



CITY OF PALO ALTO CITY COUNCIL ACTION MINUTES

Special Meeting
March 7, 2017

The City Council of the City of Palo Alto met on this date in the Council Chambers at 6:03 P.M.

Present: DuBois, Filseth, Fine, Holman, Kniss, Kou, Scharff, Tanaka, Wolbach

Absent:

Action Items

1. Adoption of an Ordinance Amending Chapter 16.28 of the Municipal Code to Require Testing, Monitoring and Protective Measures for Temporary Construction-related Dewatering and Consideration of Recommendations From the Policy and Services Committee to Direct Staff to Analyze Additional Measures to Minimize Construction-related Groundwater Pumping.

MOTION: Mayor Scharff moved, seconded by Vice Mayor Kniss to:

- A. Adopt seven new components for the City's Construction Dewatering Guidelines; and
- B. Adopt an Ordinance codifying the Dewatering Guidelines, with the updates recommended by Policy and Services, in the Municipal Code at Chapter 16.28 (Grading and Erosion and Sediment Control); and
- C. Direct Staff to consider four additional requirements and return to Council for adoption, with a goal of making the new requirements applicable for the 2018 construction season; and

AMENDMENT: Council Member Kou moved, seconded by Council Member Holman to amend the Motion to include the proposed changes provided by Keith Bennett as follows:

- A. All proposed changes for the 2017 Enhancements (and the pre-existing requirements) would apply to all sites; and

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- B. Revise the Second Phase: Potential Calendar Year 2018 Construction Season Changes as follows:
- i. Direct Staff to investigate feasibility of an Ordinance related to underground construction to take effect in 2018 requiring zero waste of groundwater without flood risks; and
 - ii. Investigate and propose such other policies as may be needed to reduce all impacts of construction dewatering, including impacts on neighboring properties and vegetation; and
 - iii. If significant usage of storm drains is permitted, determine an appropriate charge for storm drain usage; and

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to apply the Second Phase: Potential Calendar Year (CY) 2018 Construction Season Changes in 2017 and the only projects that would be grandfathered are those that have received planning entitlements.

Council took a break from 7:59 P.M. to 8:11 P.M.

AMENDMENT RESTATED: Council Member Kou moved, seconded by Council Member Holman to add to the Motion:

- A. All proposed changes for the 2017 Enhancements (and the pre-existing requirements) would apply to all sites; and
- B. Revise the Second Phase: Potential Calendar Year 2018 Construction Season Changes as follows:
- i. Direct Staff to investigate feasibility of an Ordinance related to underground construction to take effect in 2018 requiring zero waste of groundwater without flood risks; and
 - ii. Investigate and propose such other policies as may be needed to reduce all impacts of construction dewatering, including impacts on neighboring properties and vegetation; and
 - iii. If significant usage of storm drains is permitted, determine an appropriate charge for storm drain usage; and
- C. Apply the Second Phase: Potential Calendar Year (CY) 2018 Construction Season Changes in 2017 and the only projects that would be grandfathered are those that have received planning entitlements.

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INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion Part A., "that have not received a building permit as of the effective date of the Ordinance."

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to change the wording in Part C. from "planning entitlements" to "building permits."

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to remove Part C. from the Amendment.

INCORPORATED INTO THE AMENDMENT WITH THE CONSENT OF THE MAKER AND SECONDER to add to the beginning of the Motion Part B. iii. "If zero waste is infeasible and."

AMENDMENT RESTATED: Council Member Kou moved, seconded by Council Member Holman to add to the Motion:

- A. All proposed changes for the 2017 Enhancements (and the pre-existing requirements) would apply to all sites that have not received a building permit as of the effective date of the Ordinance; and
- B. Revise the Second Phase: Potential Calendar Year 2018 Construction Season Changes as follows:
 - i. Direct staff to investigate feasibility of an ordinance related to underground construction to take effect in 2018 requiring zero waste of groundwater without flood risks; and
 - ii. Investigate and propose such other policies as may be needed to reduce all impacts of construction dewatering, including impacts on neighboring properties and vegetation; and
 - iii. If zero waste is infeasible and significant usage of storm drains is permitted, determine an appropriate charge for storm drain usage; and

Amendment split for purposes of voting.

