see what Staff comes back with on that. I think
34 Bob Moss brought up a good point about diversity of uses in these service spaces as well. Then
35 the other question is if they don't pencil that is one thing. If we do allow for the space and I do
36 support walkable and walkability and neighborhoods used to have neighborhood markets and it
37 made a lot of sense you just walked down the block to get your needs met. What happens if the
38 space isn't successful and it is additional or bonus FAR? What happens then? What could it be
39 converted to? That is a question.

40
41 Chair Cassel: Lee.

42
43 Commissioner Lippert: Well, I am torn between the idea of cafes versus full service restaurants.
44 Perhaps what we could do is define cafes where there is no food preparation as permitted uses
45 and then for restaurants as requiring a conditional use permit. What I am thinking of and this is
46 just where I am coming from is I used to travel on business quite frequently, I used to have to
47 travel to Los Angeles and I would stay in a hotel it looked just like an apartment building and it
48 had food service in there. Even though I had small kitchenette in my – it was a residence hotel

1 and even though it had a small kitchenette in my suite. I could get breakfast there every day and
2 it was very convenient for living there for two to three weeks at a time and then moving on. That
3 is what I am thinking of here is that with Silicon Valley and high technology we have people
4 coming and going all the time and being able to plant themselves in a residential type apartment
5 setting for a period of time, wanting to focus in on their work, get something go to eat and then
6 go off to work and they are gone in three to four weeks and somebody else moves into the unit.
7 That falls under the type of units that we are looking here in the high-density area, which would
8 be 50 or more units.

9
10 Chair Cassel: Pat.

11
12 Commissioner Burt: First Staff may want to comment on that but I thought that our restrictions
13 on what constitutes an itinerant resident was that anything less than a 30-day stay was an
14 itinerant resident and essentially a hotel-like function so a different use. But getting back to the
15 other aspects that have been getting discussed certainly one of the things we used to have that we
16 have talked about here that we would like to see promoted are mom and pop grocery stores. So
17 under that context we are saying that only on developments of at 50 units would we allow a mom
18 and pop store to go in. We have had discussions that now that we have zoned them out 30 years
19 ago how do we get them back? It seems that if we had a development that was an RM-15 or
20 even an RM-30 or 40 that was less than 50 dwelling units why wouldn't we want to allow it?
21 We have a separate question whether they would be incentivized to do it and choose to do it. As
22 I read this we are prohibiting that option even as a conditional use, is that correct?

23
24 Mr. Lusardi: You mean if the project is less than 50 units? Yes, that is correct and again we are
25 trying to balance a fine line here of keeping it predominantly multi-family residential but not
26 going over to mixed use. There are appropriate areas and zones for mixed use. So we are just
27 trying to establish some kind of standards in that respect. I think along those lines though David
28 did ask an interesting question this morning. If one developer were developing concurrent
29 parcels and one was 30 units and the other was 40 units how would we address that? I think that
30 is something we need to look at if that would be the case if we would allow that kind of situation
31 to happen as well. What we are trying to do is establish what we think is a density or a number
32 of units that we think can support the retail space as well as allow it.

33
34 Commissioner Burt: Well, on that last part of your comment the density to support it isn't
35 necessarily going to be that particular development it is the surrounding neighborhood. So for
36 that reason if the rest of the Commission is of somewhat like mind I would like to encourage
37 Staff to come back looking at a lower maximum limit than this 2,500 square feet because I don't
38 think we want in these smaller units or if we are envisioning a single mom and pop we don't
39 want something of that size but some smaller limit, I don't know whether it is 1,200 or what is
40 the most appropriate size but something that allows a mom and pop to exist on a smaller new
41 development. The new developments are the only place that they are going to come in and that
42 people, and one of the things that we may want to put as a contingency there is once again if
43 these RM districts about either lower density districts or a single family home on a higher density
44 lot then that should be one of the considerations in that conditional use as to where within the
45 development the commercial area should exist. Basically under the concept if new people come
46 in and they are buying into accepting a small neighborhood serving commercial establishment
47 next door to their apartment or townhouse or condo then they have accepted that from the get-go
48 and they are not having that imposed on them. Whereas if we are imposing it on somebody who

1 bought their place without that and they don't want it we don't want to ram it down their throats
2 just because we think it is good for the overall neighborhood. That is the dilemma on how do we
3 get them back but I think it recognizes those different needs.
4

