



PLANNING & TRANSPORTATION COMMISSION MINUTES

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Wednesday, August 31, 2005
REGULAR MEETING at 7:00 PM
Council Chambers
Civic Center, 1st Floor
250 Hamilton Avenue
Palo Alto, California 94301

ROLL CALL: 7:05 pm

Commissioners:

- Phyllis Cassel*
- Paula Sandas*
- Lee I. Lippert*
- Karen Holman*
- Patrick Burt*
- Daniel Garber*
- Annette Bialson - absent*

Staff:

- Steve Emslie, Planning Director*
- Don Larkin, Senior Deputy City Attorney*
- Curtis Williams, Acting Current Planning Manager*
- John Lusardi, Planning Manager, Special Projects*
- Susan Mickelsen, Planner*
- Clare Campbell, Associate Planner*
- Zariah Betten, Executive Secretary*

AGENDIZED ITEMS:

1. Selection of Chair and Vice-Chair
2. Discussion on Further Topics for the Joint Study Session with City Council.
3. 4243 Manuela Avenue
4. Zoning Ordinance Update

Approval of Minutes: July 27, 2005

Chair Cassel: I will go ahead and call the meeting to order. Would the Secretary please take the roll? Thank you.

Before we started the meeting this evening I wanted to do something that is a little unusual and that was ask us to take a moment of silence. The purpose of City Planning and Zoning is to promote and protect the public health, safety and peace and morals and general welfare of the public. As you know the gulf coast was struck earlier this week by a devastating hurricane with a significant tidal surge. The City of New Orleans is flooded due to breaks in their levies. The people, animals and environment of the coast area and inland from the coast are experiencing catastrophic disaster. We, the people, have been unable to help our communities fast enough to provide adequate health, safety and general welfare for those communities. I thought we just should take a moment of silence in remembering them. Thank you.

The next item on our agenda is the selection of Chair and Vice-Chair.

1 Mr. Don Larkin, Senior Deputy City Attorney: If I could just interrupt briefly. The agenda
2 reflects that Commissioner Bialson will be teleconferencing in on the meeting. Commissioner
3 Bialson was unable to do that so she will not be attending the meeting.
4

5 ***SPECIAL ORDERS OF THE DAY***
6

7 **1. Selection of Chair and Vice-Chair**
8

9 Chair Cassel: Thank you. At this time I will take nominations for the Chair. Pat.
10

11 Commissioner Burt: I would like to nominate Commissioner Holman.
12

13 Chair Cassel: Do you wish to respond?
14

15 Commissioner Holman: Yes, I do appreciate very much the nomination and having given
16 considerable thought to this and with my personal commitments outside of this body I have
17 decided that I really could not responsibly take on the commitments of the Chair.
18

19 If I might? Having decided that ultimately also in giving consideration for the best person to fill
20 that position I would like to nominate Commissioner Burt. Given the considerable talents on this
21 Commission that is a difficult choice to decide to whom to do that but ultimately Commissioner
22 Burt has the most experience on this Commission other than the current Chair who has served
23 twice already.
24

25 Chair Cassel: Do I have any other nominations for Chair? Would anyone else like to comment?
26 Then all those in favor please say aye. (ayes) Motion passes six to nothing. Would you like to
27 take over as Chair?
28

29 Chair Burt: Commissioner Cassel although we have had a tradition of the new Chair
30 immediately assuming the Chair position I would if I understand that it is acceptable to do so, the
31 City Attorney may clarify, since the incoming Chair did not have the additional Staff meeting
32 that the Chair has had to prepare for the meeting I would be perfectly amenable to allowing
33 Commissioner Cassel to continue to chair this meeting and I will function as her second.
34

35 Commissioner Cassel: Thank you very much. Is that a consensus for the rest of the group?
36 Thank you very much and I feel honored to do this for the rest of the meeting, thank you Pat.
37 We are now ready to vote for a Vice-Chair. Do I have any nominations for that position? Lee.
38

39 Commissioner Lippert: Yes, I would like to nominate Commissioner Holman for the position of
40 Vice-Chair.
41

42 Commissioner Cassel: Thank you. Do I have any other nominations? All those in favor please
43 say aye. (ayes) That motion passes six to nothing. Thank you very much everyone and we will
44 proceed with our business.
45

46 The next item on our agenda is Oral Communications. Do I have any cards?
47

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

6
7 Commissioner Cassel: I have two cards. Each of you has three minutes for items that are not on
8 the agenda. Members of the public may speak to any item not on the agenda with a limitation of
9 three minutes per speaker. Those who desire to speak must complete a speaker request card.
10 The Planning and Transportation Commission reserves the right to allow oral communications to
11 last for up to 15 minutes. I have two cards. Betsy Allyn will be the first person. Would you
12 please state your name and the city? The person to follow will be Annette Glanckopf and if you
13 will do the same. Thank you.

14
15 Ms. Betsy Allyn, Palo Alto: I live in the Green Acres II neighborhood. Chairman Cassel please
16 forgive me for misspelling your name and adding an 's'. Members of the Planning and
17 Transportation Commission and Planning Staff the pictures I have included with my presentation
18 to you tonight is of a structure being built as we speak at 628 Maybell Avenue in Palo Alto. I
19 must say that when construction began my first impression was that it could be a church and thus
20 possibly allowable in this R-1 neighborhood. As construction progressed I consulted with the
21 City Planning Department and was informed that since it was a single story family residence
22 under the newly applied zoning code changes that one, there was no Individual Review process
23 required and two, most importantly, no neighbors within 300 feet of the project were required to
24 be notified. To say I was surprised is an understatement.

25
26 It seems under the new zoning rules changes one story individual homes on single lots are
27 reviewed by Staff as the regular process and then possibly the ARB. Is that a true statement?

28
29 This structure is located next to the Juana Briones elementary School, the orthopedically
30 handicapped school, and directly across the street from Juana Briones neighborhood park. Our
31 Comprehensive Plan, which is supposed to advise us and guide us, repeats strongly and
32 repetitively about "compatibility with and within our neighborhoods." Is that not so?

33
34 I am here tonight to request that you consider another amendment to our zoning code update.
35 That amendment would return one, the Individual Review process for single story family homes
36 in R-1 and R-2 neighborhoods, and two, the attendant notices to be sent to neighbors within 300
37 feet of the project. I am sure it will take time and patience but is the question of fairness to be
38 apprised of what structure is being proposed next to you. Thank you.

39
40 Commissioner Cassel: Thank you. Annette.

41
42 Ms. Annette Glanckopf, Palo Alto: I have two areas of comments and I do agree with the
43 previous speaker before I start that. First I would like to say congratulations to our two new
44 Planning Commissioners and welcome to our city process.

45
46 The second piece is a public information piece and an invitation to everyone in the viewing
47 public to come to a meeting that our association, the Midtown Resident's Association, is
48 sponsoring on September 15. We called it Everything You Wanted to Know About Palo Alto

1 Zoning. At our last general meeting of the Midtown Resident's Association where we discussed
2 such thorny subjects as the Alma Plaza development, what to do about auto rows, development
3 of Greer Park and TrueMark Properties among things. We had a number of folks in the audience
4 that just absolutely have become fascinated by the whole planning process and due to this very
5 generously our Planning and Transportation Director, Steve Emslie, agreed to conduct a one to
6 one and a half hour session for us on September 15 at seven o'clock at the Friends Meeting Hall,
7 957 Colorado. So I would like to invite everyone to come. It is going to be an excellent
8 introduction to zoning. Please feel free to mention it to everyone. We will talk about the
9 Comprehensive Plan, how a project flows through the city process, what is the Development
10 Center, what is the Building Department, different types of zoning both residential and
11 commercial, the new forms of zoning on the table and we will have a glossary and pictures. So
12 please come.

13
14 Commissioner Cassel: Thank you very much. I have no more cards for Oral Communications.

15
16 The next item on the agenda is the Consent Calendar and we have no Consent Calendar. The
17 next is Agenda Changes and Deletions.

18
19 ***AGENDA CHANGES, ADDITIONS AND DELETIONS.*** The agenda may have additional
20 items added to it up until 72 hours prior to meeting time.

21
22 Commissioner Cassel: I have no agenda changes and deletions.

23
24 The next item on the agenda is discussion of further topics for the Joint City Council Session.

25
26 ***UNFINISHED BUSINESS:***

27 ***Other Items.***

28
29 **2. Discussion on Further Topics for the Joint Study Session with City Council.**

30
31 Commissioner Cassel: I do have one person who would like to speak to us on this item. Is it
32 okay with you if we just add this person? Do you have a card? I believe it is Nancy Alexander.

33
34 Ms. Nancy Alexander: I am going to pass.

35
36 Commissioner Cassel: Thank you. Okay that brings the item back to us.

37
38 If you would like to speak on either item three or four please complete a card that you can get
39 from Zariah and then turn it in to Zariah. She will sort them out so that I get cards for three
40 when we are doing three and four when we are doing four.

41
42 Let's bring it back to the Commission. Does Staff want to say anything about this?

43
44 Mr. Steve Emslie, Planning Director: Yes we do just to remind you we took the comments and
45 the suggestions from your last discussion on this, transmitted them in the memo for your review
46 this evening. Just to refresh the Commission the usual procedure adopted for setting the agenda
47 is that once the Commission decides collectively as to the range of topics you want to discuss
48 with City Council the Chair and Vice-Chair meet with the Mayor and Vice-Mayor who will set

1 the agenda for the joint meeting. So once the Commission concludes your topics this evening
2 the Chair and Vice-Chair will be sitting down with the Mayor and Vice-Mayor to finalize the
3 agenda.

4
5 Commissioner Cassel: Do we have any comments on this to advise Pat Burt on what we would
6 like him to discuss with City Council? I had some. Basically, we ought to be discussing the
7 ZOU, the ZOU and the ZOU and its various issues. How we get items to them, how it is
8 possible for them to get enough information ahead of time, the possibility of a study session
9 before they actually do their formal hearing so they could have a little more time to discuss it and
10 understand it ahead of time. Just basically all issues relating to that. I know we maybe can't do
11 more than three because even if it is all the same subject there are a lot of people and not very
12 much time. Lee.

13
14 Commissioner Lippert: I am inclined to agree I think that the ZOU is of paramount importance.
15 While it is sort of in a state right now where it is not really moving forward I think that it is
16 important to establish this dialogue with Council.

17
18 Commissioner Cassel: Any other comments to advise the Chair? Pat.

19
20 Chair Burt: I would simply ask for clarifications from the Commission. We had discussions on
21 these and then the Commissioners see how they are captured in a very abbreviated form. If
22 Commissioners wish to add some clarification as to what their intent was that would be
23 welcome.

24
25 Commissioner Cassel: Can we do that later?

26
27 Chair Burt: Sure. That could be done by email or at a later time.

28
29 Commissioner Cassel: Okay. Karen.

30
31 Vice-Chair Holman: I support certainly the notion and we only have an hour, which is not much
32 time with the Council for this joint meeting. I think the Zoning Ordinance Update is very
33 important. We also have a couple of other issues though that are paramount right now. One of
34 them is letter f on this right now on how housing is replacing retail and that being a concern
35 perhaps we could prioritize these or hone in on more specific points about these.

36
37 Commissioner Cassel: Was that supposed to be housing replacing retail or housing replacing
38 office?

39
40 Vice-Chair Holman: Housing replacing retail.

41
42 Commissioner Cassel: Okay. If we have no more comments on that then if you have some
43 comments and discussion Pat will meet with the Mayor and they will discuss and agenda,
44 develop an agenda and we will get a copy of that. Zariah, can you tell us the date of that
45 meeting? The meeting is to be October 11. That is a Tuesday, right? I think our tentative
46 agenda says that it is a Wednesday but it is actually a Tuesday. I think that is prior to Yom
47 Kippur.

1 Okay, thank you very much. We will be meeting then at 6:00 PM with City Council for that
2 meeting. Is that a supper meeting? We will be fed or we will come fed? Okay, thank you very
3 much.

4
5 That takes us on to item number three. Item number three is a public hearing. It is 4243
6 Manuela Avenue. It is a request by VelociTel, on behalf of Aldersgate Methodist Church, for a
7 Conditional Use Permit to allow the installation of one 45-foot, 20-inch diameter, monopole with
8 six telecommunications antennas concealed within the top region and the two associated
9 equipment cabinets, and fencing and landscape improvements in the parking lot area of the
10 existing church and landscape improvements in the parking lot area of the existing church. The
11 proposed service provider is Cingular Wireless. The zone district is R-1. The Environmental
12 Assessment is exempt from the California Environmental Quality Act per section 15303 and this
13 is a quasi-judicial item.

14
15 Does anyone have anything to reveal relating to the quasi-judicial aspect of it? I talked to the
16 attorney and I have to say that in terms of the health aspects and the calculations for that I have
17 to discussed that item with my husband who is an electrical engineer and does work with these
18 numbers and did confirm using his general information that he uses all the time that the data
19 given to us was correct. So that will in that way influence my vote.

20
21 We are not allowed to discuss the health issues on this and you want to go through that but I still
22 needed to say that I had that contact.

23
24 ***NEW BUSINESS:***

25 ***Public Hearings.***

- 26
27 **3. 4243 Manuela Avenue* - Request by VelociTel, on behalf of Aldersgate Methodist**
28 **Church, for a Conditional Use Permit to allow the installation of (1) one 45-foot, 20-inch**
29 **diameter, monopole with six telecommunications antennas concealed within the top**
30 **region, (2) two associated equipment cabinets, and (3) fencing and landscape**
31 **improvements in the parking lot area of the existing church and landscape improvements**
32 **in the parking lot area of the existing church. The proposed service provider is Cingular**
33 **Wireless. Zone District: R-1(20,000). Environmental Assessment: Exempt from the**
34 **California Environmental Quality Act per section 15303.**

35
36 Mr. Larkin: As most of the Commissioners are aware pursuant to the Federal
37 Telecommunications Act the city cannot regulate the placement, construction or modification of
38 wireless service facilities on the basis of the environmental effects of radio frequency emissions
39 provided that the proposed facilities meet the FCC regulations concerning those emissions. The
40 Commission can consider typical zoning and use permit considerations just not the RF
41 emissions.

42
43 Commissioner Cassel: Can we have the Staff Report then?