AMENDMENT PART A PASSED: 9-0

AMENDMENT PART B FAILED: 3-6 DuBois, Holman, Kou yes

MOTION AS AMENDED RESTATED: Mayor Scharff moved, seconded by Vice Mayor Kniss to:

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- A. Adopt seven new components for the City's Construction Dewatering Guidelines; and
- B. Adopt an Ordinance codifying the Dewatering Guidelines, with the updates recommended by Policy and Services, in the Municipal Code at Chapter 16.28 (Grading and Erosion and Sediment Control); and
- C. Direct Staff to consider four additional requirements and return to Council for adoption, with a goal of making the new requirements applicable for the 2018 construction season; and
- D. All proposed changes for the 2017 Enhancements (and the pre-existing requirements) would apply to all sites that have not received a building permit as of the effective date of the Ordinance.

MOTION AS AMENDED PASSED: 9-0

- 2. PUBLIC HEARING: Adoption of an Ordinance Amending Chapter 18 (Zoning) of the Palo Alto Municipal Code to Update Code Sections Regarding Accessory Dwelling Units. The Ordinance is Exempt From the California Environmental Quality Act (CEQA) per Sections 15061(b), 15301, 15303 and 15305 and was Recommended for Approval by the Planning & Transportation Commission on November 30, 2016 (Continued From February 6, 2017 and March 6, 2017).

Public Hearing opened at 8:53 P.M.

Public Hearing closed at 9:55 P.M.

MOTION: Council Member Wolbach moved, seconded by Council Member Fine to move the Staff recommendation adopting an Ordinance amending Chapter 18 (Zoning) of the Palo Alto Municipal Code to update Code sections regarding Accessory Dwelling Units (ADUs), with the following changes and clarifications:

- a. Require no more than 6 feet side and rear setback for ADUs;
- b. Allow ADUs on all residential lot sizes;
- c. Allow an additional 175 square feet of FAR for an ADU, but not for a two-story ADU;
- d. Allow an additional 50 square feet of FAR for a JADU;
- e. Remove Lot Coverage requirements for ADUs on properties that are no smaller than 10 percent smaller than standard lot sizes;
- f. Limit ADUs to 17 feet high and single-story in Single Story Overlay (SSO) neighborhoods, even if the main house is a grandfathered 2-story house;

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- g. Outside of SSO neighborhoods, 25 feet height and two stories are allowed for ADUs, but such ADUs must:
 - i. Have 12 foot side and rear setbacks; and
 - ii. Be consistent with Daylight Plane rules;
 - h. Remove design review and requirements;
 - i. Remove door orientation requirements for ADUs;
 - j. ADUs to have the same parking requirements as JADUs; and
 - k. Remove requirements for covered parking on properties with an ADU or JADU.
1. Staff to return to Council next year with options and discussion of possible incentives to make ADUs available for moderate or low income residents, seniors, people with disabilities, or public employees.
 2. Staff to return next year with options and discussion of mechanisms to bring existing ADUs into compliance, including when existing ADUs do not meet new standards.

INCORPORATED INTO THE MOTION WITH CONSENT OF THE MAKER AND SECONDER to add a new Part L. "allow required replacement parking on an existing driveway within the front setback"

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion "Add the following language to Section 18.42.040 to address potential impacts on historic properties from new detached and attached ADUs: "For properties listed in the Palo Alto Historic Inventory, the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, compliance with the appropriate Secretary of Interior's Standards will be required, as determined by the Planning Director."

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Motion a new Part e "increase the maximum size of attached ADUs to 600 square feet"

AMENDMENT: Council Member Filseth moved, seconded by Council Member Holman to strike Section 10 (iii) (d) from the Ordinance and change 0.75 miles to 0.5 miles in Section 10 (iii) (a).

INCORPORATED INTO THE AMENDMENT WITH CONSENT OF THE MAKER AND SECONDER "and to also eliminate Item k from the Motion."

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AMENDMENT RESTATED: Council Member Filseth moved, seconded by Council Member Holman to strike Section 10 (iii) (d) from the Ordinance and change 0.75 miles to 0.5 miles in Section 10 (iii) (a) and to also eliminate Item k. from the Motion.

AMENDMENT FAILED: 4-5 DuBois, Filseth, Holman, Kou yes

AMENDMENT: Council Member Tanaka moved, seconded by Council Member XXX to not count FAR for underground parking and to allow underground parking.

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

AMENDMENT: Council Member Holman moved, seconded by Council Member XXX to strike Section 10 (iii) (d) and change 0.75 miles to 0.5 miles in Section 10 (iii) (a).

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

AMENDMENT: Council Member DuBois moved, seconded by Council Member Kou to allow detached ADUs on lots 7,200 square feet or larger.