5 Chair Cassel: Bonnie, do you want to respond to that or make some other comment?
6

7 Vice Chair Packer: Yes. Some of the concerns Commissioners and others have raised I think
8 Staff has done a good job of addressing these concerns in that big paragraph on allowable
9 neighborhood serving uses. It has to be generally pedestrian oriented in design and does not
10 generate noise, fumes or traffic greater than that typically expected for uses with a local customer
11 base. So I think issues about fumes and noise and large restaurants producing stuff that people
12 wouldn't like I think that can be addressed in the conditional use process. So maybe a couple of
13 other qualifiers can be thrown into that paragraph like diversity of uses, etc. might be helpful.
14 One thing though I would like to clarify is what we are trying to incentivize are small businesses
15 which may or may not be mom and pops. They may be chains. We are not regulating that and
16 we have to be realistic about the current economy we live in whether we like it or not. So I don't
17 think we should be calling them mom and pops we are just going to be calling them
18 neighborhood serving. We can't control whether it is Pete's or Sophia's that is going to go there
19 so just a comment on that.
20

21 Chair Cassel: I didn't want to suggest that we don't have 2,400 square feet as that limit but
22 2,500 square feet but I did want to suggest that we might have a maximum size on the project so
23 that you would encourage more than one space rather than just one larger one. That was my
24 concept there and the 2,400 square feet seemed fine for me that would give you about three small
25 ones. You didn't include in your list a hair salon and despite what everyone thinks about nail
26 salons it is an absolutely wonderful spot for them because lots of people come down and get their
27 nails done and not have to drive Downtown. The point is to have three different ones.
28 Businesses won't put three nail salons together because they won't survive in a situation like
29 this. Although we have seen a lot of nail salons in Downtown and in some of these districts I
30 don't think that is a worry here. So I guess I would like to see this happen and I think roughly 50
31 is a good number and we just don't produce too many sites like that but we will get some
32 scattered around town. I think it is good to bring the number down. I am going to go down and
33 come back. Michael.
34

35 Commissioner Griffin: I was going to pick up on Bonnie's point of chains and it would be
36 interesting to know the size of a 7-11 for example and perhaps that would be more appropriate as
37 our maximum size. They all seem to be roughly 1,800 square feet or something like that and
38 maybe that is a more appropriate size than the 2,500. The other thing that Lee was talking about
39 differentiating between cafes and restaurants and trying to avoid the problems of too much in the
40 way of cooking and whatnot and perhaps we could talk about delicatessens and coffee shops and
41 things of that nature in an attempt to not wind up with a full bore pocket restaurant of some sort.
42 I am sensitive to the odor issue and I think that developers are going to be pretty leery about
43 sponsoring a full bore restaurant in a residential building because they are trying to sell these
44 things and I think that potential buyers are going to question whether or not they want to own
45 property in such a facility.
46

47 Chair Cassel: Annette.
48

1 Commissioner Bialson: Are we through with this subject now? Can we go on to the next one?

2
3 Chair Cassel: Are we through with it? I think there are a couple of people that want to make
4 some more statements. I think we should kind of round it out so we will have time for others.
5

6 Commissioner Bialson: My feeling about this is the marketplace will determine what the
7 demands being met are and that a lot of cafes start out serving cold food and then find the
8 demand is such that they start going into warm foods and hot foods. It is very difficult for us
9 given the lack of vision that I think we all have to acknowledge we have as to what people are
10 going to actually want. I think what we should do in this function that we are trying to
11 encourage people with is try to be open and not micromanage. What I am hearing from much of
12 the discussion here is micromanaging what the marketplace is going to demand. If we are
13 talking about trying to encourage these things I think the less definition the better. Our concerns
14 are that they not be too large, that they be neighborhood serving and I think we can go with what
15 Staff has already written plus some modifications that Bonnie has pointed out and see where this
16 goes.
17

18 Chair Cassel: Karen.
19

20 Commissioner Holman: Well I had stated earlier that food preparation when it involves cooking
21 is really incompatible with residential buildings. The marketplace will to some degree flesh out
22 what can be successful at the same time most especially if there aren't size limitations put on but
23 even if there are if cooking is allowed it could be the rest of the neighborhood that supports and
24 promotes this service but they don't have to live with it. If you are living in the same building
25 the consequences are quite different. So I really do not support having cooking facilities in any
26 kind of food service in these multi-family projects.
27