44
45 Ms. Clare Campbell, Associate Planner: Good evening Commissioners. The project before you
46 tonight is for a telecommunications facility comprised of a 45-foot tall monopole and associated
47 equipment on the Aldersgate Methodist Church property. The project will be located along the
48 side perimeter of the rear parking lot within the existing grove of mature trees. The six proposed

1 antenna mounted at the top region of the pole would be shielded within a cover that would blend
2 with the pole design and the equipment would be screened by a fence enclosure and new native
3 planting landscaping.

4
5 The applicant originally submitted a proposal to locate the facility near the rear corner of the
6 property adjacent to Foothill Expressway in full view of all passersby. In a resubmital the
7 project was pulled back 70 feet from Foothill Expressway and located within the existing trees.
8 The revised plans not only included a less visible location for the project but also proposed a tree
9 pole instead of the original monopole. Staff did give consideration to the proposed tree pole
10 knowing that these structures can be well designed and crafted to resemble existing pine trees at
11 the site. After extensive evaluation including consideration of the tree arrangement around the
12 project area Staff made the determination that a slim design monopole would be a better design
13 option. The monopole design has significantly less mass than the faux tree and in this scenario
14 the less is more approach is taken. It seemed unnecessary to require a tree pole when the visible
15 impacts would not be significantly different than the approved monopole.

16
17 The project site abuts Foothill Expressway, which is a designated scenic route and for the most
18 part has a special setback of 60 feet to preserve the scenic views from the road. In the immediate
19 area of the project parcel there is no special setback requirement. There are a total of nine R-1
20 lots that backup to Foothill Expressway that have the potential of building a 30-foot tall structure
21 20 feet away from the scenic route. This project proposes a 70-foot setback from Foothill
22 Expressway and in doing so minimally impacts the scenic qualities of this route.

23
24 I would also like to point out that this area does not require Site and Design Review because it
25 doesn't have the D overlay.

26
27 As mentioned in the Staff Report an application was filed for a telecommunications facility in
28 1996. That application was denied for not meeting the required findings. Over the nine years
29 that have elapsed since that submittal the telecommunications industry has improved both
30 technologically and aesthetically. Staff was unable to locate a copy of the project plan submitted
31 in 1996 but feels confident in saying the project before you today is a more attractive project
32 than what was previously proposed.

33 Another difference in the decision-making between 1996 and now is that there is a more general
34 understanding and acceptance of the impacts and benefits of these types of projects.

35
36 I have provided at places a list of proposed additional conditions of approval that have
37 specifically addressed the existing trees around the project area. These trees are a necessary
38 component to the success of this project as they function as the major screening for this project.
39 The proposed additional conditions require annual monitoring of the trees and replacement of
40 trees that are in poor health. Also Staff would like to point out that we added a condition of
41 adding three new trees right at the corner, the southeasterly corner, that is currently an open area
42 on this lot.

43
44 Staff recommend the Planning and Transportation Commission recommend that the City Council
45 uphold the Direct of Planning and Community Environment's decision to approve this
46 conditional use permit based upon the findings and conditions in the Record of Land Use Action
47 attached to the Staff Report with the inclusion of the additional proposed conditions of approval.
48 This concludes Staff's report and the applicant is ready to make a presentation. Thank you.

1
2 Commissioner Cassel: Do we have questions of Staff before we go to the applicant? Okay. Do
3 I have the cards? Would you please state your name and the city you come from and who you
4 are representing?
5

6 Ms. Marsha Converse, Applicant: I work for VelociTel, I am the applicant and I am here on
7 behalf of the proposed wireless for Cingular Wireless and Aldersgate Methodist Church.
8

9 Commissioner Cassel: You have 15 minutes for your presentation for you and all the people
10 who are presenting with you.
11

12 Ms. Converse: As Clare stated another carrier, I think it was Pacific Bell, applied for this back in
13 1996 and back then it didn't meet aesthetics in regard to design. You are going to have to excuse
14 me because I took this over from another planner and I just got this a month ago. I am prepared
15 to ask questions more than I am to make a presentation. I would like to promote this location.
16 As you know disasters do happen more often than not some are contrived and some are natural
17 and this covers – there are no emergency services on this busy corridor and we are required by
18 law to put emergency services on main corridors in case of a disaster. One of the reasons we
19 seek these sites in a residential neighborhood, it is not our preference to go in residential
20 neighborhoods, but we do get a lot of complaints of no coverage. So we have to go back out and
21 look. When we are given a search ring to look we have to come back with four candidates but
22 they have to meet all criteria. They can't just meet geographic we have to have a willing
23 landlord, we have to have height requirements. We have to be able to meet certain criteria. We
24 did find one other location that met that criteria however we did not have a willing landlord. We
25 have a willing landlord here.
26

27 So I am here to address any questions that I can on this. I would like to have your support and I
28 would like to see this go forward. I think it is a much needed site. That is why we are
29 approaching it again. We really need this coverage.
30

31 Commissioner Cassel: Thank you. Does anyone have any questions they would like to ask of
32 her? Lee.
33

34 Commissioner Lippert: Actually I have a question for the City Attorney. With regard to federal
35 law trumping local land regulations specifically residential sites when it comes to houses of
36 worship located in residential areas how does this site fit in?
37

38 Mr. Larkin: Under the telecommunications act the federal law just deals with the consideration
39 of the RF frequencies and then prohibitions on precluding wireless access. It doesn't apply to
40 normal site review so some of those things can be considered by the Commission.
41

42 Commissioner Lippert: Here we have a house of worship located in a single-family residential
43 neighborhood on an R-1 site, correct? And federal law right now says that you have to permit
44 houses of worship on those sites. If the house of worship says we want to have a cell site there
45 do we have to allow for that or other uses?
46

47 Mr. Larkin: No, the RULPA law wouldn't apply to a cell site.
48

1 Commissioner Lippert: Okay, thank you.

2
3 Mr. Emslie: I think what the question is referring to there is a federal law and an acronym is R-
4 U-L-P-A which established some federal preemptions for local agencies to preclude religious or
5 faith-based organizations, houses of worship. I think just to reinforce what Don is saying is that
6 does not apply in this case because it is not for religious purposes it is for commercial purposes.
7

8 Commissioner Lippert: Thank you.

9
10 Commissioner Garber: Thank you. A couple of questions for perhaps the applicant or the Staff.
11 One, immediately to the south of the proposed site and I am not talking about the parcel but the
12 actual site of the equipment and the antenna there is an easement for electrical lines and there are
13 some telephone poles that run up that easement. Do you know the height of those?
14

15 Ms. Converse: We looked at two poles and they were very overloaded and congested.
16 According to General Order 95 of the CPUC you have to be at least 20 feet [HTL] and you have
17 to come down at least 10 to 14 feet from above. So you have to clear the last line at least by that
18 much.
19

20 Commissioner Garber: Let me clarify my question. I am not actually asking about alternative
21 sites here. Bordering the property there is an easement to allow for electrical lines to run through
22 and on that there are one, two, possibly three telephone poles that exist there now. I was just
23 curious if anyone knew how tall those were.
24

25 Ms. Converse: They are usually 35, a standard PG&E pole.
26

27 Commissioner Garber: So therefore they are ten foot lower than the proposed.
28

29 Ms. Converse: Yes, they usually are. First and foremost we really would like to go with PG&E
30 because we have a standard MLA with them and it is a lot easier. So we actually would prefer to
31 go on a transmission tower if possible. Usually what we end up doing is replacing the pole.
32

33 Commissioner Garber: Those poles....
34

35 Ms. Converse: If it doesn't meet the height requirement that we need.
36

37 Commissioner Garber: Okay. The second question is a matter of clarification for my education
38 here. The conditional use permit that is being proposed if I am remembering the report correctly
39 states generally that is allowing for a telecommunication use, is that correct? Should the
40 applicant come back at some future date and want to do something else that is also related to
41 telecommunications would they be required to revisit the permit or would they be able to say if
42 they wanted to store a truck there or something of that sort would that be allowed under this
43 existing permit?
44

45 Ms. Campbell: If they expand the use in any way they would have to amend the existing use
46 permit. So if they were to either add antennas or rearrange the footprint of the equipment or do
47 things like that they would have to amend the existing conditional use permit to provide for that.
48

1 Commissioner Garber: Thank you.
2
3 Commissioner Cassel: Any other questions at this time? Lee.
4
5 Commissioner Lippert: With regard to locating a cell site like this on an R-1 property does it
6 begin to set any sort of precedent?
7
8 Mr. John Lusardi, Planning Manager, Special Projects: Although the zoning is R-1 the use is a
9 church and that is generally how we approach these types of facilities in an R-1 district. So we
10 generally don't support them on the R-1 properties themselves or a single-family use. Because
11 this is a church use and because of the size of the property and the amount of trees we take all of
12 that into consideration for a conditional use permit.
13
14 Mr. Emslie: In the issuance of a conditional use permit it is quasi-judicial as was announced at
15 the beginning and that means that it is reviewed based on the facts pertaining to it on this
16 particular instance. Your review depends on whether or not the facts support making the
17 required findings in this. So to the extent that each case is reviewed based on the individual
18 circumstances and the facts in the case and whether or not those facts support the findings that
19 the extent to which any precedent would be established.
20
21 Commissioner Cassel: Are there any other questions at this time?
22
23 Commissioner Lippert: So if a person like myself decided that they wanted to donate their house
24 to a religious institution, I happen to live in Downtown North, and they wanted to thereby turn it
25 into a house of worship and wanted to have a cell site to supplement their income that would be
26 something that would be considered?
27
28 Mr. Emslie: No, the individual facts in that case, the example that you gave, would pertain to the
29 location, its visual impact, where it would be located on the site, a variety of factors that would
30 be I would imagine greatly different than the case in front of you this evening. So I don't think
31 there would be a precedent-setting nature that would allow someone to make a decision like you
32 described.
33
34 Commissioner Cassel: Are there any other questions at this time or can we go to the public
35 hearing? Thank you very much.
36
37 Ms. Converse: Thank you Commissioners and Chair.
38
39 Commissioner Cassel: You are welcome. I have three cards on this item. The first one is Jackie
40 Berman. The second one is Phil Green and the third one is Amy Smiley. If you will come
41 forward you will have three minutes to speak.
42
43 Ms. Jackie Berman, Palo Alto: I was told we would have five by Clare.
44
45 Commissioner Cassel: I think I only have three items I will give you five minutes. Sometimes
46 we give five depending on how many people there are in the audience. So you will have five
47 minutes to speak and I need your name and I need your city that you come from.
48

1 Ms. Berman: Okay, my name is Jackie Berman and I live in Palo Alto. I believe you have a
2 copy of my remarks? Yes, okay. Some of the neighbors are to shy to stand up and speak so I
3 would like the neighbors who are here opposing it to stand up so that you can see that we do
4 have some shy neighbors. Thank you.
5

6 Your packet states that no hearing was requested at the Architectural Review phase and that is
7 because we weren't aware for whatever reason that a hearing could be requested. So it wasn't
8 out of lack of interest. I want to say that a similar proposal was rejected by the city in 1996 all
9 the same conditions apply. For those in the Planning Staff that have not seen the other proposal,
10 who couldn't find the 1996 proposal, we have it and it is no improvement. The 1996 proposal is
11 no better or worse than the present proposal. So at that time it was found that it would be
12 detrimental and would add to the visual clutter along the Foothill Expressway which is
13 designated a scenic route and that the applicant had not demonstrated that other locations were
14 not viable.
15

16 The alternate sites cited by VelociTel in your packet are really ridiculous. They cite two utility
17 poles on Miranda Avenue and I don't think those are the poles you were talking about. You
18 were talking about the ones on the church side of the expressway. So they were citing two poles
19 on Miranda Avenue, which they said are too cluttered, and then the cemetery one.
20

21 Also I want to mention that the photos in your packet are very misleading. None of them are
22 direct shots across looking at the site. They all sort of are looking north or south down Miranda
23 Avenue or up or down the expressway. There is an implication then that even if you are driving
24 that way that you have no peripheral vision that you wouldn't see something out here to the side.
25 There is no photo in the packet that shoots directly at the site from our neighborhood.
26

27 We are also very interested in VelociTel's reason as stated in the packet that they are not
28 considering any location north of Arastradero because "the applicant is proposing a separate
29 telecommunications site inside the Hillview Arastradero triangle at the Roche Labs
30 administration building and any site along Foothill Expressway north of Arastradero Road would
31 create co-channel interference with the proposed Roche Labs communications facility." We
32 would like to know more about that proposed installation and the issue of interference.
33

34 Palo Alto does not have a coherent policy about the placement of antennas in the city. That
35 might be a good subject for your joint meeting sometime. I suggest that before the Planning and
36 Transportation Commission considers this application any further it should in consultation with
37 the Architectural Review Board draft such a policy for consideration by the City Council. This
38 is especially needed if the city is to grant a conditional use permit to place an antenna tower in an
39 R-1 residential area as this permit is proposing. I would say that the conditions that the Staff
40 said, oh, that wouldn't apply because if you gave your house to a religious institution and put up
41 a tower then this would not set precedent for it because that would be in a residential area well,
42 believe me this impacts our residential area. I am sure you know the story of our very narrow
43 road Miranda that has been a real problem for us and this will further have a negative impact on
44 our neighborhood. So in conclusion I urge you to uphold the previous decision on this tower at
45 this site and I urge you to reject the proposal. Thank you.
46

1 Commissioner Cassel: Thank you. I don't see any questions. Thank you very much for
2 speaking. Phil Green. Please give us your name and the city you are from and stand in front of
3 that mike.

4
5 Mr. Phil Green, Palo Alto: I live in Palo Alto and am Jackie's next-door neighbor. I am here
6 also to oppose the Aldersgate Church site for a cell phone tower. First I want to say that the
7 proposed installation is strongly objected to by many of our neighbors but we are not indifferent
8 to the benefits of better cell phone coverage. It is just that we don't think that the case has been
9 made that only by erecting a tower on the Aldersgate property can the communication needs of
10 our neighborhood be served.

11
12 Jackie has made many points that I will touch on too so I will touch on them perhaps more
13 briefly. I think you may have in your hands a copy of my remarks. I am too surprised that this
14 issue of the Aldersgate site has been resurrected. It was so emphatically denied in 1997. The
15 Commission's words were given to you by Jackie and won't repeat them here and nine years
16 later the same objections apply. I found in the Comprehensive Plan policy L-69 and N-7 pretty
17 much characterize what you should not do along the Foothill Expressway and this tower does not
18 conform to those requirements. At one point as you know the applicant's representative met
19 with some of us and proposed to disguise the tower as a pine tree. I don't know how convincing
20 a pine tree this tower would make but apparently the Planning Staff did not see it as a suitable
21 solution. So instead, and I would refer you to the photograph on the bottom of the page, it is the
22 last page of what is probably Exhibit 11, Exhibit 12 is on the back of it, it is photograph that has
23 been rendered to indicate what that tower will look like. I think I can find no better way to
24 describe it but as an industrial smokestack. It is out of place there and we are going to be
25 looking at it.