AMENDMENT FAILED: 3-6 DuBois, Holman, Kou yes

AMENDMENT: Council Member DuBois moved, seconded by Council Member Tanaka that the transit definition specifies a 15-minute headway

AMENDMENT WITHDRAWN BY THE MAKER AND SECONDER

AMENDMENT: Council Member DuBois moved, seconded by Council Member Holman to strike Sections c, d, f, j and h from the Motion.

AMENDMENT FAILED: 4-5 Dubois, Filseth, Holman, Kou yes

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to add to the Ordinance Section 18.42.040 (a) 9 (xi) Tree Preservation: "No protected tree shall be removed for the purpose of establishing an accessory dwelling unit unless the tree should be removed because it is dead, dangerous or constitutes a nuisance under Section 8.04.050. Any protected tree removed pursuant to this subsection shall be replaced in accordance with the standards it the Tree Technical Manual."

AMENDMENT: Council Member Tanaka moved, seconded by Council Member XX to allow basement parking.

AMENDMENT FAILED DUE TO THE LACK OF A SECOND

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AMENDMENT: Mayor Scharff moved, seconded by Council Member DuBois to remove Item h. from the Motion, "Outside of SSO neighborhoods, 25 feet height and two stories are allowed for ADUs, but such ADUs must:

- i. Have 12 feet side and rear setbacks; and
- ii. Be consistent with Daylight Plane rules;"

AMENDMENT PASSED: 8-1 Fine no

AMENDMENT: Council Member Wolbach moved, seconded by Council Member xx to change the language in Section 8 vii. of the Ordinance to "There shall be no windows, doors, mechanical equipment, or venting or exhaust systems located within five feet of a property line."

AMENDMENT WITHDRAWN BY THE MAKER

AMENDMENT: Council Member Wolbach moved, seconded by Council Member xx to add to the Motion "prohibit clear windows facing the rear and side property lines."

AMENDMENT WITHDRAWN BY THE MAKER

INCORPORATED INTO THE MOTION WITH THE CONSENT OF THE MAKER AND SECONDER to direct Staff to revise the Ordinance to allow a property owner to rent both the ADU and principal residence to one tenant without subletting.

MOTION AS AMENDED RESTATED: Council Member Wolbach moved, seconded by Council Member Fine to move the Staff recommendation adopting an Ordinance amending Chapter 18 (Zoning) of the Palo Alto Municipal Code to update Code sections regarding Accessory Dwelling Units (ADUs), with the following changes and clarifications:

- a. Require no more than 6 foot side and rear setback for ADUs;
- b. Allow ADUs on all residential lot sizes;
- c. Allow an additional 175 square feet of FAR for an ADU, but not for a two-story ADU;
- d. Allow an additional 50 square feet of FAR for a JADU;
- e. Increase the maximum size of attached ADUs to 600 square feet;
- f. Remove Lot Coverage requirements for ADUs on properties that are no smaller than 10 percent smaller than standard lot sizes;
- g. Limit ADUs to 17 feet high and single-story in Single Story Overlay (SSO) neighborhoods, even if the main house is a grandfathered 2-story house;

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- h. Remove design review and requirements;
 - i. Remove door orientation requirements for ADUs;
 - j. ADUs to have the same parking requirements as JADUs; and
 - k. Remove requirements for covered parking on properties with an ADU or JADU; and
 - l. Allow required replacement parking on an existing driveway within the front setback; and
1. Add the following language to Section 18.42.040 to address potential impacts on historic properties from new detached and attached ADUs: "For properties listed in the Palo Alto Historic Inventory, the California Register of Historical Resources, the National Register of Historic Places, or considered a historic resource after completion of a historic resource evaluation, compliance with the appropriate Secretary of Interior's Standards will be required, as determined by the Planning Director."
 2. Add to the Ordinance Section 18.42.040 (a) 9 (xi) Tree Preservation: "No protected tree shall be removed for the purpose of establishing an accessory dwelling unit unless the tree should be removed because it is dead, dangerous or constitutes a nuisance under Section 8.04.050. Any protected tree removed pursuant to this subsection shall be replaced in accordance with the standards in the Tree Technical Manual."
 3. Staff to return to Council next year with options and discussion of possible incentives to make ADUs available for moderate or low income residents, seniors, people with disabilities, or public employees; and
 4. Staff to return next year with options and discussion of mechanisms to bring existing ADUs into compliance, including when existing ADUs do not meet new standards; and
 5. Direct Staff to revise the Ordinance to allow a property owner to rent both the ADU and principal residence to one tenant without subletting.

MOTION AS AMENDED PASSED: 6-2-1 DuBois, Holman no, Kou abstain

Adjournment: The meeting was adjourned at 12:05 A.M.