28 Commissioner Lippert: I would like to go back to sort of what the impetus of all of this really
29 was which is we are looking at liberalizing or relaxing some of the regulations here in the hope
30 of developing some regulations that will make it unnecessary for developers to go out and go
31 through the PC process. It is still there and it is still available to them but to relax these
32 standards so that they don't have to make use of the PC process all the time and us and the City
33 Council having to review these projects. So part of the reason for writing these regulations or
34 making them very specific and very explicit is that if you follow these regulations it is not
35 necessary for you to submit a PC application. Now, the two projects that I have in mind which
36 are very, very different that have food service is over on I believe it is Park and Sheridan there is
37 a PC in there that has a café with a public plaza and a piece of public artwork. It was meant to be
38 a public plaza and slowly this restaurant has taken over this plaza and it is no longer a public
39 plaza. In fact there are tents there and the dining is happening under the tents and it is like this
40 restaurant has exploded and has taken over. It is not the intent of what the PC was meant for for
41 this project. By being very specific and being very explicit in our regulations we avoid situations
42 like this. The other situation that I am thinking of is over at the corner of High and Homer in
43 which there was another PC that is currently under construction which has a public amenity, a
44 small café going in the corner, with a public plaza and again I think the intent is to sort of
45 generate some life on that corner to be able to have some commerce in conjunction with the
46 apartments that are above it but I don't think it is meant by any means to be a full blown
47 restaurant. So the hope here is that in us looking at what would be permitted in these retail
48 spaces being very specific in terms of regulating the kinds of uses that we want to see.

1
2 Chair Cassel: Did you want to say something else, Pat, at this point?
3

4 Commissioner Burt: So I am glad that the Commission is returning to the question of what were
5 the objectives in making sure that we are matching up the various goals because some of the
6 ones that other Commissioners were mentioning are a little bit different from the ones I was
7 thinking of and it makes me realize that there are several different objectives and certain ones
8 that are different in different locations. We have the 800 High property that Lee was alluding to
9 and that is in the SOFA II area and that is a commercial area, which is now having greater
10 residential presence. So one objective there was to have a vitality to that corner there and I
11 remember the discussions within the SOFA group. I think the point is well taken that certain
12 uses if they are allowable and we might have a reduction in PC use by prescribing those better.
13 At the same time I was dwelling on what David had said earlier about a primary objective being
14 really to create a walkable neighborhood. Many of these developments are in less commercial
15 areas than say 800 High was. So these small commercial establishments that serve not only that
16 development but the immediately surrounding neighborhood in a way that doesn't harm their
17 quality of life but creates a walkable set of services and that goes to whether there is language
18 that can further identify the parameters for these conditional uses and how they are granted. I
19 think Staff has done a good job of trying to scope that. I don't necessarily have the specific
20 language recommendations right now but I want to make sure that we are recognizing that there
21 are different commercial uses that would be appropriate in different locations and maybe we do a
22 little bit of description of those differentiations and what are the objectives. Maybe we should
23 include in here a little more language on what are the purposes that we are trying to fulfill by
24 having these and then that helps give guidance for the conditional use application. Along those
25 lines we may not want to call them mom and pop but if we have a small commercial
26 establishment that serves several functions in the same small establishment it tends to be serving
27 those people who walk to it. What we are not trying to do is have a small commercial
28 establishment that nevertheless has a lot of driving to it and it is more of a draw from outside
29 areas. So those are the guidelines that I would recommend and let Staff see if they can continue
30 to tweak this to reflect the objectives that have been stated by several people.
31

32 Chair Cassel: Bonnie.
33

34 Vice Chair Packer: I will just be real quick. I concur with what Pat is saying and also just not to
35 leave the impression that there is a consensus about the restaurants I am not opposed to cooking.
36 There are going to be 50 kitchens in these developments so kitchens per se are not a bad thing
37 and I don't think we should say as one of the criteria that there shall not be any cooking in this
38 establishment. I think the other parameters will address any issues of fumes and noise, etc. as
39 well as size. The issue of compatibility of other uses in the neighborhood where this project is
40 going which is what I think Pat was talking about is a good one.
41

42 Chair Cassel: I also agree that I don't think we should b banning cooking. I think that in doing
43 so we are being unrealistic for what a small business, if you are talking about a mom and pop,
44 could do that would be selling some things and a little bit of cooking. How we control it is going
45 to be a little tricky. We do have on Sheridan Avenue a restaurant that we demanded that they put
46 in there, here on the Planning Commission, we demanded that they make that space into some
47 kind of retail space. We had no idea if it was going to be viable, we were very concerned that
48 that public plaza would have no one there that it was going to be an extremely dead space and

1 that was our biggest fear. Now this is mostly in a relatively commercial space, it has plenty of
2 parking adequate for it and we are very upset because we don't have adequate access to the
3 public space. So it is a very interesting twist on our original goal was and a very pleasant one.
4 That is what we mostly wish for in most cases. There are people who object but there is plenty
5 of parking and there is lots going on so I don't know. In general I agree that we shouldn't have
6 one space that is 2,400 square feet and I think it should be neighborhood serving. I think we
7 should go on with some other questions at this point. Have we given you enough direction to
8 proceed or have we given you a whole mess of confusion?
9

10 Okay, now I think those are the two major questions. Other had some other things they wanted
11 to talk about. Minimum density for one. Do you want to do minimum density? Apparently we
12 missed that.
13