26
27 Now regarding the applicant's due diligence requirements to establish that there was no
28 alternative appropriate site to this one there were as the applicant's representative just told us
29 three other sites. I would call them token sites that were offered and rejected in their proposal.
30 The utility poles on Miranda Avenue were clearly objectionable and I think we can understand
31 why Alta Mesa Cemetery was not interested in seeing one of these towers in the middle of their
32 grounds. The applicant also made reference to a site at Roche Labs at which it plans, as we
33 understand to develop another cell phone antenna system. I don't know the details of that. The
34 applicant asserts but does not attempt to substantiate that any tower located north of Arastradero
35 to serve our area would interfere with the signals from the Roche site. This would seem to
36 eliminate from consideration what I believe is a reasonable possibility for serving the section of
37 the expressway that we are dealing with and that is the existing antenna tower on the VA
38 Hospital which has an excellent line of site orientation to Foothill Expressway. A directional
39 array might serve this corridor without any interference with the Roche site. I would like to
40 know has that Roche site been proposed yet to the City? Has it been approved? If not, let's
41 solve our problem first and then deal with the Roche site afterwards. Perhaps an antenna system
42 on the VA tower would serve both areas. I did during the time of the original application I did
43 discuss briefly with the responsible person at the VA whether that would be entertained and they
44 seemed to be very receptive. I think the City has a responsibility to explore these and other
45 possible alternatives rather than simply accept the applicant's assertions and I would like to
46 endorse what Jackie said about having a master plan so that these are not all treated on an ad-hoc
47 basis without overview of what is happening to the City.

1 Commissioner Cassel: Thank you. Amy Smiley.

2
3 Ms. Amy Smiley, Palo Alto: I live in the same neighborhood as Jackie and Phil. I just want to
4 reiterate what they said. I think the proposal was denied previously. I don't see that anything
5 has substantially changed to merit approving it now. I think the cell phone towers are ugly and
6 unattractive. The Aldersgate Church looks like a large property on the aerial photo but if you
7 look at how far it is from our neighborhood it is essentially one cul-de-sac over. It would be the
8 same as sticking the tower in Arroyo Court or on the end of Miranda.

9
10 The last thing I want to say is maybe you were referring to 911 coverage but my provider is
11 Cingular and I do have cell phone coverage in my home and on Miranda. Thank you.

12
13 Commissioner Cassel: Thank you. The applicant has another three minutes to respond if they
14 would like to answer any of these questions.

15
16 Ms. Converse: To the first speaker I am not an RF expert so I can't answer why Roche Lab
17 would interfere in some way or another with this proposed site. What I can do is if the speaker
18 would like to give me their email address they can send me their questions and I can have them
19 addressed by a professional.

20
21 In regard to Cingular's network it is very congested right now. I don't know if you are aware but
22 Cingular bought AT&T's network but then they sold theirs to T-Mobile. So instead of having
23 two networks we have two customer bases on one network which is AT&T's. It is only going to
24 get worse and it is not going to get better.

25
26 We are only here again because we can find no alternative site. We do not want to make
27 enemies. We don't want to be your enemy. A lot of times Cingular or the wireless carriers will
28 go away because they don't want to be in bad standing with the neighborhood. They want to
29 work with you. I would just like to say that if you are not happy with the design we are going
30 based on the Planning Commission we are available to work with you on any design you would
31 like. We have moved it several different ways to make it less obtrusive and aesthetically we
32 have worked really closely with Clare to make it a much better site. I disagree, although I am
33 not the original planner on this, I just took it over a month ago I disagree that we haven't put
34 every possible effort into this to prove that aesthetically and geographically it is the best location
35 for this corridor to get coverage. That's it.

36
37 Commissioner Cassel: Thank you. Would the Staff like to respond to any of the comments?

38
39 Ms. Campbell: I don't have any comments at this time.

40
41 Commissioner Cassel: I think I should have asked the applicant. I would like to know about that
42 VA site. Why has that not been used? I understand the VA has to use site and maybe it is
43 already being used.

44
45 Ms. Converse: I would have to go back and research the records further but it could be that it is
46 not in the search ring. Roche Lab because of its high trees is only going to cover a certain
47 geographic area. I believe to the north we don't have it covered because there are very high pine
48 trees. Again, when I say we look at a site we have to look at everything. We have to look at it

1 going to work and meet our coverage needs, is it going to work with the topography? So the VA
2 site I am willing to do that for you as well but I can almost already say that it probably was
3 because it wasn't in the search ring. If it was I am sure we would be looking at it because we do
4 work with hospitals as well and we are on several VA hospitals.
5

6 Commissioner Cassel: Lee.

7
8 Commissioner Lippert: What about Gunn High School? I know that Gunn has a number of cell
9 sites located on their property.

10
11 Ms. Converse: Well, we used to choose schools and churches after exhausting other areas. If we
12 went into a residential area we like giving the money to churches and schools because they can
13 always use it. Again the VA hospital and the school are not mentioned here but if you give me
14 their address I can go back and see if it was in the search ring. Schools are very opposed to this
15 as well.

16
17 Commissioner Cassel: Thank you. Does anyone else have any questions? Dan.

18
19 Commissioner Garber: For the Staff, just to reiterate in this particular case for this particular
20 application the letter of the law has been followed in terms of edifying of the required
21 neighborhood, etc.?

22
23 Ms. Campbell: Yes, all the required notifications were done according to the regulations, yes.

24
25 Commissioner Cassel: Any other questions? Pat.

26
27 Chair Burt: Could Staff expand upon some of the questions that were raised by Commissioner
28 Lippert and other and members of the public regarding alternative sites and what has been
29 explored and why you believe that this is the best site?

30
31 Ms. Campbell: In evaluating the packet of material that they submit we primarily go with what
32 they are proposing. We do look at some of the materials that they submit regarding the other
33 sites but we do primarily with their first choice of their site selection unless other issues come up
34 along the way. I don't think the VA site and I haven't been around long enough to really know
35 that history, it never came up as an option or as a potential site for this particular project.

36
37 Some of the other questions that Lee brought up about locating in the R-1 zone we do have other
38 applications that were approved in the R-1 zone for the corner church on Louis and we do have
39 other applications, one is approved and one is in process for a site on a school, Achieve, on
40 Middlefield. So I don't know if that answers your question.

41
42 Commissioner Cassel: That is in a residential neighborhood.

43
44 Ms. Campbell: Correct, it is all R-1 zoning.

45
46 Commissioner Cassel: Pat.
47

1 Chair Burt: This is more of a process question. One of the neighbors had indicated that they
2 were not aware of a prerogative to request an ARB hearing. So with the notifications that are
3 given to neighbors are they informed of what their rights are in terms of requesting hearings?
4

5 Ms. Campbell: For the conditional use permit it is clearly outlined with what the steps are.
6 When we send out the informational card we let them know that this is just an informational card
7 and a tentative decision will be mailed out at a future time and then they can go through that
8 process of requesting a public hearing. For the Architectural Review element of this, this was a
9 staff level architectural review, and for that particular review there is no required notification for
10 that review process. We did initially with the informational card that was sent out when the
11 project first came in we did initially include that this was an Architectural Review application
12 was being reviewed in association with the conditional use permit. When the decision letter was
13 sent out there was no notification sent out to the neighborhood as we do for the 600-foot radius
14 with a conditional use permit.
15

16 Commissioner Cassel: But the ARB review was done which was not done in the previous time
17 and they recommended this pole rather than the tree. The applicant actually proposed a tree and
18 they changed it. The last time that we saw this the ARB did not review this project I believe.
19

20 Mr. Lusardi: The previous project was just reviewed under a conditional use permit that is
21 correct. This project was reviewed as a conditional use permit and a staff level ARB.
22

23 Commissioner Cassel: And the ARB review was not appealed.
24

25 Mr. Lusardi: That is correct. There was no call up to the Architectural Review Board for a
26 hearing on this item.
27

28 Commissioner Cassel: Karen.
29

30 Vice-Chair Holman: Could Staff clarify to the best of their ability given that there aren't plans
31 available what would make this application for a CUP different than a previous one where the
32 findings could not have been made? Could Staff speak to that please?
33

34 Mr. Lusardi: I think the difference is in the original proposal the Staff felt that at that time the
35 monopole was much more visually intrusive than the designs that are proposed today. As we
36 pointed out in the Staff Report we thought the original proposal for this application as a tree
37 would also be intrusive so we went with the more sleeker modern contemporary design that we
38 thought would be less intrusive. I think part of the issues at the time of 1997 in the consideration
39 was probably the extent or the application in the industry of telecommunications and the needs
40 today are much greater for the telecommunications facility. So we look at it in that context of
41 the industry needs and the community's needs of telecommunications. We try to work with the
42 applicant to reduce the visual impact and we felt that we achieved that this time rather than in
43 1997.
44

45 Commissioner Cassel: If I remember right the original application came in and it had poles that
46 looked a little like the telephone poles with the arms on it and that was pretty awful. They had
47 adjusted it in but even then the design was different so now it is a single pole and you have the

1 monitors visually not standing out, even the adapted pole had six pieces hanging off the pole so it
2 was a more awkward and larger pole.

3
4 Mr. Lusardi: That is correct. It was a much more industrial looking piece. It had horizontal
5 elements attached to it with fins for the antennas. As I said, the industry today as far as the
6 design goes has changed and we felt it was much more compatible with this application.

7
8 Commissioner Cassel: Paula.

9
10 Commissioner Sandas: Thank you. I just have one quick question for you. About how long do
11 these last? Once they are plugged into the ground how long do we have them?

12
13 Ms. Campbell: Let me defer to the applicant to answer that I don't know.

14
15 Ms. Converse: I never had a question like that before but they cost about \$100,000 to \$150,00 so
16 they are made to last. They take into account wind factors they can withstand certain winds.
17 They are made to withstand disasters and emergencies so they will last. They are not built to be
18 taken down.

19
20 Commissioner Cassel: While you are there, speaking of disasters and emergencies, are these
21 solar powered or can they be solar powered?

22
23 Ms. Converse: The technology is always improving. I know that they do a lot of fiber optic
24 whenever possible now so that they don't even have to have power into this but I would say that
25 the power in telecommunications is probably not there yet with solar. You mean solar to provide
26 the power, right?

27
28 Commissioner Cassel: Right or as an alternate power.

29
30 Ms. Converse: I can't answer that that would be

31
32 Commissioner Cassel: There is no power down in the gulf and there are no communications. If
33 the electricity goes out there still won't be.

34
35 Ms. Converse: What they do in times like that what they do is take what are called COWS, and
36 right now my memory is failing me as to what that means, they are for emergency services and
37 they are amazing. When 9/11 happened one of the things the mayor did in New York was he got
38 rid of all the stringent rules that applied and said get down here as soon as you can and they were
39 able to bring these COWS in. They can set up these cellular towers virtually anywhere. I don't
40 know what is going on in the disaster right now in the gulf but I would think that a lot of people
41 are probably using their cellular phones to get help.

42
43 Commissioner Cassel: They are not getting a hold of anyone. There is no communication. The
44 cell towers are down, everything is down and the only way would be – even the alternate powers
45 have been flooded and because it has been flooded they are out too. So the most major problem
46 they are having there is there is no communication to keep people. So that is what made me
47 think of solar power might help.

1 Ms. Converse: That would be another question for radio frequency or a telecom power person.

2
3 Commissioner Cassel: Okay. Are there any other questions before I bring this back to the
4 Commission? Karen.

5
6 Vice-Chair Holman: I do have a question for Staff. Looking at the photo where this pole has
7 been put into place it does look, I think one of the speakers referred to it as rather like a
8 smokestack, was there consideration given to some other kind of a design? I don't want to get
9 into designing it of course but I have seen some of the tree kind of configurations and they look
10 rather fake and they don't look very attractive and they look like they are kind of forced onto the
11 environment. So the smaller it can be I think the better at the same time was there consideration
12 given to something that would look rather like something still out of nature rather than just a
13 single pole coming up that looked like a smokestack?

14
15 Ms. Campbell: I can answer briefly and then maybe the applicant can add a little bit more to
16 that. I don't think that the technology is out yet to produce other types of natural looking tree
17 poles or vegetative poles of some kind. We have just basically started out with the fake palm
18 trees and pine trees and the broadleaf tree that you guys recently have reviewed. We have the
19 redwood looking trees. I don't know of any other types of faux plant material that could have
20 been produced for this.

21
22 Vice-Chair Holman: Actually that isn't quite what I was intending. What I was intending that it
23 still stay in a single pole but that the pole itself had some kind of articulation, an aspect to it so
24 that it wasn't such a slick skin, blunt topped kind of looking facility.

25
26 Mr. Lusardi: I suppose we could look at the color of the pole and the painting of the pole in a
27 more camouflage manner. The applicant can probably add to this but I think what really dictates
28 the pole is the size of the pole, the diameter of the pole, to fit the facilities in them and the height
29 of the pole to make it function. I think those are the two constraining aspects of how big a pole
30 is and how it looks. We can certainly look at the colors of it and we have added more
31 landscaping but I don't think you are going to get landscaping that completely screens the pole.
32 We can look at some color aspects of it to reduce that kind of visual impact but I don't think we
33 can reduce the size of the pole in either diameter or height.

34
35 Vice-Chair Holman: That still wasn't what I was getting at. I was trying to indicate that the
36 articulation of this size and this height, the articulation and the top be configured differently not
37 that I was trying to impact the height or the diameter.

38
39 Ms. Campbell: Perhaps the applicant may know of some other design concepts that I am not
40 aware of that she can share.