14 Commissioner Lippert: Actually I wanted to under the other requirements and performance
15 criteria I had a question or a comment for that.
16

17 Chair Cassel: And do your minimum density at the same time because we need to keep going. I
18 was working from the front back and I think we must have missed minimum density. Did I miss
19 minimum density somehow or is it not in here. Okay, go ahead.
20

21 Commissioner Lippert: I had a question about satellite antennas. We are beginning to see a
22 proliferation of satellite antennas on balconies, satellite dishes. A concern of mine is that in
23 developing these units and developing all these balconies we are going to begin to see individual
24 satellite antennas. What perhaps should happen is that there should be some sort of written into
25 the ordinance that they be consolidated on the roof and not screened but at least not visible from
26 the street.
27

28 Mr. Larkin: There is a certain extent to which we are preempted by state law on regulation of the
29 satellite dishes.
30

31 Commissioner Lippert: We are but we can provide areas for those to occur with the appropriate
32 conduits to those locations.
33

34 Chair Cassel: Would you check on that and see what we can get away with on that?
35

36 Mr. Larkin: I will look into the extent to which we can regulate the placement.
37

38 Commissioner Lippert: Okay. Some people might even be prohibited or not be able to have
39 satellite dishes because they are on the wrong side of the building.
40

41 Chair Cassel: Pat.
42

43 Commissioner Burt: So on minimum density we had at our places a letter from Warner and
44 Deborah Ju that raised an issue and I wanted to see if Staff concurred with the assertion that is
45 made here. The example was on the Hyatt site the bottom paragraph there said if the mandatory
46 minimum were applied to the Hyatt site then Council would be precluded from approving the
47 185 units currently proposed by the developer and the mandatory minimum for the 16 acre site
48 would be 256 units. Is that correct?

1
2 Mr. Lusardi: That is the right number. What they are proposing in that is the right number that
3 the minimum density would require. Let me just point out for the record on the Hyatt Rickey's
4 site that application is on file and so that would not be affected by any proposed changes to the
5 ordinance that particular site, that particular development. Again, let me also point out too that it
6 is substandard lots in the RM-15, 30 and 40 would not require minimum densities. You
7 wouldn't have to meet minimum densities on those lots. So it would be the lots that are the
8 minimum lot size or greater that would require the minimum densities.
9

10 Commissioner Burt: Okay, so we may not have a practical impact on the Hyatt site but the
11 example cited if we were starting fresh, if this regulation were in place then it would be
12 mandated that they would have to put 256 units in there even though we had an EIR that for
13 instance I think, well this was in conjunction with a hotel so maybe it doesn't apply, that that
14 many units was problematic on having environmental impacts that could be mitigated. So
15 bottom line is we are looking at mandating minimum densities that are 35% or more above what
16 is being proposed for the Hyatt site. Is that what we really mean to be doing here?
17

18 Chair Cassel: I am sorry, I can't find that sheet. I know it was here before so what density are
19 we looking at? Let's use an example of ten acres instead of using that site. Say we had a ten-
20 acre site and it had RM-15 it would be a minimum of 80 units, if it were an RM-30 it would be
21 160 units.
22

23 Mr. Williams: Exactly.
24

25 Chair Cassel: If it was RM-40 it would 310 units if it was a ten-acre site.
26

27 Mr. Williams: Yes, and there are a number of ways to address I mean we could try to provide
28 some flexibility as to when that wasn't necessary and maybe based on an EIR and impacts that
29 are found we could lower the minimum density number. Or if you are not comfortable with that
30 we don't have to have it but this is pretty specific. Again we are committed to bringing forward
31 these Comprehensive Plan policies and there are numbers in the purpose statements right now for
32 each of our zones that say this but it hasn't been enforced, it is not a code development standard
33 it is a purpose statement that the minimum densities are six in RM-15 not eight but 16 and 31 in
34 others. That is where we started from. I would also note that the Housing Element in the
35 housing opportunity sites used generally what these minimum densities are to project the number
36 of units that we are likely to be developing on those sites. So that is kind of what we have
37 presented in that table to the state as far as the housing sites. Again, if they are found somewhere
38 else instead of those we can go back and tell the state that.
39

40 Mr. Solnik: Just one other comment about that from the ARB. While we certainly see things
41 below the maximum density I wouldn't say we have seen, and Hyatt Rickey's might be an
42 exception to this, but I can't say that we have seen anything else at a proposed density less than
43 50% of the maximum. I can't think of any. So this minimum may not have much of an impact
44 in that regard except for the RM-40 it is already at about 50%.
45

46 Commissioner Burt: If I might just follow up to my question. The Hyatt Rickey's proposal
47 would be
48

1 Mr. Solnik: Yes, the Hyatt Rickey's you are right might be the exception to that but I am just
2 saying that I can't think of any other project that we have looked at that would be impacted by
3 this minimum.