41
42 Ms. Converse: Well, yes but actually the trees have come a long way. I don't know that you
43 would say that about the trees initially when they started out building these things there was one
44 manufacturer and there are about five different companies now that design these. Yes, there are
45 different designs. Whether you would like them I am not sure. There are bell towers, there are
46 crosses, and they all have to be a certain diameter to fit the coax in there. We have a standard
47 coax size that goes in there. There are many different designs. They have lollipop designs
48 where it actually looks like just a round circle on top. I think as Clare was saying you want

1 something that is not going to catch your eye. You want to drive by on that freeway and just wiz
2 right by and not have it be caught or stare at it. You want something that is not going to catch
3 your attention. I think the other designs out there are more to fit in for instance for the church if
4 it worked at another location where it does not, to get the coverage this is where we need it. But
5 we have done bell towers and different types of bell towers. There are all different designs out
6 there where they can actually be hidden in the columns of the tower they don't even show. Just
7 like the tree you won't even see the antennas in the tree because the branches will cover them
8 they will stick out far enough. They are do need to be transparent so in that sense you can't have
9 anything really – you might think a better job can be done at it, but they do a pretty good job of
10 camouflaging. They only get better.

11
12 Commissioner Cassel: Do you have a question or can we bring it back to the Commission for
13 discussion? Okay.

14
15 Commissioner Lippert: I have a couple of questions. If I understand the process this was
16 noticed to go before Architectural Review Board it was noticed that unless there was a appellant,
17 somebody that was appealing the decision, then it would go before the Architectural Review
18 Board, is that correct?

19
20 Ms. Campbell: That is correct. For the Staff level architectural review we send out the tentative
21 decision letter to the applicant and the property owner and then it is posted and then unless we
22 get a request for a public hearing, which would go to the Architectural Review Board, then it
23 would be approved after the 14 days.

24
25 Commissioner Lippert: The next question I have is with regard to the permit streamlining act
26 where does this fit into that? Does this fall under that? Is there a deadline that we are working
27 towards? This is discretionary, correct? So it is not subject to permit streamlining, correct?

28
29 Mr. Lusardi: Well, I will defer to these hearings but after the Commission's recommendation we
30 have 30 days to take it to the Council and that is the requirement we have to meet.

31
32 Commissioner Lippert: Okay, so you have 30 days to take it to Council, correct?

33
34 Mr. Emslie: Yes but there is not a restriction on the amount of time you have to deliberate.

35
36 Commissioner Lippert: Okay and this board does have the ability to recommend that the
37 Architectural Review Board does take a look at this project, is that not correct?

38
39 Mr. Emslie: That is always your prerogative.

40
41 Commissioner Lippert: I would like to formulate a motion, please.

42
43 Commissioner Cassel: Go ahead.

44
45 MOTION

46
47 Commissioner Lippert: Okay. I would move this item subject to review by the Architectural
48 Review Board and the Architectural Review Board taking action prior to City Council action.

1
2 Commissioner Cassel: Do I have a second?

3
4 SECOND

5
6 Vice-Chair Holman: For purposes of discussion, yes.

7
8 Commissioner Cassel: Lee, would you go ahead and explain why you put forward this motion.

9
10 Commissioner Lippert: Technically I don't have a problem with the cell site. I think that the
11 cell site is appropriate however I do have some problems with it being on an R-1 site as I alluded
12 to in my questioning. In addition to that I think that there are other ways of concealing the cell
13 site on the property. I think, and I have alluded to this in other hearings, that incorporating the
14 cell tower into architecture is probably the most desirable approach. We have looked at a
15 number of properties and the applicant has been reluctant to do that. We have seen it
16 masqueraded as a tree that was not appropriate but yet the Board took action that that was
17 appropriate. I have also talked about cell sites being located in the public right-of-way or in
18 areas where there is a public utility easement, which is another potential location for it. I don't
19 have a problem with it being on this site. I do have a problem with the way it is currently being
20 presented. I think that the Architectural Review Board is probably the best body to deal with the
21 aesthetic issue, the issues of quality and character. Thank you.

22
23 Commissioner Cassel: Karen, do you wish to speak to your second?

24
25 Vice-Chair Holman: Yes, just briefly. I actually concur with pretty much everything that Lee
26 said if not everything. I think that a lot more attention can be given to this though so that it is
27 much more compatible with the environment and not disruptive to the environment. I think one
28 of the speakers, as I alluded earlier, one of the speakers who refers to this rather as a smokestack
29 I think has something to be said for that. So I think the Architectural Review Board would be the
30 body to make this much more compatible with the environment. I think our direction to them
31 from our minutes would be to do just that.

32
33 Commissioner Cassel: Would anyone else like to speak to this motion? Well, I think this is an
34 appropriate site. It is set way back from the street. I did drive and get out of my car from
35 different directions. I am not as concerned about people driving up and down the street catching
36 their eye on it. The concern that I think neighbors have is that they may see it. The neighbors,
37 from my observation in walking around the site, that are going to see it the most obviously are
38 the people in Los Altos and they aren't here and they have been noticed. I have been informed
39 that they were noticed for this meeting and they did not seem to be complaining about this. They
40 are really going to see it. It is going to be very obvious. This is a much smaller pole than we
41 have had before. I do not remember how I voted last time. I remember being very concerned
42 about the alternate site not having been explored at the VA and it is still wise to look at that site.
43 I understand from other work that we have been doing that you are looking at a variety of sites
44 moving along a neighborhood so I can support this motion.

45
46 I also want to note that we have in addition to what is there a condition that we received at our
47 desk and I would like to have that condition added if we do this. It is a proposed addition to the
48 conditions of approval adding some pine trees. I think that was mentioned earlier, including

1 some maintenance or better maintenance of the trees that are there and replacement of the trees
2 that are there. Otherwise this will be very obvious if the trees that are there go down it will not
3 be a good situation.

4
5 Commissioner Lippert: Is that a friendly amendment?

6
7 Commissioner Cassel: That is a friendly amendment if you will take it.

8
9 Commissioner Lippert: Yes, I will accept the friendly amendment but I think it should be
10 subject to the Architectural Review Board's review as well because I don't want to tie their
11 hands.

12
13 Commissioner Cassel: Absolutely. It is just that some of the trees were not in the best condition
14 and they are going to age and they will need to be replaced.

15
16 Commissioner Lippert: I will accept that.

17
18 Commissioner Cassel: Karen, you agree?

19
20 Vice-Chair Holman: I will.

21
22 Commissioner Cassel: Paula, you would like to make a statement?

23
24 Commissioner Sandas: Just one really quick comment. I can't help but observe that everybody
25 who wrote in and spoke this evening the majority of the people who did were concerned about
26 the aesthetic so I think this is a really wonderful idea and a smart motion.

27
28 Commissioner Cassel: Karen.

29
30 Vice-Chair Holman: Could I ask Staff a quick question? Does Staff feel like our motion is
31 clearly enough giving direction to the ARB that the purpose of our sending it to them is to make
32 this blend into the environment?

33
34 Mr. Larkin: Two comments. First the answer to your question I will defer to Planning Staff but
35 I believe that the answer is yes. The other comment is that if this motion were to pass it
36 wouldn't get to Council with the 30 days so the recommendation would be to continue the item
37 subject to ARB review. It could come back to Planning Commission and Planning Commission
38 could then finish up with the motion to approve the conditional use permit or whatever ARB is
39 recommending and then it would get passed on to Council.

40
41 Commissioner Lippert: Fine, I will make that amendment to my motion.

42
43 Commissioner Cassel: You will just change your motion to make sure that this is a continued
44 item to come back to the Commission after ARB review. Dan.

45
46 Commissioner Garber: I will voice a contrary opinion to the motion that has suggested. I do
47 think I hear the issues of aesthetics that have been presented by the residents and they are real.
48 The issues of trying to place cell towers into the communities are very troublesome,

1 cumbersome, and contentious and they are difficult. I am no expert on them. I am no expert on
2 the aesthetics of them or what can possibly be done. I do know that when I drive by it is almost
3 impossible not to notice them whether they are trees or dead stumps or poles or whatever if I
4 happen to be looking for them. It is not clear to me that even going to the ARB that a suitable
5 aesthetics solution will be arrived at to the satisfaction of the neighborhood. So ends my
6 comments.

7
8 MOTION PASSED (5-1-0-1, Commissioner Garber voted no, Commissioner Bialson absent)

9
10 Commissioner Cassel: Thank you. I will now call a vote. All those in favor please say aye.
11 (ayes) Opposed? (nay) So that will be five to one with Paula Sandas, Lee Lippert, Pat Burt,
12 Phyllis Cassel and Karen Holman voting yes and Dan Garber saying no. Pat, you have a related
13 comment?

14
15 Chair Burt: Yes, I would like to ask of Staff and the Commission's interest in exploring whether
16 future proposals for cell towers, telecommunication towers, should have a greater Staff review of
17 alternative sites rather than what appears to be a deferral to the applicant to have determined the
18 site because frankly I think that on many occasions as we are struggling with whether a particular
19 proposal is appropriate or not if we don't have a comparison of say a VA Hospital or whatever
20 we really don't know whether this the most feasible alternative. Nobody loves these things to be
21 standing there and everybody or most people like the fact that we have the ability to have cell
22 coverage. So we are always struggling with this and I would like to see a greater scrutiny of that
23 by Staff prior to presentations if the Commission also would like to see that in the future.

24
25 Commissioner Cassel: Do you want a general consensus of ideas or are other people interested
26 in that same thing?

27
28 I think I want to make one other comment to the people who came to speak to us about having an
29 overall plan for the city. The Commission has talked about that before and we have been told
30 that in this tight funding market they have not been able to fund such a study to do this fairly
31 complicated issue. It has come up with the Commission before and we have mentioned it to
32 Staff and have dutifully made them aware of our concerns about that issue. Lee.

33
34 Commissioner Lippert: Just as a side comment to that it might be appropriate to consider when
35 the ZOU picks up again to include a section on cell sites and their appropriateness in
36 neighborhoods just the way we do with parking.

37
38 Mr. Emslie: We already have that assignment. That was given to us by Council I believe several
39 months ago. So that has already been folded into the ZOU.

40
41 Commissioner Cassel: Now, I would like to call a break. We will take a seven-minute break.
42 Don, go ahead.

43
44 Mr. Larkin: Just as a reminder, when we do have these kind of off subject comments that they
45 should probably be made at the end of the meeting under Commissioner Comments.

46
47 Commissioner Cassel: Thank you. I will call a break and we will come back in seven minutes.
48 Thank you.

1
2 Let me call this meeting back to order. We set the timer for seven minutes and didn't turn it on.
3 It doesn't work if you don't turn it on.
4

5 Thank you for being quiet. Having said that let me get to the agenda. The item before us now is
6 item number four and it reads this is a Zoning Ordinance Update. Planning and Transportation
7 Commission recommendation to City Council for the adoption of an ordinance to amend PAMC
8 18.04.030(65) Gross Floor Area, adopted Low Density Residential Definition, and related
9 references in the Single Family Residential Chapter 18.12.040, Table 3. Summary of Gross
10 Floor Area for Low Density Residential Districts, requiring that carports, including those that are
11 completely open on three or more sides shall count towards gross floor area for low density
12 residential homes. We need a Staff Report and I think Don wants to talk to us.
13

14 **4. Zoning Ordinance Update - Amendment to 18.04.030 (65) Gross Floor Area (Adopted**
15 **Low Density Residential Definition) and related references in the Single Family**
16 **Residential Chapter 18.12.040 Table 3: Summary of Gross Floor Area for Low Density**
17 **Residential Districts, requiring that carports, including those that are completely open on**
18 **three or more sides shall count towards gross floor area for low density residential homes.**
19

20 Mr. Larkin: Thank you. I just want to remind the Commission because I believe there is some
21 confusion.
22

23 Commissioner Cassel: I think we need to be sure we are careful with our speakers. Someone
24 commented earlier that they weren't hearing the Commissioners either so make sure we are
25 speaking directly into these mikes.
26

27 Mr. Larkin: I hope that's better. There has been some apparent confusion based on some of the
28 public comment that has been received. The item before you is a zoning change, as the Chair
29 stated, related to floor area ratio with carports that are open on three sides. This item is not
30 related to any other issue in zoning and it is not related to third stories and it is not related to any
31 pending application and in fact would not affect any application that is currently completed or
32 under review.
33

34 Commissioner Cassel: Thank you.
35

36 Ms. Susan Mickelsen, Planner: Good evening. The item for tonight is the carport floor area
37 exclusion in the LDR districts. Just to review, LDR is Low Density Residential Districts which
38 are RE, R-2, R-1 and RMD.
39

40 Just a little background on this. The Commission made recommendations to Council for the
41 Low Density Residential Definitions and the R-1 Chapter on August 4, 2004 and a portion of the
42 discussion that evening was related to carports and porte-cocheres. To briefly summarize that
43 the minutes were included with your Staff Report as well. The carport discussion stemmed from
44 a clarification on porte-cocheres not counting towards floor area when not used to meet the
45 covered parking requirement and that discussion led to a motion and recommendation by
46 Commissioners to similarly exclude carports when they are completely open on three or more
47 sides that they would also not count towards floor area.
48

1 We have heard during those minutes and also following arguments for and concerns against
2 these and those are summarized pretty well in the minutes but just briefly to summarize them
3 regarding massing whether the open carports add or do not add to the massing on site to add
4 some more flexibility to the floor area interpretation.
5

6 Historic accounts of problems when carports were not counted towards floor area and then later
7 converted and adding this transferred floor area to the main home possibly adding mass to the
8 main home were some of the items we heard.
9

10 The Council adopted the LDR definitions in the R-1 Chapter in April and it was effective on
11 May 26, 2005 and then on August 8 of this year the Mayor introduced a colleagues memo which
12 was also provided to you in the packet which discussed many of the concerns expressed by the
13 public in public testimony or to Council Members. Council directed the Commission to
14 reconsider this exclusion of carports that are completely open on three or more sides from the
15 calculation of gross floor area.
16

17 So just to review since you haven't looked at this in a little while. This table just shows some of
18 the requirements before, prior to the existing R-1 Chapter, so prior to May 26, 2005. Then the
19 existing code basically just to review some of the things that didn't change. You can see here the
20 parking requirements for two onsite one of which must be covered in the prior chapter there was
21 no change in the new chapter. So that did not change. Other changes were included about how
22 carports and garages count towards lot coverage, which they both count and that did not change.
23 Again, that garages count towards floor area and that also did not change.
24

25 Other items that we have heard concerns about that I just want to clarify that also did not change
26 were the maximum heights, the floor area ratio and the general review process. So the item for
27 tonight is whether carports count towards floor area or not and how they count. In the prior
28 ordinance, prior to May 2005, the carports were counted towards floor area whether they were
29 open or not basically. What was changed in May was that carports when completely open on
30 three sides were excluded from the gross floor area calculation for single-family homes. So the
31 item that is on the agenda for tonight is basically reversing this to go back to how we treated
32 them before to count all carports whether they are open or not towards gross floor area.
33

34 This is some research that was requested for information on surrounding jurisdictions. We did
35 this today so it is not complete, complete but it gives you an idea of what surrounding
36 jurisdictions are doing. To summarize out of these 12 jurisdictions, seven to eight of them do
37 count carports towards floor area and one to three of them do not count carports towards floor
38 area and they are open carports in that way.
39

40 So the recommendation is to have Commission recommend that City Council adopt the
41 ordinance amending the gross floor area definition and related R-1 reference to require that all
42 carports count towards the floor area for a single-family home. Just to clarify, this does apply to
43 R-1 as well as RE, R-2 and RMD because it is a modification to the definition of gross floor area
44 and that the modification to the R-1 Chapter is just a reference, the gross floor area summary
45 table, so it is a reference to that definition. We do have a City Council date scheduled for
46 September 26 for this item.
47

48 Commissioner Cassel: Questions before we have the public hearing? Lee.

1
2 Commissioner Lippert: I have a question for the Director. With regard to enforcement currently
3 on the carports that are enclosed with regard to zoning and the planning aspect enforcement
4 regulations there is enforcement that can be done. But within building inspection there are other
5 enforcement actions that can be taken. Can you please just elaborate on those?
6

7 Mr. Emslie: Yes. In our department, in Planning and Community Environment, there really are
8 kind of two enforcement agents. One is the traditional Code Enforcement Officer, we have two
9 of those and they report to the Planning Division. They are responsible for responding to
10 complaints. Basically we do not do proactive code enforcement it is responding to complaints.
11 The second part of this is the construction verification process and that is done through our
12 Building Division. That is primarily done by the Building Inspectors. Their job is to ensure
13 compliance with the approved plans. So if they visit a site and they are inspecting it and they see
14 construction that does not comply to the plans as they are approved then that is a violation and
15 they will follow up on that and require that the deviating structure be removed and modified and
16 ensure that it complies to the structure. Does that answer your question?
17

18 Commissioner Lippert: So any work or construction that is done without a building permit
19 would be subject to building inspection and that does not require any sort of public hearing for
20 that to be undone, correct?
21

22 Mr. Emslie: No. Let me just clarify, when the building inspector would most likely make his or
23 her findings is during the construction process. They are only involved in the active
24 construction. Once a project is final and a complaint were to come in most likely the Code
25 Enforcement Officer would do the enforcement in consultation with the Building Division.
26

27 Commissioner Cassel: Are there any other questions before we go to the public hearing? I have
28 ten people to speak. I would like each person to take a maximum of three minutes. I will call
29 one name and then I will say the person to follow is and if the person to follow will come and sit
30 in the front row that will help us move this along a little more rapidly. The next time I will do
31 the same process over again. It is required to give your name and the city you come from and if
32 you have any more cards please do that at this time that would also be helpful. I want to remind
33 you that we are doing only the garage issue. This is not a discussion of third stories or heights or
34 anything of that sort just the issue of the carport this evening. Thank you very much. The first
35 person to speak is Roger Kohler to be followed by Nancy Alexander.
36

37 Mr. Roger Kohler, Palo Alto: Good evening Commissioners. I have actually written something
38 out which I will pass out. There is enough for everybody here and I will keep one. I spoke to
39 you before when we talked about this in the spring and I just came back to reiterate a couple of
40 things.
41

42 I have always advocated that counting of the required car space is an unfair tax on smaller
43 properties. I always felt that it was not fair to the homeowner who lives on a 5,000 square foot
44 lot. He has to take 180 square feet off his allowable floor area and yet someone who has a
45 10,000 square foot lot and he is permitted 3,750 square feet and yet the one with the 5,000 square
46 foot lot is only permitted 2,250 square feet. So the houses that have the smaller property and the
47 smaller floor area have a huge impact when required to count the garage as the floor area. So
48 when this ordinance went into effect it was kind of a boon for the people on smaller properties. I

1 found in the houses that I have been designing that the larger homes are still putting in one and
2 two car garages but the smaller properties are starting to put in more carports because that 180
3 square feet is an extra bedroom or study or a kids room. It really is a huge benefit and it has
4 modest impact on the design of the house. The fact that we have to go through Individual
5 Review now, which I think has been relatively successful. The neighbors are notified and we
6 work with them. The windows, the massing, bulk is all pretty much resolved during the
7 Individual Review so that extra square footage that is a bonus to these properties is really taken
8 care of by this design review. So my assumption would be to solve the problem tonight a simple
9 thing would be to say carports don't count for the required covered space, the 180 square feet,
10 not carports grand, not a five car garage. It would still count as floor area beyond the one
11 required space. So in other words everyone gets 180 square feet to fool with and you wouldn't
12 be able to build a five-car garage because the other four cars would count as floor area. So that
13 way it is a fair thing to everybody, the small lots and the larger lots, it would limit the
14 construction of large carports and it is a simple let's get it done deal. Or better yet, the garage or
15 carport doesn't count that way we don't have carports with people putting up fake doors and
16 canvas walls and things like that which has happened in the past. So I think a simple solution is
17 you just don't count the covered space whether it is a garage or a carport. That is what I would
18 hope would happen. Thank you.

19

20 Commissioner Cassel: Thank you. Nancy Alexander to be followed by Sid Owen.

21

22 Ms. Nancy Alexander, Palo Alto: Good evening Chairperson Cassel and Commissioners.
23 Welcome to the two new Planning Commissioners. I too have been a County Planning
24 Commissioner. I have a Masters in Planning and I have consulted professionally in the field of
25 urban planning for the public sector for many years.

26

27 So I understand how there can be unintended consequences of revisions in zoning ordinances. I
28 think it was a worthwhile experiment to try but there are quite a few impacts associated with not
29 counting carports and I would like to go over some of them. When garages are counted as floor
30 area and carports are exempt from floor area there is a powerful incentive to build carports
31 instead of garages. This dynamic can contribute to the change in character of neighborhood with
32 outdoor storage taking place in carports instead of within enclosed garages.

33

34 Secondly, by removing three walls from a garage it becomes a carport so that freed up space can
35 be reallocated to the first floor, the second floor or the third floor of a main house. By definition
36 garages are on the first floor so by not counting carports you are allowing a change in use, you
37 are allowing the square footage to be boosted up to second and third floors. I think that is an
38 unintended consequence. I know that the third floors are not the topic tonight but when the
39 outcome of a new addition is a third floor with habitable space it leads to a more vertical
40 structure and cumulatively the neighborhood itself becomes more vertical. This is a pattern that
41 is more characteristic of a place like San Francisco not Palo Alto neighborhoods.

42

43 I am going to skip going into some of the other impacts of that but I see the sum up light is on
44 here. I would like to say that with the powerful market forces which value a square foot of house
45 much more than a square foot of garage the carport transfer device allows larger houses to be
46 built on many lots that previously could not qualify for houses of this size.

47

1 Lastly, when you add up all of the exempt features for example if you have a covered porch,
2 which is exempt, and then you have it topped by a large balcony and then you have third floor
3 and exempt carports you are really cumulatively increasing the mass of the building. So the
4 compelling economic incentives to shift the square footage from a garage to a house result in
5 larger houses and these houses will be built unless changes are made. I urge you to adopt the
6 Staff recommendation. Thank you.

7
8 Commissioner Cassel: Thank you. Sid Owen to be followed by Michael Griffin.

9
10 Mr. Sid Owen, Palo Alto: Good evening. We moved into our house back in 1960, 45 years ago.
11 We think we are going to stay. We kind of like it. We like the attractive homes here in Palo
12 Alto and the reasonable traffic. We have always assumed that you would watch over it and keep
13 it as it is. A few of the residents want larger and taller houses and a few of the residents want
14 much change at all as a matter of fact. They like Palo Alto the way it is. Let's keep it that way.
15 We are not happy with this loophole that was apparently just recently started being used quite a
16 bit and we will trust that you are going to correct that.

17
18 In your little packet I notice some information that other cities don't include them so if Palo Alto
19 were like other cities I would live in other cities, thank you. Your packet also includes a letter to
20 the effect of one developer probably is going to lose some money if some of these changes get
21 made. I would suggest that you go ahead and close the loophole, number one. Number two, we
22 can have a little session and give our sympathy to that developer.

23
24 Commissioner Cassel: Thank you. Michael Griffin to be followed by Annette Glanckopf.

25
26 Mr. Michael Griffin, Palo Alto: Congratulations to Commissioners Burt and Holman on their
27 new positions this evening.

28
29 In attempt to recreate the scene of our Commission meeting last year on August 4 I read through
30 the packet for that night. It was actually instructive in that the subject of carports and the floor
31 area ratio was not even part of the Staff Report for that evening even the subject of porte-
32 cocheres came to us in the form of what looks like an errata sheet, not that that prevented us from
33 dealing with the subject carports and their FAR of course. In retrospect I personally would have
34 benefited from some written Staff input and a more detailed treatment of the subject. It would
35 have provided me with a more balanced view of the topic and would have influenced my vote on
36 the matter.

37
38 Now I am not blaming this lack of background information on Staff. Heavens. I am in fact
39 mightily chagrined to admit that Lisa Grote tried her best from the Staff table that night to
40 verbally warn us off on the difficulties encountered in the past when FAR was exempted on
41 carports but her words of wisdom just didn't carry the impact that current events have brought to
42 bear on this issue. Owners proposing to tear out the walls of their garages in order to convert
43 them into carports thus obtaining additional FAR to plug into their remodel projects.

44
45 At the time of the meeting I recollect thinking more about the appearance and massing of
46 carports as they relate to the main structure. I frankly didn't consider sufficiently the
47 consequences that would happen to that FAR that I was exempting. In rereading the minutes

1 from the meeting it is clear that despite Lisa's warnings of consequential problems I did not give
2 them sufficient credence and I am here to tell you mea culpa.

3
4 Palo Alto has made a valiant effort to reign in oversized houses that are out of scale with
5 neighbors and that pose privacy issues. The IR process has made good headway in that regard. I
6 think that by excluding FAR from carports we are absolutely undermining what we are trying to
7 accomplish in the Individual Review procedure. That would be a big mistake not only in my
8 opinion but probably in a lot of others as well.

9
10 Tonight you have an opportunity to rectify that situation by acting positively on the Staff
11 recommendation and recommending that City Council approve the draft ordinance. Thanks.

12
13 Commissioner Cassel: Thank you, Michael. Annette Glanckopf to be followed by Bob
14 Stefanski.

15
16 Ms. Annette Glanckopf, Palo Alto: I am speaking for myself tonight not as the Co-Chair of the
17 Single Family Task Force. I concur with the Staff recommendation that the code be amended to
18 count carports towards FAR.

19
20 The future of Single Family Residential Task Force in 1901 concluded that the problems
21 residents in the city were concerned about were mass, streetscape and privacy. Carports should
22 be counted in floor area ratio since they do significantly add to the mass of the building and other
23 speakers have talked about this as well. I think they also negatively impact the streetscape and in
24 my opinion they are very poor design.

25
26 Anecdotal comments and personal observations demonstrate many examples where residents
27 enclose carports for living areas as mentioned to gain additional FAR beyond the maximum. In
28 other cases the open carport is used for storage and I think is quite unsightly. This is not always
29 done by the way as far as building or closing in the carports in conjunction with a building
30 project. It may happen and does happen months or years later.

31
32 If code enforcement is a problem then this should be dealt with separately and should not be used
33 as a reason to deny the zoning. Many neighbors do not understand zoning and they are also very
34 timid about turning in their neighbors. I personally think the city should be given the mandate to
35 beef up code enforcement but this should not muddy this discussion. If residents, architects and
36 builders do not follow the rules of our Palo Alto Municipal Code although harsh I believe they
37 should be fined and their name should be made public.

38
39 Just a final comment. I don't think the classic porte-cochere should be counted but I do think if
40 we go that far we should have a very strong definition with pictures to support this. So again I
41 support the Staff recommendation let's count all carports in the floor area ratio. Thank you.

42
43 Commissioner Cassel: Thank you. Bob Stefanski to be followed by Lynn Brown.

44
45 Mr. Bob Stefanski, Palo Alto: I am the owner at 455 Santa Rita Avenue. I want to address two
46 thing tonight first why the ordinance should not be changed and secondly I have serious concerns
47 about the use of our pending remodel project in the Staff Report in connection with the Staff
48 recommendation. I would like to just spend a minute on that I don't intend to talk about the

1 substance of it because I understand from Mr. Larkin that our project would not be impacted by
2 it but I do have serious concerns about it. There are considerable and very real
3 mischaracterizations.

4
5 First of all in terms of opposing changing the ordinance it was just adopted several months ago.
6 This Commission debated it, discussed it in August of 2004. I have looked at the minutes and
7 talked to folks about that. It was then enacted by City Council so we have just been down this
8 road. When you read the minutes of the meeting there was a lot of discussion about code
9 enforcement in particular which I very much agree with the previous speaker we ought to be very
10 firm about code enforcement. But that is not a code issue that is a code enforcement issue. The
11 Commission unanimously adopted it or recommended it last August. Including the carport
12 square footage was rejected and I think one of the Commissioners referred to it as the
13 sledgehammer approach. It is throwing the baby out with the bathwater. Why would you take
14 away valuable property rights from everyone because you have some code enforcement issues?
15 The Commission recognized that there is a difference, a very significant difference, between
16 garages and carports. Carports are open garages are enclosed. You store things in garages you
17 don't store things in carports. Visually they are very different. Carports have less mass. So a
18 new tighter definition of carport was adopted. I thought it was a sensible solution to the problem
19 saying they have to be open on three sides, they can't be 50 percent enclosed. I think that
20 reasoning is sound. I think it should continue and what is different now?

21
22 In terms of that if I can just a couple of comments about our project in particular. I have to say
23 we wouldn't be here tonight but for the campaign, in my case the very unpleasant campaign
24 against my project. The Staff Report discusses the project. May I have one more minute?

25
26 Commissioner Cassel: Yes, you may have one more minute.