4
5 Mr. Lusardi: Let me just again respond to one of your questions, Commissioner Burt. If you
6 had a project that required a minimum density and those number of units under that minimum
7 density created a significant impact or potentially significant traffic impact. I was talking with
8 the City Attorney I think we need to explore this a little more but I think the avenue of the
9 Environmental Impact Report and that process would allow you to reduce those units to reduce
10 the impacts to less than significant level. I think that is something we need to explore as one of
11 those things that should be considered.

12
13 Chair Cassel: Bonnie.

14
15 Vice Chair Packer: Just following from Curtis's statement about the existing minimum densities
16 that are in the purpose statements I would like to ask our attorney is a purpose statement any less
17 of a requirement than the same language in the provision that is called development standards?
18 Because the purpose statement for like RM-15 right now it says the permitted densities in the
19 RM-15 for example range from six to 15 dwelling units per acre. That is in the purpose
20 statement. So is that as legally valid as any other aspect of the code?

21
22 Mr. Larkin: Certainly to the extent those minimums are adopted in City Council's ordinance and
23 incorporated into the code those are City Council standards and those are enforceable.

24
25 Vice Chair Packer: So we do have minimum densities and to the extent we have enforced them
26 or not enforced them there may have been an environmental impact that would allow us to go
27 below that. I think we should, as Staff has said, I think we should be clear that we are not
28 creating a new concept in this proposal. Minimum densities establish in essence a multiple
29 family zone. If you don't have some kind of a minimum density then if the economics are right
30 you will have single-family dwellings on these parcels not large mansions up to 6,000 square feet
31 if that is the economic incentive of the moment. So I just want to state my position that I support
32 the Staff's proposal.

33
34 Commissioner Burt: I just want to clarify I didn't argue against the existence of minimum
35 densities. I am talking about where do we draw the line.

36
37 Chair Cassel: You asked a question of clarification. The other issue on minimum densities is
38 people can bring in less density, bring in the same floor area ratio, so that they can have bigger
39 units and not smaller units. So one of the reasons for having minimum densities is that you don't
40 have as many large units. Now there seems to be some understanding that these smaller units
41 cost the community more. That may depend on where you are what your tax structure is. Maybe
42 in this state it does but I went to a community in which everyone thought single family homes
43 were the best thing that could happen to that community and that two bedroom units and one
44 bedroom units were going to cost the city huge amounts of money because of the number of
45 children that were going to be in them and it wasn't going to work. It turned out that one
46 bedroom units and two bedroom units have little kids in them and then people tend to move to
47 larger units when their kids hit school. I was in a situation with almost no place to live because
48 they had literally not zoned anything for one and two bedroom units. That almost whole county

1 was in dire straights for housing for these small units and when they finally woke up all the three
2 and four bedroom units were housing kids like crazy and filling the schools. So it isn't as
3 obvious that small units cost more than large units because large units put more people in them
4 and often people with many children. So maybe there is an issue in keeping the minimums to
5 keep the units smaller. Michael, did you want to speak? Annette?

6
7 Commissioner Bialson: I think points are well thought out but I think one of the things we are
8 forgetting about is the impact on neighbors of these projects and the amount of traffic that is
9 generated by more small units. Children don't drive, that's true. If you have larger units you are
10 a little more family friendly, which I think is appropriate for this community to be. It might
11 generate some school children but I think that is something we have already said we are willing
12 to abide by so I am less concerned about the tax impacts and the cost to the community. What
13 we have heard loud and clear from neighbors whether it be in the granny unit area or otherwise is
14 they do not want these units. What we hear from developers is that they want to maximize their
15 return. I again go back to saying that some of these spots whether they be the Hyatt or
16 something like that will have someone come forward with ideas as to what they want to do with
17 the project and those ideas will probably respond partially to the marketplace but also to what
18 regulations we promulgate with regard to parking and various other things. I do not think we
19 should have minimums that are just not workable. Unless we do a survey and we go lot by lot
20 and come up with what is possible under present day regulations the minimums aren't going to
21 mean anything anyway. To have something in the introductory paragraph as we now do I think
22 is a sufficient reminder and an objective for City Council to keep in mind but going on to coming
23 up with further regulation with regard to minimums at this time I disagree with.

24
25 Chair Cassel: Karen.

26
27 Commissioner Holman: In many regards I agree with Commissioner Bialson's most recent
28 comments. Also for a few reasons one of them is can Staff tell us where we are in terms of
29 housing unit generation at this point? We have as part of the Housing Element identified a
30 number of housing sites but we have been getting housing on sites that at the time we never
31 dreamed would become housing sites to the extent that I think there is some concern that maybe
32 we ought to be monitoring it so we don't lose some of our valuable commercial space that is in
33 the lower rent districts if you will. So can Staff tell us where we are in terms of housing unit
34 generation both created and being proposed?