27
28 Mr. Stefanski: Thank you. The Staff Report discusses our project. It doesn't discuss any other
29 project and incidentally there are some factual errors in the Staff Report itself in terms of the size
30 of it. Unfortunately the horse is out of the barn on that. The emails that are attached to the Staff
31 Report opposing our project are not about the carport ordinance we are discussing tonight so I
32 was a bit surprised when I discovered it just over this weekend having no idea about this meeting
33 or anything else. I was surprised to see this thing on the Internet on the city site. In any event, if
34 you read the emails carefully they do significantly mischaracterize the project. The house is
35 getting smaller. The house is not getting bigger it is getting smaller than the existing house.
36 There are no Variances requested, no Variance is required. It is completely compliant in every
37 way with the codes. It actually removes a daylight plane violation on one side of the house. It is
38 not a third story it is a playroom attic space. In any event in terms of what the community wants
39 on this my wife, Lynn Brown, will be speaking and I think we will have a few more words to say
40 about that. Thank you. Thanks for your time.

41
42 Commissioner Cassel: Thank you. Lynn Brown to be followed by John Northway.

43
44 Ms. Lynn Brown, Palo Alto: Hi. I hope my faculties already limited don't desert me
45 completely. I am a housewife not a professional anything. I wanted to try and get two points in
46 this limited amount of time. About the public opinion campaign as my husband said the 100 or
47 so emails that are attached to the Staff Report if you read them three mention carports. Three out
48 of 100. You do not have 100 emails in favor of changing this ordinance. You have maybe three.

1 I have a petition that I started after I picked my little guy up from kindergarten yesterday, fed
2 him lunch, wrote the petition, so maybe 1:30 yesterday afternoon I worked until 8:00 and the
3 same routine today. I have 104 signatures on a petition that specifically say do not change the
4 carport ordinance. Specifically to the point Palo Alto homeowners, North Palo Alto every one
5 and I have only scratched the surface. People do not want this ordinance changed. They do not
6 want their property rights further limited because a couple people don't like a project.

7
8 Next point. I wanted to talk about the carport third floor connection myth. It is a myth. Just
9 because someone takes square footage out of their carport doesn't mean it is going to go into an
10 attic. Some people like Mediterranean architecture, some people like Italian architecture, some
11 people like modern architecture all of which don't allow for attic space. Some people have bad
12 knees they want single story homes. There is no guarantee, no connection, there is no reason to
13 assume that someone would take whatever their allowable square footage is for whatever
14 formula exists and use it to go up. It depends on a person, a property owner's desires and needs
15 and concerns. The most egregious error in the Staff Report concerning our project, the scary
16 thing, the most scary to me is it characterizes our carport as 590 square feet. It is 400. It is off
17 by 50 percent. You have to look at this critically and look at it fairly. Give me another day and I
18 will triple my signatures. The public opinion isn't there. The Staff Report is inaccurate. The
19 carport third floor connection isn't there. You got nothing. You just got nothing.

20
21 Commissioner Cassel: Thank you very much. John Northway to be followed by Bob Moss.

22
23 Mr. John Northway, Palo Alto: Hi.

24
25 Commissioner Cassel: Just a second.

26
27 Commissioner Lippert: Would you ask Ms. Brown to submit her petition as a matter of record,
28 please?

29
30 Commissioner Cassel: Please, would you submit this to Zariah over here? She will take care of
31 that. Thank you. We are going to start over again with John. Go ahead.

32
33 Mr. Northway: Like Annette, I am not officially speaking as a Co-Chair but we did briefly
34 confer and actually I associate myself with her comments. I think what we learned and as time
35 passes Annette and I will probably repeat this over and over again which is privacy, massing,
36 streetscape. That was the problem we identified with larger houses. I think the unintended
37 consequences of the move to exclude carports from the FAR calculation was to give people with
38 any size detached garage the density bonus of the size of the detached garage. Those garages can
39 be torn down, converted to carports and the square footage used in the main residence. That can
40 range from some people having three car garages to one-car garages. So it is a range of two to
41 four or five hundred square feet, which will be transferred to the main residence. However it is
42 used will be the result of the design of the particular residence. It could expand the first floor,
43 second floor or if the lot is big enough it could go higher.

44
45 I think that is what was wrong and in the end it was the unintended consequences was the
46 unlimited density bonus based on the size of either a carport that could be remodeled to have
47 only three sides or a detached garage of any size that could be converted to a carport. So I think

1 this loophole should be closed. I think it is in the spirit of quite frankly what the R-1 committee
2 tried to do.

3
4 I think Roger brought up a very good point that if for some reason you still want to have
5 encouragement or some non-penalty the exemption of one car space is an alternative. I think
6 Roger makes a good point. Thanks.

7
8 Commissioner Cassel: Thank you. Bob Moss to be followed by Chris Draper.

9
10 Mr. Robert Moss, Palo Alto: Thank you Chairman Cassel and Commissioners. I also support
11 the Staff recommendation that you rescind this mistake and go back to the way the ordinance
12 was interpreted in the past. The fact that you just made this blunder and the City Council
13 unthinkingly approved it is not a justification for continuing this gross error.

14
15 Let's be very frank, it is a fundamental requirement in residential zones thou shalt have off street
16 parking. Thou shalt have a garage or a carport. That is a requirement. Now what you have, let
17 me give you an actual real example, I hear a complaint that you didn't have enough background
18 and Michael was discussing this last year. When the Zoning Ordinance was adopted originally
19 in 1980 carports with two or more walls were included in the FAR. Also the FAR was
20 established based primarily on the Eichlers built on 6,000 square foot lots because that was the
21 most common development in Palo Alto. Believe it or not many of those Eichlers had carports
22 because it was cheaper to build a carport than a garage. Mr. Eichler was interested in selling
23 houses fast and cheap. So along comes a fellow named Jones who owns an Eichler with a
24 carport and he takes down the walls and he says I no longer have a carport I just have a canopy
25 so I want to use that space to expand in the back of my house. There was nothing to prevent that
26 so he was allowed to expand on the back of his house. Two years later Mr. Jones goes back and
27 puts up the walls of the carport. As you heard we don't have people that go around from the city
28 looking to see whether there has been a violation of the Zoning Ordinance. So the only way that
29 can be mitigated is if one the people in the neighborhood happens to know a) that Jones has
30 taken advantage of this loophole, b) that Jones has now violated the law by putting back the
31 walls. So now maybe the neighbor goes to the city and says hey this guy is in violation. The
32 city goes out and says yes he is in violation what are you going t make him do? Tear down the
33 addition? No, no. What they did was give him a little slap and they fined him a couple of
34 hundred dollars. So when this happened the City Council got religion and they said we cannot
35 allow this. We are not going to play this game. We are not going to go around and let people
36 game the system. Carports and garages are covered parking spaces and they are going to count
37 in the FAR regardless. That is exactly what you should go back to doing.

38
39 Staff talks about one carport that is 580 square feet that was taken down and could be replaced.
40 That is two fair sized bedrooms. You heard a lot about monster homes. I used to call them
41 elephant turds but told that was politically incorrect so let's just call them monster homes instead
42 of elephant turds. One of the biggest complaints we had and I should mention I live in Barron
43 Park which someday is going to be next to Palo Alto or maybe we are going to take it over I
44 haven't decided which yet. One of the biggest complaints we used to have in Barron Park was
45 about all of these excessively big houses being built and allowing additional development by not
46 counting carports because somebody has taken the walls down. Big mistake. Go back and do it
47 the way it should be done. Change the code back. Count carports.

1 Commissioner Cassel: Thank you. Chris Draper to be followed by Greg Tanaka.

2
3 Mr. Chris Draper, Palo Alto: Good evening. I am the Government Affairs Coordinator for the
4 Silicon Valley Association of Realtors. We represent the real estate agents who sell property
5 here in Palo Alto and elsewhere. We have an association with 3,600 members and we wanted to
6 discuss the carport issue.

7
8 We have been involved in the zoning update process for quite some time and we learned about
9 this. It seems that this kind of a tempest in a teapot for lack of a better term. You have four
10 homes that have taken advantage of this one of which has done something that may or may not
11 be a third story but you still have a whole bunch of other tools that are available in your toolbox.
12 Most of the comments that you have heard tonight are people that are worried about houses that
13 are too big. Excluding carports does not change that. You still have a whole bunch of other
14 tools available at your disposal. You have daylight plane, you have height restrictions, you have
15 a whole bunch of other things that you can use and they still exist. You didn't change any of that
16 from the zoning update. So there are a lot of other ways that you can address this. We
17 understand that there are some concerns with people who have used carports and then all of a
18 sudden you see a couple walls come up. I think you said previously that is an issue of
19 enforcement. That is people who are trying to find a way to break the rules and as you said
20 previously that is kind of a sledgehammer approach to get rid of the exclusion if you have some
21 people who are breaking the rules. Go after the folks that are breaking the rules. Go after the
22 people that got a carport and then decided they are going to put up some walls later.

23
24 Also we would suggest that you consider maybe giving a more clear definition of what open is
25 so that everybody knows that if it is open you have to keep it that way. You can't go back later
26 and make some changes.

27
28 We would like you to keep the carport exclusion in the ordinance. We think it adds some
29 flexibility especially for smaller homeowners. It gives them the ability to add an area that can
30 best fit their needs if that is an extra room for children to play in or if it is a bedroom that they
31 need because they are having more children. We would suggest that you keep that option in
32 there. Thank you.

33
34 Commissioner Cassel: Thank you. Greg Tanaka to be followed by Betsy Allyn.

35
36 Mr. Greg Tanaka, Palo Alto: I have five quick points to make. I actually have a garage. I have
37 no desire to do a carport right now or thoughts of doing one. So I am a bit impartial to this
38 whole subject. I have been listening to the comments tonight and been thinking that I heard a lot
39 of discussion about the lack of affordable housing in Palo Alto. We know that it is very
40 expensive to live. We know that housing prices are rising faster than wages and this whole
41 discussion is in some ways generational. I think the strict building codes actually make it much
42 more expensive to build affordable housing for working class families. I think if anything we
43 should try to make it easier for people to build affordable housing. So I think this is a step in the
44 wrong direction.

45
46 The second point is something, which I think you might have heard before. A carport unlike a
47 garage unless one breaks the code, has a code violation, they can't do it legally they cannot

1 covert a carport into a garage. A garage can be converted perhaps illegally much easier than a
2 carport. A carport is pretty obvious if they make it into a living room.

3
4 Third is that depending on how the carport is constructed if the carport is a flat roof can you
5 really tell from the street that it is adding mass? Maybe you see a shadow from the carport but
6 you are not going to see a big massive steep roof. That is a different story. I have seen some
7 carports, which unless you are under it you cannot really see it from the street.

8
9 The fourth thing is that I think by taking away this right from property owners what might
10 actually happen is an unintended consequence could be that you will see a lot more car tents out
11 in the front yard. You might see a lot more cars with faded paint. I wonder, is this what Palo
12 Alto citizens want? Do they want the place to look like a shantytown with a bunch of car tents
13 all over the place? I don't think that is what we want. We want good structures. We want sound
14 quality construction.

15
16 The last point is I saw the Staff Report about other cities and carports. I notice some nearby
17 cities like Santa Clara or San Jose and Alviso are not included. I will be interested in knowing
18 how they are counting carports. Thank you.

19
20 Commissioner Cassel: Thank you. Betsy Allyn and I have no more cards.

21
22 Ms. Betsy Allyn, Palo Alto: I think there must be some reasons that your Staff is recommending
23 to you to count the floor area for single-family homes and the carports. Also, I agree with Mr.
24 Griffin that sometimes it is very nice to go back and recognize our mistakes and undo them or
25 redo them. I do agree with the Staff recommendation to amend the gross floor area definition
26 and related reference to require that all carports count toward the floor area for a single-family
27 home.

28
29 I also agree that there should be penalties for builders or residents or architects who violate this.
30 It must be being violated or we wouldn't be here this evening. Thank you.

31
32 Commissioner Cassel: Thank you. That is all the speakers for now so I will close the public
33 hearing. Staff would you like to make any other comments at this time? Go ahead.

34
35 Commissioner Garber: Has the Staff looked at what the impact relative to the current FAR what
36 the impact is to adding certain numbers of square footage to it? What actually happens to that
37 ratio from what it is now?

38
39 Mr. Lusardi: The FAR is not going to change that is required now. So essentially what is
40 happening is the FAR from the carport is going into some other part of either the main structure
41 or an accessory structure. The FAR doesn't change.

42
43 Commissioner Garber: You are right. I am sorry I guess what I should have asked was if you
44 were to take away the square footage that was in the carport and add that to the main building
45 and then add back in what you took away what is then the resultant FAR?
46

1 Mr. Curtis Williams, Acting Current Planning Manager: It depends on the particular lot size but
2 a standard 6,000 square foot lot which is what 2,250 or 2,550 square feet of floor area. So if it is
3 a 400 square foot garage that is a little more than five percent.
4

5 Commissioner Garber: Thank you.
6

7 Commissioner Cassel: I want to see if my memory is correct here. My understanding is that we
8 had an ordinance that required one covered space, which it turns out it, doesn't mean enclosed
9 and one space behind the setback for two car requirement on all sites in R-1. That one covered
10 space could have been a carport and that was the rule until we changed it just fairly recently a
11 couple of years ago to include two car spaces in the FAR. Then we changed it just in May back
12 again so that in one case the FAR wasn't counted if you had a carport then it was counted if you
13 had a carport and now we have it back to where it doesn't count. We were having problems we
14 were having difficulty. It was going along about the same time as the IR process when we had
15 these large buildings so we changed it and we required the carport, two spaces, to be counted in
16 the FAR. Then we just recently changed it again. So it has been a series of changes if I am
17 right. Do you want to see if I have that order correct?
18

19 Mr. Lusardi: The changes that have occurred really relate to how we defined the carport and
20 whether it was 50 percent enclosed or open on at least three sides. There has never been a
21 change in the parking requirement for a single-family house. We have always required two
22 parking spaces, one of which has to be covered. That can either be enclosed in a garage or
23 covered with a carport. You do have the option of covering both parking spaces and all of that
24 would count towards your FAR whether it was a carport or a garage originally. What we
25 eliminated was the requirement that the carport open on three sides count towards your FAR.
26 But you are only required to cover one space of the two.
27

28 Commissioner Cassel: I understand that. We didn't count the second space if it had nothing
29 above it but we counted it if it was covered. If it had a roof over it it was counted, right?
30 Originally we didn't essentially count the carport and then we did count the carport and now we
31 don't count the carport. So it has actually gone through three stages although our definition of
32 what a carport is has cleared up.
33

34 Mr. Emslie: That is correct. I would estimate about ten years ago this issue came up where the
35 Council and the Planning Commission changed the carport provision to start counting carports.
36 So that was the last significant change prior to this recent round of discussions. Then that was
37 maintained in effect until April of this year when the Commission and the Council approved the
38 change to rollback to exempt the carport from FAR.
39

40 Commissioner Cassel: The only difference was we clarified the carport had to be open on three
41 sides and could not have 50 percent coverage.
42

43 Mr. Emslie: Yes.
44

45 Commissioner Cassel: Completely open on three sides. Lee.
46

47 Commissioner Lippert: Just there was one other distinction which was that we did not have in
48 place an IR process for reviewing second and third story residences.

1
2 Commissioner Cassel: That is true but if it is a single story home it doesn't have to have an IR
3 review. It doesn't review the garage it only reviews the second and third floor, right? The whole
4 thing?
5

6 Chair Burt: That is a correct statement that of course the single story is not covered by IR but the
7 primary reason that single stories were not covered by IR is because they were not perceived to
8 have the same massing and scale problems. So the issue then becomes do we have protections
9 today on massing and scale that we didn't have when I think it was about eight years ago when
10 the change in the allowance for carports was made.
11

12 Commissioner Cassel: Karen.
13

14 Vice-Chair Holman: I would like to make a further clarification about the Individual Review
15 Process. While it is true that that was not in place when carports previously were not counted
16 Individual Review is guidelines and cannot affect floor area ratios. So if, and Staff correct me
17 here if I am wrong, I guess it is a question to you really. If the floor area ratio is transferred from
18 a carport building or proposed building to a main structure can the Individual Review Process
19 reduce the floor area ratio if there is no way found to be able to make a building satisfy the
20 Individual Review guidelines?
21

22 Mr. Emslie: That is correct. The application of the Individual Review guidelines does not allow
23 the application of the guidelines to reduce the FAR below what is permitted by the formulas.
24

25 Vice-Chair Holman: So if there is an impact and a guaranteed, I shouldn't say guaranteed there
26 are daylight planes and setbacks and such, but if there is an FAR that is permissible otherwise
27 even if the mass and scale do not necessarily fit compatibly in the neighborhood can the
28 Individual Review Process affect that?
29

30 Mr. Emslie: There is an element of hypothetical in that there is an assumption that you cannot
31 reduce the mass and scale to fit the guidelines. The guidelines need to be adhered to but it is
32 very clear in the IR guidelines that they are not to be used to reduce FAR as a means to promote
33 compliance with the guidelines. We have not come across an example where you could not
34 reduce the mass and bulk with changes to the architecture that did not require reduction and then
35 FAR.
36

37 Commissioner Cassel: Dan.
38

39 Commissioner Garber: I have a separate question if Commissioner Lippert would like to
40 continue this conversation.
41

42 Commissioner Cassel: Go ahead.
43

44 Commissioner Garber: I am particularly interested in a couple of the speaker's observation that
45 by allowing these zoning to stand there is an opportunity for owners of smaller homes or smaller
46 properties to benefit. I am just curious what observations or thoughts the Staff has regarding that
47 particular observation.
48

1 Mr. Williams: Well, the other Commissioners will remember we had a lot of discussion about
2 substandard lots, small lots and how to address those in providing more flexibility for those. One
3 of the things I think we talked about was parking and not requiring covered parking or somehow
4 managing to be allowed to take that square footage and put it into the house. So there is certainly
5 some benefit for those smaller lots to do that. Now whether that creates a more affordable
6 product I think is at question. It provides a more usable end result for that lot because some of
7 those houses are very tiny so it might be another bedroom or something that they otherwise
8 couldn't get. I don't know that we can comment as to whether it provides more affordability per
9 se.

10
11 Mr. Emslie: I just would like to follow Curtis's statement. You have had a lot of discussion
12 over this in terms of incentives and floor area ratio. The Commission has adopted and the
13 Council has implemented in the Home Improvement Exception process where I think it is a
14 much more straight forward way of dealing where there is a maximum amount of 100 square feet
15 that is intended to give some flexibility to smaller lots when they may be maxed out. To me that
16 is a more direct way of calling what it is and evaluating it and having neighbors involved and the
17 potential impacts. We do feel we have addressed the needs of maybe smaller lot owners through
18 the revisions that we made to the HIE process about a year ago.

19
20 Commissioner Cassel: Paula, do you have a question? Go ahead, Lee.

21
22 Commissioner Lippert: By the nature of the current zoning ordinance what happens is that larger
23 lots are already diminished in terms of their allowable developable FAR. Once a lot is over
24 5,000 square feet it steps down to 35 percent of FAR, correct? Thirty percent? Even more.
25 Okay. How are homes on substandard lots handled where they cannot take advantage of going
26 up? They are allowed to build all of their FAR on the ground floor. They are allowed to project
27 in some ways into the setbacks, correct?

28
29 Mr. Williams: There was a provision the Commission added to allow a lesser street side yard
30 setback on them and increase the coverage to accommodate more first floor but they are not
31 allowed automatically to encroach into setbacks that would take an HIE or Variance.

32
33 Commissioner Lippert: And it also applies to parcels that are in a single story overlay zone,
34 correct? Those provisions also apply there?

35
36 Mr. Williams: There are some provisions like that that apply there but we did provide sort of the
37 standard single story lot coverage requirement that did apply in single story to any single story
38 development in R-1.

39
40 Commissioner Cassel: Pat.

41
42 Chair Burt: The one point that was made by members of the public that stuck me as a
43 consequence that was perhaps not anticipated by the Commission and their extensive review of
44 this previously was circumstances when people may be putting in multiple carports. We had
45 discussions about a carport per site. It sounds like we have to some degree an occurrence of
46 multiple carports going in. Can Staff give us some sort of feel, and I don't presume that you
47 have explicit quantitative data, but what portion of the time are seeing requests for more than one
48 carport on a site?

1
2 Mr. Williams: More than carport or a carport with more than one car?
3

4 Chair Burt: I am sorry I should have phrased that differently. A carport to accommodate more
5 than one car.
6

7 Mr. Williams: We have quoted in the Staff Report I think that there have been four instances so
8 far of carports. Sue, do you know which of those are more than one car?
9

10 Ms. Mickelsen: I think the examples in the Staff Report some of them were single carports or
11 single garages that were then converted. There were a couple that were multiple car garages
12 where they were then scaled back to like a two-car garage and a carport or smaller carport. So I
13 don't know on average how big of carports people are building.
14

15 Commissioner Cassel: Karen.
16

17 Vice-Chair Holman: I have a question. Some of the members of the public had addressed what
18 they were suggesting as changes to or more inclusive review in the Individual Review Process.
19 That is not before us this evening but if we wanted to make comments about that or suggest that
20 that come back to us for further consideration we would make those comments during the
21 closing comments at the end of the Commission meeting?
22

23 Mr. Larkin: Yes, the recommendation would be at the end of the Commission meeting when
24 Commissioners make comments the request be made to agendaize the issue not that there would
25 be extensive comment on the issue itself but just a request to agendaize the issue.
26

27 Commissioner Cassel: Dan.
28

29 Commissioner Garber: A separate topic. The reading of the minutes from the last time this was
30 discussed that was included in the packet from April I believe, some of the comments touched
31 upon confusion about understanding for the general homeowner, understanding what the
32 differences were between a carport versus a porch or something of that sort. I am curious if you
33 can talk to the issue of confusion relative to what should be FAR. The point that I am interested
34 in here is if it is enclosed it is obvious that it should be included in FAR. If it is open it is
35 obvious to most people that it isn't. One of the confusing things about the way that the code
36 used to be was that those two things were blended creating confusion on the topic. The way that
37 it currently stands after April when the Council voted on it resolves that confusion. Is that by
38 going back are we creating more confusion for the process, elongating the process, creating
39 frustration amongst our homeowners, etc.?
40

41 Mr. Williams: As I recall and John and Sue can correct me if they recall differently but the
42 primary confusion that we talked about was between a porte-cochere and a porch. I don't think
43 there was a lot of confusion about a carport or if it is a carport and it is covered parking for your
44 cars then it counts. The porte-cochere was sort of a in between category between a porch that is
45 attached to a house but sometimes it has a car under it. We worked with the Commission to do
46 some fairly detailed wordsmithing of that to be attached and to be used for temporary loading
47 and unloading with cars rather than satisfying the required parking space requirement. So I don't
48 recall that there was a lot of confusion about a carport being a porch but there were similarities in

1 terms of if they were open completely then that is sort of like a porch that is open on three sides.
2 I think that is where the Commission ultimately came down that that was similar and they should
3 all be treated the same.

4
5 Commissioner Garber: Which they are currently but they were not previously.

6
7 Mr. Williams: Right.

8
9 Commissioner Cassel: Karen.

10
11 Vice-Chair Holman: I have one more question. What is the size or could you state what or if the
12 size of a garage now is as far as dimension?

13
14 Mr. Lusardi: Are you asking what the dimensions are what the square footage is?

15
16 Vice-Chair Holman: Either way, the same difference, sort of.

17
18 Mr. Lusardi: A one-car garage is around 200 square feet is what we use as a measure.

19
20 Commissioner Cassel: Okay, then I think I will bring this back for discussion among the
21 Commissioners. Would people like to make some comments at this point?

22
23 Mr. Larkin: Just as a reminder, the procedural rules the Commission recently passed require a
24 motion before the discussion portion.

25
26 Commissioner Lippert: My recollection is that we allowed for one round of comments before
27 we entered a motion and then had discussion.

28
29 Mr. Larkin: It is the Chair's discretion but the rules state that there is no discussion until there is
30 a motion to discuss. So the Chair has the discretion to allow people comments before the motion
31 but you won't know what you are commenting on until you have a motion that you are
32 commenting on.

33
34 Commissioner Cassel: We had some interesting discussion about this. What I would like to do
35 this evening is allow us a little discussion before we have a motion because we have some ideas
36 floating around I think that may help us. We will go back and look at that. Lee, did you want to
37 make some comments?

38
39 Commissioner Lippert: Sure I will lead off here. Last year when we passed this there were
40 some unintended consequences here and I can see that there are some problems with the
41 ordinance the way it stands. However, what I see here are competing interests. We always have
42 the competing interests being the automobile versus open space when it comes to multi family
43 housing. We always have the car versus another bedroom or two in a house when it comes to
44 being able to provide more housing in this community. If you think back to what the intent of a
45 garage was back when the automobile was invented cars were not hardtops they were actually
46 open carriages it was important to be able to take that vehicle and store it in an enclosed
47 structure. Today automobiles are far more rigorous and able to withstand the outdoor elements.
48 With that it is sort of frivolous and almost capricious to say gee, you need to have an enclosed

1 structure for your automobile. If anything the garage is almost something that is from a bygone
2 era except for storage and that can be handled in a variety of other ways. I look at a 200 square
3 foot garage and I say wow this is an opportunity to get another bedroom in a house, to be able to
4 get some additional square footage particularly on some smaller lots. I see a number of
5 opportunities here for correcting this loophole in the current ordinance and begin to bring it back
6 into line with what some of the values of this community were back when carports did not count
7 as FAR. One of them might be to exclude the first 200 square feet of FAR for any enclosed
8 either garage or carport. That would be one way to do that. Another might be to simply say that
9 on lots under 5,000 square feet a 200 square foot would now not count towards the FAR but it
10 would count towards the lot coverage. So as it was alluded to by a number of people in the
11 audience that there are a number of tools in our toolbox that can be used to correct this without
12 sort of throwing the baby out with the bathwater.

13
14 Chair Burt: I agree with a number of the sentiments that Lee expressed. We need to try to come
15 up with a proper balance here. I think that one of the things that have been brought up that is
16 valid is that it was not the intention of the Commission to exempt carports for multiple cars when
17 we were going through this discussion. There was considerable discussion as to whether a
18 carport with three open sides does in some way add to the mass of the building and the consensus
19 was that it really doesn't. Second we went back historically and asked Staff why were carports
20 previously included as part of the FAR back in about 1998 that I think it went through. The
21 answer was that with these two-sided carports and that they didn't have to be completely open on
22 those two sides it was very easy to enclose them. So we looked at that and that is where we
23 came back and said we are going to redefine what constitutes a carport. It has to be completely
24 open on three sides. So I am interested in whether the Commission would think that a
25 recommendation that would acknowledge the need to tweak this might be that we exempt only
26 one carport per lot no matter what the lot size is and that any additional carport or garage is
27 going to count against the FAR.

28
29 Commissioner Cassel: Karen.

30
31 Vice-Chair Holman: Well, when we looked at this before in May we were focused, as Michael
32 Griffin said, on the visual impact of carports. Taking that into consideration and how they don't
33 really have a mass and scale impact particularly that was the focus really of our discussion. We
34 did not consider the unintended consequence of transfer of floor area ratio. And the transfer of
35 floor area ratio can indeed affect mass and scale as has been mentioned earlier the Individual
36 Review Process cannot always affect that and I think that most especially applies to the smaller
37 lots. It came up earlier about affordability. The affordability of a property is directly
38 proportional to the development potential on that. I think if the ability to put more floor area
39 ratio into a home is greater than it is going to make that property less affordable. What this
40 community needs more than anything else in terms of housing is more attainable housing albeit
41 not specifically affordable just more attainable housing. The larger we make the envelopes the
42 less affordable we make these properties for first time home buyers, single people or people
43 looking for some place to move down to in their later years.

44
45 Also one thing that we did not consider and I can't remember exactly when this change happened
46 or took effect actually was Lisa Grote tried to warn us that there are all kinds of code
47 enforcement issues that might crop up again as they had before. Right now we only have one
48 Code Enforcement Officer because of budget constraints and I think that is something else that

1 just speaks to me that we ought to seriously look at going back to where we were before. I think
2 it eliminates the potential for these kinds of unintended consequences.

3
4 Commissioner Cassel: Dan.

5
6 Commissioner Garber: I think I find myself looking at a couple of different aspects. One of
7 which is the recognition that by allowing the zoning to stand as it is current has a marginal
8 impact on the potential for projects to be interpreted as having more FAR. The other thing I was
9 very interested to learn some of the history especially about the Eichler, which I found
10 fascinating. However, I do find myself compelled by the opportunity, Karen's comments not
11 withstanding which I appreciate learning about, that the opportunity for younger couples to have
12 greater flexibility to be able to have a bedroom, to be able to push out their kitchen slightly is a
13 strong and compelling topic in the people that I know. It is always the question as Lee has
14 mentioned of a tradeoff. Why do I always have to tradeoff a portion of my bedroom or a slightly
15 larger kitchen for a car? These are younger families, they have limited means, they can't go and
16 buy, usually, bigger homes, they want to stay in the community and I find that very compelling.
17 I believe that the other tools that are available to the city to control mass, streetscape, appearance
18 and privacy are well established and work very well. So I find myself aligning with the couple
19 other Commissioners that have begun to walk down that line.