35
36 Mr. Lusardi: Actually we generated that number for the Council. They asked for that number
37 with respect to the R-1 ordinance and I don't have it with me. So we can get it to you. We do
38 have that number and we can get it to you.

39
40 Commissioner Holman: I would appreciate that. And the impacts I would just say also it isn't
41 necessarily the size of the units although Chair Cassel makes good points in that regard it is also
42 the number of units and the number of people have impacts on demands on infrastructure. Kids
43 don't drive but they need to be driven places. There are more toilets flushing and all manner of
44 things. Our infrastructure gets more stressed with more units. So I think it is a balancing act. I
45 think we need to be cautious that we are aware that we try to do what we can to balance the
46 jobs/housing imbalance and that we need to provide housing but that we don't just become
47 singly focused here and that we keep a balance in sight.

1 One of the questions I had submitted was a chart of the proposed densities for the various sized
2 lots. What came back was this other chart but what I was looking for was something different. I
3 was wondering what the density was with one unit on a 5,000 square foot lot, two units on a
4 5,000 square foot lot. Part of the reason I was going there was just to have that information
5 because I think it would be helpful in how we ascertain what is appropriate and not but also
6 because I identified some nonconformancies because two units on a 5,000 square foot lot for
7 instance in an RM-15 zone is nonconforming. It is 17 units to the acre. The Staff Report that
8 came to us last time said that they were going to require or encourage, I have forgotten which it
9 was, a minimum of two units on a 5,000 square foot lot. Well, three units on a 5,000 square foot
10 lot is 26 units to the acre that is nearly double what the zoning is. So I just think we need to be
11 cognizant of what it is that we are creating and what we are proposing.

12
13 Also, I need to go back to one development thing because it is a question I forgot to ask which is
14 daylight planes having to do with side and rear lot lines for sites abutting a low density
15 residential zone for lots with widths greater than or equal to 70 feet. That isn't necessarily a lot
16 that is too large for a single family home to be developed and there is no daylight plane required.
17 Again, I think that is some place that I think were we need to seriously look at what the impacts
18 of that could be on a neighbor. A lot of the development on the ground is developed as single
19 family even if it is zoned as multi-family. So I think that is a potentially very large issue.

20
21 Chair Cassel: I think there is a misunderstanding there because if they build a single-family unit
22 they have to meet the R-1 requirements.

23
24 Mr. Lusardi: I believe what Commissioner Holman is referring to is how we apply the
25 development standards with respect to the adjacent zoning versus the adjacent use and we are
26 applying them based on the adjacent zoning. It is quite conceivable and it probably is the case
27 out there, we will look at it, that you can have an RM-15 lot with a single-family house on it. So
28 that is the application that we are looking at and I believe that is the issue you are referring to.

29
30 Commissioner Holman: Yes, I have seen nothing that says that a single-family home developed
31 on a multi-family parcel would have to abide by the R-1 development standards. Have I
32 overlooked something?

33
34 Mr. Williams: We do have that provision and there is an existing provision but it is written in a
35 permissive way rather than a required way and it is usually to the advantage I think of the
36 property owner too if they are building R-1 to go under R-1 rather than RM standards. So it is in
37 the existing ordinance that if you build a single family home on an RM lot you can use the R-1
38 standards to do that and we have added to that that if you build a duplex, two units, that you can
39 use the R-2 standards for that.

40
41 Chair Cassel: I think we can say that we don't have consensus on this item. I think that is pretty
42 clear that we don't have consensus on minimum densities. It is 10:30 I don't think we are going
43 to get it tonight. Lee.

44
45 Commissioner Lippert: I would like to weigh in on that as well as the density issue. First the
46 density issue I think is going to be easier. I would like to make a couple of assumptions here.
47 We are looking at external forces and we keep talking about providing more affordable housing
48 in Palo Alto and we are assuming that the State of California is growing because they tell us that

1 it is growing. And that people are coming here and because of that we have to provide more
2 affordable housing. But there is also internal forces that are at work here and this is something
3 that I would like the Commissioners to think about which is that we have an aging population.
4 We have people that are in single family homes, people like my parents who are retired, just
5 recently sold their house that they have lived in for 30 years and have moved into a
6 condominium. The reason is that they don't want the burden of having to deal with land and
7 property and feel more comfortable being in a situation with other people. So what I see is us
8 perhaps having an ageing population here and people wanting to get out of their houses,
9 providing single family housing stock for other families to move into and raise their kids and
10 divesting themselves of the responsibilities of having a single family lot. So that is just one thing
11 that I would like this Commission to think about in terms of the density issue.
12

13 With regard to what Karen had raised with regard to the single family house on an RM-15 lot
14 maybe what we want to do is look at if an RM-15 lot is next to an R-1 zone and it is two units or
15 fewer that it be subject to the IR review process as opposed to the ARB review which it is not
16 subject to. That is only for those properties that are adjacent to an R-1 property.
17

18 Chair Cassel: I think we probably don't have enough information to answer all these questions
19 but we have raised a lot of good points. I think we need to see if there are other points we want
20 to raise and let them come back to us. We are looking at a tough subject and I think this is going
21 to be as tough as the second units. Are there other points we want to bring up? You had one,
22 Pat?
23

24 Commissioner Burt: Yes, mine had to do with landscaping. I see that Commissioner Holman
25 had raised a question about sustainable landscaping and referencing the Valley of Heart's
26 Delights concept and whether it is that or just in these multi-family developments looking at
27 what we should be doing in landscaping to have more sustainable approaches. We often just
28 have passive junipers and whatever that really doesn't add too much at all. They don't provide
29 native vegetation. They don't provide opportunities for gardening and shared gardening for the
30 tenants. One of the things that I have been trying to promote now for I think seven years on this
31 Commission is that when we have multi-family developments I would really like to see as either
32 a mandated or at least a promoted use is to have micro-community gardens as part of that. I
33 think that it is something that builds relationship and community within those residents and
34 brings them together and it also is something that promotes sustainability concepts. I would also
35 like to have us explore a greater use of a certain percentage of the landscaping or whatnot being
36 either agricultural landscaping or native plant landscaping. The native plant landscaping helps
37 water use reduction, pesticide and fertilizer reduction and all those things that are good for our
38 larger environment. We basically in an urban setting what are the things that we can do to help
39 facilitate native habitat in an urban environment? There are things on the margins that we can
40 do. So I would personally really like to see that explored and come back to us with some
41 proposals on how we can do that.
42

43 Chair Cassel: At this point I would like to not debate that issue because I think it is getting late
44 and I think we would like to go down the line and see if there are other issues people would like
45 to discuss. We will just put that on a list of things that we haven't resolved. Bonnie.
46

1 Vice Chair Packer: I don't want to debate it but I know some people like older people who move
2 to multiple family situations out of their homes say they have had enough of gardening. So there
3 is also that aspect.

4
5 Chair Cassel: Let's keep to the new issues.

6
7 Vice Chair Packer: There is a performance criterion on page 11 where it says if projects that
8 have six or more units are required to have underground parking. I wonder why that wouldn't be
9 something that would be in the development standards table. It is more like a very specific
10 physical requirement, just a suggestion there.

11
12 Chair Cassel: Pat, do you have any other issues that you want us to discuss further or make us
13 aware of? Michael.

14
15 Commissioner Griffin: On noise impacts, item number B where you talk about consider and you
16 talk about in paragraph number one is delivery and loading areas, service entries, etc. sited as far
17 away from adjoining single family properties as reasonably possible. Who defines that? It
18 seems to me like we get into an area that you may want to come up with a better definition. The
19 same way under visual impacts, item 5-b, equipment installed on the ground or attached to a
20 building, roof or walls should be screened and I think it must be screened. I will let you wrestle
21 with the rest of that.

22
23 Chair Cassel: Annette, do you have any comments that you want to make? I know you are
24 trying to leave and I am trying. Karen, we have your list of questions and there are some of them
25 that we haven't discussed.

26
27 Commissioner Holman: That's okay, they are out there. I had one really basic, well two
28 questions maybe. One is especially given the comments and questions tonight I am just really
29 not seeing how this can travel separate from form code. I think the issues are pretty prolific.
30 The other is given again listening to the comments and the divergence and agreement of them
31 has Staff taken these proposals as they did with the other proposals in low density to the Council
32 to check-in, to get comment or feedback or direction? Has there been any kind of check-in with
33 the Council on these proposals so we don't spend an awful lot of time and reams and reams of
34 paper and then we get to the Council and they don't agree at all?

35
36 Mr. Lusardi: Staff has not brought the multi-family district to the Council on a preliminary
37 basis. I think our goals now are to try and get full chapters developed through the Planning
38 Commission and the community process and then the Council. A lot of that is driven by the
39 heavy Council agenda and how many times we can get on that Council agenda with ZOU items.

40
41 Chair Cassel: Okay.

42
43 Commissioner Holman: I would think it would be highly advisable.

44
45 Chair Cassel: I would like to keep the comments short though.