20
21 Commissioner Cassel: Paula.

22
23 Commissioner Sandas: Actually this is my first meeting as most everyone here knows and I am
24 truly trying hard to listen.

25
26 Commissioner Cassel: That's okay. Pat and we may be ready to look for a motion.

27
28 Chair Burt: As I was listening to other Commissioners a couple other things occurred to me.
29 One, Karen I think Council re-instituted the second Code Enforcement Officer so for the time
30 being we are saved. Is that correct, Steve?

31
32 Mr. Emslie: Just to clarify it and give you a little bit more information. The city lost one Code
33 Enforcement Officer but it was in the Police Department. We have two officers in Planning, as a
34 result there was no change.

35
36 Chair Burt: One other point, I was recalling when we had our previous discussion was that if
37 carports had garage doors they were going to look from a massing standpoint like they had
38 garage doors. I think the way we addressed it did not allow garage doors on the carports.

39
40 Finally, as we go back in this history Phyllis had alluded to kind of the chronology and there is
41 an important time point that we haven't been talking about and that is I think 1989 when we had
42 the significant change in the city on FAR and we restricted FAR. It was a significant public
43 policy debate that reduced the allowable FAR. Houses used to be able to be bigger on a lot than
44 they can be today. At that time carports were deliberately allowed. Then we discovered that
45 there was an abuse of that allowance that was going on so about eight years ago because we had
46 two sided carports that could have half-walls on even those two open sides Council went from
47 one extreme to another instead of tweaking it they eliminated the waiver for carports all together.
48 Then what the Commission attempted to do more recently was come back and have what we

1 thought was a more balanced approach that would only allow carports if they were truly going to
2 be open carports. Then the other point that I think is one that we didn't recognize is the potential
3 for carports that would accommodate more than one car.

4
5 Commissioner Cassel: I think I am looking for someone to draft a motion at this point.

6
7 MOTION

8
9 Chair Burt: I would move that the Commission recommend to Council that carports only be
10 exempt from FAR at a maximum of 200 square feet per lot and that would be a lot of any size
11 and a carport any larger than that would be counted against FAR. Other than that, to retain the
12 language that was previously recommended by the Commission and adopted by the Council.

13
14 SECOND

15
16 Commissioner Lippert: I will second that.

17
18 Commissioner Cassel: The motion was made by Pat Burt and seconded by Lee Lippert. Pat, do
19 you wish to speak to your motion?

20
21 Chair Burt: No, I think I have covered it adequately. I am just looking at a reasonable balance
22 between the concerns that have been raised in recent months and a recognition that we do have
23 some tools that to address abuses of carports that we didn't have before those being the
24 restrictions that the Planning Commission set forth on the carports truly being open and then
25 second the IR guidelines that do address mass and scale. It doesn't mean that there are no longer
26 any issues in mass and scale just because of the IR guidelines but that is true with all issues on
27 mass and scale. It is a debate that we have on individual projects and I don't think that a single
28 carport is going to have a significant impact in that regard.

29
30 Commissioner Cassel: Lee, would you like to speak to your second?

31
32 Commissioner Lippert: Yes. I believe I have covered that. I just want to say that I believe that
33 the IR process will catch any of the "flaws" in the massing and scale elements associated with
34 this and that it will protect people from the issue of sight lines and setbacks in terms of that
35 additional mass that might be added to a residence.

36
37 There is just one other point of clarification that I need to ask Commissioner Burt, soon to be
38 Chair Burt. The carports would still count towards lot coverage, correct?

39
40 Chair Burt: Curtis is that how we had addressed it previously?

41
42 Mr. Williams: It has always been that way that didn't change.

43
44 Chair Burt: Then yes that would be the case.

45
46 Commissioner Lippert: Great, thank you.

47
48 Commissioner Cassel: You wanted to say something?

1
2 Mr. Williams: Just a clarification on the motion. First of all are we still talking about open on
3 three sides carports? So if it is not open on three sides that is still in the category of counting.
4
5 Chair Burt: That is correct, as Lisa Grote had described it completely open on three sides. That
6 is a little confusing because I am sure you have to have a post. So I don't know whether Staff
7 needs to clarify what completely open means but I think our sense was other than a supporting
8 post it had to be completely open on three sides.
9
10 Mr. Williams: Okay. Then the second clarification is you said if it was more than 200 square
11 feet that it counted. So are you saying that a two-car carport, the whole thing counts or just the
12 additional 200 square feet?
13
14 Chair Burt: The amount above the 200 square feet.
15
16 Mr. Williams: Okay, so that increment. Thank you.
17
18 Commissioner Lippert: I concur with that.
19
20 Commissioner Cassel: I am trying to go down. Go ahead Karen and then I go back.
21
22 Vice-Chair Holman: I think Dan has a question.
23
24 Commissioner Cassel: Okay, go ahead.
25
26 Commissioner Garber: Thank you. A question or clarification. Would the IR process catch a
27 circumstance where an existing house has an existing enclosed garage that is attached to the
28 existing house only on one side would it catch somebody trying to turn that into a carport in
29 some way?
30
31 Chair Burt: I think only if they would then attempt a second story addition with that square
32 footage that they might have as a result of converting a garage to a carport. Is that correct, Staff?
33
34 Mr. Williams: Yes. That would trigger the IR review.
35
36 Commissioner Cassel: Karen.
37
38 SUBSTITUTE MOTION
39
40 Vice-Chair Holman: I am hopefully going to get a second to this but I am going to propose a
41 substitute motion. The substitute motion would be to accept the Staff recommendation. The
42 reason for that being that I think what we are trying to do while well intended this evening in
43 terms of... well if I can get a second I will speak to the motion.
44
45 Commissioner Cassel: Do I have a second? No you don't so we will go on with the discussion
46 for the main item. If I have no more questions we will vote on it. Do you have any more
47 comments or additional discussion to this? Karen.
48

1 Vice-Chair Holman: I do have a comment. The reason I was making the substitute motion I
2 think are reflective of my previous comments. The reason I have concerns about the current
3 motion is I think we may be putting ourselves up to the same unintended consequence because
4 we don't know what the potential is for some circumstances that haven't been considered nor
5 vetted through the Staff Report or any Staff exploration of this kind of proposal. So I will be
6 opposing the motion and would look forward to a proposal that would continue the Staff
7 recommendation.

8
9 Commissioner Cassel: Is there any other discussion or comments about the motion? That means
10 I have to make a decision doesn't it. I am feeling torn. That has to do with the first time I
11 presumed that a covered space meant an enclosed space. I did not somehow realize – I don't
12 know why I have been doing this how long? I should know. So I presumed we had to have one
13 covered space that it would be covered all the way around so we would have one enclosed space.
14 I have very mixed feelings about carports. At the same time I am very acutely aware that small
15 houses need some give and that it does in the cases of small lots make it difficult. I am going to
16 have to make a quick decision.

17
18 MOTION PASSED (4-2-0-1 with Commissioners Cassel and Holman voting no and
19 Commissioner Bialson absent)

20
21 Let me call the motion. All those in favor please say aye. (ayes) All those opposed please say
22 nay. (nays) So that will be four ayes and two against. That will go to the City Council on the
23 26th.

24
25 Okay, now the next item on the agenda will be Reports From Officials.

26
27 ***REPORTS FROM OFFICIALS.***

28
29 Commissioner Cassel: Do we have any Reports from Officials?

30
31 ***COMMISSION MEMBER QUESTIONS, COMMENTS, AND/OR ANNOUNCEMENTS.***

32
33 Commissioner Cassel: Commission Member Questions, Comments or Announcements, Karen I
34 think you have one.

35
36 Vice-Chair Holman: Yes, I was wondering if Staff would take under consideration an Individual
37 Review Process that would address third story additions or third story construction. Also if we
38 could look at what the size of required garages is and if those are applicable to accommodating
39 the size of current day automobiles.

40
41 Commissioner Cassel: I am not allowed at this point to ask for any more comments on that,
42 right? She just brings that up or am I allowed to say is there anyone else interested in these
43 topics.

44
45 Mr. Larkin: You are allowed to gauge an interest if the Commission is interested in doing that
46 and that can be done by a quick motion or just a show of hands.

1 Commissioner Cassel: Can I have a show of hands to indicate how many more people are
2 interested in that subject? Okay, that gives you a sense of what that is.

3
4 Are there any other comments by Commission members at this time? Dan.

5
6 Commissioner Garber: I just wanted to make note that I was not at the last Commission meeting
7 where Commissioner Griffin had kindly offered some limericks to the attendants and I apologize
8 that I was not there to enjoy them personally and I would like to thank him for that. Also I
9 wanted to thank the previous Vice-Chair, Bonnie Packer, for her comments and guidance that
10 she offered the new Commissioners. Thank you very much.

11
12 Commissioner Cassel: Any other comments? Pat.

13
14 Chair Burt: Yes, one was the side discussion we had on our procedure and whether we can have
15 discussion prior to a motion. I guess I would like to review that. I think tonight was a good
16 illustration where there are circumstances that the discussion amongst ourselves helped us move
17 toward a better motion.

18
19 Commissioner Cassel: Do we have copies of the completed new procedures? Okay, I somehow
20 or other missed it. I will take a look and see if I have it.

21
22 Chair Burt: So if we review them and see that that was in fact what we adopted would we like to
23 reconsider that?

24
25 Commissioner Cassel: We have a Commission Retreat coming up in November and we will
26 then be able to re-look at our procedures and see how they are going. That is part of the agenda.

27
28 Chair Burt: One final comment is that I was in one of my rare tongue-tied moments when the
29 Commission was kind enough to elect me this coming year's Chair. I would like to express my
30 appreciation to the Commission for the confidence that they have shown and I look forward to
31 serving you and the public.

32
33 Commissioner Cassel: Karen.

34
35 Vice-Chair Holman: I have a couple comments. One is to basically parrot what Chair Burt said
36 as I really do appreciate the support and encouragement of the Commissioners. Also I very
37 much would like to welcome the two new Commissioners, Paula and Dan, to our midst. You are
38 welcome additions and we are glad to have you here.

39
40 One last comment is rather a sad one but it came to my attention today that Keppler's Bookstore
41 closed today. It just shows the importance of all of us to do whatever we can to support our own
42 local community. It is really quite a loss not just for Menlo Park but really for the area.

43
44 Commissioner Cassel: Dan.

45
46 Commissioner Garber: I just wanted to say it is just so much fun to be up here. I need to have
47 my leg guard to keep Karen from kicking me under the desk.

1 Commissioner Cassel: Anything else? We have minutes to approve. Go ahead Don.
2
3 Mr. Larkin: I am sorry I was not quick enough on the trigger when you asked for Reports from
4 Officials. I just wanted to let the Commission know I will not be here for the September 14
5 meeting. Wynne Furth will be here in my place.
6
7 Commissioner Cassel: Thank you very much. We have approval of minutes for July 27.
8
9 ***APPROVAL OF MINUTES: July 27, 2005***
10
11 MOTION
12
13 Commissioner Lippert: I move that these minutes be deferred we really do not have a quorum in
14 spirit that was at the last meeting.
15
16 Commissioner Cassel: I don't understand.
17
18 Commissioner Lippert: We are missing Bonnie.
19
20 Commissioner Cassel: There are four of us here so it is proper. So we can approve them. I need
21 a motion to approve the minutes.
22
23 MOTION
24
25 Chair Burt: So moved.
26
27 Commissioner Cassel: A second?
28
29 SECOND
30
31 Vice-Chair Holman: Sure.
32
33 MOTION PASSED (4-0-2-1, Commissioners Garber and Sandas abstaining and Commissioner
34 Bialson absent)
35
36 Commissioner Cassel: That means Pat moved and Karen seconded. Any amendments to the
37 minutes? All those in favor please say aye. (ayes) All those opposed? That motion carries with
38 four and two abstentions, the abstentions being Dan and Paula.
39
40 Did you have a comment, Zariah?
41
42 Ms. Zariah Betten, Secretary: Are we going to select Council representation for the following
43 months?
44
45 Commissioner Cassel: That is very good, that is important. I am doing it next month they may
46 be discussing the industrial portion and Pat you need to have someone do that who is not in
47 conflict, which is Annette and I. I can be there for the rest. We need someone to do October,
48 November and December.

1
2 Chair Burt: So Phyllis if next month they are doing the industrial.
3
4 Commissioner Cassel: Right and this item we just did.
5
6 Mr. Emslie: I am sorry maybe to explain what that involves. The Commission has a
7 representative that goes to the Council meeting for that month and they may be called upon to
8 give a brief report on any item or answer questions.
9
10 Commissioner Cassel: I was hoping that some of us who had been around would do that for the
11 first few months.
12
13 Chair Burt: Right and the complexity is that since there is typically only one or two Council
14 meetings a month that address Planning and Transportation Commission issues and
15 Commissioners Cassel and Bialson were conflicted on the industrial that is why Commissioner
16 Cassel raised the issue of that. I would suggest that it might be best then if you would be
17 amenable to it, Phyllis, to maybe take the October and have someone else who is not conflicted
18 take September.
19
20 Commissioner Cassel: That only leaves you and Karen and Lee.
21
22 Chair Burt: For September.
23
24 Commissioner Lippert: I feel as though I have shortchanged you because August Council had
25 off.
26
27 Chair Burt: So Lee are you game to do September?
28
29 Commissioner Lippert: Yes.
30
31 Chair Burt: And Phyllis will take October.
32
33 Commissioner Cassel: I will take October.
34
35 Chair Burt: I will volunteer for November, which will then allow our new Commissioners to get
36 their sea legs.
37
38 Commissioner Cassel: And Annette to have a chance to do something. Okay?
39
40 Chair Burt: Yes, thank you.
41
42 **NEXT MEETING**: September 14, 2005.
43
44 Commissioner Cassel: Okay, that means that we are through this meeting and I will adjourn this
45 meeting. Thank you very much.
46
47 **ADJOURNED: 10:30 PM**
48