46
47 Commissioner Burt: I think Commissioner Holman's issue is a good one to bring up given what
48 we just went through on second units where we all went through Staff and Commission went

1 through months and months of work and even though we may not concur with the outcome of
2 the Council we wasted a lot of time. If it had gone to Council for a preliminary screening we
3 might have had an opportunity to have feedback and then come back with ways that we address
4 the concerns that were raised and had a reasonable compromise or for that matter if they were
5 unambiguous from the get-go we might not have wasted those months.

6
7 Chair Cassel: Thank you, Pat, but I have a Commission that is walking behind me. I think it is
8 an important point.

9
10 Commissioner Holman: Actually, Commissioner Cassel, I would like to make a motion to see
11 what kind of support there is for an opinion that the Staff should go, we can't direct Staff, so I
12 would like to get the opinion of the Commission as to whether they think it would be advisable
13 for the Staff to take this to Council for check-in.

14
15 Chair Cassel: Would not do that as a motion tonight. I think that they are hearing us and we
16 need to talk to them. I know it is extremely difficult to get on their schedule and they are going
17 to have to sit down and look at how to get into that schedule. I know it has been extremely
18 difficult I am aware of that. Rather than to make a motion for the whole of us but rather to see
19 what they can do. They are trying very hard to get on that schedule and I know they are. I can
20 tell you it is very difficult.

21
22 I need to close the discussion even though we are not ready to close the discussion we have lots
23 we want to say.

24
25 ***REPORTS FROM OFFICIALS.***

26
27 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

28
29 Chair Cassel: We have two sets of minutes to move and I would like a motion to approve the
30 minutes.

31
32 ***APPROVAL OF MINUTES:*** Minutes of March 9 and 30, 2005.

33
34 **MOTION**

35
36 Commissioner Griffin: I so move.

37
38 Chair Cassel: Were you here? Yes.

39
40 Vice Chair Packer: I was absent on March 30.

41
42 Chair Cassel: And on March 9?

43
44 Commissioner Bialson: I was absent.

45
46 Chair Cassel: So can someone make a motion?

47
48 Commissioner Griffin: I did.

1
2 Commissioner Lippert: Which one was this?
3
4 Chair Cassel: March 9 or we can do both of them.
5
6 Commissioner Lippert: No, I can't vote on March 30.
7
8 MOTION PASSED (6-0-0-1 Commissioner Bialson abstained due to absence)
9
10 Chair Cassel: Okay, let's do March 9. All those in favor say aye. (ayes) Opposed?
11
12 What about March 30?
13
14 Commissioner Lippert: Abstain.
15
16 MOTION
17
18 Chair Cassel: I will move them.
19
20 Who wants to second it?
21
22 SECOND
23
24 Commissioner Holman: I will.
25
26 MOTION PASSED (6-0-0-2 Commissioners Packer and Lippert abstained due to absence)
27
28 Chair Cassel: All those in favor say aye and those who weren't there will not be voting. (ayes)
29
30 You have heard about what happened at City Council on the R-1 zoning. I went to Council
31 meeting and the cellular project as you have probably seen passed on a four to two vote. The
32 little project we did with the subdivision passed with a unanimous vote. The traffic calming
33 passed but I don't remember the exact vote but there was a lot of discussion and it took a lot of
34 time.
35
36 I would like to agendize, and I need to make this announcement now, at our next meeting a
37 cancellation of the second regular meeting in August. Please agendize it. No it is the first
38 meeting I think it is August 11 but I am not sure of the exact date right now.
39
40 Are there any other comments now?
41
42 Commissioner Lippert: I will move.
43
44 Chair Cassel: You will move to put it on the agenda?
45
46 Commissioner Lippert: Yes.
47
48 Mr. Larkin: I don't think we need a motion to put that on the agenda.

1
2 Chair Cassel: I am very sorry to cut everyone short.

3
4 Mr. Larkin: I just want to let the Commission know that I have taken the comments that were
5 made at the last study session and I will be preparing drafts of the documents that were discussed
6 for a future Commission meeting but I have made a lot of progress. Second to answer the
7 question on the joint annual meeting with the Council that was not codified when the Planning
8 and Transportation Commission was formed.

9
10 Chair Cassel: Steve, did you want to say something to us?

11
12 Mr. Emslie: Real briefly, I know there is a lot of disappointment in the Commission's comments
13 on the Council's action this evening but I think you need to put it into perspective. There was a
14 tremendous amount of work that went into that ordinance that did not include the second unit.
15 So there was a great deal as you know as you went over that many, many times. I think we have
16 a tendency to focus on the changes and I really would encourage you to take a broader view of
17 the great amount of work that you put into that document. So I just wanted to put that out there.

18
19 Chair Cassel: Thank you. We are adjourned.

20
21 **NEXT MEETING**: May 11, 2005.

22
23 **ADJOURNED**: 10:45 PM

24